

~~CONFIDENTIAL - NOT FOR PUBLIC FILING~~  
~~PENDING COURT REVIEW~~

**PART I**

**EXHIBITS 1 THROUGH 2**

**TO**

**Monitor's Investigative Report  
Concerning Valley Carting Corp.**

Submitted January 13, 2004

-----x  
In Re:

VALLEY CARTING

WITNESS: ANTHONY CARDILLO  
-----x

Valley Carting  
566 North State Road  
Briarcliff Manor, New York

June 3, 2002  
10:30 o'clock a.m.

A P P E A R A N C E S:

DOAR RIECK & MACK, ESQS.  
233 Broadway  
New York, New York 10279  
BY: WALTER S. MACK, ESQ.,  
Monitor

REBOUL, MacMURRAY, HEWITT, MAYNARD & KRISTOL  
Attorneys for Allied Industries  
45 Rockefeller Plaza  
New York, New York 10111  
BY: ILISSA ROTHSCHILD, ESQ.

GROVER & BLOCH, P.C.  
Attorneys for the Witness  
Three New York Plaza  
New York, New York 10004  
BY: NORMAN A. BLOCH, ESQ.

ALSO PRESENT:

DONALD SOBOCIENSKI

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MR. MACK: On the record.

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Let's get started. As I just explained a few moments ago, I want to spend some time making sure that everybody here understands what's going on today. And I'm going to call you Mr. Cardillo -- is that okay -- during the day, because you and I have spoken to each other on a first name basis in the past, but because we are on the record, I'm just going to do so, because it makes it clearer and easier for the reporter to call you by your last name.

First, and most important, is that I'm going to go through a number of things, descriptions, explanations, a lot of which you have heard before, but, it is very important, very important to me that this record that we are creating -- and that's what the gentleman to my right is doing, Mr. Nissenbaum -- his job is to take down a stenographic transcript of what is said, so it is important, as we

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proceed today, that if you have a

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question or I'm not clear or there's

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something that you're not clear about,

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you should not be bashful, this is not a

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formal proceeding in the sense of a

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courtroom, and in many ways it's a give

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and take, and it is part of my job --

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you know that I'm a Monitor, I work for

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Judge Rakoff; basically, in a sense, I'm

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an agent of the Court, and, as such, I

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have a right to require testimony when I

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believe that there are issues which

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deserve greater scrutiny.

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The mere fact that I ask for

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sworn testimony, you may not know, but

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certainly Mr. Bloch and Ms. Rothschild

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know, is that I do that, and I've done

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it quite frequently, and it doesn't

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imply, at all, that you are being

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suspected or I'm investigating you, it

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simply means that I'm gathering

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information, and I think it is important

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that the person I'm talking to give it

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very clear attention and think about it,

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because the answers -- eventually, you will be sworn, and the answers you give, in essence, will be under oath, be sworn testimony.

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So if it turns out that what you tell me is incorrect or untruthful, and you have intentionally misled me or deceived me, which I don't suspect you would do, but that could subject you to a charge of perjury or lying in a sworn statement and, in addition, because I am a Court Officer, there is, at least theoretically that you've tried, by fooling me, to try to fool the Court, and that's a whole series of other possible violations of trying to deceive a Federal Court Officer.

I'm an agent of the Court. My power comes from the Court, and that's all. This is not a Grand Jury. I'm not a prosecutor. My job is to gather information and to report it, basically, to the Court, and others, who either do or do not take action.

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So as I said already, off the record, you and I have talked before, and I know you've talked to Don on other occasions, and today I'm not going to go over much of the stuff we talked about then. I'm going to focus on subjects which you may or may not have information about, and I'm going to ask you basically to think carefully and to respond the best you can, as accurately and as precisely as you can. Okay?

MR. CARDILLO: Right.

MR. MACK: I want to go over a couple of other things.

You are represented today by legal counsel, Mr. Norman Bloch, who is sitting to your right. Now, basically, Mr. Bloch has had the misfortune of sitting in on various other interviews in the past, of employees who work for Allied, or worked with an Allied associated company.

MR. CARDILLO: Right.

MR. MACK: Although he has heard

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things and participated in other matters that I have looked at, or participated in, his job today, which I'm sure he has told you, is to be concerned about you, and to give you, individually, Tony Cardillo, the best legal advice that he can give you.

MR. CARDILLO: Right.

MR. MACK: He is the only one in this room, basically, who is your lawyer, whose job it is to assist you in interpreting a question, if that's what it is, or to give you legal advice.

Ms. Rothschild, basically, is an attorney for Allied Waste and she's here because it is my practice to notify the corporation and, you know, permit them to sit in. I will probably, from time to time, ask if there's something she wants to add, but she's not your attorney, she represents the corporation.

MR. CARDILLO: Right.

MR. MACK: So what's extremely

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important, as we go through questions and what have you, is that you keep in mind what is in your interest, in your individual interest. Okay? My job is to seek the truth, is to obtain facts, and with the benefit of Don Sobocienski, who basically works with me and who is an investigator who has worked with me for a long time, he helps me analyze and understand the significance of what's said and what's not said. That's basically our job.

Now, to follow up on that, I don't know this to be a fact, but I wouldn't be surprised if, in fact, Mr. Bloch's legal fees are being paid by the corporation.

Is that true, as far as you understand? You're not paying Mr. Bloch yourself, personally, are you?

MR. CARDILLO: No.

MR. MACK: So I want to point this out to you: My guess is, because Mr. Bloch is a veteran of these

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2 procedures, he understands what I'm  
3 going to say, which is, basically, since  
4 his legal fees for the time he spends  
5 here and for the time he spends  
6 assisting you, are being paid by the  
7 corporation, it is at least conceivable  
8 that he would have, because his fees are  
9 being paid by the corporation, some  
10 loyalty or feeling of obligation to the  
11 corporation. That's theoretically true.

12 Mr. Bloch, what his burdens are,  
13 one way or the other, and his  
14 obligation, is to think only of you in  
15 terms of giving you legal advice. You  
16 know, to illustrate the point I'm  
17 making, I may ask questions in which the  
18 answers may be critical of Allied Waste.  
19 I'm sure I'm going to ask questions that  
20 are critical of Allied Waste at times.  
21 All right?

22 MR. CARDILLO: Yes.

23 MR. MACK: Mr. Bloch, whose fees  
24 are being paid by Allied Waste, there  
25 might be some tendency: Let's do what's

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right for Allied; but he is a professional, he knows that his obligation -- even though his fees are being paid by Allied Waste, his obligation is to you, and whether it helps or hurts Allied Waste, as long as you give truthful testimony to my questions, and do so completely consistently with your oath, that's your obligation, and his obligation is to ensure you get the best advice, whether it helps or hurts.

MR. CARDILLO: Right.

MR. MACK: Do you understand that conflict I'm describing?

MR. CARDILLO: Yes.

MR. MACK: Understanding that, do you wish to continue with Mr. Bloch as your legal counsel?

MR. CARDILLO: It's fine.

MR. MACK: Mr. Bloch and I have been through this on a number of occasions in the past, you know, and as I say, I'm not a prosecutor, this is not

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a Grand Jury. If I ask a question which you know or believe in your mind that a truthful answer to the question could incriminate you, might tend to incriminate you, and Mr. Bloch may have explained that, but it's really providing anything in evidence that would incriminate you, not someone else, not Matt Hickey or someone else, but could incriminate you, you have a right to say, "Mr. Mack, I really don't want to answer that question. I assert my Fifth Amendment." You have a Fifth Amendment privilege to be here and to say, "Look, I don't like this area, it is an area where I might have some exposure," I would encourage you to talk to Mr. Bloch about it in this situation; but you have the right set forth in the Monitorship Order by which I'm appointed by the Judge, that you can say, "No disrespect, but this is an area I don't want to answer," and there's nothing I can do about that. That's your

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constitutional right.

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Okay? I want to make sure you understand that.

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MR. CARDILLO: Right.

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MR. MACK: You don't want to answer a question in a way that's untruthful. I mean, that's basically the most important thing I say to you today, as we get prepared for the series of questions, that you have to do your best to tell the truth. All right? That's really the most significant thing.

If it's an area that, in your mind -- I don't care whether it's in Ms. Rothschild's mind or Norman's, in your mind, if you feel it would tend to incriminate you, you say, "Look, I prefer not to answer that question under the Fifth Amendment," and I'll move on to the next question.

The Order also says that I can draw inferences, I can say: Well, you know, Tony is not speaking to me about

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this subject, and maybe together with other evidence, draw conclusions which are critical of either you or the company.

So those rights of mine -- my job is basically to find facts, is to try to find out what's happening, use my own judgment. I have been in law enforcement many, many years. I'm not in law enforcement now, but basically I was appointed because of a long experience in conducting investigations, and I'm surely wrong many times, but I have at least some experience in trying to figure out what happened and conclude what my views are, and act upon them. That's really what's happening here.

And I'm sure Mr. Bloch has discussed this with you, but the most important thing I say to you is tell the truth. You'll be under oath. No matter who it helps or who it hurts, whether it's a friend, a former friend, or someone like that, don't shade your

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testimony, be accurate. You're a plain spoken person, you have been in the industry many years, you know what's going on, you're able to assess things, some things -- I'm not saying you know everything, some things you know, some things you have no knowledge about. Be precise: I know this, I don't know this, I saw this, I believe this. This is what I saw happen.

You know, as I've said, you and I have already spent some time talking about things, and you gave me some areas that I thought were important to follow up as a result of what you told me. So you know, already, that I have faith in your credibility and your experience and judgment, because upon that judgment, you know, we conducted, our inquiry and Mr. Sobocienski followed up on certain things that were concerns to us.

So all I'm asking here, and some of the things we are going to be asking about, is to be blunt and be accurate

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and be complete and be thorough.

MR. CARDILLO: Okay.

MR. MACK: Okay. Now let me just see if there's anything else I feel I should discuss with you that I usually do.

I guess one thing that I've already mentioned to some extent is, if my question is unclear, if you want to talk to Mr. Bloch or Ms. Rothschild -- there's nothing I'm saying that's being critical of her, she's doing her job representing Allied Waste, and Mr. Bloch is doing his job representing you, but those are different jobs. There could be areas where there would be a benefit to be discussing something with Ms. Rothschild, about the company or something of that nature, but no matter what, listen to my question. If it's an unclear question: Hey, what are you talking about, and I will try to ask a better question. And I'm going to try to ask questions on subjects that we

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haven't talked about, or things which I think I need more information about.

If you want to take a break, you want to make a head call, we are probably going to go through lunch and -- we are going to take a lunch break, maybe we can get some sandwiches --

MS. ROTHSCHILD: You're looking at the wrong person.

MR. MACK: Perhaps there are some delis where we can get a sandwich or something of that nature, and then we'll continue until we are done.

I would like to complete this today, because I know this is an imposition upon you, and takes you away from your work. I'm going to try to be organized and precise. It will take a good number of hours, and there will be records I'll need help with.

My procedures will be, if there's a record I'm talking to you about, I will mark the record with one of these bright oranges slips. That means I want

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to be able to look back some day, when I'm trying to understand what I learned or should have learned today, and I will have identified that document as what we are looking at. That's all that means. It doesn't have any other significance, whatsoever.

Having said all of that, are there any questions that you would like to ask me, anything on your mind, Tony, that you would like to bring up, or something that I'm -- I'm going to ask the same thing of Mr. Bloch and Ms. Rothschild -- anything you feel I should know about, or what you would like to say?

MR. CARDILLO: No, not really.

Just one thing: Like if you ask me a question, and I give you an answer, sometimes I don't remember things exactly the way they are, and if I give you an answer, I'll give it to the best of my ability, as truthfully as I can.

MR. MACK: Let's go through this,

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because sometimes I have this little interaction with your counsel about when I ask a question, what it means.

What I ask you to do is to think about the question -- this will happen quickly -- think: What is Mack asking? Go back in your mind and answer the question as accurately and completely as you can. If you don't know the answer, or you knew the answer at one time but today you don't remember, you say: Hey, I don't remember. All I'm entitled to is that you give it your best effort.

Some people, let's pick on Enron, some of its corporate executives, I think Mr. Fastow might have been one of them: Sometimes they think I'll forget everything; I don't remember what my name was three years ago. I'm being facetious. That's not being accurate, because, obviously, there are things you do remember. You can remember some things and other things you don't recall. All you do is give it your best

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effort, be as accurate as you can.

If you don't remember one thing or you don't remember this, be accurate. You're not superhuman, you're not a video camera, you're not a tape recorder. Just do the best that you can. And understand the question and give it the best answer that you can. I don't know whether that answers your concerns.

As we go along, if you think I'm asking questions that are not clear or -- you know, my job is to be fair, and other people will look over this record, somewhere down the record, and will say: Look, poor Tony Cardillo, he got asked tricky questions, or he wasn't asked the right questions, so I don't have an interest in trying to be tricky, I have an interest in being fair so you never come back to me and say: You asked me a trick question and that's why I didn't answer it.

And, basically, I've given you an

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opportunity so that if it turns out it is not the way you said it, I go through the logic and try to figure out: Well, three other people said something different, those three other people, I have records to support what they said; or, on the contrary, I look at what the three other people said and look at the records and they support you.

I'm not going to rely entirely on what you said. I'm trying to look at the records, documents, get the benefit of other experts in the waste industry who I talk to from time to time. I listen to the arguments of your counsel, I listen to whatever Allied Waste says. But my job, at the end of the day, is to try to take the best shot I can at describing what the events are, what happened. All right?

And I will go back to your record -- when I get the record, I read it and say: I asked this person that, he said this, does it make sense that he

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didn't remember this? I'm always trying to ensure, so I'm asking you to be careful. If it's something you don't understand or you just want to talk to Mr. Bloch, go outside the room, you can do whatever you want, take the time necessary: What is he asking about, let me understand this, what have you.

On the bottom line, you're going to have two choices. One is to tell the whole truth or to assert the Fifth Amendment. There's no: Like I will remember this, but I won't remember that, type of thing, I'm only going to decide to remember this, not remember that. There's nothing in between, either the truth or the Fifth Amendment. The truth can be: I don't recall, I need this to remember. The truth is not always as simple as I'm making it sound. I ask you to try the best you can to be accurate and complete.

Does that answer your question?

MR. CARDILLO: Yes.

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MR. MACK: Mr. Bloch, having heard this many times, is there anything you would like to add or try to subtract?

MR. BLOCH: Well, you know, the analogy to Enron and Mr. Fastow is not, I think, apt, and as you have said on many occasions, you intend to be fair, then I'm sure you'll bring out that Mr. Cardillo is sixty-five years old, and that he didn't finish the ninth grade, and that one's age, education and experience also affects one's ability to remember things and to be accurate in reciting what one does remember.

So with that caveat, I'm sure that analogies to the former chief executive of Enron really don't apply here.

MR. MACK: I'm not going to get off on something of that nature. Obviously, I haven't even heard an answer from Mr. Cardillo yet. I'm trying to give an example of someone who

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had a way of answering untruthfully.  
Basically, in my opinion, he said he  
couldn't remember much of what went on.

I'm saying do your best. That's  
all I'm asking you to do. If you don't  
remember, say "I don't remember." But  
if -- it's got to be accurate, you  
really don't remember. And having spent  
some time with you, I've great respect  
for whatever age you are, and your  
attention to detail and your knowledge  
of specifics, so, you know, all I can  
ask you to do is honor your oath.  
That's really all I'm asking you to do  
today.

MS. ROTHSCHILD: The only thing I  
wanted to point out was, the times that  
you met with Mr. Cardillo before, he did  
not have an attorney present, it was  
just yourself and, I guess,  
Mr. Sobocienski and Mr. Cardillo, I  
would assume.

MR. MACK: There were actually  
two interviews.

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MS. ROTHSCHILD: In terms of your interviewing him, it was on one occasion where he didn't have an attorney present?

MR. MACK: That's correct. One of the reasons that we are proceeding today under a little bit more formal -- you do have an attorney present, but that's your choice. You could decide whether to have or not have.

Although I always appreciated Mr. Bloch's attendance and willingness to assist in the search for truth, the decision to have an attorney here is yours. You could simply -- it is your choice as to whether you want counsel, and, hopefully, in both of those prior interview occasions, at one which Ms. Rothschild was present, I don't think anybody, at least from my office, abused you or tried to trick you or took any steps to try to intimidate you. If that occurred, I would certainly like to know about it.

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MR. CARDILLO: No, I don't think

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so.

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MR. MACK: Okay. Just so the

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record would reflect it, Don Sobocienski

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is going to be sitting with me today,

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and from time to time, he may ask a

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question. If there's something --

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because I'll be the first to admit that

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he spent some time in terms of the

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records and things of that nature, and

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if I'm not as precise or as clear or as

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understanding of what the records

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reflect, I hope you'll be patient with

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me as we try to pose a question that's

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answerable, or at least precise enough

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to be answered.

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Okay, does anybody else have any

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questions or comments, statements or

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anything of that nature?

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Fine. Could I ask that the

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witness be sworn.

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A N T H O N Y C A R D I L L O, the

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witness herein, having been duly sworn

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by Stewart Nissenbaum, a Notary Public

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2 in and for the State of New York, was  
3 examined and testified as follows:

4 EXAMINATION

5 BY MR. MACK:

6 Q As I mentioned, although you and  
7 I have been on a first name basis in the  
8 past, I'm going to call you Mr. Cardillo  
9 today.

10 A Okay.

11 Q It doesn't really reflect, other  
12 than I want the record to be a little bit  
13 more formal.

14 A All right.

15 Q My first question is: I wondered  
16 if you could just tell me how many years you  
17 have been in the waste business,  
18 Mr. Cardillo.

19 A Thirty-three years.

20 Q Where did you start your first  
21 employment in the waste business?

22 A In Ossining.

23 Q When did you come, for the first  
24 time, to a business owned by Mr. James  
25 Hickey?

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A In 1962, Valley Carting; when I came to work for Valley Carting.

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Q Was that your first job?

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A No. I worked construction.

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Q In the waste business?

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A Oh, yeah.

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Q All right. Valley Carting, what was the address of its place of business in Ossining?

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A 194 South Highland Avenue.

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Q What was your initial position?

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A I was a helper.

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Q Would it be fair to state that in the thirty-three years, you worked your way up to a management position, which you hold now?

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A I'm not a manager anymore.

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Q I'll go through the subject matter.

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MR. BLOCH: It's not always been

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up.

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MR. MACK: I understand that.

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Q I'm not going to spend all that time, but I'm going to try to go through

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certain things to make sure I have it right. If you feel, or I'm sure counsel feels, that I've missed an important part of it, he can bring that out, but I'm not going to go through every year.

When did Valley Carting move to this location where we are today, if you remember? Just give me an estimate.

A Five, six years ago. You know, I don't remember, exactly.

Q Okay. So five or six years ago -- I'm going to ask basic questions about the business, and you correct me if I'm not accurate.

What's the address of this location where we are?

A 566 North State Road, Briarcliff.

Q When the business moved here five or six years ago, whatever that happens to be, what were the names of the companies that were doing business out of this location, 566 North State Road?

A Valley Carting, Mount Pleasant Sanitation, Hudson Waste Haulage and Mid

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Hudson Equipment.

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Q What was your position when the move was made here, in that time period; what was your job?

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A Operations manager.

Q Could you just summarize for me the job description for operations manager? What was the operations managers job five or six years ago?

A Muster the men out in the morning, make sure everybody came in. Somebody didn't come in -- I have the board where all the men's names are, truck numbers what have you, somebody didn't show up, I have to start shuffling people around to do this job, that job, what have you, answer some phones with the girls, take care of customers' problems. Basically, that's it.

Q All right. Let me just say this: I know there have been two prior interviews, one in which I was present with Mr. Sobocienski, and one in which Ms. Rothschild and Mr. Sobocienski were present, so there may be some topics I went

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over then, but I'm going to pick and choose the areas today that I want to give attention to.

In those interviews that you gave, at the time, you tried to be as accurate and as truthful as you could be; right?

A Right.

Q There's nothing in either of those interviews that you can remember in which you said something that was inaccurate or untruthful?

A I don't remember, no, but, you know, yeah.

Q As you sit here today, I know you don't have a copy of what was said.

A We talked about a hundred different things.

Q We did. We did.

A I was trying to be as truthful as I could then, yeah.

Q So back when the move was made to this location here, as operations manager, to whom did you report, at that time? Who was

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your boss ?

A Jimmy, Jim Hickey.

Q When did Jim Hickey cease to be your boss?

A When he sold to Allied.

Q As you sit here today, do you remember approximately when the companies we've just described were sold to Allied Waste, either year or month?

A About four years ago, in April, May, somewheres around there.

Q When you say four years ago, that would be '98. Could it be '99?

A Maybe '99.

Q Do you remember it to be '99, or do you remember it to be '98?

A I don't remember, to be honest with you.

Q The companies we just talked about, I'm going to go over these companies, that were sold to Allied Waste in, let's say, 1999, because that's what it turned out to be, and I have documents, stuff of that nature, so from time to time, rather than

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leave it uncertain, I don't think anybody would debate it was 1999 --

A Okay.

Q -- but when Jim Hickey left the company, did you continue as operations manager?

A No -- well, for the first four to six months, I was.

Q At the time that you continued to be operations manager, to whom were you reporting then?

A Matt Hickey.

Q Did Matt Hickey have a function with the companies prior to Allied's acquisition?

A He was like a general manager, yeah.

Q So let's say before the sale to Allied, did you report to Matt Hickey? You told me your boss was Jim Hickey, but did you have reporting obligations to Matt?

A No.

Q What did Matt do during that time period before Allied -- in other words, what

1  
2 types of duties did he perform while you were  
3 the operations manager, before Allied  
4 acquired the company?

5 A Well, he used to go see  
6 customers. If customers didn't send their  
7 money in time, stuff like that, he would go  
8 and collect it. He more or less -- like if  
9 there was a problem, he would go ahead, try  
10 to solve the problem or whatever. He would  
11 call up from time to time, from out on the  
12 road, to ask questions about certain  
13 containers, what have you. He was a boss,  
14 also, but I answered mainly to Jimmy.

15 Q Was there an individual by the  
16 name of Aaron Deems employed by the company,  
17 prior to Allied's acquisition?

18 A Yes.

19 Q What was Aaron Deems' job before  
20 Allied acquired it? What did he do?

21 A I don't know what his position  
22 was. He just -- he worked, he did different  
23 jobs. If they needed somebody on a truck, he  
24 went on the truck.

25 Q Let me ask you about that. When

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you say "went on a truck," does that mean as a driver or a helper?

A Driver or helper. Before he got his CDL, it was a helper; if they were short a man, he would go out. Then, when he got his CDL, he would go on the truck and drive from time to time. He did stuff around the garage.

Q Was that cleaning or maintenance?

A Helped work on the trucks, maintenance. He would help work on the trucks with John Costello. He did a number of different things.

Q But he did not have a title, that you were aware of, anyway?

A No.

Q Did he give you orders? Was he in a position of giving you orders or direction?

A No.

Q Just so we have a point of reference, today, what would you estimate Aaron Deems' age as being?

A His age?

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Q Yes. So we can go back. Just an estimate. I'm not asking you to know his birth date.

A How old could he be; twenty-eight, twenty-nine, twenty-seven.

Q As of today, twenty-eight, twenty-seven?

A I would say so, yeah.

Q So he would have been twenty-three, twenty-four in '99?

A Yeah.

Q Since your counsel has already mentioned it, you are sixty-five; is that right?

A I'll be sixty-five in September.

Q Just so that I get this straight -- and you'll see from time to time I ask questions that I already know the answers to, but I may not have it exactly right, so forgive me, it is not that I'm pretending to not know things you've already told me, it's just that I want to make sure I understand it correctly.

A Right.

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Q Mount Pleasant Sanitation, that company -- I'm going to ask about each company, and the period that I'm asking about is sort of at the time that Allied acquires it, so it's basically Allied has just acquired the company from Jim Hickey?

A Right.

Q What were the duties or what was the business of Mount Pleasant Sanitation; what did it do as a company?

A It picked up residential garbage in Mount Pleasant.

Q Did it have any other duties, that company, and the trucks assigned to it, other than picking up residential waste at Mount Pleasant?

A No. They had residential, and later on, when recycling came in, you know, they picked up the recycling.

Q But it would be recycling by residents of Mount Pleasant?

A Yes.

Q So as sort of a shorthand way for me to understand it, Mount Pleasant

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Sanitation, at least in 1999, picked up residential waste at Mount Pleasant?

A Right.

Q When recyclables became residential, they picked up recyclables?

A Right. They had one commercial truck on the Mount Pleasant Sanitation.

Q What truck was that?

A Truck No. 60, one commercial truck.

Q The one commercial truck, what was its obligation?

A To pick up commercial garbage in Mount Pleasant.

Q How many residential trucks were there, say in the same time period, when Allied acquired it in '99?

A Three packers and two recycling.

Q Is that the same mix as today, for instance?

A Basically.

Q These is also still a commercial truck as part of Mount Pleasant?

A They made it part of Valley.

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Q We'll talk about that in a moment.

At least in '99, when Allied acquired it, it had a commercial route of its own?

A Yeah; right.

Q I'm going to ask you the same question again, for your own description. I'm asking when Allied acquired -- in other words, Allied is just -- at the time that Allied is acquiring these companies from Jim Hickey, Mid Hudson Equipment, what was its job?

A That's the mechanic shop.

Q Would it be fair to state that Mid Hudson Equipment, its sole purpose was to perform maintenance for the other --

A For all the trucks.

Q For every other company; would that be fair?

A Yes.

Q All the trucks were serviced out of here, at this address, for all the other companies, Mount Pleasant, Hudson Waste and

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Valley?

A Right.

Q In 1999, who, sort of, was the prime mechanic; who basically was the highest ranking person in Mid Hudson Equipment?

A John Costello.

Q The reason I have these pieces of paper, although you know this stuff backwards and forwards, I have to practice to try to get it right, so be patient with me.

Now I want to ask you about Hudson Waste. Again, the time period is when Allied acquired it. What was Hudson Waste's purpose, what did it do for its business?

A Well, the first business was roll-offs. It was the roll-off division of Valley Carting.

Q When you say "first," what year are we talking about?

A Well, that's twenty-five years ago, thirty years ago, when they started -- went into the roll-off business, they put it under Hudson Waste Haulage. That was the name.

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Q Then what happened, did its function change?

A Yeah, because then what they did is, when they got the contract from Yorktown to pick up the garbage in Yorktown, the residential garbage, they put it under Hudson Waste.

Q Can you give me a year, an estimate, of when that occurred? An estimate is fine.

A They bought Mount Pleasant about four, five years after I came, so figure '67 they bought Mount Pleasant, '67, '68, and about a year, two years later, they bought Yorktown Sanitation, which had about half the homes. At that time, the homeowner used to pay, themselves, to the company.

And they bought it maybe about two years later, they bought Yorktown Sanitation, they bought that company, and then they approached the Town to contract out the whole town, under the taxes and what have you, and I guess everything fell into place. I didn't know all the particulars, because I

1  
2 was out driving. This is hearsay, here and  
3 there, whatever.

4 Q But in '99, when Allied acquired  
5 it, that's the period I want to focus on,  
6 Hudson Waste, did it continue to handle  
7 Valley's roll-off work?

8 A Yes.

9 Q Did it continue to be responsible  
10 for Yorktown residential waste?

11 A Yes, and recycling.

12 Q Was there any other -- again,  
13 this is '99, when Allied took over, was there  
14 any other type of work that Hudson Waste did,  
15 besides what we just talked about?

