

VILLAGE OF SPRINGVILLE
2015 MINUTES

August 31, 2015

7:00 P. M.

The Special Meeting of the Trustees of the Village of Springville was held at the Village Municipal Building, 65 Franklin Street, Springville, New York at the above date and time. Present were:

Mayor	William J. Krebs
Trustees	Nils A. Wikman Alan L. Chamberlin Robert J. Moriarty Jr. Terry W. Skelton
Village Administrator	Timothy Horner
Village Attorney	Paul D. Weiss
Superintendent of	
Fire Chief	Dennis Dains
Deputy Clerk	Holly Murtiff
Also Attending	Don Trzepacz Jr. (Mercy Ambulance) Terence Hannigan (Hannigan Law Firm PLLC) Timothy Hannigan (Hannigan Law Firm PLLC) Colleen Mahoney (Springville Journal)

Mayor Krebs called the meeting to order at 7:00 PM.

1. Certificate Of Need for Ambulance Service 2015-13 Mr. Terence Hannigan of The Hannigan Law Firm PLLC and Mr Don Trzepacz Jr. of Mercy Ambulance addressed the Board regarding the emergency state of ambulance coverage in the Village of Springville. Both gentlemen explain Municipal Certificates of Need and the process to acquire one for the Village. Mr. Trzepacz also discussed Mercy Ambulance Service's Mission Statement, billing and dispatch policies. After extensive discussion and questions, motion was made by Trustee Chamberlin, seconded by Trustee Wikman; carried, Mayor Krebs, Trustees Chamberlin, Wikman, Moriarty and Skelton voting yes, none opposed to approving the below resolution and authorizing Mayor Krebs to sign said resolution.

RESOLUTION NUMBER 2015-13

**RESOLUTION OF THE VILLAGE OF SPRINGVILLE
AUTHORIZING THE PROVISION OF AMBULANCE AND ADVANCED LIFE SUPPORT
SERVICES BY MERCY EMS, THE APPLICATION OF OPERATING AUTHORITY FROM THE
NEW YORK STATE BUREAU OF EMS AND THE REGIONAL EMS COUNCIL, AND THE
APPLICATION BY THE VILLAGE FOR A MUNICIPAL OPERATING CERTIFICATE FROM
THE NEW YORK STATE BUREAU OF EMS**

WHEREAS, pursuant to the authority conferred upon the Village of Springville (“Village”) by General Municipal Law Section 122-b, the Village has the authority to provide for general ambulance services, prehospital emergency medical treatment, and transportation of sick and injured persons (referred to herein collectively as “ambulance and emergency medical services”) within the boundaries of the Village and,

WHEREAS, the provision of ambulance and emergency medical services to the residents of the Village of Springville is an appropriate matter for concern and deliberation by the Village Board of Trustees, and

WHEREAS, prior to August 26, 2015 ambulance and emergency medical services were provided in the Village by the Village of Springville Fire Department and by Rural Metro ambulance service which also provided advanced life support services and,

WHEREAS, it has come to the attention of the Village Board of Trustees that the Village Fire Department is encountering difficulties in maintaining staffing necessary to provide the level of emergency medical care that is required in the Village and,

WHEREAS, although Rural Metro provides ambulance and emergency medical services that augment those provided by the Village Fire Department, said services are not being provided at a level commensurate with the needs of the Village and,

WHEREAS, by correspondence dated July 29, 2015 Rural Metro has advised the Town Board of the Town of Concord that its interpretation of its contract with the Town does not obligate Rural Metro to staff an ambulance within the Town and,

WHEREAS, as a consequence of Rural Metro not providing ambulance and emergency medical services to the Village at a level commensurate with the needs of the Village, excessive demands to provide these services have been placed on Village of Springville Fire Department, further compounding the strain on that agency to provide ambulance and emergency medical services that should be provided by Rural Metro and,

WHEREAS, with the current resources available to the Village Fire Department and the expectation that such limitations will exist into the foreseeable future, the Village Board of Trustees anticipates that the fire service ambulance providers will be unable to compensate for the expected increases in ambulance and emergency medical services responses caused by Rural Metro staffing and availability limitations and,

WHEREAS, by correspondence dated July 29, 2015 Rural Metro advised the Chief Executive Officer of the Bertrand Chaffee Hospital located in the Village of Springville that it was terminating its transportation contract with the Hospital effective August 26, 2015 and,

WHEREAS in the aforesaid correspondence Rural Metro stated that it is not economically feasible for Rural Metro to provide 24-hours a day, 7-days a week advanced life support coverage in the Village of Springville and Town of Concord as the 911 transports and Hospital transports are not sufficient to justify Rural Metro providing such staffing and,

WHEREAS, the Village Board of Trustees recognizes the value and benefit that the provision of consistent and reliable 24-hour a day, 7-days a week ambulance and advanced life support coverage provides to the health and safety of the citizens of and visitors to the Village of Springville and,

WHEREAS, Rural Metro has declared in separate letters to the Concord Town Board and the Bertrand Chaffee Hospital that it is either unable or unwilling to provide the level of emergency medical and ambulance services that the Village Board of Trustees has determined are both needed and justified in the Village of Springville and,

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WHEREAS, it is the position of the Village Board of Trustees after careful deliberation that the present circumstances have created a “public need” for the addition of ambulance and emergency medical services and advanced life support providers as the term “public need” is utilized by the Department of Health Bureau of EMS and,

WHEREAS, in furtherance of the authority and obligations conferred upon the Village by General Municipal Law Section 122-b, the Village Board of Trustees determines that the current status of ambulance and emergency medical services in the Village provides an immediate and obvious threat to the health and safety of residents of the Village and thereby constitutes an “emergency need” to provide for such services and,

WHEREAS, Public Health Law Section 3010(1)(c) provides that Emergency Operating Authority may be granted to an ambulance service provider “upon express approval of the department and the appropriate regional emergency medical services council for a maximum of sixty days if necessary to meet an emergency need;...” and,

WHEREAS, based upon the foregoing, the Village Board of Trustees has determined that “emergency need” exists as described in Public Health Law Section 3010(1)(c) and.

