

A workshop was held by the Town Board of the Town of Moreau on April 22, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York regarding the Moreau Emergency Squad was held.

Supervisor Jenkins called the meeting to order at 7:00 p.m.

**Town Board Members Present**

Tom Cumm	Councilman
Bob Prendergast	Councilman
Gina LeClair	Councilwoman
Todd Kusnierz	Councilman
Preston Jenkins	Supervisor

**Town Board Members Present**

None

**Also Present:** Martin Auffredou, Attorney for the Town; Barbara Porter, Deputy Town Clerk; and Town residents: Tim Cooper, Garth Baker, Huguette Delvaux, John Naja, Ed Tracy, and John Blanchard.

Supervisor Jenkins stated that this workshop was requested by Councilman Prendergast as we are at an impasse regarding the information we have requested from the Squad.

Attorney Auffredou stated that a foil was sent to the Moreau Emergency Squad requesting payroll records, etc. He said that the Moreau Emergency Squad is a quaisi agency of the Town and they perform a governmental purpose for the Town. They receive monies from the Town to operate and the fees that are collected by the Moreau Emergency Squad are also the property of the Town. The Emergency Squad denied all of the FOIL requests. Attorney Auffredou needs to know if the Board would like to appeal this decision.

Councilman Prendergast stated that he was surprised to hear that the Emergency Squad was unwilling to cooperate and provide the information to the Town as requested. He stated that when an organization such as the Squad puts itself in a position of accepting money from taxpayers, they are obliged to provide information regarding how this money has been used. Councilman Prendergast stated that he believes that providing this information is the right thing to do.

Councilman Prendergast stated that we have had a good working relationship with the Moreau Emergency Squad for many years. Because we have had some concerns from taxpayers, we need to acquire this information to see exactly where the taxpayer's money is being spent.

Councilman Prendergast stated that we have had some interest from other squads and he feels that we should look into this.

Supervisor Jenkins stated that he had a complaint from a resident whose insurance company denied the service or did not pay the entire bill from the Moreau Emergency Squad and he was billed the balance. Supervisor Jenkins stated that it was his recollection that whatever was not paid by insurance would be written off. This particular person was in his 80's and was making payments on the bill. Supervisor Jenkins stated he did not understand what the problem was regarding the information that was requested. He stated that if a voucher is submitted, it is going to be signed by two Board Members. Anyone can ask to look at any of these records.

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Councilman Cumm said that he agreed with Councilman Prendergast. We have been trying to settle this matter since last year. The Town Board has to get answers to questions that have been asked. We have a responsibility to our residents. He was also in agreement regarding other ambulance services.

Councilwoman LeClair stated that she was also frustrated. We need to know what is being done with the \$220,000.00 that we give to the Squad.

Councilman Kusnierz also agreed that we were at an impasse. Councilman Kusnierz was not in complete agreement with the rest of the Board. He stated that not all of the money that the Squad receives is taxpayer money, therefore only the portion that the Town gives to the Squad should be in question. At budget time the Squad does give a list of expenditures. He would like to see the Squad give a better accounting of the money that is given to the Squad by the Town. He would like to take it a step further and set limitations on what the money that is given by the Town could be used for. It could be earmarked for building expenses, heat and lights, etc. He also had no problem finding out if there were other companies that could supply the same services at a lesser price. He feels that the Squad is a unique entity because not all of the money is provided by the Town. We need to come up with a compromise that will be good for the Town and the Squad. [Amended 5/11/10 jf]

Supervisor Jenkins stated that when it comes to this billing process, if there was an error in the billing we could be held responsible. He stated that there have been questions regarding overbilling and if this happens we could be held liable and be responsible for repayment. The Squad has provided us with invoices, but they have quick books and they could give us a monthly statement. Supervisor Jenkins stated that we should file an appeal and if this is denied, we should go to the State.

Councilman Cumm stated that the payroll was being taken from the third party billings. Because we do not know what the payroll amount is, we could be paying too much to the Squad. Some of the other expenses could be coming out of the third party billings and the amount that we supply to the Squad could be less.

Councilman Prendergast stated that at budget time last year they requested more than they did the year before. Now that they have money coming in, their budget request should be smaller. Things just do not add up.