16 A No, just the roll-off.

17 Q And the Yorktown residential and  
18 recyclables?

19 A Right. They had two commercial  
20 routes that they used to do on a Wednesday.

21 Q Just tell me about the commercial  
22 routes. Where were the commercial routes?

23 A There were two commercial routes  
24 in Yorktown, and there was three -- I forgot,  
25 there was three commercial routes in Mount

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Pleasant on Wednesday that they created.

Q Let me go back to my notes here. When we talked about Mount Pleasant a few moments ago, I was talking about '99, and you mentioned truck 60 for commercial?

A Right.

Q When did they add other routes?

A It always was, but it was on a Wednesday, commercial, and the residential trucks used to do the commercial work on a Wednesday.

Q I got it.

A The same with Hudson.

Q So it is the same system at Hudson?

A Yeah, because they had thirty guys hanging around on a Wednesday. You got Monday-Thursday, Tuesday-Friday residential pickup. On Wednesday, you got a little bit of clean-up down there, but you got like twenty guys hanging around, doing nothing, so they created Wednesday commercial work.

Q And that Wednesday work was commercial routes in Yorktown; is that

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correct?

A In Yorktown and in Mount Pleasant, yes.

Q But was it the same? I mean, the Hudson Waste trucks did the commercial in Yorktown, and the Mount Pleasant did the commercial in Mount Pleasant; right?

A Right.

Q On Wednesday?

A Right.

Q Now, don't be bothered if Mr. Nissenbaum, since he has the hardest job of anybody in here, stops from time to time to ask, to make sure, because he wants to get it right, he is a perfectionist, and he's had to put up with me for years. He is not being rude, he is trying to do his job. Every so often, we'll give him a break. As I say, he is the hardest working person in the room.

Now, let's go to Valley, all right?

A All right.

Q How would you describe what Valley's work was in 1999, when Allied Waste

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took over?

A All commercial work. All commercial garbage.

Q I think just -- I'm just going to leave it there, because, basically, that was the commercial work outside of Yorktown and Mount Pleasant?

A Right.

Q And if I understand what you told me a few moments ago, you stayed as operations manager after Allied acquired it, for four to six months; is that a fair statement?

A Yes.

Q When Allied acquired the companies we've just talked about here, how were you informed that that had occurred? How did you learn that Allied Waste had, in fact, bought the companies from Jim Hickey?

A Well, Jimmy told us.

Q Did you see or meet anybody from Allied Waste?

A Not right away.

Q When would you say was the first

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time that you can recall someone, let me say a manager, from Allied Waste, actually coming to the location here on North State Road, to introduce himself or say something about Allied?

A Well, during the -- I guess during their course of buying the company, a few people had come, looked around, came into the building there; came in, looked around, and I had an idea that they were selling.

Q That's because these were people looking at books and records or looking at the records?

A I don't know what they were looking at. They were looking at the operation, the trucks, the building, what everybody's job was.

Q Did you meet any of those folks?

A Well, I was introduced, but I didn't remember the names, but then we met and found out who they were later on down the road.

Q Did there come a time, and there may not, I don't know, you have to tell me,

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when a boss or a manager from Allied Waste

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came to this business to say: Hey, you know,

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you're an Allied Waste company now?

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A Yeah, a month or two later.

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Q Do you remember who that was?

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A One of them was Bob Boucher. I

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know that. There was a couple of other

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people, but I don't remember their names, to

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be honest with you. In fact, one of the

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gentlemen that came, about four, five months

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after, I understood he left the company, one

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of the fellows that came.

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Q Would you know the name if you

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heard it?

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A Possibly.

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Q All right. You know, I don't

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want to -- would a name like Denny or

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something like that, or Marceti, would that

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mean anything to you?

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A No.

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Q You're doing fine. I like the

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way that you're thinking about what you know

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and you're not making assumptions. That's

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just the way you should be answering

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questions.

A When they were talking about selling the company, in the transaction, Jimmy had us in his office over there.

Q Jim Hickey?

A Yes, he had us in the office and -- because rumors were going around before that, that they were selling. He told us that the rumors were true, he was selling. I asked, "What's going to happen to me?" I didn't know that Allied and Jimmy were making some kind of plans for Mattie, and Mattie was going to be the boss, and Mattie said that, "You ain't going nowhere, you're going to answer to me, you're going to work for me, you're my right hand man, you're not going anywhere." I felt a little comfortable with it. And that's basically how we found out.

Then the transaction came, and then a month or two later we had a meeting at Torschia's down the street.

Q Could you spell that for me?

A T-o-r-s-c-h-i-a-'-s.

Q It's a restaurant?

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A It's a restaurant down the street here.

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And after work we had a meeting with all the people that weren't in the union, in other words, office personnel, the mechanics, and then we had a meeting there, had a little dinner or whatever, and a couple of company representatives introduced themselves.

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Q Was one of those representatives Bob Boucher?

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A Bob Boucher was there. Him, I remember, because he stayed on. The other guy was a tall guy with a mustache, dark hair. I don't remember his name.

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Q Fine.

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A And they introduced themselves as Allied, and they are acquiring the company, and that's it.

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Q Did they talk about, at that time, changes that they were going to make here?

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A Nothing was going to change.

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Q Nothing was going to change?

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A Nothing was going to change. We were to operate exactly the way we were supposed to, and the way we have been, and, you know, everything is the same. Mattie was going to be the boss, and he was going to run -- he was going to be general manager or whatever, something to that effect. Nothing was going to change. Everything was supposed to stay the same.

Q Did there come a time -- you know, I may be jumping here a little bit -- did there come a time when there were changes made here, that you believed to be caused by Allied?

A There were some changes made, but I don't know if they came from Allied or not. I don't know.

Q Can you --

A Just from my own personal. The company, no. For my own personal, we discussed it.

Q We are going to talk about that. I definitely want to talk about that.

In terms of the way the companies

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that operated here, did that change, at all?

A No.

Q Now, there was a change made when Jose Fafazza arrived; isn't that true?

A A couple of months ago, they separated the commercial routes.

Q Before he arrived, would it be fair to say that the company operated pretty much the same as it always had?

A Well, no. They started making some changes, like maybe about six months after they acquired the company, and there was little changes made here and there.

Q We are going to go over those. I'm going to try to stick chronologically, so when there's a change that's made, whether it affects you personally or it affects the operation here, I want you to bring it to my attention. I'm going to ask you a series of questions in that area. My idea is to try to get some idea of what changes were made that affected you, and what changes you saw or, you know, observed, and what those changes were and who made them, and we'll go through

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that. I'm just going to move up.

Right now we are at the period when Allied Waste acquired --

A Acquired the company? Okay.

Q You've said, I guess at Torschia's, whatever it is, they told you things are going to operate pretty much the same, only that Matt Hickey is going to be the general manager?

A Right.

Q If that's the term.

A Right.

Q Was that true, did things continue pretty much the same, without change, and for how long?

A Four to six months.

Q Four to six months. What happened?

A Aaron was made site manager.

Q I'm going slowly. I need to understand. Who made Aaron -- you're talking about Aaron Deems?

A Yes; right.

Q Who made Aaron Deems site

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manager?

A Matt Hickey.

MR. BLOCH: May I just interrupt for a second? I think the chronology begins with -- I'm going to suggest the point so that you get it -- what happened at the four to six months as far as being called in by Mattie?

MR. MACK: I'm going to ask about that. I just -- if I miss a point along the line, fine, but I'm going to ask him.

MR. BLOCH: Okay.

Q Did Matt take you aside or ask you to come in to talk to you about Aaron Deems being made site manager?

A Yeah.

Q Tell me about that meeting. What did you say, what did he say?

A He called me up into the office and he says to me that -- first words out of his mouth were, "It's not working out."

Q This is Matt speaking?

A Yes. I says -- I had no idea

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2 what he was talking about. He says, "It's  
3 not working out with you." So I says, "As  
4 far as what?" He says, "There's no room for  
5 you here anymore." I says, "Why not?" He  
6 says, "Well," he says, "you know, it's a new  
7 company, a young company, we are going to put  
8 young people in the office. You just don't  
9 fit anymore, and I want you to resign."

10 And I refused. I says, "I'm not  
11 resigning. If you want to get rid of me, you  
12 fire me, but I'm not resigning." He says,  
13 "Well --" I said, "What's the reasoning for  
14 it? You don't know the computers, you don't  
15 know this, that. Aaron Deems is going to be  
16 my right-hand man, he's going to take over  
17 the company after I'm gone, when I retire or  
18 whatever, you know, and it's just, you don't  
19 belong here."

20 Q I'm going to interrupt for a  
21 moment. You can add anything you want. I  
22 just want to make sure: Was anybody else  
23 present when Matt Hickey is talking to you on  
24 this subject?

25 A No. No. No.

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Q Did Matt Hickey mention any specific failing or specific criticism that he had of you?

A No.

Q Did he use any specific example of some issue?

A He told me I didn't know the computers, and the company paperwork, all this new stuff. In other words, Allied operates differently. They operate with computers, everything is, you know, programs and whatnot. I said, "Well," I says, "you sat at my desk for a week when I was on vacation and made everybody go to computer school and go through this stuff there while I was away on vacation, and you brought these people in to do this, why don't you let me do that now?"

He wanted me to go on my own.

Q Why don't you let me, Tony Cardillo, go to computer school now; right?

A Yes, "Teach me the computers, and the right way, the forms, whatnot," Allied's way, more or less.

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Q Right.

A He says, "Why don't you sign up for school at night and learn it on your own?" I says, "No, why should I?" I said, "Everybody else learned it that way."

Q I want to make sure. Basically, he sent other people to school?

A Not sent. They came here.

Q I see.

A They came in this building.

Q To train?

A To train all the employees, and he did it when I was on vacation.

Q I see. I see.

A The week I was away, trained everybody.

Q Make sure I don't miss anything else that happened in this meeting between you and Matt.

A Right. And then after that, he brought Ian, one of the drivers --

Q Do you know Ian's last name?

A Wilson -- he brought him into the office, and him and Aaron were in the office

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and there was no room for me.

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Q And the office, could you tell me where the office was, we are talking about?

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A The operations building over there, across the --

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Q On the other side of the lot?

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A The northeast part of the lot.

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Q I got it.

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A So I says, "Well, what are you doing with me?" He says, "I'll let you know." I said, "Okay, fine."

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So then, like a couple of days later, he said, "I found another job for you."

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Q This is Mattie speaking?

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A Right. He says, "I want you to come in, in the morning, and we'll follow every truck in the yard and redo all the routes, all the commercial trucks, all the residential trucks, all the recycling trucks, every truck we have in the yard."

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Valley Carting operated with memory. Allied Waste doesn't want to operate with memory, that's what he told me, they

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want to program everything in the computers. So I had to write everything down, I had to count the houses. Every couple of years you have to have a house count, because you get so much a house, to my understanding, and so that's what I did for the next year, at least.

Q I think you told me four to six months is when Matt brought you in to ask you to resign?

A Yes. I don't remember exactly when.

Q And then you refused to resign?

A Yes.

Q You correct me if I have this wrong. I think I have it right. And, basically, you then were assigned what, to follow the trucks?

A Follow the trucks with my car, my vehicle.

Q You did that for approximately a year?

A Yeah. I started somewhere in October, November. I don't remember exact

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dates.

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Q Of '99? That would have been the year of --

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A Yes, '99. I came back in the office eight to twelve months later.

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Q When you say come back to the office, you then --

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A Well, because what had happened was, when I showed up in the morning one morning, Ian couldn't do it anymore.

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Q Tell me what that means.

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A He went back on the truck. He didn't want to work in the office anymore, so he told Mattie he wanted to go back on the truck, it just wasn't for him. So Mattie, he didn't tell me to come back in the office, he told me, "Don't go following any trucks today, stay in the office." So I said, "Okay."

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The next day, afternoon he told me, "Tomorrow morning, when you come in, don't follow no trucks, stay in the office." Every day, the same thing for a week. Then I realized -- he never told me, "Listen, I'm

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putting you back in the office," he just told me, like from day-to-day, and didn't say anything to me anymore.

Q I'm going to spend a little time making sure I don't miss things. I'm going to talk to you about a subject that we've talked about in the past, and that is dealing with Aaron Deems' performance of duty. But we are going to take a break before we do that. I want to cover a couple of areas to make sure I have it right.

Was the position that Aaron Deems was put in, was that site manager?

A Site manager.

Q What's the difference between -- what does "site manager" mean?

A He is in charge of everything in this facility. He was supposed to be the head of everything in this facility.

Q Did Matt Hickey tell you why he appointed Aaron Deems, a young person with not a lot of experience in the waste industry -- that would be fair, wouldn't it -- did he tell you why Aaron Deems was

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being given this position?

A No.

Q How long did Aaron Deems function as site manager, as best you can remember?

A As long as he was here, as long as Mattie made him do it, until he left.

Q Can you give me an estimate as to when Aaron Deems left here, left this location, an approximate time period?

A It's got to be over a year, a year and a half, maybe.

Q So it would have been -- if Allied acquired the company around May of 1999, and you were operations manager for four to six months, and Aaron Deems became site manager --

A Right.

Q -- how long did Aaron Deems stay as site manager, as an estimate. How long, would you say?

A Almost three years, a year and a half to two years.

Q That long?

A Yeah.

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Q So he would have been site manager throughout the year 2000?

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A Oh, sure.

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Q Can you give me some estimate, even a season is fine, because then I can go to the records and eventually -- employment records, and if I had done that, I would know, so I'm not trying to test your memory. But Aaron Deems left sometime in 2001, is that your recollection? Take your time.

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A He went on vacation for two weeks -- I'm trying to think when he went. He went on vacation for two weeks, came back and gave his two weeks notice.

16

17

18

Q Can you give me some idea --

A About a year and a half ago. I would say a year and a half ago.

19

20

21

Q Sometime in early 2001?

A Yeah, early 2001. Yeah, somewhere around there. I would say so.

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23

Q We can check. We will check the records.

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MR. SOBOCIENSKI: Do you want to know?

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MR. MACK: Yes.

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MR. SOBOCIENSKI: March 2001.

4

THE WITNESS: Sounds good.

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Q That's not inconsistent with your recollection. March 2001 sounds about right?

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A Yeah. I guess, yeah.

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Q When you followed the trucks around, did you make a record? Did you, I mean, write down stops? What was the product of your work when you were following trucks?

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A I started with the residentials, up in Yorktown, and the main thing was to count the houses -- I had a counter -- to count the houses that the truck picked up; and I used to -- I jotted down the streets, where he started, the streets he went to, how he did the route, because Allied wanted to program it the same way.

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It was a lousy way to do it. They should have done it with a tape recorder and you talk into it. It makes it a lot easier than writing the stop down. A lot of streets didn't have a stop sign, you had to find out.

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2 That's basically what I did. In  
3 other words, when Allied programs it, and  
4 they make a printout, they can give it to  
5 anybody: Here's your route, they give it to  
6 you and you can go out and follow the route  
7 and pick up the route. That was their idea.

8 Q Let's say the year 2000, okay, in  
9 the time period when you're doing routes, and  
10 Aaron Deems is site manager, did the business  
11 operation, in terms of who was calling the  
12 shots here --

13 A He was.

14 Q Mattie Hickey?

15 A Matt Hickey and Aaron.

16 Q And Aaron?

17 A Yeah.

18 Q -- were there any changes in  
19 terms of oversight or control or management,  
20 that you could discern?

21 A No.

22 Q So things, other than perhaps the  
23 computer, more computer, in terms of how the  
24 businesses functioned, it was pretty much the  
25 same; would that be fair?

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A More or less, yeah.

MR. BLOCH: Excluding salary and things like that?

MR. MACK: We are going to talk about that.

Q I mean, I'm talking about just how the business operated on a day-to-day basis in 2000. It pretty much stayed the same; would that be fair?

A Yeah. Right.

MR. MACK: What I would like to do is take a ten-minute break so we can just relax, and then we will resume for an hour, and then we'll take a lunch break and then continue. We are going to start off with talking about Aaron Deems' performance of duty based upon your own observations. That's what we are going to start with.

(Short recess taken.)

MR. MACK: On the record.

Q I'll remind you, Mr. Cardillo, that you are still under oath. We are going to pick up from here.

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Also, sometimes when I ask a question, sometimes I may say something in the question, I'm trying to be accurate, believe me, I'm not trying to mislead you, but if I'm wrong, you know, when I phrase the question and it is not the way you remember it, or the way you said it, don't let it go. Say, "Wait a minute, that's not what I said." I'm going to try to be good at it. I try to remember and I make notes. If I say: Hey, you know, you became a route overseer, or whatever, after a year, and you've told me four to six month, don't accept it if I say a year. It is not intentional, but if I need to be corrected, you correct me.

To cover a couple of things:

When you were out doing the routes, following the trucks, and making notes, did you follow every route of all the companies that did pickups?

A I didn't do the -- I didn't finish it, because when Ian Wilson went back on the route, I just didn't do the complete job. I did ninety percent of it.

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Q You would have done what; you would have done Yorktown residential?

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A I did Yorktown residential, the five commercial routes.

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Q The Valley routes?

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A The Valley routes.

8

Q Okay.

9

A And I started with the Mount Pleasant, and then I never finished up. I never finished up the Mount Pleasant.

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Q Now, when Aaron Deems became site manager, when that was announced, he wasn't present with you and Matt Hickey, right; he wasn't in the same room when you were being told that by Matt?

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A No.

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Q Did you have a conversation with him shortly after that meeting with Matt Hickey?

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A Not really, no.

22

Q How was the transition -- obviously, you must have felt not entirely happy about --

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A No, of course I wasn't happy

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about it.

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Q Did you say anything to Mr. Deems about it?

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A No.

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Q How did that transition work, is really all I'm asking.

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A No, I don't know. I don't remember, to be honest with you. I started to see -- like when Allied used to send fliers around for -- stuff like that, I started to see it on the papers, also. Aaron, himself, never told me he was the site manager, Mattie told me, and then when I used to see fliers come in from corporate, or whatever, it would be Mattie as general manager, and Aaron Deems site manager, and Anthony Prestamo, whatever his title is now. Different facilities, they would have different job titles for everybody.

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Q Did you have a job title?

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A He made me a dispatcher. First I was on the road, I was nothing. When I came back after maybe about a month or two, when he didn't necessarily tell me I was

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dispatcher, in conversation with people, he

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would say, "My dispatcher." That's when I

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realized I was dispatcher.

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Q Just so that I don't miss it, how

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would you describe the functions of the

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dispatcher? In other words, what does the

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dispatcher do?

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A Just dispatches the work out, you

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know, the men out in the morning, assigns

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them -- everybody has their own routes, more

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or less, so when they come in, they know

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where they got to go and what they got to do.

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Q Is it fair to state that the

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dispatcher has the ability to talk to the

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drivers in the vehicles while they are on

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their routes?

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A Yeah, you can call them on the

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radio.

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Q What is the communication between

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the dispatcher and the truck -- the driver,

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when the trucks are out on their routes?

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What kind of communication?

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A Nextel.

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Q Has it been Nextel --

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A Since Allied took over.

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Q So it is no longer, you know, a  
CB or a radio, it's actually the Nextel  
direct connect system; would that be fair?

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A I guess. You punch in the truck  
number, you get the truck.

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Q Has that worked pretty well in  
this location?

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A Yes.

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Q Would it be fair to state that  
you are easily able to talk to the drivers  
when they are on their routes?

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A Depending on the area. We had a  
lot of problems at the beginning. In certain  
areas we couldn't get certain trucks, and you  
had to wait until they got to another area or  
whatever.

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Q Now I would like to talk to you  
about -- again, this is your observation of  
how well Aaron Deems did his job -- what was  
your observation, what type of a site manager  
was Aaron Deems; was he a good one or were  
there lapses in his performance, in your  
opinion?

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A He was terrible.

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Q Explain that to me. Why was he terrible?

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A Because -- I don't know, he just -- first of all, I don't know what his job was. He was supposed to be in charge of everything that went on in here.

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Q Everything that went on at this location?

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A At this location. He was in charge, and he just didn't -- he wasn't attentive to what his job was.

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Q Explain it.

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Q When you say he wasn't here, give me an idea.

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A Well, if problems occurred, whatever, he just didn't look into them.

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Q Was he actually, physically, on this site?

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A No. He was here very little.  
Q What is a typical workday, if there is one; how many hours should a site manager, operations manager, in order to do

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the job well, in your opinion, expect to be on site, in the office?

MR. BLOCH: Before he answers that, you just equated site manager with operations manager. Do you mean when he was -- when Mr. Cardillo was operations manager in the pre-acquisition stage, or is there a difference today?

MR. MACK: Let me ask another question.

Q In your mind, was the job function, site manager, that Matt Hickey appointed Aaron Deems to be, different from the job you had as operations manager up until that point?

A No. It wasn't supposed to be, no.

Q Now, assuming that rough equivalent, okay, based upon your own experience as operations manager, you know, when you were removed from that position, it became site manager --

A There was no more operations manager.

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Q -- in terms of your experience, up to that point, how many hours a day, in order to do the job appropriately or properly, in your opinion, does one need to be actually, physically, on the premises?

A Fifty to sixty percent of the day.

Q Could you put that into hours for me, if you would?

A Six to eight hours a day.

Q During the time that Aaron Deems was site manager, for that period, how many hours a day, as an estimate -- and we are only talking estimates here -- was Aaron Deems physically on site?

A Eighty percent of the time, two hours a day.

Q Two hours a day?

A Yeah.

Q Where was he, if you know, the rest of the time?

A I don't know.

Q Did you ever have reason to believe that Aaron Deems might be employed in

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some other function somewhere else, during  
this time period?

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A Only in hearsay.

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Q Tell me how you heard it, from  
whom, and what did you hear.

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A Well, you hear from -- you pick  
up words from the drivers, from the helpers,  
what have you. He was driving for another  
company.

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Q Do you know the name of the other  
company?

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A Regional.

Q Regional Container. Do you,  
yourself, have any knowledge about Regional  
Container, where it is, where it does  
business?

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A Well, they are out of business  
now. They used to operate out of Croton,  
Metro Enviro.

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Q They used to operate right on the  
site of Metro?

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A Yes.

Q Have you ever gone to their  
office location at Metro?

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A Between Allied owning them and Jimmy owning the property, maybe I went there twice to say hello.

Q When you were there, did you meet with anybody by name, that you could remember? Do you know who the boss at Regional Container was?

A Paul Apollonia.

Q Anyone else?

A I saw Joe -- I forgot his last name. Joe.

Q Are you familiar with the Metro Enviro site; in other words, what the place looks like, the transfer station?

A Yes.

Q The people that you just mentioned to me, they were sort of present at the trailer up near where the gate is; isn't that correct?

A Right.

Q When I talk about Regional Container, do you know whether their place of business is different than that?

A Well, they were all the way down

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Cardillo

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in the back.

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Q That's what I want to ask you

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about. All the way down in the back?

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A Right.

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Q Did you ever meet anybody at that

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location, down in the back, who you can

8

remember by name, first or last?

9

A Well, I met Mike.

10

Q Mike?

11

A Mike, you know, when I was down

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there, but I knew Mike, because he used to

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come here and visit Jimmy, from time to time.

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Q Do you know Mike's last name?

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A Giacomo, or DiGiacomo.

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Q Would it be fair to state that

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Mike Giacomo would visit this location here

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on North State Road, from time to time?

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A Sure. Not when Allied owned it.

20

Q Let me ask you this question, so

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I don't forget it: When Allied acquired this

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location, did Jim Hickey come to this

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location, at all, for any visits, even for a

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stop by, anything of that nature? Did you

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ever see him?

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A I think he did once or twice at the beginning, but I think Allied asked him not to come back anymore.

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Q What's the basis for that view?

6

A I don't know.

7

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Q Did you hear from somebody that Allied had asked him not to come back, asked Jim Hickey not to come back?

9

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A Yeah. He told me.

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Q Jim Hickey said it?

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A Yes.

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Q What did Jim say to you about that?

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A He said, "I'm not allowed to be here on the property anymore." I didn't understand why.

17

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Q Did he understand why?

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A If he did, he didn't tell me.

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Q I think you've estimated eighty percent of the time Aaron Deems was on site here two hours a day, approximately two hours a day?

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A Yeah.

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Q And were those two hours any

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particular time; in the morning or the  
afternoons?

A Sometimes he would come in the  
morning, stay an hour or so and then leave.  
My understanding was that if we had a problem  
with a customer, he was supposed to go and  
straighten the problem out. If we had a  
problem with a particular stop, where we  
couldn't get into a stop or whatever, he was  
more or less like a troubleshooter, supposed  
to be like a troubleshooter, plus he was  
supposed to run the business.

Q So he was away from the site --

A Quite often.

Q -- quite often.

Did you ever discuss his regular  
absence with him, with Aaron Deems?

A Yes.

Q On more than one occasion?

A A couple of times, like when --  
he was supposed to relieve -- I used to open  
up in the morning.

Q What time?

A I had to open up at five, and

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he's supposed to relieve me like two, three,

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three-thirty, four, depending on who he had

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to go see, a customer, whatever, a stop or

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whatever he was doing that day. And from

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time to time, he did come in to relieve me,

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and then sometimes he would come in and

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relieve me, go out the door.

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Sometimes I had appointments to

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go to, and I would call him, "Go ahead,

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leave, I'm five minutes from the shop," and

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he would leave. I didn't like leaving the

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girls alone. They had no business being

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there alone.

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Sometimes I had to go see a

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lawyer; my father-in-law passed away, you

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know, I had to go. Sometimes he came in,

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sometimes he didn't. And sometimes when he

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relieved me, five minutes later, after I was

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gone, he was back out again.

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Q Who would tell you that?

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A The girls in the office. He

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would stay five minutes, back out again.

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Q When you talk about the women in

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the office, who are you talking about, by

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name?

A Lisa and Eileen.

Q Do you know their last names,  
Lisa's last name?

A Lisa Nichols.

Q And Eileen?

A What's her last name?

Q Would you know it if you head it?  
Basilese?

A No, doesn't sound familiar.

MR. MACK: Don, do you know it?

MR. SOBOCIENSKI: That's it.

A Her ex-husband owned American  
Independent down in Tarrytown. Whatever  
Paulie's last name is.

Q Fine. We know who that is. But  
when you say it would be either Lisa or  
Eileen who would tell you that Aaron departed  
shortly after you left --

A Yeah, they would mention it in  
conversation. You know, like the men came  
in, "Aaron didn't do this, do that. He was  
gone five minutes after you left." That's  
all.

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Q When you talked to him about his failure to come or his failure to be here, I mean, can you recount --

A I never talked to him about it.

Q You never did?

A No. It was none of my business.

Q Did you ever discuss the subject of Aaron's absence with Matt Hickey?

A Yes, a few times.

Q Could you describe for me what you recall about those conversations?

A I told him that, you know, "You know, I got a life, too. You know, he's got to relieve me once in a while, more often." He said he was going to take care of it, talk to him about it.

Don't misunderstand. I had the same thing with anybody that was supposed to relieve me. I would open, somebody would come in at eight, and we used to alternate. I don't have a problem if you have to relieve me, but -- if you have an appointment with a customer, three o'clock, four o'clock, whatever, I'll stay. But if you're out doing

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personal stuff, then I want you to be relieving me, because I have a personal life, too.

Q Did you discuss this with Matt Hickey?

A A couple of times yeah.

Q He said he would do something about it?

A Yes.

Q Did he ever do anything about it, that you could see, you could observe?

A No. I mean, I'm sure he spoke to Aaron about it. I heard him? No.

Q Did you notice Aaron's behavior change, at all, during the time --

A From time to time, yes. There was a lot of rumors that -- I didn't know for sure -- there were guys throwing rumors around, "Well, he is busy working out at his house." He was building a house at the same time he was working for Allied.

