

August 14<sup>th</sup>, 2013

A Special Meeting of the Town Board was held on Wednesday, August 14<sup>th</sup>, 2013 at 7:00 PM with the following members present: Richard Rowland, Supervisor; Daniel Pemrick, Thomas Kinsella and Walter E. Chandler, Councilman. Daniel Cochran was absent. Also present was Highway Supt. Walter Barss and 3 residents.

Supervisor Rowland advised that the main purpose of this meeting was to discuss a Request for Proposal for Ambulance service. There were a few additional items that have come up that he would like to address as well.

Notice of Hearing – Town of Wilton - Town Clerk advised that the Town received notice from the Town of Wilton Planning Board regarding a proposed project across the street from the Maple Avenue Middle School. Any comments regarding the project have to be submitted to the Town of Wilton Planning Board by August 21<sup>st</sup>, 2013. Saratoga Health & Wellness would like to construct a fitness center. She advised that the Planning Board also discussed this at their meeting last evening and they were forwarding a comment suggesting that a traffic study be completed. Kinsella, C. stated that he sees complaints in the paper all the time regarding traffic issues with the Middle School and he was in agreement with the suggestion of a traffic study. Supervisor Rowland disclosed that his wife and daughter use the current facility of Saratoga Health & Fitness. However, he did not gain any financial benefit from it and did not feel that he would have to recuse himself from any discussion.

Golf Course Range Balls - Town Clerk advised that the Golf Course was running very low on range balls. Kevin Canale, PGA Golf Pro, was able to locate a place where he can purchase used range balls at a very low cost. He can purchase a minimum of 200 dozen balls for \$360. however he has to pay for them at the time of delivery. They will not accept a Town voucher.

RESOLUTION # 118 - Park Bills

Motion: Pemrick, C.

Seconded: Kinsella, C.

RESOLVED, That Park Bill # 200 in the amount of \$360.00 be paid.

VOTE: Ayes: Rowland, Pemrick, Kinsella, Chandler

Noes: None

Absent: Cochran

Skidmore PUD - Kinsella, C. commented regarding discussions that may or may not occur with Skidmore with respect to some kind of agreement with the Town for utilization of property that they do not pay taxes on. Kinsella, C. felt that the Board should come to an agreement as to what boundary conditions the Supervisor should have in the negotiations. He did not want the Supervisor to go through the entire negotiation process and come to the Board with something that might not be acceptable to the Board. Kinsella, C. stated that he was aware of some of the potential discussion points between the Town and Skidmore regarding potential community development benefits but felt that it would be in the mutual interest of the Board if some boundary conditions were set by the Board. Supervisor Rowland stated that he would not want to get into specifics this evening. At the request of the Town Board, he and Pemrick, C. had a conversation with Skidmore. A very general discussion was held and they did not appear to be opposed to what was discussed. They actually offered a bit more than what was discussed initially. Nothing was agreed upon and any potential agreement would be contingent upon them obtaining approval of their project which at this point is a ways away. The Planning Board kept the hearing open last evening and the SEQRA still needs to be completed.

Ambulance Request for Proposal – Kinsella, C. stated that this whole process continues to be an education and they have received some bad information and contradictory information from the State. He spoke with Mike McAvoy this morning and asked him if he had heard about anything that has been happening with this process. He stated that he had and that he had communicated with the Dept. of Health Attorney. What has been proposed is not going to be approved by the Dept. of Health. Specifically, if we have a municipal certificate of need, we would either have to start the ambulance service ourselves; contract with another municipal agent which in this case is either Jessup's

