

**TOWN OF COVERT
REGULAR TOWN BOARD MEETING
SEPTEMBER 12, 2011**

Regular meeting of the Town Board of the Town of Covert was held Monday, September 12, 2011 at 7:00 pm at the Town of Covert Municipal Building, 8469 South Main Street, Interlaken, New York.

Roll Call:	Supervisor Michael Reynolds	Present
	Councilman Gary Hunt	Present
	Councilman Stephen Selover	Present
	Councilwoman Valerie Bassett	Present
	Councilman Duane Waid	Present

Others Present: Town Clerk, Colleen Freese
Highway Superintendent, Jeffrey Mac Cheyne
Reporter Aneta Glover, Attorney John Sipos Charles Bosman, E. Lee Davidson
Richard Westbrook, Robert & Linda Schoffel, Wilfred & Diana Millard, Jeffrey Vann and, Diane Laws,
Ralph Bailey, Barb McCall, Jason Henderson, Richard & Mary Heichel, Joan Hendrix, David Kaiser,
Donald Kenyon, Alfred Prouty, John Hubbard, Joseph R. Borst, David & Karen Drumheller.

Call to Order:

Supervisor Reynolds called the meeting to order at 7:00 p.m. All rose for the pledge of allegiance.

Approval of Minutes:

Bassett moved, seconded by Waid, that the August 8, 2011, minutes be approved. Motion carried unanimously.

Public Hearing:

Supervisor Reynolds opened the public hearing at 7:05p.m.

The purpose of the public hearing was for a variance request under the Land Management Ordinances for Charles and Colleen Freese, 3782 County Road 141, to construct an existing front porch 10' x 27'. It does not meet the 50' required set back from the center of the road. Application # 16-11

No one appeared for or against said variance request and Chuck Bosman reported that the Planning Board recommended that the variance request be approved.

Supervisor Reynolds closed the public hearing at 7:09 p.m. and opened the regular meeting.

Petitioners to the Board:

Penny Gugino from Tobacco Action Coalition of the Finger Lakes gave a media presentation sharing the information they are using to educate the public in their efforts to reduce tobacco use in our communities. Their purpose is to educate community leaders and the general public about the social cost of tobacco and the danger of second hand smoke. Their goal is to reduce secondhand smoke exposure and eliminate cigarette butt litter so families can enjoy outdoor activities in a healthy environment. One way of doing this is to encourage business to display tobacco products out of children's eyesight and to have tobacco-free smoking areas in community.

Diane Laws from United Way shared that OASAS has awarded United Way of Seneca County Substance

Abuse Coalition a grant in its efforts to prevent underage drinking. Seneca County has the largest underage drinking problem. The grant is to focus on reducing underage drinking and its related consequences among 9th through 12th grade youth. They asked for support in taking an on-line survey at <http://edu.surveymoz.com/s3/538756/NYprevention>.

Richard Heichel, President of South Seneca Ambulance Corp, asked the Town Board Members “What can we do better; what did we do wrong? Why did the Board not approve the 2011 ambulance contract was there a reason behind it?”

Supervisor Reynolds: The town attorney didn’t recommend signing the contract.

Jason Henderson introduced himself as Director of Operations for South Seneca Ambulance and informed the Board that the town supervisors of Covert, Varick, Lodi, and Romulus and Ovid met to discuss the ambulance service. They had a good meeting and were able to settle some issues. He asked what is illegal in the contract.

Town Attorney Sipos: The contract is legal but when South Seneca started charging additional charges the contract became illegal. According to the State of New York, you have no right to charge additional charge. How do you even justify charging people an additional charge?

Jason Henderson: The contract monies are not to take care of co-pays. They are to be used to cover where insurance and co-pays don’t cover. By law, South Seneca Ambulance must bill co-payments. He explained that through Multi-Med, their billing service, and all patients who receive ambulance services are billed. After insurance, and Medicare, have paid their portion, the patient is billed for the balance.

Richard Heichel: The contract is to provide ambulance service 24 hours a day.

Jason Henderson: Suggested that supervisors get together with South Seneca Ambulance and come up with a contract that will work for all the towns.

