

Town of Oneonta Fire District
Meeting Minutes – Regular Meeting
October 10, 2017

Attendance: Present: Johna Peachin, Fernando Volpe

Members of the Public: Karyl Sage, Bonnie Molinari, Ron Peters, Michael Stolzer, Patricia Jacobs, Dana Marie Levinson (City Council), Denise Richards (The Daily Star), Robert Wood (Town Supervisor), Arley Lau, Alex Lau, John Ryland, Timothy Gibson, Steve Kent, Trish Riddell Kent (Town Board), Joe Tiemann, Marsha Tiemann, Richard Breninger, Ian Austin (Hometown Oneonta)

Ms. Peachin called the regular meeting to order at 6:00 PM.

Donald Lamanna and Eugene Molinari resigned as commissioners for the Town of Oneonta Fire District. Their resignations were submitted via e-mail on October 6, 2017. The secretary read the letters of resignation.

Ms. Peachin reported that a prior court ruling permits two commissioners to appoint a third commissioner when multiple, sudden resignations leave the board without a quorum. Ms. Peachin asked if anyone present was willing to serve as a commissioner. No one came forward. Mr. Volpe nominated Ron Peters to serve as a commissioner for a term that is effective immediately and ends on 12/31/2018. Ms. Peachin seconded the motion. Mr. Peters was appointed to fill the vacancy left by Mr. Molinari's resignation. Mr. Peters joined the other commissioners.

Both Ms. Peachin and Mr. Volpe said that they have asked people to serve as commissioner but were unable to find a willing volunteer.

Mr. Volpe made a motion to accept the September 2017 minutes. Ms. Peachin seconded the motion. Passed 3-0.

Treasurers Report (Attachment 1): The Treasurer reported that the only payment in September was the second contract payment to the City for \$350,000.00. Mr. Volpe made a motion to accept the Treasurers Report. Ms. Peachin seconded the motion. Passed 3-0.

The following payments were approved:

Mr. Volpe made a motion to make the third contract payment for \$350,000.00 to the City of Oneonta on December 1, 2017. Ms. Peachin seconded the motion. Passed 3-0.

Mr. Volpe made a motion to set the pay rate for the three election workers at \$10.00 per hour. Mr. Peters seconded the motion. Passed 3-0.

Ms. Peachin opened the floor for public comment. There were no comments.

Ms. Peachin introduced John Ryland of Hughson and Benson. Mr. Ryland gave a presentation on the effect of professional fire protection vs. volunteer fire protection on insurance rates. Mr. Ryland said that ISO and URB establish insurance rates. Insurance companies do not establish rates. ISO establishes rates for larger companies and URB establishes rates for smaller companies. The ratings range from 1 to 10. The ratings are: 10 – more than 5 miles from a fire department; 9 – within 5 miles of a fire department and more than 1,000 from a hydrant; 1-8 within 5 miles of a fire department and within 1,000 feet of a hydrant. Oneonta has rating of 2 and Laurens has a rating of 6. ISO sets a rating for fire departments. Apparatus and tank size may affect the rating. Examples of insurance premiums: Rating of 9 - \$1,461; Rating of 5 - \$1,332; Rating of 2 - \$1,205. It does not matter who responds when a structure is more than 1,000 feet from a hydrant.

Task Force Report – Meeting on 10/2/2017: Ms. Peachin reported that the last meeting of the task force was held in May. At that time the mayor was only able to use three formulas. The mayor would only accept a contract amount of \$1.1 million. He never justified that amount. The fire district offered \$750,000.00. The mayor refused an amount lower than the current contract. The fire district's attorney told Ms. Peachin that the contract is not legal. The fire district is prohibited from collecting revenue for ambulance service. The City is unable to separate fire and ambulance costs. They cannot charge for ambulance on a fire contract. The fire district's attorney told the commissioners that they are not able to sign an agreement written as they have been. Mr. Peters clarified that the fire district pays \$1.1 million for fire. The Town of Oneonta pays nothing for ambulance service. The ambulance contract that the City developed is a sham contract to give the appearance that the Town is paying for ambulance service. The fire district is subsidizing residents of West Oneonta because they are not covered by the fire district's contract with the City.

Independent Audit: The fire district has a statutory spending limit of \$524,559.72. This amount must be included in the annual report to the Office of State Comptroller. A vote is necessary to exceed the statutory spending limit.

Ms. Peachin continues to meet with other fire districts.

Legality of the Fire Contract: The fire commissioners raised the issue at the 10/2/2017 meeting that the contract for fire protection includes costs for ambulance service. The fire commissioners will seek the opinion of the Health and Human Services Inspector General, NYS Medicaid Inspector General, the Office of the State Comptroller and the Center for Medicaid and Medicare Services (CMS).

Mr. Peters made a motion to pass a resolution for the authority to solicit opinions from the Health and Human Services Inspector General, NYS Medicaid Inspector General, the Office of the State Comptroller and the Center for Medicaid and Medicare Services (CMS). The commissioners are seeking an opinion regarding the propriety of the City Contracts for Fire Protection and Ambulance Service and billing fire district residents for ambulance services. Mr. Volpe seconded the motion. Passed 3-0.

Elections: Fire district elections are on December 12, 2017. A commissioner will be elected for a five-year term and a three-year term to fill Mr. Butler's term. **Correction: Mr. Butler's term expires on 12/31/2019. The election is for a two-year term and a five-year term.**

Mr. Volpe asked when Mayor Herzig received the section of General Municipal Law that state the contract is illegal. Ms Peachin said that he received the document on 9/5/2017 and 10/4/2017.

Comment from Virginia Lee: Ms. Lee stated that she is the Deputy Director of Finance for the City of Oneonta and a resident of the Town of Oneonta. The Comptroller's office conducted an audit in 1989. The City stopped billing Town residents for ambulance. Attorneys reviewed the contracts and they are in compliance. It is the Comptroller's opinion that they are in compliance with Section 204(b) of the law. Municipalities can charge for ambulance services. Ms. Lee offered to make the documents pertaining to the issue of compliance available for the commissioners to view.

Mr. Volpe made a motion to adjourn. Mr. Peters seconded the motion. Approved 3-0.

The meeting was adjourned at 6:30 PM.

Respectively submitted,

Erica N. LaBuz
Secretary