Q To your knowledge, did Aaron Deems ever receive any money from Jim Hickey concerning his house?

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A Oh, I don't know. I heard, just recently, but I don't know for sure.

Q When you say you heard, who did you hear it from?

A Guys talking. You know, I heard them in the morning. You got fifty guys in the morning, you got people talking this, that, you'll pick up a word here and there. You don't know, really, who is saying it.

Q Did it ever come to your attention that there was at least a question of cash proceeds not being properly accounted for?

A Yeah. He gave roll-off boxes out to people.

Q "He," being Aaron Deems?

A Aaron Deems gave roll-off boxes out to contractors, and it was supposed to be COD, and he told Lisa or whatever, "I'll get the money." And we made up all the paperwork and everything, gave it to Joanne. Joanne called me a few times, she said, "Tony, I don't know what to do. Cover yourself, go to Mattie, go to corporate." He said he was

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supposed to collect the money. Whether he did or not, I don't know. I know the money never got to Joanne.

Q That's because Joanne or Eileen told you that money that was supposed to be collected --

A Well, it was supposed to be CODs, and when the COD -- the driver goes there to get a check or cash or whatever, and a lot of times Aaron would chime in and say, "Well, I'll collect the money from here, I'll get these CODs, I'll take care of this contract, because I'm dealing with the contract and that contract," or whatever, "and I will collect the money." So when Joanne questioned me, I would tell her, "Aaron is supposed to collect the money."

Mattie jumped on him a few times in front of me, "When are you going to collect this money? This is way overdue." "I'll get it. I'll get it, okay? I'll go get it now." A couple of times, "I'll go get it now," but it never -- as far as I know, it was never collected.

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Q Did I understand you to tell me that there were women in the office who complained to you that cash was not being properly accounted for?

A Well, Joanne, because she's the bookkeeper.

Q What did Joanne say to you, so I have a better idea?

A She asked me, "Do you know anything about the money Aaron is supposed to get?" I said, "He told us he was supposed to collect it." It was supposed to be CODs, and they were never collected.

Q Did you, yourself, based upon your own observation, see anything about Aaron's handling of money or moneys that were owed for service, as not being proper or appropriate?

A I don't understand what you're saying.

Q Basically, it is a question which asks you: Did you, yourself, based upon your own observation or your own experience, see anything which caused you to believe that

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Aaron was not properly accounting for money that customers owed Allied?

A Oh, yeah, on the roll-off boxes, a lot of these contractors that he knew, that he was -- the last I heard, it was somewhere around \$8,000.

Q Tell me about that.

A There's a period of a few months that he gave thirty odd boxes out. We delivered them. We had a formula that we used to use, it was check, cash or credit card, and we would deliver the box, they would have to give it to the driver. A credit card we would take over the phone.

Q All right.

A And then we got to the point where we wanted all credit cards, no checks, no cash, we wanted strictly all credit cards, because the checks and cash never came in a lot of times. If we didn't get a credit card, we didn't deliver the container.

Q There were occasions that you, yourself, had experience in which the customer was supposed to pay by check or by

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cash?

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A Right.

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Q It was Aaron's responsibility --

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A No, it was my responsibility,

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also. Naturally, when it came in from the

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driver, I would get the check or the cash and

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staple it to the slip of paper that we made

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out, and I would send it across to Joanne.

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But on these accounts that the

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money was -- that Aaron -- because he knew

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them personally, he said he would collect the

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money, and there was -- it happened more than

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once.

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There's a lot of people that he

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was doing business with, I guess between

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building his house or whatever, or he would

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call us on the phone, he would run into a

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contractor doing a job, say, "Do you need a

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20-yard box? Fine." He would call up,

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"Deliver a box to this person over here, I'll

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get the money for you, COD."

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I asked him on a number of

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occasions, "Where's the money," and what have

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you? He says, "Oh, yeah, I have to collect

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2 it." He was very forgetful about collecting  
3 the money.

4 Q To your knowledge, did he collect  
5 that money?

6 A I don't know.

7 Q Do you remember the names of any  
8 of the customers --

9 A No.

10 Q -- that he had a hand in having  
11 these boxes delivered to?

12 A Off the top of my head, no.  
13 Joanne would know. She should know. She  
14 used to call me over the phone, "Tony, I  
15 don't know what to do. Cover yourself. Go  
16 to Mattie. If you don't get satisfaction,  
17 called corporate." Simple as that. You can  
18 only do what they give you.

19 Because she had to account for  
20 all this money, too. If it's not there,  
21 somebody is going to ask, "Where's the  
22 money?"

23 Q But you recall yourself,  
24 personally, being asked to deliver boxes to  
25 some of these people that Aaron was doing

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business with?

A Sure. Myself, Lisa, anybody in the office could program it into the computer.

Q And did you, yourself, ever discuss with Aaron, or tell Aaron, "Why aren't you collecting the money?"

A I told him a few times. Joanne would ask me, and I would ask her. I asked Aaron, "These CODs, when are you going to get them?" "Oh, yeah, I got to get them."

MR. SOBOCIENSKI: The policy is to drop the empty box and collect the cash or the check at that time?

THE WITNESS: Right.

MR. SOBOCIENSKI: If its not collected, which on occasion it does get dropped off, it's not to be picked up full until paid for?

THE WITNESS: Until paid for, if we don't know the person. If they are a customer that we've dealt with before, yeah, we'll pick it up. In other words, we have steady customers, and sometimes

1  
2 his workers are on the job, he's not on  
3 the job, you know, he forgets to leave a  
4 check, the guy isn't going anywhere,  
5 we'll drop the box.

6 MR. SOBOCIENSKI: In the case of  
7 Aaron Deems and these particular  
8 accounts that didn't pay, they were  
9 getting the box dropped without COD?

10 THE WITNESS: Right.

11 MR. SOBOCIENSKI: They were  
12 getting the box picked up under his  
13 direction, without COD; right?

14 THE WITNESS: Right.

15 Q Did you ever complain about that  
16 subject to Matt Hickey, directly?

17 A No.

18 Q Why not?

19 A I don't know. I'm sure he knew  
20 about it.

21 Q Why are you sure he knew about  
22 it? Were you relying on Joanne?

23 A I was relying on Joanne to tell  
24 him.

25 Q Are you familiar with a document

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called the "Compliance plan"?

A Yeah. We went through that.

Q Now, what is the compliance plan, as best you know, Tony?

A Well, like Norm mentioned to me, if I ever read the compliance plan. In all honesty, no. When they were giving this book out, about that thick --

Q About an inch or so?

A Yeah -- Mattie would -- like he gave me a stack of them to give to the men, the men had to sign off on it, and he would say, "Here, sign this," I would sign it. "What's this?" "That's for the compliance plan, Allied's compliance plan."

We used to get different papers from Allied from time to time, and he more or less told me, basically, what was in it. You know, like they don't like no drinking, no stealing, you know, the common sense stuff. I'd say, "Yeah, fine."

Did I go through all the pages? No. I have it to refer to it, but, basically, that's it.

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Q Would it be fair to state that you never read, yourself, personally, the compliance plan?

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A No. I scanned through it, you know, the first couple of pages. A lot of words I didn't understand.

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Q Did you receive any training in the compliance plan?

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A No.

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Q Did Matt Hickey --

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MR. BLOCH: What about the meeting?

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THE WITNESS: They used to have meetings, like you had that time.

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Q When I came up?

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A When you came up and had a meeting with the men, we had a talk. We never really had a meeting like that. Every time we had a meeting with the men, ninety percent of the times it was safety, and they would hit on a few other things. That's about it. Most of it was safety.

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Q Would it be fair to state that the first time anybody went over the

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compliance plan in a meeting was when I came up for that training in the early morning?

A       Yeah.

Q       And Bob Boucher was there. You remember when we were up here 4:00 in the morning, the morning before we started?

A       Right. I never really had any training as far as the compliance plan. They discussed it, they gave everybody a booklet, told them to read it. I don't think ninety percent of men read the whole book.

Q       When did you first learn that there was a Monitor, a Federal Monitor, that's me, whose job it was to see that the company obeyed all Federal, State and Local Laws?

A       Well, I knew that when Suburban-- when Tommy pleaded guilty, and Allied didn't own Suburban, I knew there was a Federal Monitor. It was in the paper.

Q       When was the first time you knew, or had reason to believe, that the Federal Monitor's job also applied to the companies here, the ones at North State?

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A Maybe a year ago.

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Q Maybe a year ago?

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A Maybe a year ago, maybe less. I

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didn't know that they, you know --

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Q They had the joy of having to

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deal with me?

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A Yeah.

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MR. BLOCH: I think that if the

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chronology is correct, I think that at

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the time you assumed your position

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vis-a-vis Valley, in the spring or late

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winter, whenever it was, of 2000, I

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believe that Mr. Cardillo was following

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routes.

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MR. MACK: That's all right.

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I'll ask. I'm trying to establish the

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chronology, and whether an employee is

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following routes or what have you,

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whether or not -- you know, the status

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of what's happening, I don't know how

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they necessarily relate.

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Q I wanted to find out when you

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first learned, and what training you had in

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the compliance plan, and we've covered that.

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A Not too much.

Q You haven't read it. Do you know where it is today, if you had to find it and put your hand on a copy?

A No. No, I wouldn't. I don't know if they cleaned out that office over there, but, you know, I'm sure -- but Aaron came in one day when they were making room -- one day they were making room for ESI, when ESI was coming in, and he cleaned house over there, threw a lot of stuff away.

Q Would it be fair to state that it was Mattie, Matt Hickey, who first informed you, when it happened, that there was a Monitor and there was a compliance plan; would he be the person who provided that information to you?

A No. I think it was just a rumor, you know, you hear --

MR. MACK: Let me just check the door.

(Pause.)

Q Now, to make sure I have the chronology reasonably correct here, you came

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back into the office as dispatcher --

A Well, he never really told me I was dispatcher. He just asked me to stay, stick around that morning, and then the next morning, stick around again. And I said, "What's going on?" "Well, Ian went back on his route."

And Aaron was there, in the morning, with me, for about a week or so, and then Aaron didn't show up in the morning anymore.

Q When you came back, although Matt Hickey didn't formally say you were the dispatcher, you assumed those duties; would that be a fair statement?

A Right.

Q And Aaron Deems would come into the office from time to time?

A Well, he came in, in the morning, you know, with me, for maybe two weeks. Then, after that, he didn't come in anymore. I was there by myself in the morning.

Q Did you and he work together in the time period that he was there in the

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2 office in the morning? What did you do and  
3 what did he do when he was there?

4 A Basically, you don't really do  
5 anything, just give out -- you know, the  
6 company has printouts that come out of the  
7 machine, the computer, you give it to the  
8 drivers of each route. Basically, everything  
9 started getting computerized. Basically, you  
10 give it to the driver. You got to make  
11 sure -- if somebody don't come in, you have  
12 to have somebody take his place.

13 Q Was that what you were doing, or  
14 Aaron was doing?

15 A We both were doing. Two towns  
16 had to go out, number one, and the  
17 commercials had to go out. The roll-offs you  
18 could always put off. The important stops,  
19 like the scheduled stops and what have you,  
20 have to be done. The call-ins could be put  
21 off to another day. We pulled men from the  
22 roll-offs. If you got six going out, you can  
23 you go one down, two down, and shift the men  
24 around.

25 Q So what happened after two weeks

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that Aaron left, if you know?

A He just didn't show up.

Q Where was he when he didn't show up?

A I don't know.

Q Did you ever talk to Matt Hickey and say: You know, I'm in the office by myself?

A No, because I was just under the assumption that he was going to go back to the other routine, I would open, he would close.

Q On those days, after Aaron stopped coming in the morning, you would see him in the late afternoon to close?

A Yes.

Q Even then sometimes he was late?

A Yeah, sometimes he was late. He would come anywhere from 2:30 to 4:00 to relieve me.

Q When he stopped coming in, in the morning, to share office time with you, did you have reason to believe where he was until he came in, in the afternoon; did you ever

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try to find out where he was or what he was doing?

A Well, you know, I didn't know for sure, but I heard that he was over in Ossining with Jimmy.

Q Doing what?

A I don't know. I couldn't tell you. The only way -- I heard from other men. And the other way -- I could assume -- a couple of times he called me in the morning and told me that because -- Corsi Tire needed an extra pickup, or VM Construction need a pickup, they were an on-call account, and they used to rent space in Jimmy's yard in Ossining.

Q Corsi Tire, how was that company associated with Jim Hickey?

A His wife owns the company.

Q What about VM Construct, why does it mean that he was in the vicinity of Jim Hickey?

A He rented space in our old yard.

Q Did you ever hear of the companies Enviro Waste or Waste Oil or IPPI?

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A Yes.

Q Did you ever have reason to believe that Aaron Deems was working with IPPI or Enviro Waste?

A I don't know for sure, just rumors.

Q Tell me about the rumors.

A I heard that he was, you know, selling for Jimmy as a salesman, or he went out a couple of times on the truck, but just hearsay. I never accused him, because I didn't know.

Q Did you ever accuse Aaron of any inappropriate conduct or misdeeds? Did you ever confront Aaron, say, "What are you doing here?"

A Well, a couple of times when it affected me personally, yeah. Like when I had to leave early, a couple of times when he was driving for Regional, I didn't see him, but the other roll-off drivers go in the landfill or dump and see him driving, I complained to Mattie a couple of times, "What's this guy doing? We are short

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roll-off drivers and he is driving for another company?"

He was supposed to help John Lombardo, Aaron, getting contractors, going out to see all the customers, and he would give half of them to Aaron, John would give half of them to Aaron and he would go get these contracts re-signed by the customers and what have you, and even John complained to Mattie, a few times, that he wasn't doing the job. Everything was on John's shoulders.

And I complained to Mattie a couple of times, too, about Aaron, you know, "Why is he driving for Regional when I got stops here?"

Q What did he say?

A He said, "If I find out that he is doing that, I'll fire him on the spot." That's the answer John Lombardo got.

Q Did Matt Hickey, to your knowledge, take any steps to find out what Aaron Deems was doing when he wasn't here, to your knowledge?

A I don't know.

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Q Did Matt Hickey ever say to you that he had found out something about Aaron Deems, where he was when he wasn't here?

A No.

Q Was there any other employee here who, to your observation, was not performing functions as they should be performed for the company? When I say "the company," now we are talking about after Allied acquired the companies. Anyone else, besides Aaron Deems, who wasn't present here and wasn't spending their time working on behalf of the company?

A Well, I know -- oh, John Costello was, but I understand he used to come in, in the morning, get in the Mercury and go to Suburban. I don't know what his job title was or what it entailed.

Q When I say "the company," this is -- just to be clear, I consider Suburban Carting, after Allied acquired it, an Allied company, so for the purpose of my question, if John Costello was going down to spend time at Suburban, he was working for Allied.

A Right.

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Q What I'm asking you about, other than Aaron Deems, was there anyone else who was getting a salary check, you know, for Allied, or from Allied, who, in your opinion, was not performing their functions appropriately?

A I can't think of anybody.

Q All right. In your mind, John Costello, before he went down to Suburban, did he ever have any other work for Jim Hickey?

A I couldn't tell you. I couldn't answer that, in all honesty.

Q Were you ever told by Aaron Deems that he, Aaron Deems, was at Mount Kisco transfer station, or NYCON or frequently there?

A Oh, yeah.

Q Tell me about that.

A He was supposed to oversee it.

Q What does that mean?

A Before they moved here.

Q Tell me what that means.

A He would have to go to the

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transfer station, I guess that was part of his -- to oversee it, or whatever.

Q Aaron Deems?

A Right. Now that you mention it, yeah, he was supposed to do that.

Q Did you ever learn that although he said he was present, that he really wasn't there?

A Yeah.

Q Tell me about that.

A A couple of times I called Toby looking for him.

Q Toby was at NYCON?

A Yes. And I asked him for Aaron. We discussed it a few times here, that he was over there, overseeing. Toby looked at me and said, "When?" So that's when I never went into detail after that. That's when I got the understanding that he wasn't there. Whether he saw him not being there or whatever, I can't tell you.

Q Right. Toby told you on more than one occasion; would it be fair?

A Yeah, once or twice, a couple of

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times, and then I didn't question it anymore.

Q What Toby told you was that when Aaron was saying he was at NYCON, he really wasn't there; is that fair?

A Yeah.

Q I mentioned Enviro Waste to you, Enviro Waste Oil. Is that a company you're familiar with?

A I thought it was a part of IPPI.

Q What is your understanding? I may have asked a question which sort of assumed both Enviro Waste and IPPI was the same.

A That's what I thought. I thought it was one and the same. I thought they were an oil recovery company owned by IPPI. I don't know anything different. If it is, I don't know about it.

Q I'm only asking what you know or what you believe to be true. When we talk about IPPI, who are the people, the bosses, to your knowledge, during this time period, of IPPI?

A I only know one guy, Robert. I

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don't know his last name. He kind of runs IPPI for them, for Jimmy.

Q For Jim Hickey?

A For Jim Hickey.

Q Do you know who succeeded to Jim Hickey's position at IPPI?

A No, I don't know. I'm sure Jimmy left the business to the son. That's the only thing I could think of.

Q You don't know one way or other?

MR. BLOCH: Do you know?

THE WITNESS: I don't know for sure.

A Hearsay.

Q I'll take it for what it is worth, but it is hearsay?

A Ryan. Right, his son, Ryan.

Q I want to ask some things that I'm not -- well, before I leave Aaron Deems, let me ask something else. This is one of my favorite topics. Did you ever have reason to believe that Aaron Deems, or his friends, were taking fuel from this location?

A I heard rumors about it.

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Q Okay.

A I saw some pictures. Somebody showed me some pictures. That was all I know about it.

Q Did you, yourself, ever observe either Aaron Deems or friends of his fueling up at this -- at our location here, today?

A No.

Q When you say you saw some pictures, could you tell me what you saw and who showed them to you?

A The mechanic, Ivan.

Q Do you know Ivan's last name?

A No, I don't.

Q Is Ivan still working here?

A No.

Q Tell me about this conversation with Ivan. What did Ivan say to you and what did you say to him about the pictures?

A He was telling me something about a bunch of Aaron's friends coming down here, taking fuel, filling their trucks up with it. And I said, you know, "You're kidding. It's crazy. Why?" He says, "I don't know." He

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says, "He is." So I says, "Did you tell anybody?" He says, "No, but I got pictures," and he showed me the pictures.

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Q What do you remember about the pictures? How many pictures were there?

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A I don't know, five or six pictures, something like that.

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Q What's your recollection of what the pictures showed?

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A It showed a couple of pickup trucks there, and the guys there, standing with the nozzle of the hose stuck into one of the pickups.

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Q Did you recognize anybody in any of the pictures?

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A No. I don't remember if Aaron was in the picture or not. I'm not sure.

19

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Q What did Ivan say about the pictures?

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22

A He says -- I don't know. He said he was going to do something with them. I don't remember exactly what he said he was going to do with it. I said, "You do what you got to do."

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Q Can you put an approximate date of when you had this conversation with Ivan, what year?

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A No. No. I know it was not long before he left.

7

Q Not long before Ivan left?

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A Yes. He left -- maybe about six months before he left, somewhere around there.

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Q Do you know why Ivan left?

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A Well, I think it was a mutual agreement between him and Mattie, because he got into a couple of accidents. He totaled one of the service trucks. He went on a road call, totaled another truck. He had problems. Apparently, my understanding, he got into an accident, and had a concussion and didn't really fully recover from the concussion, came back to work and continued working and whatnot, and right after that, got into another accident. And, apparently, then he was home for a while, the doctor put him on medication, next thing you know, he was leaving.

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Q Do you have any knowledge, yourself, if Ivan did anything with the pictures?

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A I heard he gave them to somebody, and somebody else was going to mail them to corporate.

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Q Did you ever hear anything more about the pictures, or what happened with the pictures?

11

A No.

12

13

Q Did anyone ever talk to you about possible theft of fuel from this location?

14

A Just that time with Ivan.

15

Q That's the only time?

16

A Yeah, the only time, really.

17

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Q Did Matt Hickey ever come to you and ask you about it?

19

A No.

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Q Let me make sure I ask this precisely: Did you have any conversation, with anyone, concerning the theft of fuel from this location, other than Ivan, the one you've talked about?

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A Well, you know, I didn't have a

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conversation with him, but I heard -- once the pictures appeared, everybody saw the pictures, my understanding, and all the men in the yard, you know, buzzed about it every day, from time to time, about it.

Q What was the buzz? I realize it is rumor.

A He had his friends coming down here and fueling up. That's what it was.

Q Was the buzz that it happened on a number occasions or just one time?

A I heard it was a couple of times. You know, Aaron has his friends coming down here fueling up, you can assume that to be once, it could be ten times.

Q You don't know?

A Once you start asking questions and stuff like that, yeah, but I'm sure Mattie knew about it. I didn't really care.

Q Why are you sure Mattie knew about it?

A Enough people knew about it. I can't say for sure.

Q Did you, yourself, ever go to

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Matt and say: Hey, there may be some theft here, we need to look into it?

A No.

Q Other than your conversation with Ivan, did you think this topic might be covered, or do you know whether this topic might be covered in the compliance plan?

A Well, there's no stealing allowed. I mean, that's common sense, you don't have to have a compliance plan to know that. You're not supposed to steal from the company.

Q You bet. Did you ever discuss with anyone other than Ivan, whether or not there was a reporting obligation that somebody had to come forward and report this?

A No, not really, but I was under the impression that Ivan was going to do something with it.

Q Do you know whether Ivan did anything with it?

A No.

Q Before we leave Mr. Deems, is there anything else about his performance of

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duty, or lack of it, that we haven't talked about this morning or this afternoon, in terms of things that he did which, in your mind, in your experience, in your judgment, that he did, that was improper or unauthorized?

A Well, I don't know if it's improper or not, but a lot of times he came in and got a truck, himself, and took out boxes.

Q What's wrong with that?

A I don't know. I don't know Allied's policy on that.

Q When a roll-off driver takes a box out, what are the rules, under Allied, with respect to accounting for that trip and that box?

A The driver, when he comes in, in the afternoon, he has to fill out a daily sheet of what boxes he used. He had to put -- I had papers made up. I changed the papers. There would be the date, the driver, the truck number, customer, and pickup and drop.

1  
2 Now the driver would come in and  
3 put his name, the truck number he used, the  
4 customer's name. If he picked up a box, put  
5 the box number down, the drop -- if it was a  
6 drop, the box number, what box number he  
7 dropped. If he ran it back and forth, he  
8 would put the same number. If it was a  
9 compactor, he would put compactor.

10 That's how we kept a record of  
11 it.

12 Q And so let's assume it's being  
13 properly done under your supervision, the  
14 driver would fill out the form, let's say  
15 it's bringing a box to a location, under  
16 appropriate circumstances, that customer,  
17 especially if it was a new customer, should  
18 pay for it, in some way, when the box is  
19 dropped?

20 A If it's a regular customer, he  
21 can get billed at the end of the month. If  
22 it's a one-shot deal, he pays COD up front,  
23 or by credit card.

24 Q Let's assume this is a COD, all  
25 right, this is not a regular customer, this

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is a call-in or someone that you don't have experience with. The driver takes the box and the slip; right, fills out the information?

A Right.

Q And let's say the customer gives to the driver a check or cash, let's say cash. What is the driver's obligation with respect to the records and the cash when they come back?

A Bring the cash into the office, staple it to the ticket, because everybody has a ticket that they make up, and staple it to the ticket, and it goes across to Joanne.

Q Then what would Joanne do with it, if you know?

A She is supposed to enter it.

Q So there would be a record in the system that the customer got a box and that the customer paid cash?

A Right.

Q And if it was a check, the check would simply be stapled, as well, to the slip?

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2

A Right.

3

Q When you say Aaron would take a

4

box out, would he follow that routine?

5

A No.

6

Q No question about that; right?

7

A No. Sometimes he brought it to

8

his house, or he brought it to somebody else

9

or whatever, and I don't know what he did. I

10

didn't follow up on what he did.

11

Q Did anybody in the company

12

confront Aaron and say: You just took a box,

13

where did you take it and who is going to pay

14

for it? Did anybody say that, to your

15

knowledge?

16

A No. He is the boss.

17

Q He is the site manager?

18

A Site manager. He is doing

19

something. I don't know what he is doing.

20

Q To your knowledge, did Matt

21

Hickey ever confront him about that?

22

A A couple of times, when he came

23

back with loaded boxes, he came back and left

24

them at the top there, he yelled at him for

25

not dumping them, and then made him dump

1

2

them.

3

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Q What about the money that was presumably owed for the service?

5

A I don't know.

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Q I realize this is an estimate. My question is: How many times would you estimate Aaron Deems did that type of thing, where he took a box out and didn't account for it?

11

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A Over a period of a year, a year and a half, maybe half a dozen times.

13

14

MR. SOBOCIENSKI: Didn't you keep the numbers of boxes on your board?

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THE WITNESS: Yes, from the paper. Then the following morning, after everybody left, I used to do the board. I used to keep a record on the board, because there was no box numbers.

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See, when Lisa used to program it into the computer, it would never be box numbers in the computer. When the call came in, she would enter the customer into the computer, it would be a 30-yarder, 10-yarder, whatever, I had

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the board, I used to enter the customer name next to the box number, and then if he had a box there and they picked up the full one and dropped an empty one, I would switch the customer from the one picked up and put it to the deliver. I would put the dates.

Q When the system was up, you would be able to account for every box and when it came in?

A Right. If there was a box missing, then, you know, it would be on that board. It showed where every box was.

Q What about the boxes that Aaron is taking to his house?

A They wouldn't be on the board. If they are blank, I would think they are up on the top, until I go and look and they disappeared and I would ask questions.

Q Who would you ask questions of?

A Everybody. Lisa, Mattie, the guys in the office, the mechanics, "Did you see anybody take a box out that didn't put it down?" Try and find the box.

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Then I would have to go back to Mattie and say, "I have two boxes missing, three boxes missing." I would have to go back over the last time the box was picked up. It happens occasionally the drivers will forget to put a number down, and I have to go back, call them, "You picked up this box here that day, this box number, where did you bring it?" They have to go back and remember, then he would tell me and we would track it down.

Q Was there anyone, besides Aaron Deems, who, in your experience, took boxes for their own personal use or the use of their friends?

A No, because if they wanted a box, we used to give it -- not give it, but like if one of fellows needed a box for his house -- Allied just changed their policy, but -- they sent us a notification about two, three months ago -- but we used to give a box for the dump fee, only, if it was for personal use, and he used to do it on his own time.

1  
2                   When Allied took over, you're not  
3 allowed to drive a truck if you're on your  
4 own time, then we would charge 100 bucks plus  
5 dump fee.

6                   Q           What about a stop like Seven  
7 Stars Restaurant, that wasn't billed for a  
8 period. How could that happen?

9                   A           I have no idea. Just going by  
10 Jose, and us investigating and asking  
11 questions, we assume -- and Joanne looked it  
12 up, we assumed that Eileen canceled the  
13 account out.

14                  Q           If there are people going out,  
15 doing the route, I mean, they knew it was a  
16 stop; I mean, the driver is picking up.

17                  A           It wasn't a regular route yet,  
18 because they were building the place, so we  
19 had an 8 or 10-yarder there, rear loader. We  
20 told the driver the route, because he is  
21 there every day, "When it's loaded, dump," we  
22 told the driver.

23                  Q           Why wouldn't that have come to  
24 your, or whoever is running it, attention for  
25 such a long period of time? If you know

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there's a stop there, although it's an occasional stop, how could they go so long without being billed?

