

TOWN OF CLARKSON
TOWN BOARD SPECIAL MEETING
December 22, 2010

The Town Board of the Town of Clarkson held a special meeting on Wednesday, December 22, 2010 at the Clarkson Town Hall, 3710 Lake Road, Clarkson, NY at 5:15 PM

PRESENT:

Paul Kimball	Supervisor
Allan Hoy	Councilperson
Christa Filipowicz	Councilperson
Patrick Didas	Councilperson
Sheldon Meyers	Councilperson
Sharon Mattison	Town Clerk
Richard Olson	Attorney for the Town

Supervisor Kimball opened the meeting, and Sharon Mattison, Town Clerk led all those present in the Pledge of Allegiance. A moment of silence was observed for those serving in the military.

PUBLIC HEARING ON LOCAL LAW #5-2010 “REGULATING AMBULANCE SERVICES IN THE TOWN OF CLARKSON”

Supervisor Kimball opened the public hearing at 5:18 P.M.

Attorney for the Town, Richard Olson summarized Local Law #5-2010. No one else spoke.

Supervisor Kimball closed the public hearing at 5:20 P.M.

RESOLUTION RECOGNIZING TYPE II SEQRA ACTION; LOCAL LAW #5-2010

At a meeting of the Planning Board of the Town of Clarkson, Monroe County, New York, held at the Town Hall, 3710 Lake Road in said Town, on the 22nd day of December, 2010, at 5:15 P.M. there were:

PRESENT: Supervisor Kimball, Councilpersons Hoy, Filipowicz and Didas

ABSENT: Councilperson Meyers

Introduced by Councilperson Hoy

Seconded by Councilperson Filipowicz

RESOLUTION RECOGNIZING TYPE II SEQRA ACTION

WHEREAS, the Town Board, by authority of 6 NYCRR 617.5(b) has the authority to expand its own list of Type II actions beyond the list of Type II actions presently found in 6 NYCRR 617.5(c); and

WHEREAS, the Town Board finds that Introductory Local Law #5-2010:

- a) Does not have a significant adverse impact on the environment based on the criteria contained in 6 NYCRR 617.7(c); and
- b) Is similar to the Type II Actions as set forth in 6 NYCRR 617.5(c)(20) and 6 NYCRR 617.5(c)(27); and
- c) Is not a Type I action

NOW THEREFORE, BE IT RESOLVED, that the Town Board classifies the adoption of proposed Local Law #5 of 2010 “A Local Law Regulating Ambulance Services in the Town of Clarkson “to be a Type II Action under the SEQR regulations; and be it further

RESOLVED, that a Type II classification concludes the Town Board’s obligations under SEQR.

12.22.10

Vote of the Board:

AYES: Supervisor Kimball, Councilpersons Hoy, Filipowicz and Didas

NAYS: None

ABSENT: Councilperson Meyers

Members of the Town Board of
the Town of Clarkson, Monroe
County, New York.

Whereupon the resolution was declared adopted

**RESOLUTION ADOPTING LOCAL LAW #5-2010; “ A LOCAL LAW
REGULATING AMBULANCE SERVICES IN THE TOWN OF CLARKSON**

At a regular meeting of the Town Board of the Town of Clarkson held at the
Town Hall, 3710 Lake Road, Clarkson, New York on December 22, 2010

PRESENT: Supervisor Kimball, Councilpersons, Hoy, Filipowicz and Didas

ABSENT: Councilperson Meyers

Introduced by: Councilperson Hoy

Seconded by: Councilperson Didas

RESOLUTION ADOPTING LOCAL LAW

Whereas, the Town Board has before it a Local Law entitled "Local Law #5-2010 "A
Local Law Regulating Ambulance Services in the Town of Clarkson"
Which, if adopted, will provide for the regulation of ambulance service in the Town; and

Whereas, the Town Board has, pursuant to law, held public hearings to consider said
proposed Local Law; and

Whereas, the Town Board has determined by previous resolution that this action is a
Type II action under the State Environmental Quality Review Act and does not require
further review; and

Whereas, the notice of this hearing was duly published and posted as required by law;

Now, therefore, be it resolved:

Section 1. That the Town Board of the Town of Clarkson hereby enacts Local Law #5-
2010 “A Local Law Regulating Ambulance Services in the Town of Clarkson”.

