Nassau Regional EMS Council
Special Meeting via Webex
9/30/20

Unofficial Notes
This is not verbatim transcript of the call, however, an effort was made to record everything that was said during the discussions. The notes were typed during the call and reviewed afterward. Official minutes of the call will be posted on the www.nassau.ems web site when approved. There is already on the web site an mp4 file and a 42 page PFD transcript.

2:10 PM to 3:05 PM

42 participants on call including REMSCO members, NYS DOH BEMS&TS staff and the public.

There were 2 topics on the agenda.

BELLMORE-MERRICK EMS

Paul Divver, Chair of REMSCO advised that there is a seconded motion coming from the Systems Committee for Bellmore-Merrick EMS to move in the confines of the North Bellmore Fire District from the second position at night and the third position during the day to the primary position 24/7 in the 911 response matrix.

Divver advised that appropriate paperwork has been received by the Systems Committee and the request was voted on and approved as a seconded motion. In the interim a member of the Systems Committee questioned some of the information in the letter from BMEMS that may not have been entirely accurate at the time. When investigated it was noted that in the letter there was note that there has been a mutual aid agreement between the North Bellmore Fire Department and BMEMS. He contacted the NBFD chief’s office who clarified that there was no signed formal mutual aid agreement between the 2 agencies but rather a conversation and e-mails back-and-forth but not a signed mutual aid agreement. Secondary to that there was a fire in Massapequa and BMEMS responded mutual aid with a rehab unit and North Bellmore was called to standby at BMEMS’ quarters. When they arrived there was no one there and the building was locked up. NBFD was concerned about this and could not understand why they were called to standby for their own district. Divver had a conversation with Scott Resnik [2nd Assistant Chief] and Matthew Lubliner [Chief of Department] from BMEMS and asked for an explanation on the 2 issues. They advised the mutual aid agreement hadn’t been signed due to COVID-19 and they thought just a simple e-mail would qualify for a mutual aid agreement and they stated on the night of the mutual aid they had a crew in quarters at the time and NBFD was mistakenly notified by FIRECOM due to procedure and the procedure was re-enforced.
Floor was opened for discussion since letter came in after the seconded motion by the Systems Committee.

Thomas Mastakouras asked if all the paperwork is in order at this time. Divver replied that a signed mutual aid agreement was submitted yesterday (9/29/20) to himself and to Don Hudson, EMS Coordinator. They have not had a chance to review it nor approve it through the Systems Committee so paperwork is not complete. Mastakouras asked about a motion to move forward pending a review or bring it back to the Systems Committee. Divver indicated he was asking if the issue should be sent back to the Systems Committee for further review and voted on at the November meeting and he would like the approval of the Council to do so and was not quite sure how to handle the
situation since a seconded motion was involved – should it be tabled, etc. Mastakouras indicated proper procedure had to be followed regardless and there is a need to be consistent to what they have been doing – if has to go back it goes back. He questioned if it impedes their operations between now and then. Divver recognized Scott Resnik to weigh in on the situation. He indicated a belief they are in a good position and indicated that suggestion to approve request pending the finalization of review of the mutual aid agreement would allow them to move forward with planning. They want to continue it and give the Systems Committee the opportunity to review the agreement. If there is anyone with questions on the specifics on how this happened he is more than happy to answer.

Lori Edelman asked if the question on the table is the mutual aid for BMEMS once they move to the primary position. Divver indicated the question is to move up to the primary position, however, the letter they submitted which included all the information that is required by the policy and procedure for Nassau County had information in it that was not approved – the mutual aid agreement with NBFD was not actually in fact signed is what it comes down to. Mastakouras asked if the agreement has been currently signed now and Divver repeated it was received yesterday, however, it was not submitted through [NYS DOH] Policy [Statement] 12-06. It was submitted simply as a letter, not submitted in the proper form to both the EMS Coordinator for review and to the Systems Committee for review and approval. Mastakouras asked if BMEMS is currently working on this right now. Divver replied he did not know and asked Resnik if 12-06 was reviewed – it was sent back by Divver and Hudson. Resnik replied that the only question was about a supplemental form that they have never had to submit but everything else meets the requirements, the agreement is simply the signed version of the e-mail agreement that has been in place as the dispatch procedure. He reiterated at the time it was submitted to the Region Council office as always has been done before to have approved but apparently there was an issue going on there. Certainly they want to follow all policies and procedures but this was a misstep that does not change fundamentals of the request and will follow through on this as they prepare to take on the primary spot. The mutual aid plan has only been activated for the ambulance side of things once this year.