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Landing or the City of Saratoga Springs Fire Dept; or contract with somebody that has a certificate of need for our area already. Kinsella, C. added that we could contract with Community Emergency right now because they have a CON for the Middle Grove portion of Town or continue with Empire as we are currently doing. If the Town gets a Municon, even a permanent one, we can only contract with Community, Empire, Jessup's or Saratoga Springs Fire Dept. We cannot enter into an agreement with Wilton EMS because they are a non-for-profit company and they do not have operating authority in our Town. Kinsella, C. stated that according to Mike McAvoy the DOH Attorney has several findings and they have been policing this across the State. Kinsella, C. stated that he spoke with Community Emergency and they were willing to sign a contract to serve the Middle Grove Fire District area where they have the CON. They recognize that they may only get 40 or 50 calls per year. They will not be adding another crew to service just Greenfield. There would be no additional cost to them. They would include the number of calls in with their call volume and see it as an opportunity to increase their revenue. Kinsella, C. suggested that we could continue on with the Municon process and see if we can contract with Jessup's Landing to cover the other two districts in Town or have Jessup's do the northern part of Town, Community the western part and Empire the small lower portion that is left. Kinsella, C. felt that the Town can do better than Empire. Supervisor Rowland referred to a fact sheet which compared a Municon vs. CON. One of the items states that if the municipality intends to contract with another EMS provider for service the filing should include copies of signed contracts or agreements. He felt that in order to go through the Municon process the Town would have to have a signed agreement and to do so would have to go through the RFP process first. Pemrick, C. asked if the RFP was still necessary. Kinsella, C. stated yes & no. We would not need an RFP to contract with Community or continue with Empire. Pemrick, C. stated that Kinsella, C. has indicated the agencies that could serve the Town and suggested that we ask all the eligible agencies to respond. Kinsella, C. stated that he would still like to pursue asking Jessup's to do the northern part of Town. It does not make sense to have them drive all the way down to Prestwick Chase in the southern part of Town. One of the concerns has been response time. Kinsella, C. suggested that we find out from Empire what the cost would be for them to cover the lower portion of Town. Supervisor Rowland asked if they were acceptable for a zone why would they not be acceptable for the Town. Kinsella, C. felt that they were acceptable for a zone because it was the only choice that we have. In his opinion, he did not think that long term that Empire was the best provider that we can provide for the residents. The only other alternative would be to have Jessup's do both zones, which did not make sense due to response time. Kinsella, C. stated we could ask Saratoga Springs Fire Dept. if they would serve the lower zone of our Town, however they are currently in the process of applying to obtain their permanent CON. Kinsella, C. stated that Wilton EMS has indicated that they would be applying for a CON which would most likely cover the whole Town, however it could take a year or two. Pemrick, C. likes to idea of asking everyone who is eligible to serve the Town for a proposal if they are interested in serving the Town. Chandler, C. stated that through the whole process they continue to get different answers as to what the Dept. of Health will allow. As far as the change in service, he believes that a change needs to be made. Supervisor Rowland stated that he keeps hearing a reference to Jessup's and asked if they have a CON for the Town. Kinsella, C. stated that he was waiting for the information from Mike McAvoy, but it was his understanding that what the DOH was saying was that if we have our own Municon we could then contract with another municipal service which Jessup's Landing is. We can contract with Community even though they are not a municipal service because they already have a CON for our Town. Supervisor Rowland was not sure that the response time for Community is going to be any faster than Empire or Saratoga Fire Dept. Kinsella, C. agreed and stated that there was no straight shot from either spot. Chandler, C. stated that the difference would be that Community would be carrying the paramedics and the radio's. Pemrick, C. stated that 2 or 3 years from now everything is going to be different the way things continue to change and asked what action this Board can take to put this Town in the most favorable and defensible

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position. Kinsella, C. felt that the best thing to do was to get the data from all the eligible agencies and review it as Pemrick, C. suggested. Supervisor Rowland stated that in talking with the Dept. of Health it was his understanding that the differential between what an ALS provider and non ALS provider is the intubation of a child without doctor's approval. If they are communicating with the hospital then they have doctor's approval via the radio/phone communication. It was his understanding that the State was in the middle of making changes to the certification qualifications. He felt that this issue was kind of a small point in the greater scheme of things as far as Empire, Community or whoever is on an ambulance. Kinsella, C. stated that was not his deciding factor in the difference between Empire and someone else. His deciding factor was that he continually gets reports that they do not show up with the right equipment on the ambulance and they continue to waive off on accidents that have extraction which means a potential difficult patient so you end up with First Responders trying to extract somebody without an ambulance there to help him. Supervisor Rowland stated that this was the first time that he has heard of this complaint. Kinsella, C. stated that this is what the firemen are telling him and he believed that it has occurred on at 3 or 4 occasion's. There is a 50/50 chance that they will respond to an extraction or a call to a trailer park. Supervisor Rowland stated that he has never been by the West Avenue station and not see an ambulance on site. He stated that if we are contracting with them and they are blowing off calls, then we have to go back to the principals of the company. We cannot correct the situation if we are not provided with the information. The only complaint that he received was with the very first call that Empire responded to. Chandler, C. stated that in the EMS world Empire has a bad reputation. It is their duty to comply with the contract. Mr. Aquino stated at one of the informational meetings that they were not going to have a paramedic, that they were going to have critical care technicians. He also said that they could not afford to put radio's in every ambulance. Supervisor Rowland stated that Empire currently has 3 radio's. One is located at the dispatch center so that a call doesn't get missed. Currently there is no fight in the County against them getting more radio's. They can buy the radio or go through a lease program like they did with the first three. Kinsella, C. suggested that they have elected not to do so. Supervisor Rowland stated that they have not availed themselves of the option because they do not feel that they are going to get the service. Pemrick, C. feels that the Board needs to get all the data for any interested services. If it comes down to Empire, then we would have to sit down and talk to them about all our concerns. Pemrick, C. felt that based on the information required in the proposed RFP we will have good valuable information to look at and be able to be completely objective and take the human element out of it. The Board reviewed the proposed RFP. Under Section II, Item 4 – Supervisor Rowland requested that it be changed to read "Ambulance Company will be responsible for billing & all collections". Kinsella, C. stated that he learned more about that as well. It could get denied depending upon what we decide to do. If the Town contracted with 3 separate entities, we would have to hire one company to do all the billing. Supervisor Rowland does not want the Town to have to go out and become a collection agency. He added that he heard that if the Town had an independent company taking in the fees that the Town would have to be in oversight of that company. There is a much more stringent reporting process that would be required for the State Comptroller. Section III, 1. d. - Changed to read "Personnel responding on the ambulance & their certification". 2.a. - "Copy of annual independent detailed financial audit". Add new #8 – "Prior approval of the Town Board must be obtained if agency is going to apply for funds on behalf of the Town." Supervisor Rowland felt that somewhere there should be a statement regarding adjustments for a reduced number of calls. Kinsella, C. felt that was covered under the Proposal section Item 4.b. After discussion, item 4.b. was changed to read "Number of calls assumed while determining proposal cost and effect on cost to Town if call volume not met or exceeded". Supervisor Rowland stated that the other thing that he would like to see added is a requirement for notification of discontinuance of service to the Town. A new item was added

