

Special Town Board Meeting  
June 30, 2009  
7:00 p.m.

Present: Supervisor Gerald L. Deming, Council Members: Lynn Parnell, Frank Rose Jr., Norman Gates and David Deuel

Absent: None

Others: James Coniglio (Special Counsel for the Town), Ronald Cicoria (Town Attorney), Kevin Niedermaier (Liv. Co. Director of Emergency Management Services), William Sheahan (Liv. Co. Coordinator of Emergency Medical Services), York Fire Department Members: Donna Falkner, Brenda Clark-Pierson, Gerald Slane, Carl Peter, George Worden Jr. and Alex Curry Jr., Brad Pinsky (Attorney for the York Fire Dept.)

Supervisor Deming opened the Special Town Board Meeting and turned it over to Mr. Coniglio. Mr. Coniglio stated the meeting of the full board was requested by the Fire Department and asked Mr. Pinsky to give his view of the situation.

Mr. Pinsky thanked the Board for the opportunity to explain the Fire Department's position and the need for additional funds. Mr. Pinsky stated he currently represents 250-300 fire departments, and he himself is a 21 year fire fighter. Mr. Pinsky began the meeting by describing the history of the fire department, providing ambulance service as a rescue squad of the fire department. He indicated that current law prohibited the fire department from charging for ambulance services. Mr. Pinsky then told the Board that he realized 10 years ago if a fire department could charge for ambulance service it could result in large amounts of revenue.

He described the benefits of utilizing a separate corporation for ambulance services. The first benefit he described was that the ambulance service can generate additional revenue from payments made by insurance companies directly to the service. The Fire Department cannot receive such payments. He indicated that the largest users of the ambulance are the elderly and there is Medicaid coverage providing for payment for a large portion of their bills.

Mr. Pinsky stated that a second benefit of establishing a billing ambulance service would be greater availability of ALS service. This is because ALS providers can only bill for assistance provided if there is a billable ambulance service. Now that the fire department has established a separate corporation for those services there is a greater likelihood that ALS services will serve the town.

Mr. Pinsky indicated that the law requires that two separate contracts be negotiated between the Town and the Fire Department and the ambulance service. This is necessary because the source of payment for each service comes from different tax levies. The fire department contract comes from fire protection taxes while the ambulance charges would come from the general fund.

Mr. Pinsky stated the importance of separating the fire and ambulance contracts. The Certificate of Need no longer exists with the fire department, so it is imperative that they be addressed separately.

Mr. Pinsky indicated that the town should not care about this split of the two services. Under General Municipal Law Section 122-b ambulance services cannot charge the town on a per call basis because they are receiving fees from billing. He proposed that the town contribute \$ 4,000 to offset co-payments required for ambulance calls. This would be the total annual cost regardless of what the actual co-payment charges would be.

On the fire contract issue Mr. Pinsky proposed a three year agreement with the base fire contract price of \$ 158,000 with 3% increases annually over the life of the contract. He also indicated in 2009 the fire department incurred \$10,000 of expenses for the legal and startup costs of the ambulance corp. He also indicated that there are additional costs which the fire department is incurring or will incur in the near future. These costs include expenses for replacing reflective vests, also for replacement of other gear which is more than 10 years old (he indicated that there had been no request by the fire department for funds to replace this gear). He also stated that it would be necessary to acquire or replace a rope harness system at a cost estimated to be approximately \$25,000 plus training expenses.

Mr. Pinsky stated that the Town's proposal to hold reserves for equipment purchases was not acceptable by the fire department and in fact not legal. He indicated that the fire department has managed itself well enough to have reserves to pay for its required purchases. He also felt that regardless of whether the proposal was legal or not the bidding rules would be complicated for fire equipment if the town held the reserves since the town would be subject to prevailing wage standards on any project utilizing funds held by the town. He further felt that the town's requirement to hold reserves was an indication that the Town Board did not trust the department's ability to manage its own funds.

Mr. Pinsky stated to the Town Board that there were some statistics showing that the average span of a volunteer fireman service is five years. He also felt that the existence of up to date facilities such as a current or state of the art fire hall would serve as a recruiting tool. He also gave an example of the fire department serving the Town of North Pole which had experienced recruiting problems until they had constructed a new fire hall. After the hall had been constructed they found that the fire department was able to recruit members much more easily.

#### COMMENT/QUESTIONS

1) Councilman Rose: "What would be the advantages & disadvantages of establishing a Fire District" ?

**Response:** Mr. Pinsky stated that the primary benefit would be the Town Board would no longer have the responsibility of managing or negotiating a fire contract.

Mr. Pinsky indicated that one detriment of a district is that district projects would be subject to prevailing wage and competitive bidding whereas fire department projects are not. Another potential detriment with a fire district is that it is difficult to have people interested in running for the five positions of fire commissioners. Lastly, under a fire district the fire commissioners set their own tax rates rather than the Town Board.

\*\* Mr. Pinsky stated if asked, he would encourage the Department to be a Fire District for the simple reason of having the responsibilities themselves.

2) Supervisor Deming: “Regarding the contract, at the time of the budget hearing fire & ambulance had not yet been separated, that is the reason why it was combined for the 2009 year”.

Question: “Can fire protection money go to the ambulance”?

**Response:** Mr. Pinsky replied that it could be used for ambulance purposes.

3) Brad Pinsky: “Mr. Pinsky asked on behalf of the fire department if a quarterly payment can be made under the existing budgetary appropriation”?

4) Councilman Deuel: “ The \$12,000 figure discussed for gear, is that a yearly fee”?

**Response:** Mr. Peter replied that the figure given will be a yearly cost.

Comment: Mr. Pinsky stated for 2009 it will not be needed, but will take effect in 2010.

5) Supervisor Deming: “The Board has discussed several times the issue of the Fire Dept. saving large amounts of money each year from the budget for a new fire hall (\$ 21,000). The Board does not believe a building should be funded by taxes. If the Department wishes to construct a new hall the public should be included in the decision process and ask if they are willing to assist in the funding aspect. If the residents are willing to fund it, the Board is also willing, but not allowing them the opportunity to decide is not the right way to handle the request”.

6) Carl Peter: “ How is the truck fund we save for different from the building fund” ?

7) Brad Pinsky: Mr. Pinsky suggested that a public meeting be scheduled to ask the residents their thoughts on whether or not they would be in favor of supporting the department’s efforts for a new fire hall. Mr. Pinsky added he believes an increase

in volunteers will take place if they have a better environment to be in and better equipment and vehicles to use.

- 8) George Worden Jr.: “ The Board has issues with how we are saving for a new fire hall, if we say the funds are for something else would that be acceptable”?

Quarterly Payment

RESOLUTION offered by Mr. Rose and seconded by Mr. Gates to approve the second quarterly payment to the York Fire Department for ambulance and fire services. Voted on and approved, Yes-4, No-1, David Deuel.

ADJOURNMENT

RESOLUTION offered by Mr. Gates and seconded by Mrs. Parnell to adjourn the Special Town Board Meeting at 7:55 p.m. Voted on and approved, Yes-5, No-0.

Respectfully Submitted,

Christine M. Harris, Clerk