Peter Fishbein Esq., Counsel to REMSCO was recognized and asked about the seconded motion on the table. Divver indicated it was a seconded motion from the Systems Committee to approve the BMEMS request to move to the primary position. Fishbein indicated the Council could either approve that subject to the review of the mutual aid agreement by the committee or withdraw the motion and bring it up at the November meeting. Divver indicated that the motion came from a committee and not a singular person so it would have to be tabled or voted on today. He advised his personal opinion is to table until the November meeting to discuss and have everything taken care of as opposed to approving it before everything is settled in and they have all the appropriate information. Lori Edelman indicated agreement with tabling motion. Divver indicated there is a motion is on the floor to table: There are 19 Council members present on-line. Vote was YES-16, NO-1 and ABSTAIN-1*. Motion was approved.
Paul Divver, Chair of REMSCO advised that the last notice received from the Program Agency was that they would be closing down today.

Bruce Cohn, Esq., Chair of the Nassau Regional EMS Program Agency, Inc. advised that closing the office on 9/30/20 was the original plan. A review of the finances reveals there is a little bit of extra money to enable the office the Program Agency to keep Jaclyn, the Executive Assistant, in the office for 2 half days a week, Tuesday and Thursday, approximately 10:00 AM to 2:00 PM or later, through mid-October. He will also be in the office. When funds run out they will be in the office processing paperwork for dissolution. When open the 2 half days staff will receive paper PCRs coming through the mail, distributing paper PCRs to people coming to the office and checking voice and e-mails.

Divver asked if there is any additional money requested from NYS or grants filed for to continue operations after this point. Cohn replied that the Program Agency is owed approximately $50,000.00 on a voucher submitted to NYS but everything is delayed. At the request of the BEMS&TS they are filling out next year’s contract in order to facilitate getting this year’s money and also in order to keep things in the system so we wouldn’t inhibit the application for money. Divver asked Cohn to confirm $50,000.00 is owed by the NYS and he did confirm it.

Divver asked if the intention of the Program Agency is to remain open. Cohn replied the intention of the Program Agency is essentially move towards a dissolution given the fact that we are not adequately funded. Program Agency will be kept open if possible through the end of October so we can facilitate transfer of equipment and information and arrange for a smooth transition. Employees are furloughed with the exception of Jaclyn who is in 2 days a week and we are moving in that direction.

Divver asked if promissory notes were sent to NYS showing money owed to the Council. Cohn replied yes. Diver posted on screen a Promissory Note dated 3/1/11 with a value of $60,000.00 and read from it.
PROMISSORY NOTE

$60,000.00

Date: 3/1/2011

For value received, the undersigned Nassau Regional Emergency Medical Services Program Agency (the "Borrower"), at 2201 Hempstead tpk., Bin 78, East Meadow, New York 11554, promises to pay to the order of Nassau Regional Emergency Medical Services Council, (the "Lender"), at 2201 Hempstead tpk., Bin 78, East Meadow, New York 11554, (or at such other place as the Lender may designate in writing) the sum of $60,000.00 with no interest.

The unpaid principal and accrued interest shall be payable in full on any future date on which the Lender demands repayment (the "Due Date").

The Lender may demand and the Borrower agrees to pay, any interest that may accrue on borrowed funds.

The Borrower reserves the right to prepay this Note (in whole or in part) prior to the Due Date with no prepayment penalty.

If any payment obligation under this Note is not paid when due, the Borrower promises to pay all costs of collection, including reasonable attorney fees, whether or not a lawsuit is commenced as part of the collection process.

If any of the following events of default occur, this Note and any other obligations of the Borrower to the Lender, shall become due immediately, without demand or notice:

1) the failure of the Borrower to pay the principal in full on or before the Due Date;
2) the death of the Borrower or Lender;
3) the filing of bankruptcy proceedings involving the Borrower as a debtor;
4) the application for the appointment of a receiver for the Borrower;
5) the making of a general assignment for the benefit of the Borrower's creditors;
6) the insolvency of the Borrower;
7) a misrepresentation by the Borrower to the Lender for the purpose of obtaining or extending credit.

If any one or more of the provisions of this Note are determined to be unenforceable, in whole or in part, for any reason, the remaining provisions shall remain fully operative.

All payments of on this Note shall be paid in the legal currency of the United
Diver advised he has 13 more of these. Total amount currently owed = $68,000.00 approximately. Divver asked Cohn to confirm the amount owed and he did. It was indicated that some notes had handwritten notes showing paid.

Mastakouras asked about the Program Agency being open and processing PCRs, etc., and stuff and if there is going to be a closing date and what about the continuity of operations if agencies already put something in the mail to the Program Agency and is there going to be a period in limbo and could PCRs get lost. There has to be some concrete date where agencies are made aware the Program Agency will no longer be functioning. He then asked about the processing of next year’s grant money to continue the paperwork – was that a recommendation by the NYS DOH knowing you were dissolving the corporation? He indicated he did not understand the how they wanted to continue with an agency that was dissolving. He is concerned as most likely he will be the incoming Chair of REMSCO and will not have a Program Agency – how is he supposed to function, how is the Region supposed to function if the program Agency is dissolving with stuff missing in the mail and paperwork is being processed by the state? Cohn advised they are still monitoring the mail, the Post Office is holding it for pickup and they will continue to review the mail and forward it appropriately until a decision is made to forward the mail or do something different and as regards to proceeding forward he would have to direct that to the BEMS&TS.