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which reads" Service provider must provide 6 months notification of discontinuance of service to the Town". Pemrick, C. asked if item 5 penalties should be included at this time. Kinsella, C. felt that is was reasonable not to include at this time. After a contract is awarded we will have time to review the service prior to the next year when we enter a new contract and could add some potential "penalties" at that time. Having them included now could turn some groups off from even submitting a proposal. Pemrick, C. commented on the statement "No intermediary allowed" under Section II, 3.a. Pemrick, C. added that there has been some discussion this evening about possibly using Empire for a portion of the Town and questioned if we were going to require them to get the radio's. Supervisor Rowland stated that they currently have 2 ambulances with radio's. Board members in agreement to remove that statement and add that radio's with direct communication "are preferred". Supervisor Rowland believed that the Town Board could actually request radio's from the County. They gave them to all the Fire companies and other ambulance services. Chandler, C. was not sure how we could hold them to getting radio's but did not feel that he had any other choice but to try and negotiate for them to get them. Joan Rowland stated that she has heard discussion that the Board is going to remove the penalty clause initially and at the end of the year sit down and discuss any issues. She asked if there was any proposed text that would require any type of quarterly meeting to express issues or just do on a case by case basis. Kinsella, C. stated that there was only a requirement for written reports and felt that meeting would be worthwhile. The following statement was added in place of item 5 – "Quarterly performance reviews may be held by the Town Board". Discussion was held as to whether or not the Board had to advertise for RFP's since the Health Dept. has limited us to who we can contract with. It was decided to send to all eligible agencies and to advertise as well. Lauren Rowland asked if the RFP would allow companies to submit more than one bid, i.e. one for a portion of the Town and maybe another for all of the zones. Kinsella, C. stated that the RFP states that they can submit on 1, 2 or 3 of the zones. It was decided to send the RFP's directly to Community Emergency, Empire Ambulance, Mohawk, Jessup's Landing and Saratoga Springs Fire District.

RESOLUTION # 119 - Advertise for Request for Proposals for Ambulance Service

Motion: Kinsella, C.

Seconded: Pemrick, C.

RESOLVED, That the Town Clerk be directed to advertise for Request for Proposals to provide ambulance service for the Town of Greenfield subject to the approval of the RFP by Town Counsel, and

FURTHER RESOLVED, that proposals are due on September 19<sup>th</sup>, 2013.

VOTE: Ayes: Rowland, Pemrick, Kinsella, Chandler

Noes: None

Absent: Cochran

Highway Supt. Barss stated that he had a personnel matter that he would like to discuss with the Board. On motion of Kinsella, C. and seconded by Pemrick, C. the Board adjourned to Executive Session to discuss a personnel matter at 8:10 PM. Clerk was not present for session and no minutes were filed. On motion of Pemrick, C. and seconded by Chandler, C., the Board returned to regular session at 8:32 PM. Supervisor Rowland advised that no decision was made.

On motion of Kinsella, C. and seconded by Pemrick, C., the meeting was adjourned at 8:33 PM.

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Town Clerk