

Bennington Town Board  
May 10, 2023

Workshop Session 6:30 p.m.  
Audit of bills; Highway Dept report; Meet with Attorney

Workshop session was attended by Supervisor Grant, Councilman Frounack, Bryman, Mohun & Domes, Clerk Rosenthal. Board members audited bill for payment prior to the May meeting. Attorney DiMatteo in attendance to further discuss with the Board regarding tax exempt status claim.

Regular Board Meeting 7:30 p.m.

Supervisor Grant called the meeting to order; pledge of allegiance led by Councilman Bryman.

**Financial Matters:** Approve 2023 WLM Support agreement for Payroll software  
Motion by Mohun. Seconded by Bryman to approve 2023 WLB Support Agreement.

General Fund vouchers #83 to #105. \$16,726.61  
Highway Fund vouchers #95 to #115. \$45,123.04  
Cowlesville Water vouchers #17 to #21. \$6,943.98  
Cowlesville Light vouchers # 19. \$132.90  
Financial Reports & Transfers

Motion by Bryman, seconded by Domes to approve vouchers for payment  
Ayes: 5. Noes 0. Abstain 0. Absent 0. Carried.

- Motion by Mohun seconded by Bryman to approve the following transfers within accounts:

General Fund: From Contingent Account #A1990.4 \$7,150  
To: Town Clerk Account #A1410.4 \$ 300  
Unallocated Ins. Acct #A1910.4 2,850  
Garage Account #A5132.4 4,000

- Motion by Bryman, seconded by Domes to approve vouchers for payment.  
Ayes: 5 Noes: 0 Abstain: 0 Absent: 0
- Motion by Mohun, seconded by Bryman to approve the Financial Reports ending April 30, 2023.  
Ayes: 5 Noes: 0 Abstain: 0 Absent: 0

**Communications:** Supervisor Grant –

- Grant submitted for AED equipment for use at Town Hall and Highway Dept. A cell phone signal booster order placed for the Highway Dept so cell service can be used. The ATT & Verizon tower on Sierk Rd; tower behind Bennington Lanes is installed but not utilized yet. WyCo. Planning Dept submitted copy of broad band map for review; variety of properties not covered; WYCOPD will gladly receive corrections, send to county planner.
- Locksmith to be sent to Pine Tree Park to repair/replace broken lock.

- **Clerk Rosenthal** – update on certificates of insurance sent in, Utilities Service being performed in area on poles, genealogy service request from Jean Spencer.

**Minutes of Previous Meetings: Approval of April minutes.**

Motion. Mohun. Seconded. Domes

Ayes: 5. Noes: 0. Abstain: 0. Absent: 0. Carried

**Departments: Highway** – award bids for sale of surplus materials

**Resolution #2023-5-1 Award Bid for Surplus Materials**

Whereas, the Bennington Town Board has advertised and accepted bids for the sale of excess surplus materials as per a motion carried at the April 8, 2023 Town Board Meeting; and

Whereas, the Town Clerk received three sealed bids for said materials prior to 6:00 p.m. on May 1, 2023 and opened the same at 6:30 p.m. on the same date in the presence of the Town Supervisor; and

Whereas, the highest bidder for surplus stone was from Thorpe’s Organic Family Farm in the amount of \$2,100.00, and the highest bidder for surplus tile was from Thorpe’s Organic Family Farm in the amount of \$1,380.00

Now therefore, Be It Resolved, that the Town Board hereby accepts the above bids and authorizes and directs the Highway Superintendent to dispose of the materials to the bidder(s) in a timely manner.

Motion: Bryman. Second: Mohun

Ayes: 5. Noes: 0. Abstain: 0. Absent: 0.

**Town Clerk/Tax Collector** – Monthly report.

**Assessor** – Grievance Day 5/25 4-8 pm; AAOAA tax-exempt status. New construction, sales of Boy Scout Camp on Schoellkopf Rd. and 170 residential property changes added 5.6 million to assessment rolls.

**Recreation** – Summer Concert schedule – July 2023 includes 4 Thursday performances.

Swim program continues to proceed at Byrncliff Golf Resort Tuesdays/Thursdays 9 am – 2 pm. Dates not firm. Need to confirm counselor to run program for Youth Recreation.

**Zoning/Planning** – Tax exempt status for AAOAA; no new discussion until June 2023.

- Motion by Frounick, seconded by Bryman to approve the following Home Occupation renewal: The Bettinoll Co., Burrough Road.

