

**PUBLIC HEARING - RESCUE SERVICES FOR 2007- JANUARY 16, 2007**  
**TOWN OF BRIGHTON - FRANKLIN COUNTY, NY**

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**A Public Hearing on the proposed 2007 Rescue Service Contract was held on Tuesday, January 16, 2007, at 6:00 p.m. at the Brighton Town Hall, 12 County Road 31, Paul Smiths, NY**

**CALL TO ORDER: Public Hearing was Called to Order** by Supervisor Peter Martin at 6:08 p.m.  
The "PLEDGE TO THE FLAG" was recited.

**ROLL CALL OF OFFICERS**

**PRESENT:** Supervisor Peter Martin, Council Members: Sheila Delarm, David Knapp, Steve Tucker and Lydia Wright  
**ABSENT:** None

**OTHERS:** Elaine Sater - Town Clerk

**RESIDENTS:** There were twenty-four residents present

**NOTICE OF PUBLIC HEARING:** Notice of the Public Hearing for the Rescue Services Contract for 2007 was published in the Adirondack Daily Enterprise on Thursday, January 4, 2007. It was also posted on the Town Clerk's Sign Board, at three post offices, and local businesses.

**Supervisor Peter Martin** said he has stepped out of the negotiating portion of the Rescue Contract due to a potential "Conflict of Interest" being the Supervisor and a member of the Saranac Lake Volunteer Fire Department (SLVFD).

Board members received a copy of an amended rescue contract at 5:20 p.m. today from the Village of Saranac Lake. Copies were made available to the public.

**Council Member (CM) Sheila Delarm** explained to the public that the Board has been meeting with the surrounding towns (Santa Clara, Franklin, and Harriestown), the Village of Saranac Lake, and members of the SLVFD to discuss an addendum to the proposed rescue contract. This addendum covers 10 points the towns would like addressed before approving the contract. The Town of Brighton's contract is for rescue services only since we already have a contract with the Paul Smiths-Gabriels Volunteer Fire Department for fire protection. The Village is not willing to reduce the cost to the Town of Brighton. The Village is using an assessment figure based on the property value of the Town to calculate the Town's portion for the contract. The NYS Department of Health provided information on the Federal standard allowed per rescue call, it is about \$500 per call plus mileage. The Town Board offered \$550 per call based on an average of 48 calls per year from 2002 to 2004 or \$26,400 as a fair and reasonable amount for rescue services. If the Village accepted this amount the Board would feel they were negotiating in a fair and reasonable manner. David Knapp attended the Village Board meeting on Monday, January 3, 2007, and the Village did not accept this offer. Instead they requested each town pay the amount they budgeted in their 2007 General Fund for rescue services. This amount for the Town of Brighton is \$30,221, based on the "worst case scenario" proposed by the Village Mayor. The Town of Brighton is the only town that has made a counter offer to the Village and the Village Board does not want to bargain with the Town because they might have to bargain with the other towns.

What does the public think the Board should do about the current contract. There will be a Fire Advisory Board made up of people from each of the towns involved to look at this process over the next year. The Board has considered asking the Comptroller's Office to advise them on what to do.

**CM Lydia Wright** said that historically the contract has been based on "cost per call" based on a NYS Office of the Comptroller visit to the Village of Saranac Lake 10 years ago. The Village asked for the audit to determine how to better cost out the fire and rescue service, the Village was paying 71% of budget and towns outside the Village were paying 29%. The Comptroller's Office estimated the cost for a fire call to \$900 and a rescue call to \$315. The cost to the Village decreased to 61% of the budget and increased the cost to towns outside the Village to 39%. Currently the Village is asking for 80% of the budget for rescue cost and 20% for fire protection, increasing the % to the towns by a lot for rescue service. In all the cost spreadsheets provided to the towns the Village's portion is not included. The Village is not willing to share that number.

**The floor was opened to the public.**

**Betty Scott:** Asked if the Village was legally responsible to provide the numbers, can they do what they chose with the money paid by the Town.