Diver then shared another image from 8/7/19 of a promissory note signed by Bruce Cohn, Esq. of the Program Agency and co-signed by Gary Ferrucci, Secretary/Treasurer of the Council. Diver stated he was Chair at this point and asked how in the world did this happen - this was not voted on by the Council.
Donald Hudson indicated for the record that the uncontested amount agreed upon by both the Program Agency and the Regional Council is $68,706.33 dollars American. It seems sometime in the future the Program Agency will have money coming to them from the state and as was read from the promissory notes attested to by both parties on multiple occasions over almost over a decade it seems as though the Council is in a state where we have at the last meeting publicly voted on and passed by the Council demanded our money back and have received no reply to that. With that said, Hudson made a motion to express no confidence in the Program Agency. Motion was seconded.

Roll call vote was conducted and vote was: YES-15, NO-1 and ABSTAIN-4*. Motion passed.
Hudson for the record indicated that with the Program Agency’s representative and the NYS DOH representatives on the call as well as well as the Council’s attorney Mr. Fishbein, Esq. he would like to invoke requirements of the promissory note that were displayed mentioning legal fees the Council has incurred for the actions or inactions as have been highlighted and in addition the outstanding money needs to be attended to and whatever legal ramifications need to made. He indicated the Region could no longer sustain this and when looking at neighboring regions around the state we can do better for the people. With that being said, he made a motion that the Council “cease and desist and sever all business ties and immediately seize all assets of the Program Agency that are their due”. Motion was seconded by Divver. Hudson acknowledged that it is a radical move but does not believe the situation is salvageable or tenable for the Region or the Council and the people that it serves and asked anyone pro or con to speak out now.

Divver advised he needed to report information to the Council that he believes people need to understand what is going on. He indicated NYS is in the process of testing an ePCR program. There are 18 regions in NYS including Nassau. 17 of the regions in NYS have tested the program, used it and had agencies involved in a fairly extensive test. The 18th was Nassau’s Region which did not participate, which was not notified. The agency that was picked was already using ePCRs and did not have the ability to switch over and therefore we did not participate in the trial. There is information that has come from the state that PCR transfer will not be going through the Regional office anymore, the agencies will be sending them on their own. This information was relayed at some point in the past to the Program Agency and was never disseminated properly. The Region has voted, contrary to what the Council has voted, at meetings of SEMSCO. These are just some examples of what has gone on between the Program Agency and the Council. The Program Agency has not represented the Council in a fair way. The Program Agency has not fulfilled their requirements to assist the Council. Therefore, Divver continued, he wholeheartedly endorsed Hudson’s motion. He asked if there were any further questions.

A roll call vote was taken on the motion and the vote was: YES-14, NO-1 and ABSTAIN-3*. Motion passed.

Diver asked Peter Fishbein, Esq. to prepare the appropriate paperwork who replied he would.

Divver indicated assistance was needed and can’t be done with $25,000.00. Although there is money in reserve it is not going to be enough to run a Program. He made a motion to send a letter to NYS DOH BEMS&TS requesting assistance in properly executing the Council’s responsibilities as noted in Article 30-03 that is to be done by either a Program Agency or the REMSCO. He indicated at this time it’s best to notify the BEMS&TS that we are unable to work with the Program Agency as it is and will need the BEMS&TS’ assistance to move forwards especially with the coming changes that will be in motion. Motion was seconded by Edward Waldron. Thomas Durfee asked about having the Council’s legal counsel draft the letter and approve it before it goes to the state. Divver indicated it would and be drafted better. Mastakouras concurred about having Fishbein draft that as official correspondence to the DOH. Fishbein indicated he had that on his list.
Divver then indicated just make a motion having Fishbein notify the DOH BEMS&TS of the fact that we will need assistance in the appropriate manner as noted. Durfee seconded the motion. Roll call vote was taken and the vote was: YES-13, NO-0 and ASTAIN-1*. Motion Passed.

Divver thanked everyone for coming to the call and apologized for the length of the meetings. He indicated they are trying to move the EMS system forward in the county and to improve things and make it better. He also commented that people have voted on motions that have been involved in some of the issues that have been going on and it is a clear conflict of interest and they should be reminded that just because they are not involved in the system they were involved in the situation prior.

Motion to adjourn was made at 3:05 PM by Waldron, seconded by Durfee and passed.

*NOTE: The vote counts in the notes reflect what could be heard as not all votes were announced including the final totals. A number of individual votes showed up in the “Chat Box”.

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