WHEREAS, the Village Board of Trustees has met with representatives of Mercy Flight, Inc. doing business as Mercy EMS, a New York State Certified provider of ambulance and advanced life support services and has determined that Mercy EMS will provide the staffing and level of care commensurate with the needs of the Village and now necessary as a consequence of the obvious and present deficiencies in the consistency and level of emergency care currently being provided in the Village and,

WHEREAS, Mercy EMS does not current possess operating authority to provide ambulance and emergency medical care in the Village of Springville but has expressed a willingness to provide such necessary services in the Village that are currently lacking and has agreed to apply for Emergency Operating Authority within the boundaries of the Village and,

WHEREAS, the Village Board of Trustees intends to contract with Mercy EMS to provide ambulance and advanced life support services in the Village if Mercy EMS is granted Emergency Operating Authority pursuant to a written contract with terms and conditions substantially the same as those set forth in the specimen contract and,

WHEREAS, the Village is eligible to apply for a two-year municipal certificate of need (Muni-CON) pursuant to Public Health Law Section 3008 (7)(a) authorizing the Village to establish and operate an ambulance service for the benefit of the Village within the mandates of General Municipal Law Section 122-b and,

WHEREAS, the Village Board of Trustees has determined that it is in the public interest for the Village to apply for a Muni-CON and to provide for municipal operating authority for ambulance and municipal advanced life support services pursuant Public Health Law 3008(7)(b) and,

NOW THEREFORE, BE IT RESOLVED, that the Village Board of Trustees of the Village of Springville as the governing body of the Village does hereby declare that “public need” exists for the provision of ambulance and advanced life support services in the Village as a result of the insufficiency and inadequacy of the current ambulance and advanced life support services being provided thereby creating an immediate and obvious threat to the health and safety of residents of the Village and,

BE IT FURTHER RESOLVED, that the Village Board of Trustees of the Village of Springville as the governing body of the Village does hereby declare that “emergency need” exists for the provision of ambulance and advanced life support services in the Village as a result of the insufficiency and inadequacy

of the current ambulance and advanced life support services being provided thereby creating an immediate and obvious threat to the health and safety of residents of the Village and,

BE IT FURTHER RESOLVED, that as a precursor to Mercy EMS being authorized to initiate ambulance and advanced life support services to ameliorate the “emergency need” and “public need” described above, the Village Board of Trustees endorses and supports the application of Mercy EMS, as the Village’s intended ambulance and advanced life support services contract vendor, to obtain Emergency Operating Authority to conduct ambulance and advanced life support services in the Village of Springville and for Mercy EMS to commence providing such services as soon as possible and,

BE IT FURTHER RESOLVED, that the Village Board of Trustees authorizes and acknowledges its unconditional support for the application for Mercy EMS’ application(s) for Emergency Operating Authority and for permanent operating authority before the Department of Health Bureau of EMS and the Wyoming-Erie Regional EMS Council and,

BE IT FURTHER RESOLVED, that the Village Board of Trustees authorizes the submittal of an application on behalf of the Village for Muni-CON operating authority before the Department of Health Bureau of EMS and,

BE IT FURTHER RESOLVED, that the Village Board of Trustees authorizes the Village Mayor to prepare and execute such documents as may be necessary to assist and to effect Mercy EMS’ efforts to establish and provide for the provision of ambulance and advanced life support services in the Village of Springville and to obtain temporary and permanent operating authority on behalf of Mercy EMS, and to obtain a Muni-CON on behalf of the Village

After discussion, a motion to adopt the Resolution was made by Trustee CHAMBERLIN, seconded by Trustee WIKMAN and the motion was carried.

Voting as follows:

	AYE	NAY	ABSENT
Mayor Krebs	X		
Trustee Wikman	X		
Trustee Chamberlin	X		
Trustee Skelton	X		
Trustee Moriarty	X		

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2. Transient Car Sale Event Application At this time Administrator Horner explained to the Mayor and Board the Special Events Application before them from Marina Mitsubishi. After investigation by Administrator Horner and upon his recommendation, motion was made by Trustee Wikman, seconded by Trustee Skelton; carried, Mayor Krebs, Trustees Wikman, Skelton, Chamberlin and Moriarty voting yes, none opposed to approving the Special Event Application submitted by Marina Mitsubishi to conduct a car sales event, 9/18/15 until 9/26/15 in the WalMart parking lot located at 317 S. Cascade Drive.
3. Sewer Rate Increase Public Hearing At the request of Administrator Horner, motion was made by Trustee Skelton, seconded by Trustee Chamberlin; carried, Mayor Krebs, Trustees Skelton, Chamberlin, Moriarty and Wikman voting yes, none opposed to setting the public hearing for a sewer rate increase at 7:00 pm on October 19, 2015. Advertisements will be place in the appropriate publication.

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4. Adjourn Motion was made by Trustee Wikman, seconded by Trustee Moriarty; carried, Mayor Krebs, Trustees Wikman, Moriarty, Skelton and Chamberlin voting yes, none opposed to adjourn the Regular Session at 8:51 pm.

Respectfully submitted,

Holly Murtiff
Deputy Clerk