A Joanne didn't get the paperwork.

Q Whose fault was that?

A Whoever signed them up; John Lombardo, Matt Hickey. John had a hard time with the owner. He wouldn't talk to John, he wanted to talk to Mattie.

Q We'll go back to that. I'm trying to understand how one accounts for each stop and how it is supposed to be done, because one of the matters that I'm interest in is to see whether there were customers getting free service.

A Oh, there were, but we didn't find this out until the last couple of months.

Q You went around, except for the exceptions, and followed trucks for a while?

A Right.

Q And you prepared what, a list of all the stops the drivers may have had?

A I wrote all the accounts down,

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everything like that.

Q When you wrote all of the accounts down, those would be stops; they might not be accounts, but they would be stops?

A I had a Monday sheet; I wrote it down. The Tuesday sheet. I went through the whole week, stapled them together, Monday, Tuesday, whatnot.

Q After you did that, who did you give that to?

A Mattie.

Q So it wasn't your job to take a look at what money was coming in and what stops, that would have been Mattie's job; would that be fair?

A Yeah.

Q One subject that we've talked about in the past, but I want to make sure I understand it correctly, with respect to cash for recycling material, such as metals, was there, at one time, a petty cash fund that was maintained?

A Yeah.

1  
2 Q Tell me about the petty cash  
3 fund.

4 MR. BLOCH: Which time period are  
5 you talking about?

6 MR. MACK: Any time after May of  
7 1999, after Allied --

8 A When we used to go bulk pickup in  
9 Mount Pleasant, we used to send a rack body  
10 truck to pick up appliances, stoves,  
11 refrigerators, washing machines, all  
12 appliances. The refrigerators and the  
13 air-conditioning came into the yard and were  
14 put in the trailer and somebody used to come  
15 and pick it up, because they had to purge the  
16 freon out of it, so they would come and pick  
17 it up and charge us whatever. I don't know  
18 how much they charged. They gave us a  
19 number, what they picked up, and gave us the  
20 bill, and they would send the bill once a  
21 month.

22 Stoves and washing machines,  
23 other appliances, would go to Brookfield.

24 Q That material that went to  
25 Brookfield, how was that paid for; was that

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paid for in cash?

A Right.

Q Who was the person whose job it was to account for the cash to come in?

A There was really nobody. You know, the fellows, sometimes you got \$10, sometimes 15. It wasn't a lot of money. We would put it in petty cash. We had a petty cash box in one of the drawers in the desk, a metal box with petty cash in it.

Q Was there any record keeping, that you were aware of, that accounted for the Brookfield Waste?

A No.

Q Who was the driver, if there was one driver, or who were the drivers that would take --

A Every week it would be different drivers. It was done on a Wednesday. It depended who was in the yard.

Q Were there any other sources of petty cash, other than this Brookfield Salvage?

A No.

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Q What was the petty cash used for?

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A Sometimes the mechanics needed gasoline, so you give them \$10 to get gas for some of the equipment. If you needed supplies, nickel, dime stuff that you didn't have to make a whole list of things to send to Allied to get money for or whatever.

Sometimes, you know, in the office -- you know, Allied buys coffee for everybody, you know, we order coffee by the month, the girls would go buy donuts or bagels.

14

15

Q When did that practice end, of doing that?

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A I guess when Allied found out that there was money coming from this here, the appliances and stuff like that, they said, "That's money, they ain't supposed to do that." We stopped it.

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Q Can you give me an estimate of when it got stopped?

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A I don't know, maybe six months, a year after Allied took over, and Allied -- Mattie called Brookfield and told them no

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more cash, everything had to be in a check.  
We didn't know we were doing anything wrong,  
but apparently we were doing something wrong.

Q Whether it's wrong or right --

A It was just a practice that we  
did. We aren't talking about a lot of money.

Q Obviously, Allied makes a  
decision how they wish to account for money  
going in and out; cash can be dealt with, as  
long as there's a record trail to see  
exactly --

A We never did keep a record. But  
then what happened was -- I don't know  
exactly how it came about, because the  
Town -- we used to keep a record of all  
appliances that we picked up, and the Town  
used to get credit for it, from the County,  
for the appliances that went to Brookfield.

Q What happened to that record?

A They don't keep it anymore,  
because -- I don't know why, to be honest  
with you.

Q So if I understand this  
correctly, you know, the materials that were

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sent to Brookfield, there was no real inventory of each piece that went?

A No. Only if we brought a roll-off box full of metal, like from the VA Hospital, then there would be a record of that, yeah. See, anything over -- I think it was \$20, something like that, would be a check.

Q Anything over \$20?

A Twenty or twenty-five, I don't know the exact number, then it would be a check. Anything under would be cash. Then Mattie called Brookfield and told them, "I don't care if it's two dollars, it has to be a check."

Q And that direction to Brookfield by Mattie, your best estimate of that is, if Allied took over in May '99, you know, just in terms of -- I think we found that Aaron -- was it before or after Aaron Deems left the company, that Mattie gave the direction there had to be a check?

A It was before.

Q Do you know how much before,

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approximately?

A No. Take a wild guess, maybe six months before.

Q Do you recall people coming here from Allied, to go over the books and records of the companies here, in terms of seeing whether the accounting was being done properly or improperly?

A I never really saw anybody, but I'm sure they came to this building here. See, the office was here. I never really came into this building.

Q Your answer would be, to your knowledge, no?

A No.

Q Did it ever come to your attention that you felt that someone had taken -- or petty cash had been taken, that shouldn't have been taken?

A Not petty cash, but roll-off box cash.

Q Tell me about that, please.

A I remember one incident, I don't remember how many incidents, but I remember

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one incident where I think Joanne left for the day or something -- this is before Mattie put a cash box.

Q A lock box?

A A lock box -- and there was, I don't know, a couple of hundred dollars in there for roll-offs, four, five hundred, and I stapled it to the ticket and put it in the petty cash box.

Q Tell me where the petty cash box was kept, at that time.

A In the drawer.

Q In what office?

A In the dispatch office and the next day it was gone. When I came in the following morning, I was going to get it and bring it to Joanne, and it was gone.

Q What happened then, when you discovered that?

A I told Joanne about it, and I don't know what happened after that. I told her, "We delivered the box, got cash, put it in the box, this morning it is gone. I don't know who took it."

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Q Did you ever learn what, if anything, was done about that?

A No. I asked months later. I thought Aaron took it, Aaron thought I took it.

Q Did you have a conversation with Aaron about the money?

A Months later, when things started popping up, and I says to him, "That money was there at night when I left." I says, "You know" -- He says, "I thought you took it." I said, "I thought you took it."

Apparently, according to him, I didn't take it and he didn't take it, so I don't know who took it, to be honest with you. But he came and relieved me, and when he relieved me, I left and he went right back out, after me. After he relieved me, he went back out again, so anybody could have taken it.

Q Do you know whether Matt Hickey ever took any action concerning that loss?

A I don't know.

Q Did you ever learn, did anyone

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ever tell you what happened about that loss,

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or whether they had conducted an

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investigation or they had found out who had

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taken it?

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A No.

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Q Are there any other examples or

8

recollections that you have concerning

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missing either cash or checks?

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A There was checks that were

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missing. Somebody tried -- one of the girls

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in the office tried to cash them.

13

Q Tell me what you know about that.

14

A Only what I hear from Joanne.

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Joanne called me and asked me, "The girls in

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the bank" -- we were friendly with the girls

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in the bank. The girls in the bank called

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Joanne and told her that Eileen was trying to

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cash some checks she had gotten from

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customers for appliances, like -- for like an

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extra pickup or something. She took the

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check then -- one roll-off. I think it was

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\$600 and change or whatever.

24

Q This is what Joanne was telling

25

you?

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A Told me.

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Q When Joanne told you this, what did you tell her? Did you give her advice about what she should do?

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A I told her she should go to Mattie with it.

8

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Q Did you, yourself, take any action on this subject, yourself?

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A No.

Q Did you, yourself, ever talk to

Eileen about the subject?

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A No.

Q Did you ever talk to Matt Hickey about the subject?

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A Yes.

Q Tell me about that conversation.

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A Well, I don't know how it came up in conversation, but we did discuss it, about, you know, what she had tried to do. The bank wouldn't cash it, and she called the guy up and told him that they misplaced the check, if he would send another one, make it out to cash.

25

Q How do you know that?

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A Hearsay.

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Q From whom?

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A Joanne.

5

Q I'm interested in your

6

conversation with Matt Hickey.

7

A I said, "What the hell is going

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on with this girl, trying to cash checks?"

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He said, "I don't know." I says, "What are

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you going to do about it?" So I don't know

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what he did about it.

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I know he was annoyed about it,

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and he was going to try to set her up for

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something. He was trying to gather evidence

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on her, more and more evidence, I guess to

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bring it to corporate to see how to handle

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it.

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Q You don't know what he did?

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A No.

20

Q Did he ever tell you what he had

21

done, or what did he do?

22

A No, he never told me what he did,

23

but actions speak louder than words, he got

24

really, really mad at her.

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Q How do you know that?

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A You could see in conversations with her.

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Q Were you present when Matt Hickey was talking to Eileen about these checks, or missing checks?

7

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A No, he didn't talk to her about the checks. He just had a nasty attitude toward her after the incident.

10

11

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Q How do you know that?

A Well, you could see it in

conversation with her.

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Q So you could see it?

A Oh, yeah, you could see the change. He was mad at her. He was very, you know, like nasty or whatever, sarcastic with her, because of the incident. He never -- I never seen him confront her about the checks or nothing like that, but he was very, very irate over it, and he never really -- as far as I know -- I don't know what he did about it, but he did get mad.

Within the next few weeks or whatnot, she gave her resignation.

25

Q Did Matt Hickey, after she

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resigned, or after she left, ever explain or

3

say to you, Matt Hickey, you know, how much

4

money she had taken, or what he had learned

5

about the situation?

6

A No. He just told me about the

7

checks. He didn't say how many or whatever.

8

Q Okay. In your experience, when

9

you came back in as dispatcher, all right,

10

from then until the present, have you

11

observed or seen anything which you believe

12

reflected inappropriate use of cash or

13

obtaining money that should go to Allied

14

being taken by someone else, or for something

15

else?

16

A No. No, because he put the cash

17

box -- after the incident like this, I

18

directed all the men not to give any money,

19

any cash, any checks, nothing, to anybody

20

behind the counter. I didn't care who it

21

was.

22

Q So the procedures, as changed by

23

Matt Hickey, provided that every time a

24

driver or an employee was bringing cash that

25

belonged to Allied --

1

2

A Staple it to the ticket and put it in the cash box.

3

4

Q Where was the cash box located?

5

A Right in the dispatch office.

6

7

Q When, if you can remember, did that policy go into effect?

8

9

10

11

12

A I think it was around the time that Allied started talking about the dumping at Brookfield, the moneys coming in there, and I think with the -- I think it was about that time.

13

14

Q Was it before or after Aaron Deems left Valley?

15

A Before.

16

Q It was before?

17

A Yes. Yeah, it was before.

18

Q Did Aaron Deems follow that rule?

19

20

21

22

A As far as I know -- I can't say for sure, because he relieved me in the afternoon. Whatever happened after I was gone, I don't know. I can't answer.

23

24

25

MR. MACK: What I think we will do is take forty-five minutes for lunch. It is now approximately 1:30. We'll

1  
2 start again at 2:15.

3 THE WITNESS: Okay.

4 (Whereupon, at 1:30 o'clock p.m.,  
5 a luncheon recess was taken.)

6 (A F T E R N O O N S E S S I O N)

7 (Time noted: 2:15 o'clock p.m.)

8 MR. MACK: On the record.

9 Q I just remind you that you are  
10 still under oath.

11 What we'll try to do is keep  
12 going on the topics that we can. We are  
13 going to take a break whenever it is --  
14 whether I need it or you need it or someone  
15 else needs it, but most important is Stewart  
16 Nissenbaum, who is the person taking things  
17 down.

18 Everything I said this morning is  
19 the same. You're free to take a break, talk  
20 things over with Mr. Bloch, Ms. Rothschild,  
21 anything you want, as we go on.

22 A All right.

23 MR. MACK: I think, Don, you  
24 wanted to clear up something that I  
25 didn't cover?

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MR. SOBOCIENSKI: I wanted to be a little more clear on the cash that would come into the dispatch on Wednesdays with regard to, I guess, the Mount Pleasant pickups, residential pickups.

THE WITNESS: The appliances?

MR. SOBOCIENSKI: Clean-out of garages or --

THE WITNESS: Most of that goes in the big truck for nothing. The only time they would have something other than bulk pickup, the customer would pay for, would be if it's a little construction debris or something like that, then they would call for an estimate, somebody would go by and leave an estimate in the mailbox if they are not home.

If they are home, they would tell them the price. If they like the price, they would make out a check and they would take it right then and there.

MR. SOBOCIENSKI: What percentage

1  
2 of that, of those customers, do you  
3 think would pay cash as opposed to a  
4 check? How much cash would you receive  
5 on a Wednesday, normally.

6 THE WITNESS: Not a lot of money;  
7 \$20, \$30.

8 MR. SOBOCIENSKI: For a  
9 Wednesday?

10 THE WITNESS: Yeah. Not every  
11 Wednesday. Sometimes it wasn't that  
12 much. The estimates weren't even a  
13 handful. You know, every Wednesday,  
14 you'll get two estimates, three.  
15 Sometimes there's nobody home, you leave  
16 the estimate, they will call when they  
17 get the estimate, "Yes, pick it up; no,  
18 too much money," whatever.

19 MR. SOBOCIENSKI: If I were to  
20 look at the records for those  
21 Wednesdays, and I were to see, you know,  
22 some checks written out for \$150 made  
23 out to Mount Pleasant, would I see cash  
24 in those amounts, too?

25 THE WITNESS: No. Not to my

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knowledge, no.

MR. SOBOCIENSKI: What about boxes, did many people pay cash for the roll-off boxes?

THE WITNESS: Yes, but not a lot. Just a handful. There are cash CODs, yeah, but not a lot.

MR. SOBOCIENSKI: That would have been about in the \$600 range?

THE WITNESS: Depends on the size of the box. The size of the box at the time was, a 30-yarder would be 600, 20-yarder would be 500, a 15-yarder would be 400, and a 10-yarder would be 300. I don't know what the going rates are now, whether they changed them.

From time to time, you'll get cash boxes, yeah. When Allied took over, they shied away from cash. They kind of shied away from cash. When the people called, you know, they said, "Yeah, it's a COD." Sometimes when the driver went there, there was cash. Most of the times it was a check.

1  
2 We started pushing more for  
3 credit cards, which we preferred. This  
4 way there's no money transaction between  
5 the driver, whatever. Maybe the driver  
6 could lose the money, whatever. It was  
7 safer.

8 Not only that, we had a weight  
9 limit. On a 30-yarder was a five ton  
10 weight limit, so if you went over the  
11 five tons, you would never get the other  
12 money on a one-shot deal. If we had a  
13 credit card, you could bill the credit  
14 card, so we got the money.

15 We pushed more for that, so we  
16 shied away from the cash and the checks.

17 MR. SOBOCIENSKI: Did you ever  
18 have a conversation with Joanne about  
19 the absence of cash tickets, the drivers  
20 weren't handing in cash tickets, or  
21 something with regard to cash tickets?  
22 Did you and Joanne ever have a  
23 conversation about that?

24 THE WITNESS: We had a  
25 conversation on the one that -- on the

1  
2 COD that Aaron -- I don't remember if we  
3 did on other occasions. It is possible.  
4 I don't remember, to be honest with you,  
5 if we did or not. We may have. I don't  
6 recall.

7 MR. SOBOCIENSKI: Thank you.

8 CONTINUED EXAMINATION

9 BY MR. MACK:

10 Q I'm going to go back to the  
11 period -- I'll try to be reasonably precise  
12 so it is clear what I'm asking about -- but I  
13 want to expand this period a little bit  
14 longer than what I've talked about so far.

15 So I'm going to say within a year  
16 before Allied acquired the companies that  
17 we've talked about this morning, the Valley  
18 companies, you know, including Hudson Waste  
19 and Mount Pleasant and Mid Hudson Equipment,  
20 all right, in that period, so that would be  
21 approximately May of 1998 until the present,  
22 that's a pretty long period, it actually  
23 includes the period about a year before  
24 Allied actually acquired the companies, this  
25 is the only question or series of questions

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I'm going to ask in this broader topic.

Were you ever present when records, business records, were destroyed?

A From which building?

Q From any building that --

A Well, I wasn't -- well, I was, I wasn't. You know, like we used to get rid of, from time to time, old records, yeah. Like from this building here, if they had records down in the basement that were in boxes that maybe were ten, fifteen years old, and they needed to make room, yes, they would back a truck up and throw them in the garbage truck.

Q I want to focus on the time period that I've just mentioned, all right, so it is approximately four years, the last four years, May of '98 to May of 2002, or up to the present. All right?

A Okay.

Q And so that's the period that I'm asking about.

A Okay.

Q Are you aware of any business

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records, concerning this business, the business here at this location, being destroyed during that four-year period?

A Through the whole four-year period, you're saying?

Q Yes, any time.

A Oh, I know they got rid of records, but from time to time, they always did. I couldn't really pinpoint what records and what period they were for. We've gotten rid of records.

Q Did you, yourself, have any role, you, yourself, Tony Cardillo, have any role, whether as an observer or a participant, in the destruction of records during that four-year period?

A No. I just maybe sent the men over. That's all. Either Joanne would call me or Tony would call me, Jimmy would call, say, "We have a bunch of stuff in the basement we have to get rid of."

Most of the time it was on a Wednesday, because you had guys hanging around the yard. We would clean the trucks

1  
2 on Wednesday, and whatnot, and you had guys  
3 hanging around. They would back a garbage  
4 truck up to the front entrance here and  
5 whatever they had to get rid of, they got rid  
6 of.

7 I was never here. I would be in  
8 that building there, send the men in; either  
9 Joanne or Jimmy would tell them, "Grab this,  
10 that."

11 Q When you say "Jimmy," Jim Hickey?

12 A Jim Hickey, or Mattie, whoever.

13 Q I'm going to sharpen the question  
14 a little bit.

15 Just before I do that, how many  
16 times, in that four-year period, so that's  
17 the year before Allied acquired the company,  
18 up until the present, would you estimate that  
19 you sent men or people over here to assist  
20 with record destruction?

21 A Maybe twice, to my knowledge,  
22 yeah.

23 Q I want to narrow the time period  
24 a little bit more, and that is: Starting  
25 from, let's say, May of '99, but what I mean

1  
2 is, when Allied first acquired the company,  
3 which we believe to be around May of 1999,  
4 until the present, so now we are in a  
5 three-year period, did you send people to  
6 participate in document destruction in that  
7 three years?

8 A Not to my knowledge, no. I don't  
9 remember, to be honest with you. Don't  
10 forget, a year from -- latter part of '99, I  
11 wasn't here, so if anything was thrown out,  
12 at that time, I wouldn't know about it.

13 Q All I'm asking is about what you  
14 have some knowledge of. You told me you,  
15 yourself, did not participate in document  
16 destruction, personally?

17 A No.

18 Q But you do recall, estimate, two  
19 times of sending people over for record  
20 destruction?

21 A Yes. A couple of times Joanne  
22 had something to throw out. Not a whole  
23 bunch of stuff, maybe one box had to be  
24 thrown away or something, if she had  
25 something laying around she had to get rid

1  
2 of. Or Mattie would call me over and say,  
3 "Send somebody over to pick up a box."

4 What they were throwing away, I  
5 don't know. I don't know if it's records,  
6 junk laying in the basement down there. I  
7 don't know.

8 Q Listen to the question now, all  
9 right? I'm asking, in the four-year period,  
10 that includes the year before Allied, to the  
11 present -- I'm not sure what you're telling  
12 me. Is it that you sent people over here to  
13 participate in destroying records two times,  
14 or more than two times?

15 A You know, I don't even know if it  
16 was records. As I said, we had a bunch of  
17 stuff to throw away, and I sent people over  
18 two times, maybe a third time. I don't  
19 really remember, to be honest with you.  
20 Maybe it was records. Maybe it wasn't. You  
21 know, I --

22 Q I'm not asking you to guess here.  
23 I mean, it is that I'm asking you about what  
24 you believe to be destruction of records.  
25 I'm not talking about throwing out --

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A Let's put it this way: When they asked me to send somebody over and back a truck up, I assumed it's records, old records. That's the only thing I could tell you.

Q Let me ask the question differently, then: How many times, in the four-year period, were you asked to send a truck over here to dispose of something that was contained in this building?

A I would guess -- to be almost sure, I would say two times. A third time, I don't remember, possible, but I don't remember.

Q Did any of the men or people who participated in whatever was being thrown away, tell you that records were being destroyed?

A No.

Q So you don't know what was being thrown out?

A No, I don't.

Q Do you know whatever was being thrown out, was being thrown out with the

1

2

permission of Matt Hickey or Jim Hickey or

3

Joanne?

4

A I'm sure of it.

5

Q How are you sure?

6

A Because they are the ones that

7

asked me to send the people over.

8

Q So Jim Hickey asked you to send

9

people over?

10

A Jim Hickey, Mattie, Joanne asked

11

me. One time I remember Joanne asking me,

12

they had some stuff they had to clean out.

13

Q Can you put a time? When did

14

Joanne ask you to send the truck over here to

15

have something destroyed?

16

A Off the top of my head --

17

Q A year ago, more than a year ago?

18

A More than a year ago, but I

19

couldn't tell you, pinpoint, exactly when.

20

Q I'm asking you to do the best you

21

can. I can talk to Joanne.

22

What about Matt Hickey, when did

23

he --

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A Yeah, I remember him asking me

25

one time to send a couple of men over, they

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had something they had get rid of. What it was, I don't know.

Q Do you remember who the men were that came over?

A No. Guys hanging around the yard.

Q Could one of them been Chris Riddenauer?

A No, because he is not in the yard on Wednesdays. It would be more of your recycling guys, mostly your recycling men, because the Mount Pleasant residential guys were out doing either bulk clean-up --

Q This is Wednesdays, we are talking?

A Wednesday, yes, most of the time it happened on a Wednesday, because you had nobody during the week. Maybe you had a man here, a man there, delivering containers, that's about it, but on a Wednesday is when you had extra men.

There would be recycling guys in the yard. The Mount Pleasant residential guys would be doing bulk clean-up or doing,

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Wednesday, a commercial route down at Mount Pleasant. The Hudson guys, you would have two doing commercial stops up in Yorktown, and the rest of them would be doing -- maybe go on roll-off. Wednesday you play catch-up on the roll-off, you have extra men.

It would be mostly recycling guys. Most of the guys hanging around the yard on Wednesday would be recycling guys. Those are the newest guys hired.

Q How many times did Jim Hickey ask you to send people over here to pick something up?

A Maybe once.

Q We have Jim Hickey maybe once?

A Right.

Q Matt Hickey maybe once?

A Once, yeah.

Q And Joanne maybe once?

A Joanne, I would say three times.

Q Three times?

A Two or three times.

Q In the four-year period?

A Yeah.

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2

Q But you don't know what the quantity or the type of material that was thrown out was?

4

5

A No.

6

Q But it came from this building?

7

A From here, yeah.

8

Q Where we are sitting today?

9

A Yes, downstairs. They got a storeroom downstairs.

10

11

Q Was that storeroom for records?

12

What was in that storeroom?

13

A Everything. Whatever they didn't use or they didn't need or whatever, went down in the basement.

15

16

Q Anything from records to what else, just so I have an idea of what could be in there?

18

19

A They kept coffee in there. They kept all kinds of junk in there. Really, basically -- they had a Christmas tree down there, balls for decorating the Christmas tree. Anything from soup to nuts.

21

22

23

24

Q Records, too?

25

A Yeah. I think they kept records

1  
2 up here, too. I don't know how much of it.  
3 That's what they kept down there. That was  
4 behind John Costello's office.

5 Q The materials, whatever they were  
6 that were being thrown out, were coming from  
7 that storeroom; is that your belief?

8 A That's my belief, yeah.

9 Q If I mention to you the term  
10 Westchester Resco, what does that mean to  
11 you?

12 A That's the burning facility up in  
13 Peekskill.

14 Q This business here, and the  
15 companies that work out of this location, do  
16 they have occasion to use Westchester Resco?

17 A Yes.

18 Q Yes?

19 A Yes.

20 Q Have you ever been to the  
21 facility, itself, at Westchester Resco?

22 A Yes.

23 Q Do you know any of the people  
24 that manage or are responsible for operation  
25 of that site?

1  
2 A I knew the loader operator, I  
3 don't know his last name, John. I knew  
4 another John, he was in the office around the  
5 back, down the bottom, but I know -- what's  
6 the heck's his name in the office there --  
7 Bruno Campi.

8 Q Who is Bruno Campi?

9 A I guess he's in the office. He  
10 is not on the scale, he works in the office.  
11 I guess he controls all records and stuff.  
12 He keeps -- now there's a new girl in there  
13 with him, Edith. I don't know her last name.  
14 They take dump tickets, weights and what have  
15 you.

16 Q What type of trash or waste, to  
17 be more correct, does Westchester Resco  
18 handle?

19 A Anything that burns. That's my  
20 assumption.

21 Q To your knowledge, does that  
22 organization, Westchester Resco, publish a  
23 description of the types of waste they take,  
24 and the types of waste they don't take?

25 A Outside they have a sign with all

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the stuff.

Q Have you, yourself, ever seen that sign?

A I've glanced over it, yeah, sure.

Q Would it be fair to state there are some things they take and there are some things they don't take; is that true?

A Yes.

Q Wouldn't it be fair to say that they certainly don't take C and D; isn't that true?

A Right.

Q Is there anything else that you know that they certainly don't take?

A Animal carcasses, tree stumps. It's a long time since I have been up there. I know they don't take hazardous waste or any kind of chemicals.

Q Just do the best you can.

A Okay.

Q Could you describe what waste, that is hauled by trucks from this facility, is taken to Westchester Resco? What are the categories and what companies take to that

1

2

Westchester Resco?

3

A All the Town trucks go there.

4

Q The residential?

5

A The residential and commercial.

6

Q And the commercial?

7

A And the commercial.

8

Q Is there any category of, lets

9

say, MSW, that you don't take to Westchester

10

Resco as a routine matter?

11

A I don't understand what you mean

12

by "MSW."

13

Q Let's just say waste. I mean

14

commercial or residential waste. Is there a

15

category, other than the ones you've

16

described, that doesn't go to Westchester

17

Resco?

18

A Not to my knowledge, outside of C

19

and D.

20

Q C and D, plus those categories

21

you've described that don't go there?

22

A Right.

23

Q Let me ask about Mount Pleasant

24

residential waste.

25

A Right.

1

2

Q How does Mount Pleasant

3

Sanitation -- because that's the company that

4

handles it; right?

5

A Yes.

6

Q -- how does Mount Pleasant

7

Sanitation get paid for the service rendered

8

to the residents of Mount Pleasant? How does

9

the billing go?

10

A I don't know how they bill them,

11

but I know, I guess, the Town Clerk sends the

12

check to the company.

13

Q How does Mount Pleasant, the

14

company, Mount Pleasant Sanitation, how does

15

it earn its income; what does its income come

16

from?

17

A From the Town of Mount Pleasant.

18

Q How does the billing go? How

19

does the service that you provide, that Mount

20

Pleasant Sanitation provides, get paid to

21

this company, to Mount Pleasant Sanitation?

22

MR. BLOCH: Talking about Mount

23

Pleasant residential?

24

MR. MACK: Yes.

25

A They would be paid from the Town.