David Kaiser: “I feel we need an ambulance service and it is important to our residents to make sure the ambulance services stays here. The Town of Romulus opted to abide by the contract they have used the last ten years and signed the contract for 2011 to keep the ambulance service solvent, while working on a solution to solve the problems”. Mr. Kaiser asked the Covert Town Board to please consider signing the 2011 contract as it was presented. He suggested that the Town Supervisor get together with South Seneca Ambulance representatives and work together to come up with a solution to solve the problem. The Town of Lodi and Romulus have presented a contract and explained the situation to the State Comptroller’s Office and requested a legal opinion.

Lee Davidson: First and foremost “we are not going to pay for your coverage”. It is not fair to Lodi residents. The five supervisors got together with Jason Henderson director from South Seneca Ambulance and had a good meeting. They are all willing to work on finding a solution. We are trying to put a budget together and we need to know some figures.

Jason Henderson: I would like to make sure the ambulance is here for the community. There is talk about bringing Bangs Ambulance Service from Ithaca. I’m concerned the distance, in some case five minutes can make a significant difference between in life and death.

Walter Prouty: “It sort of matters to me if the contract is legal or not. We had a Town consortium here on ambulance service and now Town of Covert doesn’t want to pay. If you don’t want to pay maybe we should not have any dealings with the Town of Covert.

Councilwoman Bassett: "That kind of black mail will not work here."

Councilman Waid: We had three attorneys together and still could not come to a conclusion to what is legal or not legal. I got the impression the ambulance service and their attorneys are not willing to make any changes.

David Kaiser: This is a personal vendetta carried out by a certain person who is dragging in your town and all five towns. This is jeopardizing our health care because of a personnel vendetta and all the towns have been dragged into it. Shame on the town for letting- this go this far and not putting a stop to it.

Richard Heichel: I have an open door policy. If you have any question, concerns or comments please give me or Jason a call or stop by South Seneca Ambulance. Please consider signing the ambulance contract.

Jason Henderson: "Is the Town of Covert against meeting and working out the issues for this year's contract and all the towns work together on a contract for 2012?" Or is Town of Covert going to give coverage to the south end of Covert with Trumansburg and not cover the north end of the town?"

John Hubbard: "I have a vested interest in all of this and have a history in EMS and have worked close with South Seneca, Interlaken, and Bangs. I agree we need EMS here and we can't get EMS any cheaper. What I'm seeing is we have a personnel clash here and I believe tax payers in all five towns deserve to have local ambulance service. What will work?"

Town Attorney Sipos: What will work is if South Seneca ambulance bills according to the contract as they have in the past.

Lee Davison: Suggest that "the supervisor from each town and one appointed person meet together and see what solutions they can come with that will work."

Don Kenyon: It is a great idea for the town representatives to get together and work out the ambulance contract. But make sure that all five lawyers are present at the same time.

Attorney Sipos: Mentioned that he has filed legal action with the New York State Attorney General's Office and is waiting for a reply from them on the South Seneca Ambulance. He also stated if he does not get a response soon, he will recommend that Supervisor Reynolds contact the Seneca County DA's Office.

Don Kenyon: Is there "any consideration of privatizing the ambulance service?"

Councilman Hunt: Private companies, such as Bangs, get their money from transporting patients.

John Hubbard: It is very important to have a 24/7 ambulance service available and response time is an important matter in ambulance calls.

Councilman Selover: The reason for two ambulance districts was: one, the proximity of the district on the north end of Town of Covert and two, the proximity of the district on the south end of Town of Covert to Trumansburg, each providing a faster response time rather than one district providing coverage.

Councilwoman Bassett gave her support to the consortium to meet and that each supervisor and one other member from each town board should get together with the lawyers and work this out.

Chuck Bosman: There are approximately 1,300 properties in the Town of Covert that need signage. After checking on different options for signs, it appears that the most cost-effective way would be buy materials and get volunteers to complete and install the signs.

Mr. Bosman: It's good to have all supervisors here. There is a total disaffection with our assessor and the assessments system and how the job is being done. Assessments do not seem to be fairly done. After talking to many people, they want to see a handle on the assessment system.