Section 2. That the Town Clerk is ordered to publish a legal notice indicating the
adoption of this Local Law and to file a copy of this Local Law with New York State.

Section 3. That this Local Law shall take effect immediately.

Vote of the Board

Ayes: Supervisor Kimball, Councilpersons Hoy, Filipowicz and Didas

Nays: None

Absent: Councilperson Meyers

***see attached local law at end of minutes**

12.22.10

SUPERVISOR REPORT

At 5:20 P.M. Supervisor Kimball gave a summation regarding the circumstances which led to the current situation regarding ambulance service in the Clarkson fire protection district. He stated his concern that a large amount of surplus funds (\$640,000) from prior years' third-party billing (since October 2000) for ambulance service was swept by the Village to balance their books, rather than being held dedicated to ambulance services or being refunded to the Towns of Sweden and Clarkson. Kimball is concerned that the two Towns contribute two-thirds of the fire protection budget but are given no consideration with regard to these financial decisions. For the current fiscal year (July 2010 through June 2011), Supervisor Kimball stated the Village is projecting a surplus of \$150,000 in third-party ambulance billing. Supervisor Kimball had suggested this money be placed in a capital reserve fund since there is not currently such a fund in existence with which to replace ambulances. The Mayor has indicated in writing that these monies will be used as general fund revenue for the Village. Supervisor Kimball also noted that the Village recently received a refund of \$160,000 from workman's comp.; although fifty percent of the Village's workman's comp. premiums are paid for by the fire service, the Village is keeping all of the refund. Kimball stated that he doesn't feel the residents of Clarkson should be paying for Village taxes.

PUBLIC HEARING REGARDING AMBULANCE SERVICE IN THE CLARKSON FIRE PROTECTION DISTRICT

Supervisor Kimball opened the public hearing at 5:35 P.M.

S. Pratt of Redman Road inquired whether there is a cost comparison for Monroe Ambulance and asked if there would be future repercussions with the Village financial issues. Supervisor Kimball said yes, and then read the list of cost comparisons. Attorney for the Town Olson stated the financial situation is being looked at. Supervisor Kimball further explained Monroe's plan to cover the area. He stated that this situation is not an indictment of the Brockport Ambulance Corp. Kimball summarized prior years' budgeting, which reflected yearly fluctuations which were accounted for in the next year's budget. He compared that method to the current practice of the Village spending the surplus for their general fund, and concluded that the Town Board is no longer willing to continue this arrangement.

T. Conrow of Redman Road said he understands that something needs to be done but is concerned that if the Brockport Ambulance Corp is lost that it will never come back. Supervisor Kimball replied he feels there will still be a place for the ambulance corp because the Village residents will still need service.

Councilperson Filipowicz expressed her frustration with prior attempts to negotiate terms with the Village Board only to have agreements rescinded at the Village's next meeting. She said she represents the taxpayers of the Town of Clarkson and said, "How much longer can we take our tax money and send it up there to balance their budget?"

Discussion was had regarding Monroe Ambulance having a private direct line and therefore Brockport/Clarkson area responders would not be aware of local calls. Councilperson Hoy suggested Priority 1 calls could possibly be dispatched as part of a fire job to enable local EMTs to respond to the scene.

A.Hammel of Sherwood Drive commented that as a taxpayer he questions how we can continue to give money to the Village with no accountability. He added that he spent 20-plus years on the ambulance corp and he understands the blood sweat and tears that go into that operation. He said in today's economy the bottom line is it's a matter of dollars and cents, and has nothing to do with the current level of service. He would prefer Brockport ambulance to service him but not if the monies being sent to the Village are being spent in areas other than fire and ambulance, such as their police and highway departments.

12.22.10

J. Rombaut of Gilmore Rd. said he has been in the fire department for 40-plus years. He spoke of the difficulties involved with daytime staffing of volunteers crews due to dual career couples and also most employees are not allowed to leave their jobs to answer ambulance and fire calls. When 3rd party billing was begun, it became self-supporting and career staff were put on during the day. Volunteers continued to staff the 6 p.m. to 6 a.m. shift for several years but even staffing that has become difficult. Rombaut predicted that the ambulance corp will probably be gone in a year or less if the Town goes this route (with Monroe). He said he doesn't have an answer to the problem but acknowledged the efforts of the Town Board to negotiate with the Village.