1  
2 In other words, the Town of Mount Pleasant.  
3 They pick up the residential garbage in the  
4 whole town, including Valhalla, Thornwood,  
5 parts of Pleasantville that are not in the  
6 Incorporated Village of Pleasantville,  
7 Hawthorne, Thornwood, Valhalla and parts of  
8 Pleasantville and Briarcliff, that are not in  
9 the Incorporated Village. The Incorporated  
10 Villages of Briarwood and Pleasantville have  
11 their own sanitation department, but there's  
12 people in the Town of Mount Pleasant that  
13 have Pleasantville and Briarcliff mailing  
14 addresses, but they are in the Town of Mount  
15 Pleasant, and we pick them up.

16 Q A Mount Pleasant Sanitation truck  
17 leaves here in the morning, on the day of its  
18 assignment. What are the days for Mount  
19 Pleasant residential pickup?

20 A Monday, Tuesday, Thursday,  
21 Friday.

22 Q It goes out on its route, makes  
23 its pickups?

24 A Right.

25 Q When the truck gets reasonably

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full, or it's time to dump, what happens;  
what does that driver -- where does he go?

A To Resco.

Q What does he do when he gets to  
Resco?

A He goes on a scale.

Q Does he get a ticket?

A He gets a ticket, yeah.

Q After that, the truck returns and  
goes about its business; it doesn't collect  
any money or any cash or anything of that  
nature; right?

A No. That's paid through the  
Town.

Q Tell me, when Resco gets the  
tickets, accepts that load, how does that  
service get paid for; what does Resco do,  
what does the Town do?

A Resco sends the bill to the Town.

Q And that bill, have you ever seen  
a bill from them?

A No, I never seen it. I seen a  
dump ticket.

Q And the bill to the Town of Mount

1  
2 Pleasant, does it reflect a break-out between  
3 the dump and hauling? Is there a separation  
4 between dumping and hauling?

5 MR. BLOCH: He said he didn't see  
6 the bill.

7 Q As far as you know, all right --

8 MR. BLOCH: He said he saw a dump  
9 ticket.

10 MR. MACK: I'll continue and ask.

11 Q I'm just trying to figure out,  
12 this company, what it gets paid for. In  
13 other words --

14 A It gets paid for the pickup.

15 Q Just for the hauling; isn't that  
16 right?

17 A Right.

18 Q Because the Town of Mount  
19 Pleasant pays for the actual tonnage or  
20 weight that Resco is accepting; right?

21 A Yes.

22 Q And Mount Pleasant Sanitation,  
23 the company, gets paid for the hauling of  
24 that waste; isn't that a fair --

25 A Right.

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Q You may not know the answer to this, but do you know what the people who get the bill -- is there a separate bill for the hauling component, if you know? In other words, I'm trying to figure out how the money for hauling gets to Mount Pleasant Sanitation. How do you get paid for the service?

A I'm assuming that the Town sends them a check, or they send them a bill. It comes up for bid. You put a bid out, and whoever gets the bid picks up the garbage, and I'm assuming that the Town sends them a check.

Q All right. But you don't know exactly how that is figured?

A No.

Q You've never seen the Mount Pleasant contract?

A No. I never got involved in that. That's something that Mattie used to do, and Toby, and I guess Mattie and Allied now, or whatever.

Q Does Mattie still have a function

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here? Has he been on the premises?

A Not to my knowledge. I have no idea. I haven't seen him since before he went to Florida after his operation.

Q Have you spoken to Matt Hickey since?

A He called a couple of times.

Q When was the last time you spoke to Matt Hickey?

A Friday; Thursday or Friday.

Q Was that by telephone?

A Yes.

Q And what did you gentlemen discuss?

A He just called to say hello, "How are you doing?"

Q Did he call you or did you call him?

A He called me.

Q Did you gentlemen discuss the fact that you were going to be questioned today by me?

A No.

Q Did you discuss any

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business-related matter?

A Just that he was down, Mount Pleasant, and one of the -- he was renting a tool or something from one of our customers, and he asked me if I could switch a container. "The guy has been calling for two or three weeks, he says the bottom is rotted out and whatnot." I says, "Why doesn't he call me?" He says, "He has been calling for three weeks." Apparently, he was calling the other building.

I said I'll check into it.

Q What's the name of the customer?

A Decker Tool Rental.

Q Just to go back to Mount

Pleasant, the example, is it important that the Mount Pleasant Sanitation vehicle that is arriving at Resco, only contain waste from those residences covered by the contract?

A Yes.

Q It is important that there's no commercial customer in there, or a customer from some other town; isn't that true?

A No.

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Q Isn't it true, though, that it is important that only the customers covered by the contract are to be taken in that Mount Pleasant truck that's going to Resco?

A Right. Exactly.

Q Can you explain why it is that way?

A Because it's Town garbage.

Q Do you know what identifying steps are taken at Westchester Resco, to make sure that that particular truck is identified with a particular town that it is picking up for?

A They have a code on the side of the truck that the camera picks up.

Q It is a bar code, isn't it?

A A bar code.

Q That bar code says: This is a truck that is carrying waste that is to be billed to that particular town; isn't that true?

A Correct.

Q And it would be a violation of the contract if, in fact, waste from some

1  
2 other customer not covered by the contract,  
3 or some other town not covered by the Mount  
4 Pleasant contract, were included in that  
5 vehicle; isn't that true?

6 A Yes.

7 Q Because then the Town would end  
8 up paying for waste that wasn't theirs?

9 A Right.

10 Q Do those same rules cover the  
11 residential pickups for Yorktown?

12 A Yes.

13 Q So it is the same rule, the only  
14 waste in that truck under the Yorktown  
15 contract is Yorktown waste?

16 A Yes.

17 Q If, in fact, some other type of  
18 waste or some other customer's waste not  
19 covered was included in that truck, the  
20 result would be Yorktown would be paying for  
21 waste that wasn't theirs?

22 A Of course.

23 Q In fact, if that customer was not  
24 part of Yorktown, he would be paying for  
25 something that was of no cost, at all; isn't

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that right?

A Right. Let me go one step further now: There are spare trucks in the yard.

Q Explain to me what that means.

A We have four or five extra trucks in the yard. If a truck breaks down, they will use one of these spare trucks.

Now, before Allied, okay, the bar code, a lot of them said "Valley Carting." I don't know how it reads now, but sometimes Mount Pleasant will break down, they will use a Valley truck; or, vice versa, sometimes the Valley truck can break down and they will use -- like they got -- 53 is an old Mount Pleasant truck, the bar code on it might read "Mount Pleasant." When the driver gets there, he tells the guy in the scale house it's Valley garbage, so Valley gets charged for it.

54 used to be a spare truck. 53 is a spare truck. 61 is a Hudson truck. That's a spare truck. What's the other one? 55 is a Valley truck, it's a spare truck.

1  
2 You have four spare trucks. If one breaks  
3 down, they will use the other one. When the  
4 driver goes up on the scale, he has to tell  
5 them, "This is Mount Pleasant garbage."  
6 Mount Pleasant garbage, whatever.

7 Q Who is responsible to explain to  
8 the drivers the importance of ensuring that  
9 when a load comes in for Mount Pleasant or  
10 Yorktown that, in fact, the only waste that  
11 they could be carrying is waste that is  
12 covered by those residential contracts?

13 Whose job is it here, in terms of  
14 a supervisor, to make sure that the drivers  
15 know how careful they have to be about  
16 ensuring that the only waste they are  
17 carrying, and which they are dumping, is the  
18 waste under that particular contractor that  
19 they are servicing?

20 A It is everybody's job.

21 Q Tell me who.

22 A Mattie, myself, Aaron's;  
23 everyone. The driver, he is more responsible  
24 than anybody because he is there.

25 Q But I want to make sure I

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understand who -- let me start with how that explanation has been conveyed.

Is there a written document that you can refer me to, that sets forth, with clarity, or sets forth, in any way, the importance of ensuring that a Mount Pleasant truck is only carrying Mount Pleasant waste, that a Yorktown truck is only carrying Yorktown waste?

To make sure there's no other commingled waste, is there a document you can refer me to?

A Not to my knowledge.

Q Do you have a recollection of Matt Hickey explaining to the drivers the importance of ensuring that you do not commingle waste that's not part of the residential contract?

A I don't ever remember him specifically saying something like that, no, but it's common knowledge.

Q When you say "common knowledge," I want to be careful here, because I want to tell you that, as a general rule, it may not

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Cardillo

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be as common as you would hope it to be.

3

That's why I'm trying to make sure that I

4

understand why it is common.

5

Maybe the people at Westchester

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Resco hand out something which has come back

7

here. You know, there could have been a

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training class, there could have been a

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document.

10

Did you, yourself, ever sit your

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drivers down in a group, the ones who were

12

doing Mount Pleasant or who were doing Hudson

13

Waste, and say: Listen, this is something we

14

have to be careful about, we have to ensure

15

that Yorktown is only paying for its waste

16

and Mount Pleasant is only paying for its

17

waste; we can't mess around with this?

18

Did you, yourself, ever

19

participate in that type of instruction?

20

A No.

21

Q Do you know anybody here who did?

22

A No.

23

Q Are you aware of any company or

24

person that has been prosecuted, in the

25

business, I'm talking about the waste carting

1  
2 business, in Westchester County, for being  
3 sloppy about carrying waste and billing it to  
4 a town when, in fact, some of the waste being  
5 dumped wasn't that town's? Are you aware of  
6 any prosecution in that area?

7 A Yes.

8 Q Tell me what you are aware of.

9 A DiSalvo.

10 Q Right?

11 A And Carlucci.

12 Q They were prosecuted for doing  
13 what? What's your best understanding?

14 A Only what I read in the paper.  
15 They were picking up commercial garbage and  
16 dumping it under the Village.

17 Q When you read that in the paper,  
18 did you, yourself, bring that subject matter  
19 personally to the attention of the employees  
20 here at the companies at Valley?

21 A No, not really.

22 Q You didn't. I'm only asking you  
23 about you, at the moment.

24 A No.

25 Q Did Matt Hickey, or anyone else,

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to your knowledge, bring this topic to the attention of the drivers here?

A I don't remember them doing that.

Q You don't remember whether they did or didn't?

A Did or didn't, I couldn't answer for sure.

Q This is a broad question, but in the course of your work as a dispatcher, to your knowledge, did you, yourself, ever direct, or cause a truck that had a Mount Pleasant, in other words, that was assigned to Mount Pleasant, whose bar code was Mount Pleasant, to pick up waste that was not Mount Pleasant waste?

A No.

Q You're certain of that?

A Yes.

Q What if I told you that there was evidence that that had happened from time to time, that, in fact, a truck assigned to Mount Pleasant had been directed to go to Yorktown on certain occasions and pick up Yorktown residential waste and combined the

1  
2 Yorktown waste with the Mount Pleasant on the  
3 following day; would you be surprised if  
4 there were records to that effect?

5 A Yes, because -- why would they do  
6 that?

7 Q I don't want to -- I can come up  
8 with a number of reasons, but what I'm asking  
9 you will -- I want you to think very  
10 carefully about this, because we've spent  
11 some time going over the records, and just  
12 for the moment, let's take it as a  
13 hypothetical, that there are examples of that  
14 type of situation, all right, in which  
15 waste -- a Mount Pleasant truck dumps and  
16 then proceeds to go to Yorktown and picks up  
17 Yorktown residential waste.

18 A After he dumped? Oh, yes. Yes.

19 Q What do you expect that truck to  
20 do?

21 A Go back to the dump and dump  
22 under Yorktown.

23 Q So that's what I want to make  
24 certain that we have clear.

25 A You lost me there for a minute.

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2

I thought you meant they were going directly  
3 up there.

4

Q That's why we should go carefully  
5 and slowly, so we make sure.

6

7

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So there are situations, there  
are situations where the Mount Pleasant  
routes get finished early, they have their  
work done?

10

A Or vice versa.

11

12

Q Let's deal with Mount Pleasant.  
We'll do the other one in a moment.

13

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Is that on any particular day  
that that is likely to occur?

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A Not really. Not any given day,  
no. Maybe on a holiday.

17

Q How about on a Monday?

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A No. No. No. If they have a  
spare truck out, like sometimes a week after  
a holiday or something they will have a spare  
truck, they have spare men in the yard, they  
will send somebody up to Yorktown, a spare  
truck, if they have two trucks available and  
four men, they will send one up in Yorktown,  
one down in Mount Pleasant, to pick up a

1  
2 couple of hours from everybody and go to the  
3 dump.

4 If there's one available, they  
5 will go up, spend three, four, five hours up  
6 in Yorktown, go and dump and go down to Mount  
7 Pleasant and finish up down there.

8 Q Let's take one example. We'll go  
9 through a couple of them. Bear with me here.

10 Let's say a Mount Pleasant truck  
11 with a Mount Pleasant bar code doing Mount  
12 Pleasant residential work, so that every time  
13 it comes in to Resco, unless the driver does  
14 something, that's going to be billed to the  
15 Town of Mount Pleasant?

16 A Yes.

17 Q The Mount Pleasant truck gets  
18 finished early, for whatever reason. Are  
19 there occasions when you've instructed that  
20 truck to go and help out with Yorktown waste?

21 A Sure. Not as much as the  
22 opposite way.

23 Q Let's deal with this one and  
24 we'll go the opposite way in a moment.

25 In this situation where you've

1  
2 instructed a Mount Pleasant driver and helper  
3 to go down and help out with Yorktown, do you  
4 instruct them about anything else? Do you  
5 tell them that when they go down to Yorktown  
6 and do Yorktown pickups, you tell them what  
7 they have to do after they finish that?

8 A Yeah. If they got time enough to  
9 go to the dump, they dump; if not, bring it  
10 in and dump in the morning.

11 Q Do you instruct the drivers that  
12 before they can go back to Mount Pleasant,  
13 they have to dump their Yorktown waste under  
14 a Yorktown --

15 A Of course.

16 Q Of course; right?

17 A Of course.

18 Q Because otherwise Mount Pleasant  
19 would be billed for Yorktown waste; isn't  
20 that true?

21 A Of course. Sure.

22 Q And it would be the same  
23 reversed, if a Yorktown truck got finished --  
24 do you do this more often, would you instruct  
25 a Yorktown driver, who is done early, to go

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up and pick up Mount Pleasant waste?

A Sure, I've done that.

Q When that happens, do you instruct that driver that he has to go to Resco?

A Sure.

Q And dump his Mount Pleasant work under a Mount Pleasant --

A Well, you see, if he is doing Yorktown first, he dumps Yorktown, then goes down.

Q Then goes to Mount Pleasant?

A Then goes to Mount Pleasant. And they finish up in Mount Pleasant, he brings it in loaded.

Q Here?

A In here -- loaded, because it is late, five, six o'clock, they bring it in. The following morning, before they go to work in Yorktown, they have to go to the plant and dump it under Mount Pleasant.

Q Have you instructed your drivers, when a Yorktown truck is carrying Mount Pleasant waste?

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A Sure. They all know it.

Q How do they ensure that, in fact, the right town gets billed? What do they do when they get there, because they have a bar code of their normal --

A They have to tell the guy in the scale house.

Q How do you ensure that they do that? How do you check that they have done that; in other words, that, in fact, they have not billed the wrong town?

A There's dump tickets.

Q I know. Do you check the dump tickets yourself?

A Yeah. From time to time, in the mornings, yes, when I put the dump tickets away -- you know, I don't actually tell them: Is this yours? Did you dump this? No, not really. When they come in, in the afternoon, on that side over there, there's different racks. I don't know if you saw it.

Each rack is for a different landfill or dump site, and they put the tickets in there on their own, and then I

1  
2 just used to get them out and put them  
3 together, if they were Yorktown, separate  
4 them, because they put all Resco tickets in  
5 one thing. I would separate Mount Pleasant  
6 Hudson, Mount Pleasant, Hudson, Yorktown.

7 There's a drawer where they keep  
8 it by the month. At the end of the month,  
9 you put them in rubber bands and send them to  
10 Joanne.

11 Q Based upon your own oversight,  
12 did you, yourself, take any steps to ensure  
13 that, whether it is a Mount Pleasant driver  
14 picking up Yorktown, or a Yorktown driver  
15 picking up Mount Pleasant, that when, in  
16 fact, they went to Resco, they billed the  
17 right town?

18 A No, not really. I probably  
19 didn't. I wasn't probably that efficient.

20 Q Did anybody, as far as you know?

21 A Not to my knowledge.

22 Q Let's go through this  
23 hypothetical situation again. Which is more  
24 likely to have occurred, a Mount Pleasant  
25 truck finishing early and going down and

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taking Yorktown, or a Yorktown truck finishing --

A Yorktown.

Q A Yorktown truck does its route, it's finished. Is it the dispatcher that says: Hey, why don't you go up and help out Mount Pleasant? Who makes that decision, that the Yorktown truck should go up?

A Like I used to tell John Brigante, "I know the routes that are getting done 11:00, 11:30, 12:00. These guys down here are later. After they get done with the dump, tell them to give you a call. When they give you a call, instruct them where to go."

Q Let me talk about when you were doing it, because I can talk to John. When you were doing it, a Yorktown driver finishes his residential route 11:00, 12:00 -- I want to use the time that makes sense to you.

A 1:00, 1:30.

Q So how frequently would you say that you would ask that Yorktown driver to go up and help out with Mount Pleasant?

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A From time to time. Not all the  
3 time.

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Q How many times a year would you  
say, how many times a month; anything that's  
easy for you?

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A Two, three times a month.

Q Okay. Two, three times a month?

A Yes.

10

11

Q That Yorktown driver has a  
Yorktown bar code on his truck, goes up?

12

A Right.

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Q Is there any particular Mount  
Pleasant route that you would ask him to pick  
up on? How would you know where to send him?

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A Call the driver, ask him to go to  
this area, that area, whatever. I tell him  
to call the driver from down in Mount  
Pleasant, and if he wasn't familiar with the  
route, make him switch helpers, because the  
helper from Mount Pleasant --

22

Q Would go to the Yorktown driver?

23

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A Would go with the Yorktown driver  
and he would know the route.

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Q Just deal with this, that

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Cardillo

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Yorktown goes up and picks up Mount Pleasant  
3 waste.

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A Right.

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Q And then is that driver likely --  
or what you've described, is that driver  
going to come back here, or is that driver  
going to go to Resco and dump?

9

A Depends on the time.

10

Q How do you figure that out?

11

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A If he is in the 4:00 range, he is  
going to the dump. If it's closer to 5:00,  
he comes into the yard.

14

15

Q Let's take the situation of where  
he comes back to the yard.

16

A Right.

17

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Q It is a Yorktown driver, but he  
has Mount Pleasant waste in his truck.

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A Exactly.

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Q How do you ensure the next day --  
because he is going to go back out and do  
Yorktown, right -- how do you ensure that  
that driver goes up to Resco and dumps the  
Mount Pleasant waste before starting the  
Yorktown? How do you ensure that happens?

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A You got to tell him, or he should  
3 know it.

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Q Take one at a time.

5

A Okay.

6

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Q This is the time period when  
you're the dispatcher, you're the man who, in  
8 a sense, has control over the yard and the  
9 drivers.

10

A Right.

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Q The Yorktown driver comes back,  
whatever time it is -- what time do you want  
your drivers back here?

14

A It can't go past twelve hours.

15

Q So they start about 5:00 or 6:00?

16

A 5:30.

17

18

Q They have to be back here 5:30 or  
6:00?

19

A No later.

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Q So the Yorktown driver comes  
back, he is one that you've dispatched up to  
pick up Mount Pleasant --

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A Right.

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Q -- and he's got waste in his  
vehicle.

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Cardillo

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A Right.

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Q So you know that. What steps, if any, do you take to ensure that he goes back to Resco first thing in the morning, before he starts his Yorktown waste, because if he goes out to Yorktown, he can't do it; right?

A No.

Q Because he is going to be mixing Mount Pleasant and Yorktown waste?

A Exactly.

Q How do you ensure that he goes up to dump?

A There's no way of really ensuring it. He knows he is supposed to do it. It's common knowledge.

Q We can discuss the common knowledge in the future, but what I'm asking now is, from your point of view as a manager, maybe it wasn't your job to see this, all right --

MR. BLOCH: You think a dispatcher is a manager?

MR. MACK: Has a responsibility of supervision. I consider that a

1  
2 manager's position. It is a management  
3 position.

4 Q You have the right to oversee and  
5 supervise?

6 A Yeah. I could tell the men, you  
7 know, do this, do that. If they don't want  
8 to do it, then they talk to Mattie.

9 Q I'm not trying to demean the  
10 position. I think it is a responsible  
11 position. Tony can correct me if I'm wrong.

12 We are back in our hypothetical  
13 situation. In terms of responsibility within  
14 this series of companies, okay, you have a  
15 Hudson Waste truck with Mount Pleasant waste.

16 A Right.

17 Q It is 5:30 in the morning.

18 A Right.

19 Q Do you direct, do you make a  
20 practice of directing that driver: Go to  
21 Resco and dump before you start your Yorktown  
22 route?

23 A Do I go up to the man and say,  
24 "You have Mount Pleasant garbage, make sure  
25 you dump under Mount Pleasant before you go

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to Yorktown?

Q Yes.

A No. It is his responsibility to know it, also.

Q I want to try to figure it out. You don't consider it your responsibility to do that?

A Well, I don't know. You're in a Catch-22 over there, on that question, because --

Q Explain it to me.

A If the guy came to work yesterday and did that today, it would be my responsibility to tell him. But if the guy is working on the job two years, three years, four years, it is his responsibility, he should have known not to do that. He knows the difference. All the men know the difference between mixing Mount Pleasant garbage and Hudson garbage. They should know it.

Q How should they know it?

A They are trained, told. Everybody knows. You know, like I said, it's

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common knowledge. They know what they are supposed to do.

Q Let me pick the period that Aaron Deems has left. I'm now defining this time period, because I'm trying -- Aaron has left, you're in the office, Matt Hickey is the what, general manager --

A Yes.

Q -- general manager. Who is under Matt Hickey in terms of responsibility for this space? Is there anybody between you and Matt in terms of oversight?

A Not really, no.

Q You're the second in command?

A Well, yeah, okay.

Q Matt Hickey, when he was here, was he here at five or six o'clock in the morning to turn the trucks out or get the drivers out?

A No.

Q When did Matt Hickey normally arrive?

A Eight, nine o'clock.

Q So, in essence, you're second in

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command and you're the person there; correct?

A Yes.

Q So if I walked in, let's say, at 5:30 in the morning, before the trucks went off on their routes, would you be able to tell me what trucks were carrying waste outside of their normal assignment? Was that something you had in mind when you came in, in the morning?

A Yeah, I could do that, sure.

Q But if the driver -- correct me if I'm wrong -- if you had an assigned driver who had been here a number of years, you would assume that that driver knew, of his own volition, that he had to dump first before going out to his normal assigned route; is that correct?

A Yes.

Q Is that a fair statement?

A Yes.

Q Did you, yourself, double-check? I may have asked this question already, all right, but did you, yourself, ever go back to make sure that the drivers who you relied

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upon were doing that?

A           The only time I would  
double-check is if they used the spare truck  
in any situation. In other words, if one of  
the spare trucks in the yard -- because then  
you had to be more precise, because you  
didn't know -- in other words, say the guy  
was driving 74, breaks down, you give him 55,  
the next day 55 is the spare, 74 is fixed, he  
is going back on 74, 55 is in the yard with  
Mount Pleasant garbage. Somebody is going to  
take that truck to do a route. Yes, that's  
got Mount Pleasant garbage on it, "Make sure  
you get rid of it under Mount Pleasant."  
Yes, I would do that.

Q           Do you have any recollection of  
specific incidents in which you, yourself,  
did that?

A           Yeah, from time to time. I don't  
remember specific instances, no. Yeah, from  
time to time I've done it, sure.

Q           Let me ask you something, because  
we have been over a lot of the records, okay?  
Let us assume, for the moment, that when we

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2 are able to determine, on a fairly frequent  
3 occasion when a town vehicle, let's say a  
4 Yorktown vehicle, picks up Mount Pleasant, or  
5 a Mount Pleasant vehicle picks up Yorktown,  
6 in other words, they are out of their normal  
7 assignment, wouldn't you expect that this  
8 dump ticket, and Resco, on the next day,  
9 would occur early in the morning so that, in  
10 fact, the waste from the out of town would be  
11 dumped before that truck went out? Wouldn't  
12 that have to be true?

13 A Yeah, sure.

14 Q Because it couldn't dump on the  
15 second day one time without mixing waste;  
16 isn't that true?

17 A Right.

18 Q Did that ever come to your  
19 attention, that, in fact, the drivers were  
20 not dumping in the early morning, they were  
21 dumping at the end of the day on the second  
22 day? Did that ever come to your attention?

23 A No.

24 Q That would be a troubling fact,  
25 wouldn't it?

- 1
- 2 A Oh, yeah.
- 3 Q Yes?
- 4 A In other words, you're saying
- 5 that these guys went and helped another town
- 6 out, and then went right onto their route the
- 7 next day?
- 8 Q You bet.
- 9 A If they would have got caught,
- 10 they would have got fired.
- 11 Q That's a criminal offense.
- 12 A They would have been fired, no
- 13 question about it. If they did it, they did
- 14 it on their own.
- 15 Q That's what I want to make sure.
- 16 A Because the company doesn't
- 17 benefit anything by it.
- 18 Q Not only that, do you know what
- 19 the contracts say about that happening?
- 20 A You could lose the contract.
- 21 Q You could lose the contract,
- 22 could be fined. It is something that has to
- 23 be reported to the District Attorney, so it
- 24 is a very important thing?
- 25 A Right.

1  
2 Q What I'm trying to find out is,  
3 that before we, in the monitorship, started  
4 to look at that situation, okay, did it ever  
5 come to the attention of anyone, to your  
6 knowledge, that the drivers weren't dumping  
7 the next morning, in the morning, to get rid  
8 of their out of town waste?

9 A No, never had no knowledge of it.

10 Q So let me ask this, and this is  
11 an important question, let me at least -- I  
12 want you to think about this, because we've  
13 interviewed a lot of the drivers, from time  
14 to time, and drivers, they have their own --  
15 I'm not saying they are gospel singers and  
16 priests and rabbis, they may have their point  
17 of view and what have you, but if we had  
18 information that said that there were times  
19 when you told, or were aware, let me put it  
20 that way, that if the level of garbage in a  
21 truck the next morning was light, in other  
22 words, not a full truck, that you knew that  
23 they would go back out and do their normal  
24 route even though they had waste from another  
25 town in their truck, would they be lying to

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us if they told us that?

A I would assume so, yeah.

Q You think about it. I have to say that there is evidence that -- whether that's reliable evidence and whether it's evidence that I can rely upon, is open to question. We are looking at records and that's one of the reasons we are talking to you, because I want to hear your side, and I'm trying to be fair.

I am also looking at the records that have been brought to our attention, and we spent some time looking at, but if I were to say there is evidence which said, as a procedure, when the driver from a town that was going to help out another, on the following morning had a light load or had maybe two or three tons, whatever it is, in their truck from the out of town, that they were frequently told to go back to their normal route and mix waste; would they be lying if they said that?

A To my knowledge. I don't remember telling anybody that.

1

2

Q Do you know whether or not anybody told them that?

3

4

A No, I couldn't tell you that. I don't know.

5

6

Q May I make a suggestion with respect to -- I'll make the same suggestion directly to Mr. Brigante before I leave today -- how important it is to ensure that waste is not mixed from the various towns, and you would be wrong to assume that your drivers are aware of this subject, okay? You need to ensure that if you pick up from an out of town, that you've got to dump it under that town before you go and pick up from another town.