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**John Quenell** - The Village spends about \$600,000 a year on the SLVFD. The Village's share of the budget is 70% and the SLVFD gets about 30%. The Village owns some of the equipment and pays drivers to cover 24/7. The budget for the drivers is about \$312,000 which includes benefits. What is the Town's "back up" plan if the Board does not sign the proposed contract.

**Supervisor Peter Martin** - Spoke with St. Regis and Tupper Lake rescue departments and they would not let the Town go uncovered. The Board will make sure there is coverage before they decide not to accept the contract. There is First Responder Emergency Medical Service Association (FREMSA) coverage in the Town, and the Franklin County EMS people are aware of the situation.

**John Quenell** - He is aware of what the Board is trying to do and commends them for their actions so far

**Supervisor Peter Martin** - In March 2006, when it was first proposed to pay on a percentage of the assessed property value of the Town, the Town would be paying \$29.28 per \$100,000 of assessed value. This was based on the property values being at 72.66% equalization rate. Now at 100% equalization rate the amount is \$28.38 for both fire and rescue and \$20.78 for rescue only. If fire costs were only \$7.58 per \$100,000 of assessed value then there would be a lot of fire departments out of business.

**Resident A** - Are the costs based on 100% for all the Towns.

**Supervisor Peter Martin** said the Town of Franklin is not at 100% equalization rate. Harriestown would have paid \$40.40 based on the March 06 figures; now they are at \$29 with 100% equalization rate.

**CM Lydia Wright** - She said another option for "backup" is from NYS Department of Health. Lee Burns, in a fax to the Town, says there cannot be a lapse in service during negotiations. Due to the Certificate of Need the SLVFD is responsible for coverage. There has not been a lapse in service to the Town during these negotiations. The Comptroller's Office would offer an unbiased look at this situation.

**Resident A** - This is a public service blanket service for everyone, it is not based on how many time they come to your house this year and that house next year. Anyone who needs the service can use it. The cost for the service should be based on property tax. There needs to be a legitimate accounting of what is going on. If the Town had a budget of the department it can be divided up among the property owners. Or they could go to a county wide system and eliminate the local fire and rescue and pay county employees to do it.

**Supervisor Peter Martin** - The reason for the "cost per call" basis is because the Town only has 5% of the calls to the rescue service provided by the SLVFD. When based on the assessed value the outside towns' portion is much higher because the property values are assessed so high due to the waterfront property. The Village is trying to make up their costs from the outside towns. There is a lot of non-for-profit property in the Village.

**Resident A** - These numbers on the handouts are phoney

**Supervisor Peter Martin** - When he started going to the meetings the cost to the Town was about \$40,000 per year, now it is up to \$53,000 for the third year of a three-year phase in. They keeping throwing out this assessed value. Most places cost out by call. Medicare and Medicaid only pay a certain amount per call, rescue department can bill on a per call basis. A basic call is about \$400, an advanced life support is a max of \$800.

**Resident A** - The insurance can bill the resident.

**Supervisor Peter Martin** - SLVFD provides rescue services so it cannot bill residents directly. If the Town pays \$53,000 a year for service that equals \$1,100 per call, about \$300 more than an insurance company can bill. The Village will only be paying \$174 per call at the end of the three-year contract.

**CM Sheila Delarm** - The addendum to the contract is asking for the SLVFD to either start billing if legislation can be changed or they need to split into a rescue service that can bill after three years. If the Town was negotiating a fire contract then the cost divided by assessed property value make sense. It costs more to fight a fire at a large home, but it does not cost more for a rescue call to go the same house.

**Resident A** - What about the mileage for a rescue call

**Resident B** - Does the Town have mutual aid agreements, how often is it used

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**Supervisor Peter Martin** - St. Regis Falls and Lake Placid provide mutual aid every so often.