Councilman Kusnierz stated that we now get a higher level of care; full time around the clock advanced life support services, since we went to the third party billing. It was a balance that we as a Board at the time took into consideration. A majority of the Board voted to support third party billing so that we could bring this service to our community.

Supervisor Jenkins wanted to clarify that we gave the Squad a 4% increase last year. He also asked the Board if they wanted to pursue the FOIL. All agreed to the appeal.

Attorney Auffredou stated that it is just a letter that will be sent to Mr. VanGuilder requesting they reconsider their position. If they deny, the remedy is an Article 78 in Saratoga County Supreme Court. The Town would have 120 days from the date of the denial to file the Article 78. Regarding the RFP's, Attorney Auffredou suggested that we invite groups who provide these services, from the area or from the region, in on a discussion. As a result of this discussion, it may be decided whether an RFP is cost prohibitive. The second option is to create RFP's directly from the Town. Talking with these groups outside the context of the regular meeting is perfectly appropriate. It is like looking for an engineer, architect or lawyer.

Supervisor Jenkins stated that he thought there was a recent ruling stating that if we do RFP's for professionals, we have to recognize the lowest qualified bidder unless there is a very good reason why

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you shouldn't award it to them.

Attorney Auffredou stated qualified is the key word and the Town Board has the discretion to determine if this bidder meets the qualifications required to perform the services needed. It may be that a firm is \$20,000 less, but the Town Board is not comfortable with the references etc. The Board could then choose another firm that is more expensive.

Councilman Cumm asked if once we sign a contract are they responsible for 100% of the emergency services or can someone call another company to take them to the hospital?

Attorney Auffredou was not aware of borders being closed to other emergency services.

Councilman Kusnierz thought if anyone called 911 the Squad would be contacted.

#### OPEN COMMENT PERIOD

John Blanchard—61 Potter Road—asked if the Board if they feel the Town is being overcharged and was the Board expecting them to use the third party money for payroll?

Supervisor Jenkins stated that we would like the opportunity to review the billings as we have a fiduciary responsibility to the insurance company who make those payments because the money comes to us and then we in turn forward it to the Moreau Emergency Squad. We want to know what the total operating cost is for this service. The same people who are being paid to do this are driving the vehicles that we pay for, the insurance that we pay for, the mortgage payments that we make, and the supplies that are bought. We are not questioning anything, but we want to see all of the information that has been requested. We do not anticipate finding anything wrong, but we want to review the information. We do not understand why the Squad does not want to give us the information. Anything that we have here at the Town Hall is available for review with the exception of something that might be in litigation. We do not need to keep any of this information; we just want to review it.

Mr. Blanchard asked if the FOIL would include money raised from fundraising.

Supervisor Jenkins said no, but we could ask to see this information.

Mr. Blanchard asked where the Town has any liability regarding the third party monies. Supervisor Jenkins stated that we are the loop. This money is paid to us and then in turn we pass it on to the Squad.

Attorney Auffredou stated that it is in the contract that we have with the Moreau Emergency Squad that the insurance monies will become the property of the Town and it will then be given to the Squad for expenses.

Supervisor Jenkins stated that we have had residents asking questions regarding the Squad. It is our responsibility to look into these matters. We do not feel there is anything wrong, but it is the Board's responsibility to confirm that everything is being billed correctly and that the expenditures are in order.

Councilman Cumm read a portion of the contract between the Town and the Moreau and the Moreau Emergency Squad.

Garth Baker from 7 Third Street, South Glens Falls asked how closely the RFP would have to mirror the proposed contract with Moreau Emergency Squad and would the Moreau Emergency Squad be able to bid on this RFP?

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It was Supervisor Jenkins' opinion that they would be able to respond to our RFP as they are qualified and we are not questioning that fact.

Councilman Kusnierz stated that parts of the contract would be part of the framework for what we would put out as a Board for a request for proposal.

Councilman Cumm stated that regardless of who might take over the ambulance service, if they are taking Town money, their records would have to be open to the Town.

Garth Baker wondered if Empire or Mohawk would be willing to give payroll information.

Councilwoman LeClair spoke with someone at one of the squads and he told his salary and the salaries of other people who work there. He was very open.