Robert Schoffel: We met with the assessor the end of August and talked to her about some of the issues with assessments. I am concerned with the system the assessor is using to collect the tax information. There should be a data base system used to collect the same information to determine the assessment for each property fairly.

Wilfred Millard: A couple things assessors Morgan mention is that she isn't getting building permits from towns or information from the county she needs to do assessments. With technology today we should be able communicate that information quickly.

Mr. Kenyon: As long as there are four out of five supervisors here of the assessment group and there are questions and accusations about how assessments are done, could you please tell us how the assessment group works.

Mr. Kaiser: The assessor does not work for one supervisor more than the other when assessments are done and my residents in Romulus come to me I talk to the assessor about the assessment and have asked her what she has done to assess the property. She has given me the answer. Do I always agree? No but I'm not the assessor. That is her profession. I don't think any of us want government officials to control the assessor. The system was set up to be independent from politics.

Mr. Kenyon: I think what your saying is the government body should have a hands-off policy as far as the actual assessments are concerned because the assessor is the professional and the boards are not. I think that was the policy when we stated this organization. I don't know that it's understood in this room what the employer reporting control mechanisms are. All five towns are the employers, and there is one supervisor who acts as the head of the committee.

Mr. Kaiser: We work with the assessor on the assessor's budget and the supervisors approve the budget.

Mr. Kenyon: So you are saying if someone has a question with their assessment they go to the supervisor with the problem and he will go to the assessor.

Mr. Kaiser: Yes each supervisor is responsible for their residents.'

The key question that Mr. Kenyon asked relative to the administration of the Five Town Assessment Group was "Who is the administrator in charge? Is there a supervising Supervisor as it had been originally organized?"

The answer, which all four Supervisors in attendance agreed with, was "there is no one in charge".

Mr. Bosman: Most people are concerned that they don't have a proper data base that compares all the properties the same way.

Mr. Drumheller: I got my assessment and was up \$30,000.00. My house is deteriorating and my assessment should not have been raised. To say that property is looked at and compared with other

property is not true.

Councilwoman Bassett: Four of the five supervisors are here and they hear your concerns. There is not anything that we can do right now. But they are willing to talk to the Assessor about your concerns.

After a lengthy discussion about assessments and how they are being done, it was decided that the Supervisors will talk with the Assessor to discuss the issues that the residents have brought to them and if there is a resolution.

Lee Davison, Supervisor of Town of Lodi: Addressed the board about the condition of the Lodi- Covert Road which was discussed about a year ago. We need to address this situation and we want to have answers to complaints when they come into the office. What are we going to do about this?

Councilwoman Bassett: The board received an e-mail about the road. I decided to talk to Highway Superintendent Mac Cheyne and he assured me that this road will be fixed this year. I responded to Ms. Leinthall with this report.

Highway Superintendent Mac Cheyne: We determine what roads to work on by the number of homes on the road and the shape of the roads.

Lee Davison: I assume from past history that the Town of Covert doesn't want to enter into any venture in trying to get water into the towns.

Supervisor Reynolds: Get us some facts and figures about the water and present it to the Town Board and we will review it.

Councilwoman Bassett: We don't have the density of population which puts the cost is out of our range. The Village of Lodi has been attempting for years to get a reliable water source and is probably interested in a study. Unless Trumansburg is part of this, it is simply not a feasible solution.

Lee Davison: Town of Lodi is interested in getting some kind of water source. There has been talk about putting storage tanks on Butcher Hill and feeding to the town. Maybe after all the natural disasters we don't want water from the lakes and should look into another water source.

Highway Superintendent:

Superintendent Mac Cheyne reported that the 2003-Ford pick-up sold at the auction and it brought \$7,000.00.

Town Clerk:

Town Clerk Freese reported that Lucas and Americana Vineyards & Winery have applied to renew their New York State Liquor Licenses for the year 2012.

There will be a Budget workshop, on October 10, 2011 at 6:00 p.m. at the municipal building.

Town Attorney:

Attorney Sipos: I recommend that the class action suit against South Seneca Ambulance Service be referred to the District Attorney's Office if they don't hear from the Attorneys General Office to see if they can solve the billing matter.

Councilman Hunt thanked the Interlaken Fire department for lowering its budget.