**CM Sheila Delarm** - The cost for mileage was considered in the Town's offer to the Village. One of the proposals to the Village was \$600 per call for the Town and \$300 per call for the Village. They turned it down

**John Quenell** - Item #10 on the addendum (identifier to tax ID numbers), it that something the assessor can do.

**Supervisor Peter Martin** - This can be done, but he does not understand the process, it uses a GIS/GPS. Would have to talk with the assessor.

**CM David Knapp** - Understood it to be for certain property for determining how to get there and the closest service

**John Quenell** - Visited the 911 Emergency Center in Malone and was impressed with the operation. As of January 1, 2007 they are set up to cover all of Franklin County except for Saranac Lake.

**CM Steve Tucker** - When the 911 system was first set up, Malone could not reach certain areas at this end of the County so SLVFD covered this end. Now that new towers are in place Malone can take over if SLVFD lets them.

**Resident A** - What is the Town's next move

**Paul McGivney** - The Town needs to go back to the law (General Municipal Law 209b), contact the Comptroller's Office and let them negotiate it from a legal source. The Board has done all it can and needs to get legal counsel involved.

**Art Robinson** - The Board has put a lot of effort into negotiating, if the Town is willing to pay its fair share he is in favor of going with arbitration so the Town gets a fair shake.

**CM Sheila Delarm** - Harrietstown and Santa Clara are having their public hearings on Thursday, January 25, the boards are thinking of going along with the contract as is. What does the public think if Brighton is the only one who doesn't sign the contract?

**Art Robinson** - The Board should continue to try to negotiate and not let the Village push the Board into a contract

**Mike Harrington** - Legally the Village has to respond, the Town should get something in writing about continued coverage

**CM Lydia Wright** - The three towns have the larger share of the budget. Harrietstown budgeted lower than the proposed contract so the Village is accepting the lesser amount from them. There is a \$4,000 difference between what the Town is offering and what the Village is willing to accept.

**Ernest Schmidt** - Asked about the money from the towns, does it go to the Village's General Fund. The Town should have an itemized accounting of what they take in and what is spent.

**CM Lydia Wright** - The Village cannot understand why the Town is balking at \$28.00 per thousand. The numbers are not adding up and there is no clear accounting for the finances. It is not just the Board members it is not clear to, John Quenell has been also looking at the numbers over the past years.

**CM Steve Tucker** - If we were dealing directly with the SLVFD this would not be happening.

**CM Lydia Wright** - The issue is not with the SLVFD, it is with the Village and how they spend the money. The SLVFD will get their money to operate from the Village. It's how the Village is distributing the costs among the Towns. The towns have asked for the cost breakdown and have not got one.

**Mike Harrington** - Asked if the County and State officials are aware of the situation.

**Supervisor Peter Martin** - The County Legislature is aware of what is going on, most of the people in the area are aware of what is going on.

**Mike Harrington** - Asked if they were doing anything about it.

**CM Steve Tucker** - As of January 1, 2007, there is a new law that Fire Districts with budgets over \$400,000 have to provide a financial statement to account for funds.

**Mike Harrington** - Asked about the response time compared to other towns.

There was a discussion between two residents about their experiences with response times in other places, paid

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employees versus volunteers.

**CM Sheila Delarm** - The County EMS thinks eventually it will have to go to paid employees.

**CM David Knapp** - The principal issue is between the cost of \$4,000 and the good faith of negotiations. In the last two weeks there has been better dialogue than in the past. The issue is the budget figures, if we sign this contract now, the addendum will cause the finances to be more transparent. We have to get over the dollar figure to get to that point. Has been attending Village board meetings. The Village feels they are being fair asking for what's in the budget. They discussed the offer of \$26,400 by the Town but he thinks they are not going to move on it.

**Resident A** - They gave Harriestown a \$7,000 discount.

**Supervisor Peter Martin** - That was because they used a different spreadsheet for their numbers than Brighton did, every town used a different budget from the Village.