Supervisor Kimball stated when the Town bought into 3rd party billing in 2000, we were assured that any surpluses would stay in the fire and ambulance. The surpluses that were recently swept by the Village would have made a large down payment on a ladder truck that will need to be replaced in the future.

K. LoBracco of Adams Street in the Village of Brockport asked about the contract the Town just signed for ambulance service for the year 2011. Supervisor Kimball replied that the contract does not say to provide exclusive fire and ambulance protection service. He added that the contract states they will provide fire and ambulance protection for X amount of dollars and you could argue that 3rd party billing should not be charged because the agreed amount of money had been provided for in the contract.

S. Alexander of Sweden Walker Road spoke of how Brockport could not force people to pay their ambulance bills due to the wording of the contract, but added if you are billed by Monroe you can expect it to go to collections until the full amount was paid. Her concern was that people would refuse transport in an emergency due to the cost. She stated that when calling 911, people need to know that they can request Brockport responders rather than Monroe. She questioned whether standby ambulance services provided by Monroe, such as at the Clarkson Rodeo, would be free and Supervisor Kimball replied that those standby services are included in the cost of the contract.

K. LoBracco stated she has attended Brockport Village Board meetings and has never heard anyone speak poorly of the quality of fire and ambulance service. She then stated that perhaps the fire and ambulance corp have been poor money managers, giving as an example an equipment reserve account which she said had been spent down close to zero every year rather than saving it for a larger purchase in the future.

W. Duff of Ridge Road expressed his concern over people refusing transport in a Monroe ambulance due to the cost. He said the Board has to factor that into their decision. He added that he didn't feel Monroe would station an ambulance in this area without oversight.

Councilperson Meyers, who had arrived after the public hearing began, stated that what the Village did to the taxpayers of both Sweden and Clarkson was "appalling". He suggested re-visiting the offer made by the Village to share the surplus revenue with Clarkson and Sweden from now on. Councilperson Filipowicz asked Meyers what was his level of confidence in the Village not changing their mind as they have done in the past.

J. Rombaut addressed LoBracco's comment regarding the fire and ambulance corp being poor money managers in spending down an equipment reserve account. He stated he took great offense to that statement because as a former fire chief he is very familiar with the budgeting process. He said he kept their budget in order and said that when his son, T. Rombaut was fire chief (in 2007-2008), he was told by the Village Board he could not use money he had budgeted for equipment because the money "wasn't there", having been used by the Village for other expenses. J. Rombaut said the fire department was unjustifiably chastised for mismanaging their funds when in fact the money was taken by the Village. He further stated that the fire department's faith and trust in the Village was lost because of this.

12.22.10

Councilperson Filipowicz thanked K. LoBracco for coming to the public hearing to be informed and hear both sides of the story. Supervisor Kimball thanked everyone for their respectful demeanor.

C. Pratt of Redman Road asked if Clarkson could have their own volunteer ambulance and W. Duff replied that would require a certificate of need by the NYS Health Department and an act of the legislature which would be like “climbing Mount Everest with sandals on”.

S. Pratt asked if Hamlin’s ambulance had been approached. Several attendees answered that Hamlin is not big enough to assist us.

T. Rombaut of West Ave. re-stated J. Rombaut’s explanation of the fire department’s budgeting process and commented on the lack of good faith with the Village due to their sweeping of capital reserve accounts to pay other Village bills.

Supervisor Kimball stated the fire department was told they had no money in 2009. After Councilperson Filipowicz made a F.O.I.L. request, the Village provided fire department budget figures for that year of \$732,914 in receipts and \$700,704 in expenses, leaving a surplus of \$32,210.

K. LoBracco asked whether the problems were caused by the Village’s fiscal year running from July 1 to June 30 and the fire department’s from January 1 to December 31. Supervisor Kimball and Attorney for the Town Olson both said this was not a valid argument.

Councilperson Didas commented that the Town Board is elected to represent a larger quantity of people than are immediately impacted by this that are in the room and they have to do what is right for the Clarkson taxpayers.

MOTION FOR CONTINUATION OF PUBLIC HEARING

Motion at 6:32 P.M. by Councilperson Filipowicz

Seconded by Councilperson Hoy

To continue the public hearing on December 28, 2010 at 7:00 P.M. at the Clarkson Town Hall, 3710 Lake Road, Clarkson, NY.