Councilman Waid urged the supervisors continue to meet so we can work together and come up with a solution to the Ambulance Service.

Supervisor Reynolds reported that Ambit Energy does not work with government entities.

Supervisor Reynolds noted that he, Councilwoman Bassett, and Councilman Selover attended the Trumansburg Ambulance meeting. They have agreed to provide the town a fire contract with or without ambulance services.

Councilman Bassett noted that one of the issues was to provide ambulance service without fire, but it looks like they have made a decision to provide one service without the other. But the Village has not voted on it so we're still not sure.

Jason Henderson asked if Covert would be willing to sit down and talk about the ambulance contract and come to a solution.

Councilman Selover: I think we should move forward, I don't want to get rid of ambulance service and South Seneca Ambulance is located in a good area. The Board has responsibility to the tax payers to make sure the contract is legal. As we stand right now when South Seneca Ambulance Service is doing direct billing and taking tax payers' money there is a gray area and no one knows if it's legal. When the residents ask why we are paying x amount of dollars, what do I tell them.

Councilman Hunt: I would sign the contract upon our attorney's approval if its legal and you do not double charge the tax payer.

Jason Henderson: By law we have to make a reasonable attempt to collect for services rendered. When there is a balance due, we bill once and then we write it off.

Attorney Sipos: The opinion I handed out is that the only entity that has a right to charge is the town. You have already been paid by contract. The law is you cannot charge for co-pay.

Jason Henderson: Why don't we get a mutual lawyer that knows the law and sit down together and see what needs to be done for contract to be legal?

Councilwoman Bassett: Do you have audited financial statements? When I say audited you pay someone to come in and look at books and determine if funds have been used properly.

Barb Mc Call: I send all of our financial information to our CPA for tax purposes every year.

Councilman Bassett: Legal issues aside, one of the issues I have is our tax payers are hurting and we shouldn't be paying for something twice. We pay for our insurance and we pay co-pay and now we have to pay through our taxes. We cannot pay over and over for the same service.

There was lengthy discussion on looking into Bangs or private ambulance service and whether or not they would serve in a smaller area and if it's legal for them to come into the area. Supervisor Reynolds will look into this and see what he can find out about private coverage.

John Hubbard: "First responders are important to get things started but many medical situations need to have a Paramedics and Critical Care Tech. I feel my family needs the best care possible in an emergency medical situation. I love this area and have chosen to live here and don't plan on moving but it's going to

cost to have emergency service”.

What we don't need to do is penalize South Seneca Ambulance to where they don't have enough money to funds Paramedics and Critical Care Techs. You step down below this level where you can only provide basic care. We need the full coverage that South Seneca Ambulances offers. Time is important here and we don't want to see South Seneca Ambulance have to cut the service they provide for the community.

Action Items:

Hunt moved, seconded by Selover, to approve the JCAP Grant application for the amount of \$500.00 for Quick Books 2012,-\$150.00, Judicial Robe- \$ 250.00, and Video Camera and Software-\$100.00. Motion carried unanimously.

Waid moved, seconded by Bassett, to reappointed Seward W. Ritchie to the Assessment Review Board for another term. His term will expire September 30, 2016. Motion carried unanimously.

Hunt moved, seconded by Waid, that the variance request be approved for Charles & Colleen Freese, 3782 County Road 141, Interlaken, for a 10' x 27' front porch. Motion carried unanimously.

Hunt moved, seconded by Bassett, that Highway Fund Vouchers # 107- 119, in the amount of \$ 26,725.88 and General Fund Vouchers #150-167, in the amount of \$ 16815.89 be approved for payment. Motion carried unanimously.

Highway Superintendent, Jeffrey MacCheyne, filed his August, 2011 written report with Board Members.

Code Enforcement Office, John Poludniak, filed his August, 2011 written report with the Board Members.

Supervisor Reynolds filed his revenue and expenditure report for August, 2011.

Town Clerk Freese filed her August, 2011 report with the Supervisor. A total of \$537.02 was remitted.

On the motion of Selover, the meeting was adjourned at 10:00 PM.

Supervisor, Michael Reynolds

Town Clerk, Colleen R. Freese