**Mike Harrington** - Asked if they gave a reason for the change in Village budget figures

**CM David Knapp** - The Village mayor said the difference from August to December 2006 was because they hadn't calculated in the paid driver's fringe benefits. The Village board also had five different versions of spreadsheets to look at during their meeting. The change was from \$480,000 to \$524,000 (\$44,000). The figures are not clear to them either.

**Bruce Sawyer** - Asked what the cost per \$100,000 of assessed property value.

**Supervisor Peter Martin** - It depends on which spreadsheet from the Village you look at; as of 30 March 2006 it was \$29.28 per \$100,000; recently it is \$20.78.

**Bruce Sawyer** - Asked how this compares to what tax payers are paying for Fire Protection. He pays .335 a thousand.

**Ernest Schmidt** - Asked why the Town doesn't start its own rescue service.

Discussion was held between residents as to cost and volunteers available.

**CM Sheila Delarm** - She would like some advice from the Comptroller's Officer. We need assistance and this needs to be transparent. She said the Department of Health and County are willing to intervene. Drop dead date for signing this contract is January 26, 2007 at noon. The Town is covered for fire protection by the Paul Smiths-Gabriels Volunteer Fire Department and the volunteers have to respond for mutual aid calls.

**Resident A** - Asked if the Town has a fiscal report that it completes at the end of the year; they should request one from the Village. The Town should be following the GML 209b.

**Ernest Schmidt** - Asked what the town's lawyer has said about the contract.

**Supervisor Peter Martin** - Nothing has been sent to the Attorney for the Town because there was not a completed contract yet. SLVFD has to approve the contract first and the Village keeps sending blank pages with no signatures.

**CM Sheila Delarm** - Said she has contacted the Attorney at the Association of Towns for their opinion. The Attorney recommended calling the Department of Health.

**Bruce Sawyer** - Said he belongs to the SLVFD because they provide more training to him. Medical training is also extensive. He recommends the Town sign a one-year contract and then work out the bugs later. The funds are for both volunteers and the paid drivers.

**Supervisor Peter Martin** - The Town's portion of the funding is based on assessed value not per call, yet the budget breakdown from the Village is based on number of calls (80% to rescue and 20% to fire). They won't let the Town pay on a "cost per call" basis. Even a 50-50 split of the budget is more fair.

**Bruce Sawyer** - The Town had 48 calls last year, 20 were to Paul Smiths College, out of that 15 are alcohol related, by law as an EMT he cannot leave that individual alone. The College needs to be educated on calling the rescue.

**Supervisor Peter Martin** - If the Town has less calls, the cost per call goes up if the Town pays on the current contract.

**CM Sheila Delarm** - The volunteers are given \$85,000 to spend. They used to get 50% of the funds received, but now it is a negotiated figure.

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**Resident A** - The figure on the sheet shows \$523,000 for a budget, asked what was the difference.

**CM Sheila Delarm** - There are five paid drivers, 2 on-call. The Village has been asked to base the amount on something other than assessed property value, such as number of buildings, population, etc.

**Phil Delarm** - Asked about para #10 of the contract - discusses that the Village will pay the volunteers their portion of the funds. Asked if this amount of \$85,000 was for rescue only or both fire and rescue.

**Supervisor Peter Martin** - It was for both fire and rescue and it was from all the towns who had contracts, about 35% of the money.

**Phil Delarm** - What is the amount of last year's contract compared to this year for Harrietstown and Brighton

**Supervisor Peter Martin** - Harrietstown spent \$71,000 in 2006, budgeted \$110,000 for 2007; Brighton spent \$18,000 in 2006 and budgeted \$30,220 for 2007.

**CM Lydia Wright** - This issue has nothing to do with the SLVFD, it is only with the Village. She said she was sorry the SLVFD was dragged into by the Village.

**Ernest Schmidt** - Asked what is the Village's portion of the cost. The documents can be asked for under the Freedom of Information Law. (FOIL)

**CM Lydia Wright** - That is what we don't know, the information was asked for but not provided. The information would have to be "FOILED".