Ayes: 5. Noes: 0. Abstain: 0. Absent: 0

**Water District** – Appoint WSO

**Resolution #2023-5-2**

**Appoint Water System Operator**

Be it Resolved, that Mark A. Pruitt, 1398 Kellogg Street, Alden NY 14004 is hereby appointed to the position of Water System Operator (PT) for the Cowlesville Water District, said appointment effective as of May 1, 2023 through December 31, 2023. Keith Borden as assistant.

Motion: Frounick. Second: Mohun  
Ayes: 5. Noes: 0. Abstain: 0. Absent: 0

**Old Business:** Firefighters/ambulance worker property tax exemption

The Board is still interested in allowing the exemption to firefighters. Process being reviewed with other towns so everyone has same exemption.

**New Business:** Authorizing Fees and Charges for EMS and Ambulance Services – Cowlesville Fire Co. **2023-5-3 Resolution for fee schedule discussed.** When Town passes resolution, fees go to a third-party biller. No fee is passed on to taxpayers utilizing billing company. All co-pays waived for town residents. All charges go with insurance company. Medicare included.

**Resolution #2023-5-3 Resolution Authorizing Fees and Charges for  
Emergency Medical Services and Ambulance Service**

**WHEREAS**, General Municipal Law sections 209-b and 122-b, and as otherwise provided by law (the “Law”) provides that the authorities having control of a fire department or fire company that have authorized such fire department or fire company to provide emergency and general ambulance service, including emergency medical service as defined in section three thousand one of the Public Health Law may fix a schedule of fees or charges to be paid by persons requesting such service or services; and

**WHEREAS**, the Law further authorizes the authorities having control of a fire department or fire company may provide for the collection of fees and charges for the collection thereof by the fire department or fire company; and

**WHEREAS**, the Law provides that if the authorities having control of a fire department or fire company have authorized such fire department or fire company to fix a schedule of fees or charges to be paid by persons requesting such service or services, and seek participation in and reimbursement from the medical assistance program, the authorities having control of a fire department or fire company shall adhere to any medical assistance enrollment and billing requirements applicable to such services prior to receiving reimbursement; and

**WHEREAS**, the Law further provides that where a basic life support service which establishes a schedule of fees for service shall enter into a contract with a provider or providers of advanced life support services to provide such advanced life support services and that such contract shall at a minimum establish the fees for advanced life

support services and the means by which said provider will be reimbursed when the ambulance service bills for emergency medical service; and

**WHEREAS**, the Law further provides that where an emergency and general ambulance service, including emergency medical service as defined in section three thousand one of the Public Health Law, authorized pursuant to General Municipal Law section 209-b(4) which does not issue a bill for its services and which requests an Advanced Life Support (ALS) intercept from another ambulance service furnishing service in an area that is designated as a rural area by any law or regulation of the state, or that is located in a rural census tract of a metropolitan statistical area (as determined under the most recent Goldsmith Modification), shall pay the ambulance service providing the ALS intercept an ALS Rural Intercept Fee at rates negotiated between the providers of such services; and

**WHEREAS**, the Law further provides that in the absence of any agreed-upon rates, the service receiving such ALS intercept shall pay the service providing the ALS intercept for such services at the usual and customary charge, which shall not be excessive or unreasonable; and

**WHEREAS**, the Law further provides that an emergency and general ambulance service, including emergency medical service as defined in section three thousand one of the Public Health Law, authorized pursuant to General Municipal Law section 209-b(4) to fix a schedule of fees or charges to be paid by persons requesting such service or services, may apply such fees and charges only within such service's primary response territory as assigned and evidenced by a valid ambulance service certificate issued by the Commissioner of Health pursuant to section three thousand five of the Public Health Law, on or before January first, two thousand twenty-two; and

**WHEREAS**, the Law further provides that an emergency and general ambulance service, including emergency medical service as defined in section three thousand one of the Public Health Law, authorized pursuant to General Municipal Law section 209-b(4) shall not directly issue a bill for its services to any uninsured recipient of such services; and

**WHEREAS**, the Town of Bennington ("Town") has historically and currently intends to continue to exercise the authority conferred to it by law, including authorizing the Cowlesville Fire Company, Inc. ("Fire Company") to provide emergency medical services including basic life support ("BLS") ambulance services (hereinafter referred to as "ambulance services") within its primary territory as defined by Public Health Law 3001 ("Operating Territory") and as otherwise permitted by law including mutual aid outside of its primary territory; and

**WHEREAS**, the Board of the Town of Bennington ("Board") after due deliberation, finds it in the best interest of the Town of Bennington to authorize fees and charges for emergency medical services and ambulance services by the Fire Company as authorized by Law and these Resolutions;