Unanimously carried

Motion to adjourn at 6:33 P.M. by Councilperson Hoy

Seconded by Councilperson Didas

Unanimously carried

Respectfully submitted,

Sharon S. Mattison
Town Clerk

APPROVED 01-11-2011

LOCAL LAW #5-2010

TOWN OF CLARKSON

A Local Law Regulating Ambulance Services in the Town of Clarkson

Be it enacted by the Town Board of the Town of Clarkson as follows:

CHAPTER **

AMBULANCE SERVICE

§-1. Introduction and Purpose.** The Town of Clarkson is served by more than one provider of Ambulance Services. In some instances, it may be in the best interest of the Town that more than one provider of such services is authorized to provide such services within an area of the Town. The purpose of this Local Law is to establish rules and regulations with respect to Ambulance Service within the Town of Clarkson not including areas in the Village of Brockport.

§- 2. Title**

This local law shall be know as Local Law # 5-2010 “A Local Law Regulating Ambulance Services in the Town of Clarkson ”

§- 3. Authority.** This Local Law is adopted pursuant to the authority contained in Town Law §184, Town Law §64, General Municipal Law § 122-b and Article 2 of the Municipal Home Rule Law.

§- 4. Definitions.**

The following words, terms, or phrases, many of which would not normally be capitalized are capitalized in this Local Law. The intent of this capitalization is to call attention to the fact that the word, term or phrase is a defined term. For the purpose of this Local Law, the following shall mean:

Ambulance Service. An entity which provides prehospital emergency medical treatment or transporting sick or injured persons found within the boundaries of the municipality to a hospital, clinic, sanatorium or other place for treatment of such illness or injury.

Emergency Communications Department. The division of the Monroe County Department of Public Safety which is responsible for 9-1-1 calls, dispatch of emergency service equipment, and relay or transfer of service calls to the appropriate public services agencies including police, fire and emergency services.

Primary Responder. The Ambulance Service designated herein to be the first one contacted by the Emergency Communications Department in the event Ambulance Services are required.

Provider. An Ambulance Service.

Town Board. The Town Board of the Town of Clarkson. Where applicable, the term shall refer to the Town Board of the Town of Clarkson acting for the Clarkson Fire Protection District.

User. The person for whom Ambulance Service is provided.

§- 5. Contracts for Ambulance Service.**

A. In areas of the Town not otherwise served by Fire Districts, the Town Board shall, by contract, provide for Ambulance Service.

B. Multiple Providers.

1. Unless a contract for Ambulance Service provides for exclusivity, or otherwise provided for by law, the Town Board may contract with more than one provider of Ambulance Service in any part of the Town of Clarkson.
2. In the event the Town Board has entered into contracts for Ambulance Service with more than one provider, the board shall on or before December 31 of each and every year where this situation exists, by resolution, designate the primary responder for ambulance calls within the area covered by such contracts for the following year. In the event that the Town Board does not act on or before December 31, and should the contracts still exist, the designation of the primary responder for the previous year shall continue until December 31 of the following year.
3. Upon such designation, the Town Clerk and the primary responder shall notify the Emergency Communications Department of the designation.
4. The other Ambulance Service or Services shall be considered to be secondary responders and shall be called upon to provide the contracted service upon the inability of the primary responder to provide the service.
5. Nothing herein is intended to impair, alter or negate any mutual aid agreements among providers of Ambulance Service in the Town of Clarkson.

§-6. Billing.**

- A.** The Ambulance Service providers designated by the Town Board may, if not otherwise prohibited by law, bill the User's health insurance provider and the User directly for the services provided by the Ambulance Service.
- B.** Each provider of Ambulance Services shall provide the Town Clerk with a copy of the schedule of fees which shall be available for inspection upon request.

§-7. Severability.**

The provisions of this Local Law are hereby declared to be severable. If any provision, clause, sentence or paragraph of this Local Law or the application thereof to any Person, establishment or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Local Law.

§-8. Adoption of Local Law and Repealer.**

This Local Law shall be in full force and effect immediately after its final passage and adoption. All prior Ordinances and parts of Ordinances, Resolutions and parts of Resolutions and Local Laws and parts of Local Laws in conflict with this Local Law are hereby repealed.

Note: ** refers to the chapter number which shall be designated by General Code Publishers.