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A Right.

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Q So you should not rely anymore, whether it's -- you're not doing residential now, anyway?

21

A I haven't done it in six months.

22

23

24

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Q I'll talk to John about it. But I want you to be certain that assumption is frequently not the best thing, that, in fact, the drivers may not have been clear on this

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point.

A I understand.

Q And I'm going to tell this to John before I leave today, that there may be current evidence that this process continues. All right?

A Okay.

Q So whether it is or isn't, I'll rely on the records and what have you, but it is extremely important, to say the very least.

A Of course.

Q You're not handling -- I'm going to talk to you about what you're doing now in a little while.

A I haven't done that in six months or more.

Q I do want you to search your memory, Tony, search your memory, because I have to tell you, whether there be any question about it or not, that this was a practice that you -- this is evidence, and it doesn't mean I have to accept that evidence as true. You may want to talk to Mr. Bloch

1  
2 about it, that, in fact, you were in error,  
3 I'm not saying all the time, but on  
4 occasions, and I don't know if "numerous" is  
5 the right word, frequent might be the right  
6 word, because I don't see how -- and you  
7 agree with me in a sense -- how a truck  
8 that's been asked to help out in another town  
9 can then go back on its route and not dump  
10 until the end of the day. It can't happen  
11 without there being mixed waste.

12 A Of course.

13 MR. BLOCH: I just have one  
14 question. What is it that Mr. Cardillo  
15 would gain by authorizing this practice?  
16 By the same token -- personally, what  
17 does he gain --

18 MR. MACK: I'm not going to  
19 answer, but it is a much more efficient  
20 way to run your operation.

21 MR. BLOCH: It is Allied's  
22 operation, not his, as opposed to what  
23 motivation would a driver have to do  
24 this?

25 MR. MACK: You can make whatever

1  
2 arguments you want to make about why  
3 this practice, if it is a practice, went  
4 on. The point is, I'm trying to get to  
5 the facts, and you can make whatever  
6 argument you want to make after I draw  
7 the conclusions.

8 The question is whether it  
9 happened or didn't happen, all right?  
10 That's really what I'm looking at. I'm  
11 asking Mr. Cardillo if he knows about  
12 it, and what are the ways to help assess  
13 whether it happened or not. We are not  
14 talking about who gains what.

15 MR. BLOCH: It certainly goes to  
16 the believability. You said before that  
17 drivers said they did this.

18 MR. MACK: I want to make sure --  
19 I'm not -- I'm going to think about it.  
20 If you think that is dispositive, the  
21 drivers have more of a motivation to do  
22 it, then your client wouldn't have a  
23 motivation to do it?

24 MR. BLOCH: Yes.

25 MR. MACK: We'll let you know.

1  
2 You can make whatever argument you want.  
3 I'm trying to figure out whether the  
4 practice happened and whether your  
5 client knew anything about it, and how  
6 the system was supposed to have worked  
7 to ensure it didn't happen.

8 MR. BLOCH: Have the drivers been  
9 under oath?

10 MR. MACK: Maybe you got this  
11 wrong here, all right? Maybe you  
12 didn't -- maybe you have become Monitor  
13 recently.

14 Let's take a ten-minute break, if  
15 we may.

16 (Short recess taken.)

17 MR. MACK: Back on the record.

18 Q I think this goes without saying,  
19 but I want to make certain that you agree  
20 with me on this: Talking about Mount  
21 Pleasant and Yorktown residential routes,  
22 obviously, if there were commercial stops  
23 that were made, and commercial waste was  
24 included in the truck that was being dumped  
25 under residential, that would also be wrong,

1

Cardillo

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2

that would not be consistent with the

3

contract; isn't that true?

4

A Yes.

5

Q I want to show you something

6

which I'm going to mark. This is what I told

7

you I was trying to do in understanding why

8

this would be so, and this happens, from time

9

to time, and I'm going to mark it as Monitor

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1000, but from time to time, we find -- this

11

is Monitor 1000. It consists, basically, of

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two documents. Take a moment just to look at

13

that.

14

MR. MACK: I'm sorry I don't have

15

copies for everybody, but you can take a

16

look at what it is.

17

(Pause.)

18

(Driver's trip ticket, truck 73,

19

4/23/01, marked Monitor's Exhibit 1000.)

20

Q Look at the second sheet, as

21

well.

22

(Pause.)

23

A Okay.

24

Q Correct me if I'm wrong, I'm

25

trying to make sure I'm interpreting this,

1

2

but truck 73 would be Yorktown residential

3

waste; right?

4

A Right.

5

Q So its normal pickup should only

6

have consisted of Yorktown residential waste;

7

right?

8

A Right.

9

Q Well, attached to it is a slip

10

from a commercial, account, Absolute

11

Flooring?

12

A Right.

13

Q Which, at least, has been

14

identified to us as an extra pick up made at

15

the time. Now, would this commercial,

16

Absolute Flooring, be something that should

17

have been picked up?

18

A Could have been.

19

Q Explain it to me.

20

A After he dumped.

21

Q But if it had been picked up

22

before he dumped, it would be wrong?

23

A Yes.

24

Q Right. Because it was a

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commercial -- in other words, if he made this

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one stop at Absolute Flooring, he would have had to dump that before resuming --

A If he did it in the morning, yeah.

Q So that if we are able to determine that, in fact, it was done as part of this dump that was done here at between the 5:00 and 5:10 p.m., that would have been improper waste being dumped there for Yorktown; wouldn't that be true?

A No, unless he was picking it up on the way into the yard. I don't know which way he may have done it. No way of determining that now.

Q The next morning, if we looked at April 24, 2001, before this truck, the 73 truck, went out to do its Yorktown residential, it would have had to dump this Absolute Flooring; correct?

A Correct.

Q If we looked at April 24th and saw that there was no dump that morning, then we would have to assume that that commercial was included; wouldn't that be fair?

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A Yes.

MR. SOBOCIENSKI: Absolute  
Flooring, would you call that a driver  
ticket?

THE WITNESS: Yes.

MR. MACK: Why don't I mark it  
Monitor 1001.

(Extra pickup ticket marked  
Monitor's Exhibit 1001.)

Monitor 1000, basically, is a  
driver's trip ticket for truck 73 on  
April 23rd, '01.

Q Isn't that right? Take a look at  
it, Tony. The numbers mean nothing. It's a  
way to identify it. Tell me what Monitor  
1000 is.

(Pause.)

A He went and did the route, and  
then he dumped; then he dumped. And if he  
made an extra pickup, then he would have done  
it after the dump.

Q If he did it before the dump, he  
would be wrong, because the commercial was  
included with Yorktown?

1

2

A Right.

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Q If he did it after the dump, he would have had to dump at Resco, the commercial stop, before going out on his Yorktown route?

7

8

A Right, unless it was a Wednesday, the following day.

9

10

Q I think April 24th is a -- is it a Tuesday -- 2001?

11

12

MR. SOBOCIENSKI: The 24th is a

Tuesday.

13

14

Q If it was a Tuesday and he didn't dump right off, he would be wrong; right?

15

A He would be wrong.

16

17

Q Just so we get it right, 1000 is truck 73's driver's ticket for April 23rd, 2001; is that right?

18

19

A Okay.

20

21

Q You're the expert. I'm just, you know, trying to learn. You tell me what it is.

22

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A To tell you the truth, I'm trying to learn these myself, because I had no idea how to fill them out.

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Q If you don't know what it is, say you don't know.

A I know what it is. As far as filling it out, I never learned. We never did it when I was driving.

Q What would you call this? What is this document?

A This is his daily work sheet.

Q The driver's daily work sheet?

A This is what he fills out; right, what the driver filled out.

Q What would you call Monitor 1001; what would call that?

A That is an extra pickup.

Q What kind of a document is this? What do you call that, a pickup ticket? What's the term?

A He went and did an extra pickup, commercial account, he made out the ticket. That's what he did.

MR. MACK: I'll make copies of that for you and for Ilissa.

Q I'm not going to go through all the questions, but would it be fair to state

1  
2 that when you have, whether it's Mount  
3 Pleasant or Yorktown, residential drivers, it  
4 would be wrong for them to make commercial  
5 stops and combine that commercial waste in  
6 their trucks, and then dump it under the  
7 Town's ticket; right?

8 A Of course.

9 Q Right?

10 A Right.

11 Q I want to ask the question: Were  
12 there ever any occasions on which you told a  
13 residential route driver, whether Yorktown or  
14 Mount Pleasant, to add a commercial stop to  
15 their route?

16 A Not while they had residential  
17 garbage on, no.

18 Q Explain it to me. Under what  
19 circumstances?

20 A If somebody needed an extra  
21 pickup, so I would call a few trucks to see,  
22 basically, where they are, and if I get one  
23 truck on his way out of the dump and he is  
24 going to be closer -- I can make him go  
25 through Yorktown or whatever, pick up the

1  
2 commercial account, do an extra pickup on it,  
3 bring it into the yard.

4 Q I know it may be the same type of  
5 question, but take me through it again. So  
6 that would happen from time to time, you  
7 would ask a residential route driver, whether  
8 Mount Pleasant or Yorktown, to make a  
9 commercial stop if it looked like it was of  
10 convenience to that driver; is that correct?

11 A Right.

12 Q How would you ensure that that  
13 driver, who was normally a residential  
14 driver, would dump the commercial waste  
15 before starting off on their residential  
16 route? How would you ensure that happens?

17 A He should know to do it.

18 Q So you would rely on the driver's  
19 own knowledge?

20 A Of course. They are the eyes and  
21 ears out there. You're not there, you're not  
22 everywhere, you have to rely on the drivers.

23 Q Let's say you have drivers who,  
24 for one reason or the other, are too lazy --  
25 let's pick on the driver for a minute,

1  
2 okay -- they want to do whatever they want,  
3 they don't like to be ordered around; I don't  
4 care what the reason is. How do you, though,  
5 ensure that the company does not get  
6 jeopardized because you have drivers out  
7 there who, for one reason or the other, don't  
8 follow the rules? How do you avoid that?

9 A Well, you know, you have to be on  
10 it, you have to be on it constantly. You  
11 know, sometimes you're just not, sometimes  
12 it's just too much for one guy.

13 Q Would you say it was too much for  
14 you to do that?

15 A It is possible. When you got  
16 everything on your shoulder, you just can't  
17 think of every little thing. You assume the  
18 driver is doing the right thing. He knows  
19 what he is supposed to do, what he isn't  
20 supposed to do. If he doesn't do it, there  
21 isn't a lot you can do about it unless -- you  
22 have to think of every little thing every  
23 minute of the day. It's impossible. You're  
24 a human being, you can only do so much.

25 Q Well said. Did you ever go to

1  
2 anyone here, or anywhere, and say: Look,  
3 this is too much for one person to do, to  
4 ensure that we are complying with all of our  
5 rules and regulations, I need help; did you  
6 ever say that to anyone?

7 A Well, yeah. Aaron was supposed  
8 to help me. He was supposed to be my backup  
9 or whatever, while I was actually his backup.  
10 And then after he quit, then basically I was  
11 alone over there. But then Toby came over  
12 and helped me out a little bit, and then John  
13 Brigante showed up on the doorstep one  
14 morning.

15 Q When these things could have been  
16 happening, when you are relying upon drivers  
17 whom you say you assumed they would do the  
18 right thing, they knew what to do, did you,  
19 yourself, ever ask for help from anyone to  
20 help you ensure that they were doing what  
21 they were supposed to do? The stakes are  
22 high here; right?

23 A Yeah. No, not really. Did I --  
24 yeah, I said something to Mattie a few times.  
25 What period of time are we talking about?

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Q Let's talk about the period after you -- after March of 2001. I'm not going to say -- they occurred in 2000 and 2001. I'm not going to tell you they were limited to one year.

A Yeah, all right. I guess I was alone in the office, but only for a short period of time, because then John Brigante showed up.

Q When did John Brigante show up?

A I don't remember the date, I'm sure it was over a year ago, and then he became the boss here.

Q What I'm trying to find out --

MR. BLOCH: When you said it happened in 2000, was that during the period when Mr. Cardillo was following routes?

MR. MACK: As I say, the records are what they are. I'm trying to say they extend for both 2000 and 2001, so I'm going to ask a series of questions to try to pin down, for certain time periods, who would have been the persons

1  
2 responsible for ensuring that the  
3 Yorktown and Mount Pleasant contracts  
4 were being observed.

5 Q Let me divide it so it is easier  
6 to answer.

7 In the time period between May of  
8 1999, when our understanding is Allied took  
9 over, and the next four to six months, in  
10 other words, before Aaron is appointed site  
11 manager, who would be the people responsible  
12 to ensure that, in fact, Yorktown and Mount  
13 Pleasant residential waste contracts were  
14 being complied with? You?

15 A It would be Mattie's  
16 responsibility, and to pass on down to me and  
17 Aaron whatever, you know, had to be.

18 Q Before Aaron became site manager,  
19 he didn't have responsibility for -- I think  
20 you described it -- tell me, what were  
21 Aaron's jobs during the time period after  
22 Allied took over, until he was appointed site  
23 manager by Matt Hickey?

24 A His job was basically to do what  
25 I was doing.

1

2

Q So you shared duties with him?

3

A Shared duties with him, yeah.

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A Right.

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Q So in that four to six months, it would be Matt Hickey, Aaron Deems and Tony Cardillo?

16

A Right.

17

18

19

20

21

Q When your position was changed and Aaron became site manager and you were following trucks, would it be fair to state that you had no responsibility for overseeing it?

22

A Right.

23

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Q As I understand, there came a period, not too long after, when you became, although you weren't titled that way,

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dispatcher?

MR. BLOCH: Almost a year.

MR. MACK: I thought it was like  
a month or so he came back in.

MR. BLOCH: No. No.

MR. MACK: Let's make sure it is  
correct.

Q How long were you out following  
trucks and routes?

A A year.

Q A year? All right. Forgive me.  
That's why you have such able counsel, able  
to ensure I don't misstate the record.

For that year, the people  
responsible for ensuring that the contracts  
for Mount Pleasant and Yorktown were being  
complied with would have been Matt Hickey;  
right?

A Yes.

Q Aaron Deems?

A Yes.

Q Anyone else?

A Ian Wilson.

Q What was Ian's title, again?

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A I don't know. He was just in the office.

Q So approximately a year after Aaron becomes site manager, you return to the office in a dispatching type role?

A Yeah.

Q Would that be a fair way of saying then you rejoined those responsible for watching over where the drivers were dumping? Would that be fair?

A Yes.

Q In that period, when you resumed dispatching duties, the people responsible would be Matt Hickey; correct? You have to say yes or no.

A Yes.

Q Was Aaron still around or not?

A Yes, he was still around.

Q So Aaron until he left?

A Right.

Q You, Tony Cardillo?

A Right.

Q Anyone else?

A No.

1  
2 Q And then after Aaron left and  
3 until John Brigante arrived, the people  
4 responsible would be Matt Hickey and Tony  
5 Cardillo; would that be fair?

6 A Yeah.

7 MR. BLOCH: Can I ask a question?

8 MR. MACK: Sure.

9 MR. BLOCH: In that period of  
10 time, after Aaron leaves, before John  
11 Brigante comes, when you go on vacation,  
12 who handled your duties and  
13 responsibilities?

14 THE WITNESS: Mattie.

15 MR. MACK: Okay. Can I go on?

16 MR. BLOCH: Yes.

17 Q To your knowledge, and I know  
18 I've asked you this question in a series,  
19 like training or documents, was there ever a  
20 meeting with two people or more, in which the  
21 importance or subject of ensuring that the  
22 residential contracts were complied with, was  
23 it ever a subject of a meeting that you were  
24 present at?

25 A Not that I can recall, no.

1  
2 Q In other words, what I'm looking  
3 for, if it existed, Matt called everybody in:  
4 Hey, DiSalvo has just been convicted of a  
5 crime, make sure you do the right thing, you  
6 know the rules; was there ever a meeting like  
7 that, if you remember?

8 A No.

9 Q I think, just to complete this  
10 subject with respect to commercial waste, it  
11 was your assumption that if a driver -- first  
12 of all, that a driver would never mix  
13 commercial waste with a Yorktown or Mount  
14 Pleasant residential; if they did that, that  
15 was a breach of the contract, violation of  
16 regulations?

17 A And the union couldn't protect  
18 the job.

19 Q They were gone if they did that?

20 A Oh, yeah.

21 Q How did they know that? I mean,  
22 you know, did you ever fire anybody because  
23 they did that?

24 A No.

25 Q Did you ever have a discussion on

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that topic with a union representative?

A Not to my knowledge, no.

MR. BLOCH: Maybe you should let him answer the question. How would they know? Wasn't that the question?

MR. MACK: I didn't ask that.

MR. BLOCH: I thought that was the first part of it. Maybe I'm mistaken.

Q I'm trying to ensure how the drivers would get wind of the fact that the union contract would not protect them if they violated the contract. How did the drivers know that?

A Well, in the contract, it's a form of stealing, so the union couldn't protect them if they were stealing.

Q So --

A I guess it would be a form of stealing. You know, I don't know.

Q Was that, the seriousness of that mixing, ever made clear to the drivers in a meeting that you participated in?

MS. ROTHSCHILD: During what

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period of time?

MR. MACK: Any period of time.

A: Not in a meeting, to my knowledge, I don't remember any kind of a meeting, but when they were doing commercial work, okay, they knew that they had to dump because they were told. In other words, like the only time something like this happened or occurred was on a holiday week. Okay? We have two Yorktown routes and we have three Mount Pleasant routes that get done on a Wednesday.

On a holiday week, they can't be done, so what we used to do, we used to split the routes up into all the trucks down in Mount Pleasant and up in Yorktown, give each of them just some stops. We would do it on a Thursday. Because if a holiday is on a Monday, you're picking up Monday's garbage on Tuesday, then you're picking up Tuesday's garbage on Wednesday. On Thursday you're right back to Monday's garbage again. There's no garbage out there.

On that Thursday, the commercial

1  
2 routes would be split up, most all the  
3 residential routes, they would pick up the  
4 stops, they go to the dump -- and they know  
5 this -- they go to the dump, they dump, then  
6 they go back and pick up their residential  
7 routes.

8 Q On Thursday or the next day?

9 A On a Thursday. Some drivers  
10 preferred to pick the residential up first,  
11 then the commercial. A couple of them, like  
12 Joe Vetanza and Willie, and even Albert  
13 preferred to pick it up in the afternoon, the  
14 commercial, so they could do their  
15 residential route, go and come up, go back  
16 and pick up their commercial stops and come  
17 in with it. The following morning they had  
18 commercial stops on the Hudson Valley route  
19 here, they would pick up, mix it with that  
20 garbage, commercial garbage, go to the dump  
21 and go back on the residential route.

22 Q Was there any double-checking in  
23 that situation with the Monday holiday, to  
24 see that the drivers were, in fact, complying  
25 with that; in other words, they were not

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mixing their residential and commercial?

A No. I assumed they did it.

Q Was there anyone who would go over their tickets, their report of their day, to, in fact, see whether they, on a day they picked up commercial and residential, that they had dumped one before they did the other, because -- you think you know it by just looking at the sheet, because it tells you when they dumped?

A No, no one would ever check. I wouldn't, either, anyway.

Q Did anyone check, as far you know?

A As far I know, no.

Q Let me ask you, with respect to the recyclables, just so that I know, let's talk about the residential recyclables, because Mount Pleasant and Yorktown have them, what are the categories of recyclables for those towns? What do they have?

A Paper, bottles, cans, cardboard.

Q Is there a separate recyclable truck to deal -- how were the recyclables

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handled?

A They have a recyclable truck with compartments, and they go to the house and they pick up the blue bin with the bottles and cans thrown in one compartment, and the cardboards and newspapers in another compartment.

Q Those recyclable residential trucks, where do they dump?

A Mount Pleasant dumps down in the MFR plant in Yonkers, and Yorktown dumps -- we used to dump in Resco, because Resco had the contract, but they take it to the MFR plant, to the northern towns. The county built a place across from Camp Smith, and that's where they dump now.

Q I want to talk about commercial recyclables. What were the categories that were picked up, commercial recyclables --

A Cardboard and commingled bottles and cans.

Q Where were those, for the commercial, where were they dumped?

A The cardboard was dumped at

1  
2 either Carter in Peekskill, or Waste  
3 Management in Yonkers, or RIC in Mamaroneck,  
4 and occasionally we used to dump at NYCON,  
5 but then they stopped the cardboard at NYCON.

6 Q Now, something that we have seen,  
7 and I wanted to see if you can explain it to  
8 me, if you know, and you may not know, when  
9 recyclables were dumped at NYCON, and I call  
10 NYCON Mount Kisco, because that's where it is  
11 located, would the tickets issued at Mount  
12 Kisco reflect recyclables or MSW, if you  
13 know?

14 MR. BLOCH: If you knew at the  
15 time, or if you know now.

16 THE WITNESS: At the time, I  
17 didn't know.

18 MR. BLOCH: Explain it.

19 A Well, we are talking about  
20 cardboard or bottles and cans?

21 Q Pick either category and tell me.

22 A The cardboard they stopped  
23 dumping, they couldn't handle it anymore, we  
24 had to take it out of there, but the bottles  
25 and cans we dumped there.

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Cardillo

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Q At NYCON?

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A At NYCON. They ring it up as

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garbage.

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Q As MSW?

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A Yes.

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Q Why is that?

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A I don't know. I never realized

9

it until the last couple of weeks or month or

10

so when they started questioning about it,

11

because you have been asking questions about

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it, and then I checked into it, and I notice

13

a lot of dump tickets didn't say "commingle,"

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it says "garbage." I grabbed Toby, I says,

15

"How come we are getting charged as garbage?"

16

So he says, "Because a lot of it has garbage

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in it."

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So I asked the driver. He says,

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"Almost all of our commingled containers have

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garbage in it, and when we bring it up there,

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we dump it and they separate it. They ring

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it up as garbage." And it is the same price

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as commingled though.

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I asked him, "What's the

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difference? If I dump under commingle and I

1  
2 dump under garbage, what's the price  
3 differential?" So he called up and found  
4 out, no difference, they charge the same  
5 price for commingled as they do --

6 Q I would say we are going to spend  
7 more time, ourselves, in the monitorship,  
8 figuring out what the law is and how much you  
9 can do and why.

10 A Commingle is relatively new, and  
11 not everybody really understands recycling  
12 rules with Westchester County. The towns are  
13 more up on it, because they are putting a  
14 feather in their caps. Pat Lafarro, up in  
15 Yorktown, runs the recycling up in Yorktown,  
16 so he's into that recycling and looking good  
17 for the Town and whatnot.

18 And commercial recycling, there's  
19 really no -- outside of the Westchester  
20 County Monitor, there's really no facility to  
21 take it. In other words, Westchester County  
22 doesn't have a facility for commercial  
23 recycling, so we have to take it wherever we  
24 can. We'll take the cardboard to Carter,  
25 we'll take it down to Waste Management or to

1  
2 RIC, and the commingled, only one place I  
3 know that we take it is NYCON, Mount Kisco.

4 Q I want to sort of go -- I haven't  
5 mastered this area yet, I'm still gathering  
6 data as to what's expected of waste haulers  
7 in the county. I don't want to, in any way,  
8 affect your description of what the law is.  
9 That's my job, to figure out what the  
10 regulations are and what's -- I'm interested  
11 in what your understanding is, and what your  
12 practices were.

13 MR. BLOCH: What's your  
14 understanding about what you have to do  
15 with commercial?

16 THE WITNESS: We have to offer  
17 recycling to our commercial accounts.  
18 If they don't want to recycle, they  
19 don't have to. Well, we can't force  
20 them.

21 Q Right.

22 A In other words, I can't come to  
23 you and say you have too much cardboard, you  
24 have to go to recycle. You turn around and  
25 tell me, "I don't want to, okay?" I can't

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Cardillo

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force you. But you can't pick up the

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cardboard. If you got a box or two,

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Westchester County isn't going to say

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anything. Everybody has a box or two other

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than their container. We'll throw it in. If

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you have two yards of cardboard on the side,

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I can't pick it up.

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Q Why can't you pick it up?

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A Because you're mixing it with

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garbage. So we leave it. Either they call

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the salesman and get into recycling, or they

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cancel the account and they go with another

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company.

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Q That mixes, that is willing to

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mix? You don't know?

17

A I don't know.

18

Q Let's go slowly on this area,

19

because I'm working it out myself, and I'm

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more interested in your understanding and

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what the practices were. All right?

22

A Right.

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Q One thing is clear, that if a

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commercial customer does separate -- if I

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said the "Source Separation Law," would you

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know what that means?

A At the source means the customer, the homeowner, the business.

Q They have an obligation in Westchester County, under that law, to separate out their recyclables. Are you familiar with that concept that I've just talked about; is that something you've heard about?

A Yes.

Q Let's take a customer that is honoring that obligation, or does that, and they separate out their commingled recyclables and their cardboard, and this is a commercial customer. So one thing is clear, that no way should the hauler mix that, either one of those, with garbage; isn't that true?

A Right.

Q So in terms of your own experience, have you, yourself, ever caused a Valley commercial driver to mix garbage or dump garbage in with recyclables?

A Yes.

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Cardillo

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Q Explain it to me, if you would.

3

A We'll go with the commingled,

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because the cardboard is done the right way

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all the time. The commingle, from time to

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time, on a holiday week, only on an occasion,

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like I said, if a holiday is on a Monday, you

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have to play catch up, the commercial routes

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are playing catch up. The cardboard gets

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done on Tuesday and Wednesday, and then

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Thursday and Friday, there's no break in

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between, because commingling gets done on a

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Wednesday. If we have extra men in the yard,

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I send men out, ninety-nine percent of the

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time we had an extra truck to do the

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commingle. So we did the commingle on a

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Thursday, and it was done, and it was dumped

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at Mount Kisco, okay. Ninety-five percent of

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commingle has got garbage in it.

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Q Is that because the customer

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doesn't divide it up?

22

A The customer really doesn't want

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to recycle, but it is the law, so they

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recycle, and they throw garbage in with it.

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Q When we talk about commingled

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recycle, we are talking about bottles and

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cans?

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A Right.

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Q When you talk about garbage in

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with it, what are we talking about?

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A People throw bags of garbage in,

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mixing it together. It's either leave the

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container and not satisfy the customer, okay,

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or pick it up. We dump it at Mount Kisco, we

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get charged as garbage, anyway, so on an

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occasion like on a holiday week, if I

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don't -- especially only in the summer, maybe

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once or twice in the summer, I don't have an

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extra man, we have the garbage trucks pick it

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up, and some of the garbage trucks go into

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Resco, which they would separate, and if the

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garbage truck goes up to the plant, the

19

bottles and cans would be screened out of the

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bottom, anyway, and they get recycled,

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anyway.

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Q What does Resco say when they see

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commingled recyclables coming in?

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A They would take it.

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Q Is that because they will take

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it, or it is a proper spot to bring it to?

A No, it's not a proper spot to bring it. It's just that almost every garbage truck in Westchester County that goes up to Resco has bottles and cans in it. When you're dumping a container, you have got bottles, cans, cardboard, everything mixed in. The garbage company is not going to say: Geez, it's mixed, drop it back down. He is not going to do it. He is going to satisfy the customer.

Q Let's talk about a hypothetical -- I didn't mean to cut you off. Finish the answer.

A Like I said, his main object, we have been trained, the customer is always right, and we have to satisfy the customer under any circumstances. So when you're kind of trained and you're doing something like this for all these years, when you get to a holiday week where either you don't pick up the commingle on one or two occasions, and irate the customer out because he doesn't want to do it to begin with, it's a pain in

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the neck to him, he is looking to cancel, go somewhere else, you dump it, take care of it.