Supervisor Jenkins stated that if they represented us, they would be subject to FOIL.

Tim Cooper from 21 Amy Drive asked how many calls the Squad billed for last year.

Supervisor Jenkins said he wished he knew.

Mr. Cooper stated that if there were only two issues and they had 300 calls, that wouldn't be bad. If we have to go to another service, they will also have billing issues. They are a not-for-profit company. They have \$223,000 from the Town, \$400,000 in third party billings for salaries, approximately \$75,000 from Northumberland equaling \$698,000 to run that facility. It is money in and money out with no profit. There are 3 staffed ambulances, and 2 response vehicles. He asked, will the company that might come in to our community have 3 staffed ambulances and 2 response vehicles to make sure my family is safe? Are they going to have to call Fort Edward or Glens Falls to come across the bridge at rush hour for a person having a heart attack? Has the Town taken all of this into consideration? He further stated that he can understand why the Town is looking to get this information. If another company can come in with the same service for \$693,000 or less the Town wins. If not and someone doesn't get the care they need, the Town is in a worse situation.

Supervisor Jenkins said he agreed with everything that Mr. Cooper said. He then asked Mr. Cooper why we shouldn't get the information we need.

Mr. Cooper said he was not concerned with that. If it is money in and money out, he wasn't concerned with seeing the information. If a person has no insurance and was billed, that is wrong and that person should get an apology.

Supervisor Jenkins said money can go out anywhere. We want to see the cost of running the facility. Their budget was worthless.

Mr. Cooper asked if their budget was worthless then why the Town passed it.

Supervisor Jenkins said we didn't.

Mr. Cooper asked if they were running on a contingency budget.

Supervisor Jenkins stated that we budgeted money for ambulance services and we haven't agreed to give it to anyone. We looked at the figures and we didn't have a lot of detail, but we decided to give them a 4% increase the same as the Fire Company.

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Mr. Cooper asked if the RFP would ask for 3 staffed ambulances, 2 response vehicles, around the clock staffing and would the town expect them to provide salaries of every employee in the building and all the billing.

Supervisor Jenkins stated he would only want Town of Moreau billing and payroll reports monthly. We would like them to give us a print out from their quick books.

Mr. Cooper stated that one of the complaints that we have heard was a couple of the employees were being paid too much. What does the Town consider too much? What are you going to base their salaries on?

Councilman Kusnierz stated that he had asked at the joint meeting of the Town Board and the Moreau Emergency Squad what the hourly rates were and it was provided to the Town Board. He did not think that they were excessive for the level of training.

Supervisor Jenkins stated that if after looking at the payroll records we thought their salaries were excessive the only impact might be what we would budget next year.

Mr. Cooper stated that his reason for coming to the meeting was to make sure that his family and neighbors would be protected with the same care as they have received for years.

Supervisor Jenkins stated that the Squad saved his life and he knows that they do a good job, but the Board has to do their job also.

Mr. Blanchard from 61 Potter Road asked, is this all a question of being budget conscious? Is the Town saying that we are paying them too much? Is this what the Town wants them to do?

Supervisor Jenkins stated that the Board might say that a salary is excessive and if they want to pay that much then they will have to cut corners somewhere else.

Councilman Prendergast stated that is accountability of tax dollars.

Garth Baker asked if the Town still considers the money that is collected from insurance as tax dollars. If payroll isn't being used from the \$223,000, what is the Town's role in scaling down the budget?

Councilman Cumm stated we do not know what the salaries are. The salaries are coming out of the paid portion. If more of the paid portion could go toward the operation maintenance, we possibly could cut down on the amount of money we fund the Emergency Squad.

Mr. Cooper asked what happens if they only do 100 calls and that money doesn't come in.

Councilman Cumm stated that we would know that from the review process and we could increase funding, but as it stands now we have no idea how much it costs to run the Squad.

Mr. Cooper asked if they ran out of money after six months would the Town be able to help even if the budget has been passed.

Supervisor Jenkins stated that if we were all working together we would find a way to do it.

Councilman Cumm stated that Attorney Tarantino checked into other Squads; Western Turnpike, Valatie, West Sand Lake, Galway etc. He thought they should have gone to Fort Edward, Hudson Falls Glens Falls, Queensbury, etc. and find out what their process is. We did. We fashioned part of our contract after Queensbury. Queensbury dictates what the salaries are for the Squad members. He then said he did not want to micromanage the Squad.