**NOW THEREFORE**, it is hereby

**RESOLVED**, that the Town of Bennington hereby authorizes fees and charges for emergency medical services and ambulance services by the Fire Company as authorized by Law and as provided for by these Resolutions; and it is further

**RESOLVED**, that the fees and charges collected shall be collected and used by the Fire Company as it deems appropriate for emergency medical and ambulance services and otherwise consistent with the terms and conditions of the current agreement between the Town and the Fire Company for fire protection pursuant to Town Law 184 and as otherwise provided by law; and it is further

**RESOLVED**, that the Board hereby directs that the Fire Company shall immediately commence revenue recovery for its emergency medical and ambulance services and shall utilize a third-party billing and revenue recovery agent or agents appointed by the Fire Company for such purposes and under such terms and conditions as the Fire Company may in its discretion find appropriate; and it is further

**RESOLVED**, that the Board hereby directs that such revenue recovery by the Fire Company for its emergency medical and ambulance services shall utilize the rate of services as attached to these Resolutions as Schedule A which the Board may amend in its discretion from time to time; and it is further

**RESOLVED**, that the Board hereby determines that commencing at 12:01 a.m. on July 8, 2022 and until such time as a contract or contracts have been entered into with a provider or providers of advanced life support services for such advanced life support services or for ALS intercept services, the Board hereby sets the maximum reimbursement rate to be paid for any such ALS or ALS intercept services provided to the Town or its fire department shall be reimbursed at the lesser of the Medicaid or Medicare reimbursement rate(s) in effect at the time of such ALS intercept service, for such service; and it is further

**RESOLVED**, that the Board hereby determines that it shall, as a matter of public policy and as part of a comprehensive regulatory system for the delivery of emergency services within the Town, waive any co-pay or deductibles due from any resident of the Town; and it is further

**RESOLVED**, that the Board hereby directs that all revenue recovered pursuant to this authorization and these Resolutions shall be deposited and segregated from other Fire Company funds and used for the delivery of emergency medical and ambulance services as the Fire Company may properly determine in its sole discretion; and it is further

**RESOLVED**, that the Board hereby directs that it shall not, directly or indirectly, by Town personnel or its agents and employees, including the Town's billing service agency issue a bill for its services to any uninsured recipient of such emergency medical and ambulance services, pursuant to General Municipal Law section 209-b(4)(e); and it is further

**RESOLVED**, that except as otherwise provided herein, these resolutions shall take effect immediately.

Motion: Mohun  
Ayes: 5

Second: Bryman  
Noes: 0

Abstain: 0

Absent: 0

## SCHEDULE 'A'

### 2023 Schedule of Fees and Charges Pursuant to General Municipal Law 209-d(4)(a)

<b>BLS Transport</b>	Basic Life Support Basic EMT level provided	<b>\$1000</b>
<b>ALS 1 Transport</b>	Advance Life Support Treatment above basic EMT level	<b>\$1,250</b>
<b>ALS 2 Transport</b>	3 or more drugs administered, or one of 7 procedures done to patients*	<b>\$1,500</b>
<b>BLS Intercept</b>	BLS – level on board another agency's transporting ambulance	<b>\$875</b>
<b>ALS 1 Intercept</b>	ALS – level on board another agency's transporting ambulance	<b>\$975</b>
<b>ALS 2 Intercept</b>	ALS – level on board another agency's transporting ambulance	<b>\$1100</b>
<b>BLS Assessment</b>	BLS – level treatment or assessment to a patient who refuses transport	<b>\$400</b>
<b>ALS Assessment</b>	ALS – level treatment or assessment to a patient who refuses transport	<b>\$350</b>
<b>Mileage</b>	Loaded Mileage	<b>\$38 per mile</b>

\*The 7 procedures are as follows: Defibrillation, Cardioversion, External Pacemaker, Intraosseous infusion, Airway Device Intubation, Chest Decompression, Surgical Airway

- **Motion by Mohun.** Seconded by Frounick.  
Ayes: 5. Noes. 0. Abstain. 0. Absent. 0. Carried.

Continue discussion to find any other parcel fire maps available. Boundary lines effect EMS, fire department coverage. Wyoming Co. attempting to clarify boundaries. Possibility of towns to set boundary lines and submit to Dept of Health. All parties looking through archived map drawers.

**Petitions and public concerns:**

**Any other Business to Come before the Board/County Matters:**

- Re: Water meter replacement – County out for bid.
- Sander for OshKosh truck for \$200 purchased.
- Per Carolyn M. – Upstairs of Town Hall complete. Many thanks to Board for support; she looks forward to next project on the wall and headstone.

**Adjourn**