Q By dumping it, what you're basically doing, you are taking the commingle recyclable and putting it in your normal waste collection; is that correct?

A Right.

Q Is it a fair --

MR. BLOCH: Then it gets separated at --

MR. MACK: Norman, you have a chance, you can argue. I'm trying to find the facts one at a time.

MR. BLOCH: I was going to put it in the form of a question.

MR. MACK: We'll get there.

Q You're not at the transfer station; you don't know what they do at the transfer station?

A I'm going by what they say.

Q I'll have an opportunity to talk to people at the transfer station.

You don't go and follow this waste to the transfer station and watch how

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they separate it out and ensure that the recyclables are dealt with properly, do you?

A No.

Q Let's just talk about, as best we can, your part of the project and the other individuals.

There are occasions, I think you said ninety-five percent of the time the recyclables are dealt with as the law requires, in a separate way?

A Yeah. We do a good job.

Q It's really like one out of twenty where you feel, in order to service the customer, because it is a holiday week, or what have you, that you've got to actually dump the recyclables in with the garbage; is that what you told me?

A Just the commingle, not the cardboard.

Q That happens like one-twentieth of the time; is that a fair approximation?

A Yeah. Very, very little.

Q You may not know, but if you know, when the commingled goes to RIC -- I'm

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talking about commingled recyclables -- how is it categorized at RIC?

A I don't know. I've never taken it to RIC.

Q And the reason you know what happens at NYCON is because what, you have asked Toby?

A Yeah. They separate it.

Q When you say "they separate it," you're talking about the machines on the floor?

A I think they got pickers. I was talking with Anthony Prestamo, and they were saying they had pickers up there.

Q When were you talking to Anthony, in the last few days?

A Yes.

Q Would it be fair to say that you talked to Anthony about this sometime since last week; it would have been within the last four or five days?

THE WITNESS: When did we have that conversation?

MR. BLOCH: Last week, end of

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last week.

Q End of last week. But before that, I mean, you really had no idea what happened at NYCON?

A Well, I had an idea that they separated it there, because we were taking it there. That's the only place we ever took it.

Q Let me sharpen the question a little bit: Did you know before last week that when commingled recyclables went to Mount Kisco, they were labeled as MSW?

A No.

Q You just learned that last week?

A I learned that last week, yeah, because of all this that's coming up, and I started to look at the tickets. I never looked at the tickets before.

MR. SOBOCIENSKI: NYCON is the only facility --

MR. MACK: You can answer the phone, and we'll take a short break.

(Short recess taken.)

MR. MACK: On the record.

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Let's go back to  
Mr. Sobocienski's question.

MR. SOBOCIENSKI: Is Mount Kisco  
the only facility to which Valley has  
ever delivered commercial commingled  
recyclables?

THE WITNESS: Yes.

Q I know I've asked you -- I want  
to jump around, we just aren't able to  
assimilate all the documents we got today,  
but as much pleasure as you're having  
spending the day with me, I'm going to avoid  
that from happening, because some of the  
documents we just got today I might have  
questions for you. I want to take the best  
shot at the documents I've looked at.

I know you and I have spoken  
before about the 40-yarder maintained here on  
the yard. My understanding was that  
sometimes drivers would come in and dump in  
that. What was that 40-yarder used here for?

A We have what we call an off-road  
account. At one time they had a 60 yard  
container on the back of the truck, and this

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Cardillo

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is the truck that goes up to people's

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driveways, and when he goes up the driveway,

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he picks up the garbage, and when he comes

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down, he dumps it into the garbage truck on

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the route.

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So the off-road accounts got so

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much that they bought a compactor type of

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truck. So what he used to do, he would go up

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with the compactor type truck, go up to

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Yorktown, he would finish his route up in

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Yorktown, he would come and dump it in the

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40-yarder.

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Q Where was the 40-yarder located?

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A Behind the dispatch office.

16

Q Was it not readily seeable?

17

A No, you could see it if you came

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in.

19

Q They would dump?

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A They would dump in there. Then

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he would go down and do Mount Pleasant, and

22

he would do a load, maybe a load and a half

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in Mount Pleasant, and dump that in there.

24

Q So you had both Yorktown and

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Mount Pleasant residential waste in the

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2 40-yarder; isn't that true?

2

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A Right.

4

Q And when you say "he," are you

5

talking about a particular human being, a

6

particular person?

7

A The driver.

8

Q Was it only one particular

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driver?

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A Yeah, one.

11

Q Who was that?

12

A It was Mel Effort.

13

Q Who else after Mel

14

A He got into a car accident, he's

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been out almost a year, and now Chris DeMaria

16

is doing it.

17

Q So there would be residential

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waste both from Mount Pleasant and Yorktown

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in the 40-yard container which was contained

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on these premises, and the dumping was

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actually done here on premises; would that be

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right?

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A Yes.

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Q Would it be fair to state that's

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not consistent with DEC Regulations, or do

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you know?

A I don't know.

Q You don't know one way or the other whether there can be dumping at the site of the business premises; right?

A No.

Q Did you ever ask whether it was appropriate or not?

A No.

Q Did you ever discuss it with Matt Hickey or anyone else?

A No, because -- no, because not long after Allied took over, they made us stop the practice.

Q When did Allied actually make you stop the practice? If we say --

A It was after I came back off the route.

Q We are talking, approximately, a year after Aaron Deems became site manager; is that correct?

A Yeah.

Q And who was it at Allied that made the practice cease? Was it a particular

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person that came down and said: Get that container --

A Anthony Prestamo said something to Mattie about it, and I think somebody else said something to Mattie about it, and we just did away with it.

Q Did Mattie ever explain to you why the practice had to cease?

A No.

Q Now, since the 40-yard -- it was a compactor; right?

A No.

Q A container?

A It was an open box.

Q Open box. Okay.

Would the garbage that would get dumped there, would it stay overnight from time to time? I mean, how many days would that material stay?

A Two days.

Q Two days?

A The most.

Q Was it covered when it was here; was there a tarp put over it, or did it sit

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open?

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A No, just sat open.

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Q If it contained both Yorktown and Mount Pleasant, how did you ensure that, you know, one town or the other didn't get improperly billed?

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9

A Well, we dumped two times under Mount Pleasant and one time under Yorktown.

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Q What would have been the truck or -- if we are looking at Resco, for instance, how would that box be denoted, by the box number or by the truck number?

14

A No, by the Town.

15

Q By the Town?

16

A Right.

17

18

Q If we were looking on the town charge and, you know, Resco --

19

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MR. BLOCH: A ticket for every vehicle that comes in.

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A It would be a truck number.

22

Q What would that truck number be?

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A Whoever signed; truck nine, seven, whatever truck.

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Q Could you explain the formula for

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me, how you determined --

A There's twice as much off-road accounts down in Mount Pleasant than there were up in Yorktown, it was two times as much, so, naturally, when they dumped it, they dumped it twice under Mount Pleasant and once under Yorktown.

Q Are we talking weight of garbage or volume or just number of stops? I'm trying to see --

A Weight.

Q Weight?

A Weight.

Q You're actually --

A Right.

Q Was there any document which reflects that? If I was going back to double-check that, if I was working for Mount Pleasant, I might want to go back and say: Wait a minute, is that an accurate determination or not, how would I do that?

A It was close enough.

Q Two to one?

A Yeah.

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Q It was always dumped in that ratio, two to one; it was never varied because there was a change or holiday or something else might have affected it?

A No, it was dumped two to one.

Q Would the 40-yarder be used for all the off-road accounts for both those towns?

A Right.

Q As I understand off-road, what we are talking about is people have driveways?

A And they would go up the driveway.

Q You have to have a smaller vehicle to go up there, to get to their garbage; that's what we are talking about, right?

A Right.

Q I would like to go back now to Westchester Resco, and ask you some questions about that.

To your knowledge, did there ever come a time when Westchester Resco made a request of anyone here at Valley that certain

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types of waste not be brought any longer to Westchester Resco?

A Well, Englehardt, the film material, they asked us not to bring it there no more.

Q Anyone else?

A I don't remember, exactly, you know, when they stopped it. And their industrial garbage.

Q "Their," being Englehardt's industrial garbage?

A Yeah.

Q I'm going to talk to you about that. Was there any other company whose waste was a subject of complaint by Westchester Resco, that you know about?

A If you said something, maybe --

Q Would a company, like Metalized Carbon, did you ever have --

A They would throw us out of there with that, too.

Q What is Metalized Carbon; is that a company?

A A company in Ossining, yeah.

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Q What type of business are they in, if you know?

A I don't know. When they dump the container, they got big plastic bags full of this powdered stuff, black powdered stuff.

Q How did you become aware that Westchester Resco was unhappy with the waste from Metalized Carbon?

A When I came in off the route, I found out that they weren't allowed to dump it there anymore.

Q Explain it to me.

A Apparently, it stopped when I was out on the road.

Q So when you came back into this dispatch position, what did you learn about Metalized Carbon, and who told you?

A The driver told me we weren't allowed. When I was asking to do a couple of stops here and there and go ahead and dump, he said, "You can't take it up to Resco anymore, they don't want it in there."

Q The Metalized Carbon, when you came back, where was the Metalized Carbon

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taken?

A It was taken to Waste Management in Yonkers.

Q And they are Yonkers?

A Yes.

Q They didn't have any complaint, at all, with it?

A I haven't heard anything.

Q Did you ever talk about Metalized Carbon, the company, with Matt Hickey?

A No. They just didn't want it up there. It was just a couple of words said. When we do something, if we don't know we are doing anything wrong, okay, you know, we are going to continue doing it. If somebody says, "You're not supposed to do that," fine, we'll rectify the problem.

You don't know you're doing something wrong unless you're told.

Q There's the school, where somebody can try to advise you?

A Resco actually has to tell you. You know, if they see something that shouldn't be acceptable, they are going to

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tell the driver, and the driver is going to pass it on to us. But if they don't say anything, we are going to keep dumping it there.

Q There also is a regulatory view that if you pass certain rules, and it may not be you, you may not be the right person, but there may be somebody in management or compliance or oversight whose job it is to say: Hey, Tony Cardillo, this shouldn't go there because Westchester Resco -- how many tons, 550,000 tons of garbage a year, right, how many tons do the transfer stations take and do they miss something? If you rely upon them to complain, you may -- or rely upon the drivers to report something, you know, maybe there's some other person in the company whose job it is to oversee what's happening and help you out with the rules. That's one theory.

A I don't know who it would be.

Q I don't know who it would be at this company, either. Do you?

A No.

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Q Let's go back to Metalized Carbon. You, yourself, had no communication directly with Westchester Resco, or anybody at Westchester Resco, about Metalized Carbon?

A No.

Q To your knowledge -- I think I asked you this, but I want to make sure I have it right -- Matt Hickey, to your knowledge, never had a conversation with someone from Westchester Resco about Metalized Carbon?

A Not to my knowledge, no.

Q How about Anthony Prestamo?

A I don't know.

Q Anthony Prestamo, other than what happened last week, did you ever discuss with Anthony Prestamo, you, yourself, you know, the way to manage your duties here?

A No.

Q You never had a direct conversation: I want you to do it this way, I want you to do it that way, anything of that nature?

A No. If he discussed anything, he

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discussed it with Mattie, and Mattie would pass it on to us.

Q As far as Metalized Carbon goes, you never talked to Mattie about it?

A I never talked to anybody about it. I just heard it from the driver that they didn't want it at their plant anymore, would they take it to Waste Management.

Q Let's talk about Englehardt. Did you, yourself, ever talk to anyone from Englehardt Corporation about their waste?

A No.

Q How did you learn about Englehardt's relationship to Westchester Resco? How did that subject ever get raised?

A Well, we were dumping the film division years ago, when it was Merle Corporation, it used to be Merle, we'd been doing that forever. We used to take this film down to Croton landfill when it was open, and so when they closed the Croton landfill, we started going to the plant, we started taking the film to the plant.

Q When you say "the plant, you're

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talking about Westchester Resco?

A Right. We started taking it there.

Q Was that before or after Allied acquired?

A Before. Now, people from Westchester Resco questioned the plastic.

Q This is the plastic having to do with the film?

A The film division, yeah, because when you stretch it certain ways, it changes color, and it looks like there's chemical in there.

And they had the chemist from Merle go up to Resco, and they explained that there's absolutely no chemicals in it, whatsoever. The process they use, and the way they stretch it with the machines, gives the different colors. There was nothing, whatsoever, in there, that would harm anything, so they accepted that, and we had continued bringing it in there.

Q What time period would you say that was?

1  
2           A           That was many years ago. I  
3 wasn't on the roll-off at time. It had to be  
4 twenty years ago. Then we were bringing that  
5 in there.

6                       Every once in a while, what  
7 happens was, they used to get a run-off of  
8 plastic and let it fall on the ground, and it  
9 used to come out in big blobs, and they would  
10 throw it into the compactor. We didn't know  
11 this. When we were dumping it in the plant,  
12 the cast iron grates were getting holes burnt  
13 into it.

14                      They pinpointed it to Merle, and  
15 they found these globs, when they got on  
16 fire, they burnt at almost 2000 degrees, and  
17 they were burning holes in the thing, so they  
18 stopped us from bringing it in there.

19           Q           When would you say Westchester  
20 Resco told --

21           A           Fifteen years ago. And then they  
22 had to separate this stuff, then, couldn't  
23 put it in the compactor anymore. Then they  
24 let us back in the plant, and kept this hard  
25 stuff on the side.

1  
2                   It's industrial waste. We gave  
3 them a 10-yarder for it. When it was full,  
4 we used to take it to wherever we dumped  
5 C and D, we used to take it there.

6                   Q           Where would you take it?

7                   A           To Metro, or we would take it to  
8 Breva or take it to Carta.

9                   Q           Was it like plastic?

10                  A           It was like a hard plastic. It's  
11 not garbage, but -- like a hard plastic.  
12 There was nothing wrong with it. It was  
13 stuff coming off the film, the run-off.

14                   Then they wanted us to pick up  
15 their 1057, the other plant across the  
16 street, and two other places, Green Town Road  
17 and White Street in Buchanan, they wanted us  
18 to start picking that up. We went and put an  
19 8-yarder in 1057, their other plant, and --  
20 actually, it was their 8-yarder, they had  
21 their own containers, and it wasn't enough,  
22 so they put two roll-offs up there, and they  
23 put the roll-offs for cardboard, one for  
24 cardboard and one for garbage.

25                   When we took the garbage up to

1  
2 the plant, the few times we took it up there,  
3 somebody apparently was following the driver  
4 or watching where he was going or whatever,  
5 and then it came down through the grapevine  
6 that it is not supposed to go into the plant.

7 So I sent the salesman up, John  
8 Lombardo, to talk to the people, to find out  
9 if there's anything wrong with the stuff. If  
10 it's hazardous waste, we shouldn't be picking  
11 it up. They said it wasn't hazardous waste,  
12 it's industrial waste.

13 Q This is people with Westchester  
14 Resco?

15 A No, people from Englehardt,  
16 because they changed names from Merle to  
17 Englehardt. Meanwhile, we were still  
18 bringing the stuff into the plant. They  
19 didn't want that stuff, either. Everything  
20 started going at nighttime now. They didn't  
21 want it in the plant because it is industrial  
22 waste. I don't know what industrial waste  
23 is.

24 Q I want to go over some parts of  
25 this.

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Wasn't it true -- I mean, if you know, Englehardt, who was the salesman who originally interacted with Englehardt?

A I think Aaron and Mattie went up to see whoever they went to see, and they grandfathered it over to John Lombardo.

Q Did it come to your attention that Englehardt did not want its garbage going to Westchester Resco?

A No, I thought it was Westchester Resco didn't want it.

Q That may also be true, but did you, yourself, ever -- were you ever informed that Englehardt, itself, did not want material going to Westchester Resco?

A No. The only thing that I knew is that somebody was following the driver and said something to the driver that it is not supposed -- that stuff shouldn't be going into the plant. This is what the driver told me.

Q Who was the driver?

A Bobby Thomas.

Q Did you talk to Bobby Thomas

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about what happened?

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A Yeah. He says, "I got somebody following me saying, they don't think this stuff should go in." So that's when I asked John to go up and see them, and find out what's going on.

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Q So when John went up?

A John came back and said somebody don't want it going in there. I was under the impression that it was Resco didn't want it going in there. I told Mattie about it, and Mattie says, "Well, take it down to Charlie down in Metro." I says, "Okay," so we took it down to Charlie at Metro.

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Q Metro only can accept C and D?

A C and D.

Q Why is material from Englehardt

going to Metro?

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A I don't know. Industrial waste, I don't understand what industrial waste is. To me it's either garbage or C and D, so if it's not garbage, it's got to be mixed with C and D. When somebody says: We have industrial waste, I don't understand what it

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means.

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Q At least in the mind of Englehardt, it was industrial waste; correct?

5

A Right.

6

7

Q And in the mind of Westchester Resco, at least they believed it was industrial waste; isn't that true?

8

9

A Right.

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Q And it is also true, isn't it, that Metro Enviro cannot receive anything other than C and D?

13

14

A I know it now, I didn't know it then.

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Q When we look at the records which reflect Englehardt waste going to Metro Enviro, you're not telling me that Englehardt was doing construction and creating C and D; you know --

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A No.

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Q -- it was their normal material?

22

A Right.

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Q Did you ever discuss -- you know who Charlie Marino is; right?

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A Yes.

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Q Did you ever discuss with  
Charlie --

A No. He called me and told me, "I  
can't take this stuff." I says, "Oh, okay."  
I didn't know.

Q When did he call you, if you  
remember?

A We brought it there a few times,  
and then he called me, he says, "Tony, I  
can't take this stuff."

Q It's not C and D?

A I told Mattie. Mattie says,  
"Take it to NYCON."

Q When I see the records which  
reflect Englehardt material being taken to  
Metro for quite a bit of time --

A I don't remember, because, you  
know --

Q Right -- certainly that's not  
C and D. I mean, Charlie objected to it;  
right?

A Yeah. He called me, told me not  
to take it there no more. When he called me,  
I stopped.

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Q Now, prior to Charlie calling

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you, before that, when, in fact, this

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material was going to Metro Enviro, all

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right, did anyone raise with you the question

6

as to whether this waste from Englehardt

7

should be going to Metro Enviro? Did anybody

8

say: Hey, wait a minute, this is not

9

C and D?

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A No.

11

Q Who made the decision to send

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this waste to Metro Enviro?

13

A Mattie did.

14

Q Did you talk to Mattie about it?

15

A I mentioned to him, I says,

16

"Apparently somebody doesn't want it up in

17

the plant, and I don't know where to take

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it." So he says, "Give Metro a shot, see if

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they can handle it." That's what I did.

20

Q When you say "give them a shot,"

21

does that mean take the truck and dump it on

22

the floor, or does it mean call up Charlie

23

and say --

24

A No, take it there and dump it and

25

let him take a look at it.

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Cardillo

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Q When the first truck from Valley went to Metro, was there an effort by anyone, including yourself, to call up Charlie and say: Hey, we are sending something down, we don't know whether you can take it or not, will you take a look at it on the floor?

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A No. I figured if he couldn't take it, he would tell me and I wouldn't send it anymore. Apparently, I don't know if he didn't see it or he didn't call me or whatever, because as soon as he called me, first time he called me, I told Mattie right away, and that's when Mattie told me to take it to --

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Q Where you're taking it now?

17

A -- to NYCON, Mount Kisco.

18

Q When it is dumped at Mount Kisco, do you know what the tickets call it now, the material that comes in?

19

20

21

A I'm assuming it's garbage. I don't know.

22

23

Q I'm asking, have you talked to --

24

A No, they go over there,

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Englehardt, we don't do it anymore.

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Cardillo

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Q When did that stop?

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A Six, eight months ago.

4

Q Were you involved in the reason

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it stopped? What happened?

6

A I don't know why.

7

Q Do you know why the customer

8

walked away?

9

A No, I don't.

10

Q Did you, yourself -- and there's

11

no reason why you would, but I just wanted to

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make sure, an excess of caution, because

13

we've asked Allied for all of the documents

14

that concerned Englehardt and there were a

15

series of documents which were not produced,

16

okay, which have Erina Hickey's name as the

17

sender to Englehardt --

18

A How could that be?

19

Q To your knowledge, did Erina

20

Hickey ever get involved in the subject

21

matter of servicing Englehardt?

22

A Not to my knowledge. I don't

23

know. Maybe before, when she worked -- see,

24

she worked across the street in the

25

operations building, back when, and then she

1  
2 left and went to work in New York; and then  
3 when -- she left New York and came back to  
4 work in this building here, and then when six  
5 routes were separated, then she came into our  
6 building over there. Now I really didn't  
7 have that much dealings with her.

8 Q Here's my question, maybe I  
9 didn't ask it very well: There is a  
10 considerable area of interest to me about  
11 this company, when I say that, Valley and the  
12 sister companies, what they said to  
13 Englehardt and what they did with  
14 Englehardt's waste. That's a subject I'm  
15 spending some time on, okay, and I have  
16 information which indicates that Erina Hickey  
17 was communicating with Englehardt about the  
18 subject matter.

19 And what I'm asking is: Did you,  
20 yourself, ever talk to her about the subject,  
21 or provide her information about Englehardt  
22 as a customer or a client?

23 A I don't know.

24 Q No?

25 A No.

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Q Was Englehardt being told that

3

its waste -- this is to your knowledge --

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that its waste was being taken to landfills

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other than Resco when, in fact, it was going

6

to Resco?

7

A I don't know.

8

Q Did you ever talk to the driver,

9

Bob Thomas, about that?

10

A Well, yeah. He is the one -- he

11

is the one that approached me. He told me

12

that somebody is following him to the plant.

13

Q Right.

14

A And somebody, you know, mentioned

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to him, "Where are you taking that stuff,"

16

something to that effect, and he said, "I'm

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taking it to Resco," and he said, "That stuff

18

really should be going there."

19

I had in idea who the guy was.

20

Q Did you have any idea that, in

21

fact, Englehardt had been told that it's

22

waste would not be taken to Westchester

23

Resco?

24

A No, I had no idea.

25

Q The next question: Were you ever

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Cardillo

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told by Matt Hickey or Erina Hickey, or  
3 anyone else, that if you got a call from  
4 Englehardt about where its waste was going,  
5 that you were to tell Englehardt that its  
6 waste was going out of state or going  
7 someplace controlled by Allied?

8

A If it goes to Metro or if it goes  
9 to NYCON, it's going out of state, yeah, it's  
10 going to a landfill.

11

12

Q That was not the question,  
13 though. I may have problems with it going to  
14 Metro and I may have problems with it going  
15 to NYCON. That's a different subject.

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But my question is: Even though  
16 the waste was actually going to Westchester  
17 Resco, because that's where the driver was  
18 taking it, and we know, because we have  
19 records of where it was going, were you ever  
20 told or encouraged that if Englehardt talked  
21 to you about it, you were to deny that it was  
22 going to Westchester Resco and tell them  
23 something that was untrue, in other words?

24

Do you understand my question?

25

A I think so.

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Q Just think about that for a

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while, okay? If it's not clear, I'll

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rephrase it so it is clearer. But basically

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it boils down to: Were you ever told to tell

6

the customer something that was untrue?

7

A I'm trying to think. It's

8

possible. I'm trying to think now.

9

Q Think about it, take the time,

10

because it is an important question for me.

11

I want to at least tell you that, you know,

12

there's some evidence, which I'm trying to

13

evaluate -- I want you to think about it,

14

because it was something that got a lot of

15

attention.

16

A It is possible, like I said, now

17

that you mention it, but --

18

Q Give me your best answer. I --

19

A It is possible somebody may have

20

said something to the effect: If they ask

21

you where it is going, say it is going to

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Metro. That's where we wound up sending it.

23

I don't remember all the details on it,

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though.

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Q Let me ask the question again:

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Did anyone ask you, ever, with respect to Englehardt Corporation, to tell them something which you knew to be untrue?

A Possibly. I don't remember the details on it, though, but it is possible.

Q Anything is possible. Do you think that happened? Do you believe it happened? Anything is possible.

A I never spoke to anyone at Englehardt on the matter.

Q I think I've asked you everything I can about whether you talked to anyone from Englehardt and you told me you didn't.

I'm asking: Did anyone here, Matt Hickey, Aaron Deems, Erina Hickey or anybody else who worked at this site, ever tell you: Tony Cardillo, if Englehardt calls or Englehardt asks, tell them something which you, Tony Cardillo, believed was not accurate, was not true? That's my question.

A Something to that effect. Like I said, I don't remember all the details, but I remember something to that effect.

Q Can you tell me who it was, if

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2

you remember, who told you that?

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A If anybody told me, it would have had to be Mattie, but, you know, I couldn't be certain.

6

7

Q Okay. Do the best you can. That's all I can ask you to do.

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MR. MACK: Is there something you would like to ask? I have one or two other questions. Is there anything else on your mind?

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Q I know I've asked you about this before, so I'm going to touch the subject lightly, but I'm going to talk about your stick, something which might have been called your stick, and I think the last time we talked about it, you promised me that stick would no longer be on premises.

20

21

22

A I have no idea where it is. It's not in my building. If it's on premises, I have no idea where it is.

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Q Correct me if I'm wrong, you had, at one time -- I don't know what the right term is, what would you call it, a wooden

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object that could be used for defense, let me

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put it that way; would that be a fair

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statement?

5

A I had a billy club years ago.

6

Q And that billy club was something

7

you kept close to where you worked; would

8

that be a fair statement?

9

A Behind the counter.

10

Q And that billy club was removed

11

from the premises by whom?

12

A Jim Hickey told me to get rid of

13

it.

14

Q I want to try to put a time on

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it, because you've told me something somewhat

16

differently to that, that that billy club was

17

here after Allied --

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A No.

19

Q Never was?

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A No.

21

MR. BLOCH: You're talking about

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two different things.

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MR. MACK: I'll pursue it.

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MR. BLOCH: Let him answer.

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Q Okay. So Jim Hickey, prior to

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Allied's acquisition, asked you to remove a billy club; is that correct?

A Right.

Q So I'm not going to ask you any questions -- and it was removed, that billy club?

A Yeah.

Q After that, was there ever any other, shall we say club or wooden object or object that could be used as a club, that you had close to you?

A There was an umbrella handle, you know, one of those big picnic umbrellas, a huge one, it broke, we used to use it when we barbecued. Allied barbecued for the men or something once every two weeks. This was an umbrella. We had a picnic table. It broke. The bottom part of it unscrewed out, and it was left in the office.

Q That's the office you worked in?

A Yeah, over there.

Q And when you say "over there," are you talking about the dispatch office?

A The dispatch office, yeah.

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Q Was that something, from time to time, that you -- I don't know if used is the right word, but had in your possession when you thought you might need some type of protection?

A It was in the kitchen, behind the wall, just standing there.

Q Was it ever used by you to threaten anybody with?

A No.

Q Was it ever brought out of that location?

A Yeah, a couple of times.

Q Was that in some way to defend yourself?

A No. Sometimes it was a little bit of a joke, I used to joke around -- you got to understand, the billy club -- we had a truck stolen years ago, okay, so we had a guard at night, Jimmy hired a guard to watch the place in Ossining, because there was no alarms or anything. So he hired a guard to watch and he had this billy club. Then, when everything cooled down after a year or so, he

1  
2 got rid of the guard, he didn't need him  
3 anymore.

4 It was a one-time thing, somebody  
5 stole the truck. The billy club was left  
6 there. When it was left there, it started  
7 out really as a joke: Hey, you know, hit the  
8 counter with it, a joke. That's all it was,  
9 okay?