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Councilman Kusnierz stated that in comparing prices we have to compare a squad who has life support services.

Supervisor Jenkins stated that Queensbury are not unreasonable to their people, but they look at their data.

Mr. Blanchard stated that if the Squad did not put this in the contract, then the Town would not be responsible.

Attorney Auffredou stated that the Squad came to the Town Board and stated that they wanted to start third party billings. The law is that the third party billings are property of the Town. The Town had to establish the rates with input from the Squad. The Town did not want to be burdened with the billings so it was agreed that the monies would be collected by the Town and then they would be turned over to the Squad. Everyone agreed that the monies would be property of the Town and periodically they would be transferred to the Squad. The Town did not want to get into the business of billing for the Squad.

Councilman Kusnierz stated that someone on the Board stated that the Town would be on the hook. He stated that that was incorrect. The Squad was, according to the contract, responsible for obtaining a bond which would protect the Town. We will not be on the hook if something goes wrong.

Garth Baker stated that if the Town is not liable for the contract and though the money passes through the Town and it is not taxpayer's money. Where is the Town's responsibility?

Supervisor Jenkins stated that the bond would cover any loss, but the Town is still responsible.

Attorney Auffredou stated that the Town is still responsible, the bond gives financial protection to the Town. He doesn't believe the bond or indemnification by themselves relieves the Town of the responsibility of making sure that taxpayer dollars are collected and spent in a particular way.

Councilman Kusnierz agreed that we have a responsibility.

Supervisor Jenkins stated that we want to protect the integrity of the Town. He does not understand why they will not release that information. This bothers him.

Councilman Prendergast stated if the money is not being spent appropriately then that would have an adverse affect on the amount of tax dollars that would be given to the Squad.

Garth asked who would determine if the money is being spent appropriately? The Town Board or an outside agency?

Supervisor Jenkins stated he didn't feel that an outside agency would be necessary. If the Board agrees that the money is being spent appropriately, then a contract would be signed.

Mr. Cooper asked if it would be the Board's personal opinion what a person should be paid?

We would make comparisons with other Squads.

Mr. Blanchard asked if Queensbury gives records of all the money that the Squad makes. He stated that if he hired a contractor, he would be able to see the records for anything that pertained to him, not his records for all of his business. Why should the Town need to know how the Squad's other money is being spent?

Councilman Cumm stated again that the Town might not have to give as much money to the

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Squad if we find that the third party monies are not being spent appropriately.

Supervisor Jenkins stated that the contractor pays for his own truck, fuel, etc. The Squad doesn't. Therefore we have the right to know how this money is being spent.

Councilman Cumm stated that we do not have the information so that we can agree or disagree as to how the money is being spent.

Councilman Kusnierz stated that it is not accurate that we do not get information. At budget time we do get a list of projected revenues and expenses.

Supervisor Jenkins stated that the information that we received was not accurate.

Councilman Cumm and Councilwoman LeClair are the liaisons for the Moreau Community Center. Every month we get a list of all of the checks that are written and a list of all monies that are coming in to the Community Center and that is what we want from the Squad.

Mr. Blanchard stated that he thought the Town and Squad made a mistake by having that clause in the contract.

Councilman Prendergast stated that he feels we have a right to the information and we are going after it.

Huguette Delvaux from Route 197 asked about the third party billing. What kind of information are you looking for? Are you looking to substantiate the billings that are going out?

Supervisor Jenkins stated that we are looking for monthly reports and the sheets that they get back from the company showing what they get paid for, any adjustments, etc.

Mrs. Delvaux asked if we were asking for personal records.

Attorney Auffredou stated that we could work through this subject.

A motion was made by Councilman Cumm and seconded by Councilwoman LeClair to adjourn the meeting at 8:08 p.m.

Roll call resulted as follows:

Councilman Prendergast	Aye
Councilwoman LeClair	Aye
Councilman Kusnierz	Aye
Supervisor Jenkins	Aye

Meeting adjourned.

Respectfully submitted,

Barbara Porter  
Deputy Town Clerk