**Betty Scott** - She is happy with what she has heard from the Board. She would not pay the Village, keep on negotiating. If they cannot refuse to come, continue trying to get a fair idea of what they are spending. The Board is doing the right thing.

**CM Lydia Wright** - Using the latest figures and knowing the average amount of calls, the portion of the budget for the Village would be \$48,750 at the end of three years, the Town's portion would be \$52,900. Brighton has an average of 48 calls for rescue per year, Village has 625 calls for both fire and rescue.

**Ernest Schmidt** - The contract should go to the Town's attorney for review.

**Supervisor Peter Martin** - A copy of the contract will be sent to the Attorney for the Town for review.

**CM Sheila Delarm** - The other two towns share an attorney and they have been providing the legal advice up to now.

Two letters were read for the record:

**Rouse Fountain:** "In regard to the public hearing scheduled for Tuesday, January 16, 2007, for the public to comment on the proposed rescue service contract with the Village of S.L., I would like my comments read at this meeting.

#1 I feel the plus 40% is a little to much. I request the board to draw the line. No more increase.

#2 The contract not be based on a property assessment-base system. Rather on a per call base system.

#3 The funds Brighton provides for this rescue contract should specifically be labeled for just rescue services provided to Brighton.

#4 The Village of S.L. file a detailed budget, showing where this money is spent and what for. This report should be available every 6 months. Receipts should be required to back up these budget expenditures.

#5 An EMT be on duty 24 hrs. 1 day after this contract is agreed on.

#6 Rescue responds after the first call goes out-NOT 4 calls later.

#7 A mandatory refund be made to the Town if the Village of S.L. does not meet these contract items 3,4,5,6,and 7.

Thank you for reading this letter. Rouse A. Fountain"

**Ted and Martha Palmer:** "Martha and I will be unable to attend the meeting on Tuesday night on the topic of rescue coverage for the Town of Brighton. Could you please share our thoughts with the rest of the attendees.

As residents in the town of Brighton we are naturally concerned about having adequate emergency medical coverage for our area. However we urge the town counsel to review all possible avenues for coverage before re-entering into a contract with Saranac Lake. We are disappointed to see Saranac Lake put a disproportionate burden on the surrounding towns for the cost of running EMS. Also we are concerned about how this situation has been portrayed in the local media.

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Therefore, if at all possible the Town of Brighton should secure an EMS provider that offers quality care at a fair cost to the tax payers and does so with a little more integrity.

Thank you Ted Palmer, Martha Pickard Palmer”

**Bruce Sawyer** - Asked what the Town plans to do if the Board decides not to sign the contract. The rescue service has a “Certificate of Need” to operate in the area. The only ambulance service with this certificate is Northern Ambulance.

**Supervisor Peter Martin** - The St. Regis Falls Rescue will provide coverage as well as Tupper Lake and Lake Placid. The Department of Health will issue an emergency “Certificate of Need” for 60 days if necessary for the Town.

**CM Sheila Delarm** - The Department of Health is willing to intervene if necessary as long as we continue to negotiate in good faith.

**Resident C** - Asked what residents can do to help the Board with this situation.

**Supervisor Peter Martin** - There is a bill being worked on in the NYS Senate & Assembly to allow billing, residents can write letters to Senator Betty Little and Assembly Woman Janet Dupery. The bill could be specific for Franklin, Essex and Clinton Counties.

**CM Lydia Wright** - This bill is needed because the fire department and rescue department are based together, they are not allowed to bill individuals for service; insurance can also be billed.

**Supervisor Peter Martin** - Non-residents could then be billed for rescue services such as college students. This would not cover all the costs but would reduce the cost to the Town.