10 A few times guys have threatened  
11 me, try to do me bodily harm --

12 Q Employees of Allied?

13 A Yeah -- over the course of the  
14 year. And I've had to grab it to defend  
15 myself. I never had to use it, but it was  
16 there and I felt safe with it there.

17 Q This is the billy club we are  
18 talking about?

19 A Yes. After time went on and a  
20 lot of these employees left and other ones  
21 came and what have you, then the union kind  
22 of complained because, "What's Tony doing  
23 with a bat," and this and that. Jimmy says,  
24 "You better get rid of it," and I got rid of  
25 it.

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Q All right.

A And then when this umbrella handle appeared, it was in the kitchen; in other words, we had the umbrella and we used to take it a part because it was too big to put it in the building. Then, when it broke, the bottom part was left in the kitchen, and the umbrella was thrown away, and that's where it was left.

Q Was the umbrella -- should I call it the umbrella handle?

A Yeah.

Q -- was that ever handled by you as a weapon, at any time, or a possible weapon?

A Yeah. When Chris Riddenauer came after me.

Q Was that the day on which Chris Riddenauer was terminated?

A No, this was maybe six months before that.

Q What was the reason that Chris Riddenauer came after you, if you know?

A He came in, in the morning, his

1  
2 father was hurting, he couldn't work, he  
3 wouldn't be in that day. I says, "Chris,  
4 you're going to kill your old man." I says,  
5 "Why don't you tell him to retire?" He went  
6 off the wall, went ballistic.

7 Q Did you strike Chris Riddenauer  
8 with the club?

9 A No. Two guys held him from  
10 coming across the counter.

11 Q Other than that occasion, did you  
12 ever take the umbrella handle for any other  
13 reason, other than as a weapon, as a possible  
14 weapon?

15 A Not a weapon. No. A couple of  
16 times jokingly, with a few guys, in the  
17 morning, I used it as a joke. I never had to  
18 use it. I never threatened anybody with it.

19 Q Right.

20 A With it being there, people know  
21 that it was behind there, I had a little more  
22 control from being attacked.

23 Q Do you feel, basically, that your  
24 own personal safety has been threatened here?

25 A Sure, many times.

1

2

Q By whom?

3

A The workers.

4

Q What would they do?

5

A Cursing at you, yelling at you;

6

you know, a couple of times, you know, over

7

the years.

8

Q Any time in the last year?

9

A No.

10

Q I want to make certain that

11

you're not in danger or have been threatened.

12

A I may have been, yeah.

13

Q Let's talk about the last year or

14

two, under Allied's control, have you been

15

threatened by anybody?

16

A No.

17

Q Has anyone threatened to hurt you

18

in some way?

19

A No.

20

Q I wanted to say this: If that

21

occurs, were to occur in the future, in

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whatever future I'm still around in, okay,

23

you know, I would expect that to be a

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reportable offense under the compliance plan.

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You should know that. I don't tolerate

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assaultive conduct in a monitored company.

A I was called on the phone at the house by -- we had some problems with the union a few years back when Jimmy owned the company, and the union was threatening violence and stuff towards the company and what have you, and somebody from -- I don't know, I don't remember his name, somebody from the FBI or somebody called my house and asked me if I felt threatened in any way, whatsoever, by the union, or if anybody could do bodily harm to me.

And I had no reason to think so at the time, but I said it's possible, anything is possible, so they gave me a number to call in case anybody ever threatened me or anything like that, because I think it was something with the contract that was coming up and there was discrepancies and what have you.

But I never had --

Q Let me focus you on subjects of my interest, because I understand it.

Other than this one incident with

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Chris Riddenauer that you have described, you have not taken out, brandished this umbrella stick as a weapon, other than that one occasion?

A One time before that, a few years before that, that was with -- what the hell was his name -- Pete Searight, he was out for two years, and the union told him to show up for work one Monday morning. It was a whole big ritual that went on with him with depositions, he was on compensation, and there was discrepancies how he got hurt or whatever.

The day before two years were up, the union told him, if you go after two years they can fire you, so he showed up a day before, and the union told him to show up and come to work. I never got no message from Jimmy to put him to work. He come in the office. I said, "What are you doing here?" He says, "I come to go to work." I said, "Nobody told me to put you to work." He says, "I'm here to protect my job." I says, "I'm sorry, you got to talk to Jimmy, don't

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talk to me."

He kind of got a little out of hand, started pounding on the table, and really getting sarcastic and really nasty, and I just -- I thought he was going to come across the counter. I reached around and grabbed the stick and held it, that's all.

Q I want to focus on -- let me pick the last two years. First of all, is this umbrella stick still on premises?

A I don't know. I haven't seen it.

Q What happened to it, as far as you know? Were you ever told, by anyone, that you should cease having it in your vicinity?

A Yeah, Anthony Prestamo told me to get rid of it. I went from that building to this. It could still be in that building. I have no idea.

Q Who took it? How did it disappear?

A I have no idea.

Q Did Anthony Prestamo tell you that you should no longer have this stick

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close by?

A Right.

Q Did that stick have any role at the time period that Matt Hickey and Chris Riddenauer had their interaction or dispute?

A Yeah.

Q Did you bring the stick out then?

A Yes.

Q Did you strike anybody with the stick then?

A No.

Q Did you threaten anybody with the stick then?

A I didn't threaten him, but I had it in my hand.

Q The "him" would be Chris Riddenauer?

A Chris.

MR. BLOCH: Rather than leading questions, unless you've already gone through this, ask what happened.

Q Tell me what happened on the day that Matt Hickey --

A Chris pulled in the yard, and he

1  
2 was waiting on line out here in the yard,  
3 waiting to fuel up, and Mattie was out in the  
4 yard, and he walked up and they were talking,  
5 and Chris got out of the truck and they were  
6 arguing in the yard. I don't know what they  
7 were saying. I was sitting at my desk,  
8 looking out the window.

9 And Toby came by the window --  
10 because everybody was there, they seen what  
11 was going on, heard the yelling. Toby came  
12 by my desk and says, "Tony, they are arguing.  
13 What are you going to do?" I said, "Let them  
14 argue."

15 Q Could you tell what they were  
16 arguing about?

17 A No.

18 Q What happened?

19 A They were going back and forth,  
20 and then Chris started pushing Mattie,  
21 knocked him down. That's when I grabbed the  
22 stick and went out.

23 Q What happened then?

24 A Nothing. Then he left.

25 Q Did anybody restrain Chris?

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A No.

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Q Nobody was hit with the stick?

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A No.

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Q Was it after that incident that

6

Anthony told you to get rid of the stick?

7

A I had to go down and answer to

8

Anthony. He wanted to know what happened and

9

I told him what happened.

10

Q Was that when Anthony told you

11

that the stick and you should part company?

12

A Yeah, should part company.

13

Q And you haven't seen that stick

14

since that time?

15

A No.

16

Q Since that time, since that

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occasion, did you find out or did you ever

18

learn what it was that was the matter of

19

dispute between Matt Hickey and Chris

20

Riddenauer?

21

A No. The only thing, when I seen

22

Mattie on the ground, he was getting ready

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for a kidney transplant, if he would have

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been hit in the wrong spot or landed in the

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wrong spot, the guy would have been dead. I

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wasn't going to let that happen.

Q Was Chris Riddenauer a troublemaker, was he somebody Matt Hickey didn't get along with? What was the problem?

A I don't know for sure, but Chris, in the last six months to a year that he was working for us, he started getting very hyper, got huge. His neck came out like that (indicating). He grew, got big. I'm sure you've seen him.

Q I haven't seen him.

A He is a big boy, like overnight. He got very, very irritable, very high strung. If you talked to him, sometimes he just -- you didn't know how he was going to handle it.

MR. BLOCH: Are you suggesting he was taking steroids?

Q Was there a drug testing program there, at all?

A Yeah.

Q Was he ever tested, as far as you know?

A I don't know.

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Q Did you ever have any disputes with him, other than the one you've talked to me about when he was upset that his father wasn't in; did you have any other problems with him?

7

A I had no problem with Chris.

8

9

10

Q Other than becoming huge and irritable, was he a reasonably good worker or what?

11

12

13

14

A He was a good worker. He was here every day, but he was very -- he was a hard worker. He beat up the trucks, he shook down the customer.

15

Q Say it again?

16

A He shook down the customers.

17

Q For cash?

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A Cash, gifts, stuff like that. I got a lot of complaints. I got complaints from people. He would cut them off with the truck, cutting them off in cars. I got telephone calls. I kind of defended him to a degree, because when he came in, I used to question him about it. "No, no, the guy cut me off." You tend to try to believe your

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drivers, if you can.

Q Right.

A But then one time he cut me off, and that's when I didn't believe him any more, and I told him so.

Q Let me ask you this. I've tried to cover as many of the areas that I thought there might be matters that you had information about, that could be possible violations of laws or not, but I know and I've learn in the time period that no matter how hard I work and try, I always miss things with the people who are on the location and deal with things day-to-day.

Based upon your own many years of experience, and your own work, are there going on now or, let's say, in the last six months, any practices or illegal or inappropriate behaviors going on at this facility that we haven't talked about, or you think I should be looking into in doing my job?

A You say "inappropriate." As far as what, as far as Allied doing business, the

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workers?

Q Anything that is basically relating to the business, that is done out of this site, that you have some suspicion about or some knowledge about. Recognize my job is to ensure that all Federal, State and Local Laws are obeyed, and that the compliance plan is obeyed. That's my job.

A Outside of that commingle, the recyclable thing, outside of that, not really. To be honest, I didn't think we were doing anything wrong. Now that we found out, we corrected it.

Outside of that, Allied does everything by the book. Allied doesn't do anything knowingly. If it's handed down to us unknowingly, we don't break the law. Even before, we never really broke the law intentionally, you know. You make a mistake, everybody makes mistakes, nobody is perfect. Anybody thinks they're perfect, something is wrong with them.

Intentionally, I don't really see anything that's being done. What could be

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looked after, I don't know if you have

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anything to do with it, do a better job of

4

trying to have these men to come to work.

5

Q You told me about that before.

6

A It is a hell of a job. You can't

7

operate a business with seventeen men out of

8

work every day. It's crazy.

9

Q Are there any drivers who are

10

working now, who you have interaction with,

11

who you believe may be doing something which

12

is illegal or in violation of the compliance

13

plan, or improper behavior?

14

A No, not off the top of my head.

15

But if I know about it, they will know about

16

it.

17

Q That's what the compliance plan

18

is, if there's something being done wrong or

19

incorrectly, your job is to report it,

20

whether to me or --

21

A I understand what you're saying.

22

I'm from the old school. I take care and try

23

and correct it myself.

24

Q I understand that theory, but as

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long as the monitorship is in place, I have

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to share that responsibility. I want to make sure about it.

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Let's pick on Eileen. Say,

today, an employee is accused of stealing cash or money, that's not for you to fix alone, that's something that has to be reported, whether it's to Ilissa or to Anthony Prestamo; it is not something that you can go out and correct on your own.

A Right. That, I understand.

Q I want to make sure there's no question about.

A Right.

Q One of the things that I looked into at one time was the drivers who service New Castle.

A ESI.

Q Do you oversee them?

A No, that's Toby. I heard about the incident.

Q What do you make of those instances?

A I think every one of them should have been fired.

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Q Give me your take or assessment of the situation.

A You're getting paid to do a service. No customer has to give you a tip. Nothing in the rules that says they have to give you a tip. If, out of the goodness of their heart, they want to give you one, they will give you what they want to give you, same as you go to a restaurant, for a waiter or waitress.

Q It is your assessment of that, that those dots were a reflection of whether the customer was a good tipper or not?

A Of course.

Q No question about?

A No questions about it. The guys who did it should have been fired. I guess Allied has their own procedures to do things or whatever.

Q There's no question that when they are putting different dots, they are basically marking the customers who are better tippers?

A That's crazy. The customer

1  
2 doesn't have to give you anything. A lot of  
3 times customers will call up, like, you know,  
4 they are picking up kitchen garbage and they  
5 throw the kitchen garbage in. In Mount  
6 Pleasant, if the customer throws something in  
7 there on clean-up, you put it in.

8                   If you go to a place like  
9 Yorktown, where Yorktown has their own bulk  
10 clean-up, and you throw the kitchen garbage  
11 in, and he has some other stuff there and he  
12 doesn't throw it in, the customer calls you  
13 and tells you, "At Christmastime I give these  
14 guys --" "Excuse me, I don't want to hear  
15 about \$20 at Christmastime. If you give them  
16 a tip, that's your prerogative. They are not  
17 entitled to tips".

18                   Q           But the ESI drivers, clearly they  
19 were --

20                   A           No question about it. Hands  
21 down, no question about it.

22                   MR. SOBOCIENSKI: One last  
23 question: Walter asked earlier, we  
24 spoke about the idea, we spoke about  
25 incidents where an extra commercial

1  
2 pickup might have needed to be done, and  
3 you would look around and see where  
4 certain drivers are, who can make that  
5 pickup?

6 THE WITNESS: I would call them  
7 on the radio. The first thing I would  
8 do is call the commercial driver and see  
9 if he can do it. If he is totally out  
10 of the area, I would call a residential  
11 driver, see where they are. If it can't  
12 be done, then it will go to the next  
13 day.

14 MR. SOBOCIENSKI: Have you ever  
15 asked any residential drivers to make a  
16 commercial pickup, since you started  
17 working for Valley?

18 THE WITNESS: For Valley or for  
19 Allied?

20 MR. SOBOCIENSKI: Valley, this  
21 whole separate company.

22 MR. MACK: Talking about the  
23 commercial routes.

24 THE WITNESS: Right. Not mix it  
25 in, though, no.

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MR. SOBOCIENSKI: Have you ever had any reason to call a residential driver to have them pick up an extra pickup for a commercial stop?

THE WITNESS: Oh, sure.

MR. SOBOCIENSKI: Since you have been working with Jose?

THE WITNESS: You meant with Allied?

MR. SOBOCIENSKI: Yes.

THE WITNESS: With Jose, no.

MR. MACK: Once you started working for Jose, did you ever make any dispatch decisions that affected the residential routes?

THE WITNESS: No. I have nothing to do with over there anymore. This is totally separate. Now we operate independently. No.

Q And equally true, going back the other way, has anybody, like John Brigante or anyone else, basically asked Jose or you to pick up anything that actually was their responsibility to do?

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A You know, there's discrepancies  
now on --

3

4

Q Roll-offs?

5

A No, on commercial and residential  
now, with some of the accounts that we have  
been picking up, like this Fox Hill Farm, and  
there's a couple of other accounts that the  
Town -- we were picking them up under the  
Town, and then we separated, and it came to  
light these people are not paying.

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I says, "Wait a minute, they are  
not paying." These are commercial accounts.  
The drivers have been coming to us and  
telling us, "I'm picking up a commercial  
account." We investigated; a commercial  
account, we stopped the service on it.

A whole bunch of places on  
Rockefeller's estate, when we stopped the  
service, we explained to them it's a  
commercial account, can't be on the  
residential route. They called the Town, the  
Town calls us up and says, "Pick it up, we'll  
accept the responsibility because of the  
amount of tax they pay." They are not going

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to nickel and dime the Rockefellers.

Q This is something that's still a process that I'm going to have to talk to Allied about. We are going to ensure we have the separation clear, because there are accounts that haven't paid for years.

A Two weeks ago we found an account a residential truck was picking up, and it was a house and a church, and the residential truck was picking it up because the church was mixing the garbage with the residential house. Then when we found out the house wasn't even supposed to be picked up, because it is church property and they don't pay tax to the garbage district, so we stopped the service.

This goes on. It's been going on for years, and you don't know it until you start to look for it.

Q You've got to look for it. That's the lesson.

A Yes, you have to look for it. And the only way we can find it is if the drivers tell us, that's the only way, because

1  
2 we are not out there, we don't know what  
3 things they are picking up. It is impossible  
4 to see it.

5                   Years ago, Yorktown and Mount  
6 Pleasant used to pick up all the fire houses,  
7 all the ambulance houses, they would pick it  
8 up all under the Town heading. Then the Town  
9 started to say, "Well, you know, we can't,"  
10 this and that, and they started to separate  
11 it; and they don't pay a hell of a lot of  
12 money, but you have to charge them, and then  
13 it gets switched from the Town trucks to the  
14 commercial trucks.

15               Q           So we are still working, because  
16 there are some accounts up here in this area,  
17 of them all, that defy explanation, at least  
18 as far as I'm concerned. We are working them  
19 out. Seven Stars is an example. There's  
20 some drive-ins, there's an apple farm that  
21 basically hasn't paid for years. There are  
22 things --

23               A           Fox Hill Farm.

24               Q           Is that what we were talking  
25 about?

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A Yes.

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MR. SOBOCIENSKI: Do you know the address? Do you know the road?

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THE WITNESS: It's right here off of 488, down here off of Bedford, off of the Rockefeller estate.

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Q There's another one which basically was supposed to get free service because they serviced Aaron Deems' car?

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A Beauty Auto Care.

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A I have no idea about that one.

With the separation, we started putting everything down in writing. That's how all these accounts came about. We found a lot of accounts. Aprea, that was an oversight because somebody got the cancellation but nobody picked up the start-up, because all they did was move from 3 to 5 Westchester Plaza. I knew that, but apparently it went through the loophole. We got in contact with them, we got paid back the money.

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Q We are working our way through. There are so many of them, we would be here a

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whole other day.

A They go through the cracks. It happens.

Q I have a record today. I think what I will do, since you are represented by Norman, is that when we get all of the accounts that I think, at least to me appear abhorrent, that I can't explain, or at least are questionable --

A I think we got about ninety-five percent of them.

MR. BLOCH: Let him finish what he was saying.

Q We can do them all in a half a day. I'm going to call Norman and we'll sit down and I'll have the whole list, and whoever else should be here, so that I have one time of ruling out every one of the accounts and making sure it is properly allocated and being expended.

A The ones that aren't paying?

Q Or didn't pay, or Mattie went out to see and they got free service for two years. Those are questionable.

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2           A           There are a few. A few of them  
3 canceled and we didn't know it and were  
4 billing them, and they canceled, too. It  
5 happened, it falls through the cracks.

6                   MR. MACK: I understand. Okay,  
7                   having said all that, and I appreciate  
8                   all your effort today in helping us get  
9                   to the point of it, I want to make sure,  
10                  is there anything that you would like to  
11                  add, that I didn't ask you about, or  
12                  something that you think, in fairness,  
13                  that you would like to put on the record  
14                  beyond what you have already?

15                   THE WITNESS: No.

16                   MR. MACK: You're under oath.  
17                   I'm going to read the record. If  
18                   tomorrow, when you're driving to work --  
19                   I always say this -- "I told him I  
20                   didn't do this, or I know I said  
21                   something wasn't true", what you should  
22                   do is pick up the phone and call  
23                   Mr. Bloch and say: "I thought about it,  
24                   Mack asked me a question and when I  
25                   thought about it, I realized that I was

1  
2 not accurate, I forgot this or I think  
3 something else". If it happens, rather  
4 than letting this record stay this way,  
5 you have to call Norman so the record  
6 can be corrected.

7 We've had witnesses who have come  
8 back and said: You know, I answered  
9 this question this way, but when I  
10 thought about it, I want to clear the  
11 record, I thought about it some more.

12 If there were a couple of  
13 questions today you thought about for a  
14 while, there may be others, and you say:  
15 "I don't want to be in a situation where  
16 the record isn't accurate", tell Norman  
17 and he will arrange to correct it.  
18 Okay? That's how it works.

19 Norman, is there anything that  
20 you would like to say, that you haven't  
21 said already?

22 MR. BLOCH: Not at this point.

23 MR. MACK: Ilissa?

24 MS. ROTHSCHILD: I'll reserve my  
25 comments for another time.

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MR. MACK: That doesn't mean anything. They want to say mean things, and they don't want you to see me cry.

Thank you for your time today. One of the things I want to at least tell -- or get permission from Ilissa, are you going to talk to John Brigante about this Yorktown-Mount Pleasant?

MS. ROTHSCHILD: Yes.

MR. MACK: I think that's a serious issue, for the record, and he needs to know if and or but.

MS. ROTHSCHILD: Yes.

MR. MACK: Mr. Nissenbaum, let's go off the record, and thank you for your hard work.

(Time noted: 5:30 o'clock p.m.)

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I N D E X

<u>WITNESS</u>	<u>EXAMINED BY</u>	<u>PAGE</u>
ANTHONY CARDILLO	Mr. Mack	25-292

\* \* \*

E X H I B I T S

<u>MONITOR'S</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
1000	Driver's trip ticket, truck 73, 4/23/01	196
1001	Extra pickup ticket	199

\* \* \*



DEPOSITION EXHIBITS

PO BOX 1228  
566 NORTH STATE ROAD  
OSSINING, N.Y. 10562  
(914) 941-2400

74676

NAME Absolute Flooding  
ADDRESS Front St.  
CITY YORKTOWN  
JOB SITE \_\_\_\_\_

4-23-01  
DATE

QUANTITY	SIZE-YDS.	DESCRIPTION	TOTAL-YDS.	TYPE OF SERVICE
		Extra		REAR LOADER
	(6)	Pick-up		OPEN ROLL-OFF
				CLOSED ROLL-OFF
				CONTAINER MOVED

AUTHORIZED BY \_\_\_\_\_

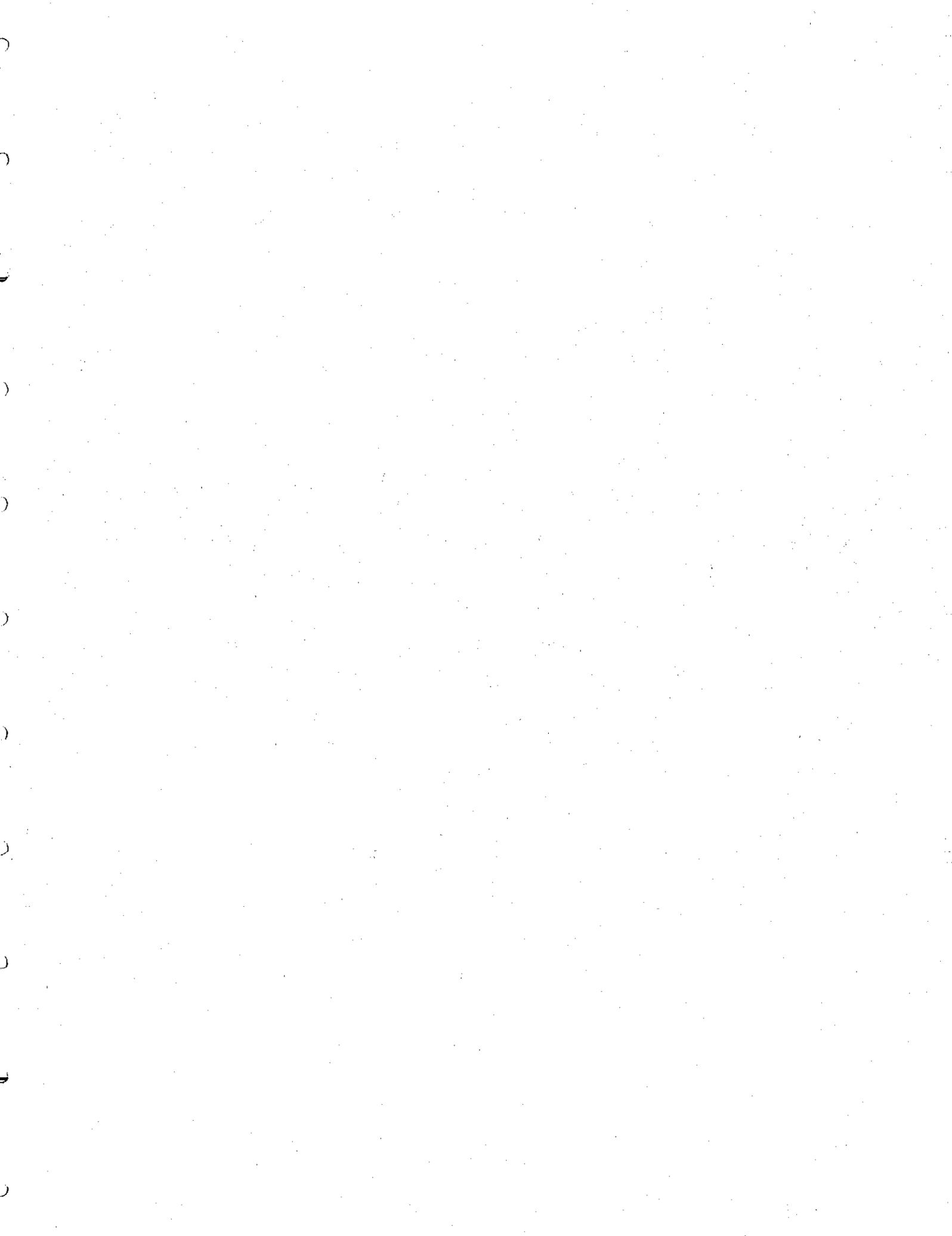
X \_\_\_\_\_ CUSTOMER'S SIGNATURE  CONTAINER OVERFILLED\*

- TYPE OF WASTE  COMMERCIAL REFUSE  TIRES/PLASTICS, ETC.  
 WOOD/PALLETS  ACCESS BLOCKED  
 DEMOLITION  CONTAINER IMPROPERLY LOADED

LR #13  
DRIVER TRUCK INTERNAL DUMP

\* DRIVER NOT RESPONSIBLE FOR SPILLAGE IF CONTAINER OVERFILLED.  
CUSTOMER IS RESPONSIBLE FOR ANY FINES DUE TO OVERFILLED OR OVERWEIGHT CONTAINERS.

ORIGINAL



ALLIED WASTE  
OPERATOR ACTIVITY SHEET

FORMAT: RESIDENTIAL  
COMPANY: 274

ROUTE 1456 4/23/01  
TOWN OF YORKTOWN

SERVICE SUMMARY  
YARDS LIFTS

Truck 465259  
Emp 1 CHRISTOPHER RANDONE  
Emp 2 BILLY DENNY  
Emp 3

#13  
RANDONE  
DENNY

Regular 1206  
Additional (+) \_\_\_\_\_  
Missed (-) \_\_\_\_\_  
Transfer (-) \_\_\_\_\_  
Total 1206

OPEN ROUTE

CLOSE ROUTE

TIMES		MILEAGE	FUEL	DISP FIRST
CLOCK-IN	LEAVE YARD			
5:30	5:45	84331		N

TIMES		MILEAGE	FUEL	% FULL	TOTAL HOUR
RETURN	CLOCK-OUT				
5:33	5:40	84390	38g	N	(C)

LOAD TIMES					EST LOAD%	DISPOSAL				
START	MILEAGE	FINISH	LIFTS	MILEAGE		SITE	TICKET #	QUANTITY	TIME	MILEAGE
6-	84340	4:30		84370	100%	P	84410	18.07	5/5.10	84378

BREAKS		OTHER		DOWN TIMES			REASON / COMMENTS
START	FINISH	START	FINISH	START	MILEAGE	FINISH	
							<div style="border: 1px solid black; padding: 5px; text-align: center;"> <p><b>CLOSED</b></p> <p>APR 25 2001</p> </div>
TOTAL BREAKS	(D)	TOTAL OTHER	(E)	TOTAL DOWN TIME	(F)		

COMMENTS/OTHER \_\_\_\_\_

\* TIME ON DUTY STATE 1 MILES STATE 2 MILES

Driver Signature CR

Supv. Signature \_\_\_\_\_

\* TIME ON DUTY = TOTAL HOURS (C) MINUS ALL AMOUNTS IN (D), (E) AND (F).