**Holly Huber** - Asked why the counties would get special treatment.

**CM Sheila Delarm** - There is precedence that counties can have bills passed that just affect them.

**Bruce Sawyer** - The City of Plattsburgh had a bill passed for EMS to be allowed to bill.

**CM Sheila Delarm** - Asked Bruce Sawyer, as a member of FREMSA, if they would respond if the Village did not.

**Bruce Sawyer** - FREMSA has a contract with Brighton so they would respond, they do not have transport capability.

**CM Sheila Delarm** - Asked Bruce Sawyer what is FREMSA response time to Brighton.

**Bruce Sawyer** - There are three Brighton residents that are EMTs that can respond. During the day they work at other jobs so if they can't get away it takes longer. They are more available at night.

**CM Lydia Wright** - The Board attended a “third party billing” seminar during March 2006 that discussed billing people who use the rescue service. People who have insurance would be charged for services, other people would be billed directly.

**CM David Knapp** - As of last March the Board has been working on this issue. The numbers have not been consistent from the Village for what the cost to Brighton would be. A letter, dated January 3, 2007, was received from the Village Manager John Sweeney. David Knapp read for the public the latest offer from the Village as follows:

“The Village board offered the following resolution: MM (Motion made) Trustee Fontana acting in good faith for public safety authorizes Village Manger, John Sweeney to re-enter negotiations with the Townships of North Elba, Santa Clara, Brighton, Franklin, St. Armand and Harrietstown for fire and or rescue coverage for a 12 month period by offering a new contract for fire and or rescue services bases on 100% of the adopted amount in Town budgets, by each Town for fire and or rescue services from the Village of Saranac Lake in 2007. These offers are valid until January 26, 2007 12:00 pm to afford the Townships time to have their required public hearings. At 12:01 pm on January 26, 2007 if these contracts are not signed, fire and or rescue services provided by Village of Saranac Lake Fire Department and volunteers will cease. MS (Motion Seconded) Trustee Olson”

**CM Lydia Wright** - The Board has 10 days to seek legal advice.

**Holly Huber** - Asked why the SLVFD did not want to split so they could bill insurance.

**Supervisor Peter Martin asked Bruce Sawyer if he could give an answer**

**Bruce Sawyer** - The Department wants to stay together due to the comradery based on responding to accidents and the fellowship that results from such an organization. The Department voted not to separate. It is hard to explain the reason. It would be the beginning of the end. They could be asked to go to a separate building if they separate. If the legislature would pass the bill they would not have to separate.

**CM Steve Tucker** - Outside of Franklin, Essex, and Clinton Counties there are very few fire departments with rescue

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services. It is unique to this area.

**Bruce Sawyer** - Whatever the Town does, it needs to have water rescue, back county rescue, etc. He would pay about .30 per \$1,000 of assessed value of his property for rescue. He is paying .33 per \$1,000 for fire protection. For \$100 a year he would be covered for both fire and rescue. It's worth it to him and he is the one doing the work. The per call system should have been done away with a long time ago. Fire Districts in other areas charge out their costs by assessed value.

**CM Sheila Delarm** - If the Village had sat down with the Towns last year and said they needed to find a better way to distribute the costs we would not be sitting here tonight with this discussion.

**Art Robertson** - People with more expensive property would be paying more for the same service.

**Ernest Schmidt** - People with second homes are going to be paying a lot.

**Phil Delarm** - The people living on the lakes are not getting anything for their taxes since they are only here in the summer. They don't use the schools, the snow plowing, etc.

**Bruce Sawyer** - The cost for each type of call is different, some are expensive (Advanced Life Support) and some are cheaper (Basic Life Support). When SLVFD had to respond to a call they had to go across the lake in a barge, they were told they responded quicker than the service they have at their other home.

**There were no further comments from the floor.**

**CM Sheila Delarm** - Thanked everyone for coming to express their thoughts. They can call or email if they have any other thoughts.

**Motion made to Close the Public Hearing at 8:03 p.m.** by Sheila Delarm, **second** by Steve Tucker, **Aye 5, Nay 0**

Respectfully Submitted,

Elaine W. Sater  
Brighton Town Clerk