Utica gains big victory in case for ambulance service

By DAN MINER
Observer-Dispatch
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UTICA — The city has scored a big win in its push to permanently establish a municipal ambulance service.

In a recent decision, Administrative Law Judge Larry Storch recommended overturning a 2009 decision by the Mid Regional Emergency Medical Services Council, which denied the city a certificate needed to operate the service.

That paves the way for a decision expected this fall on the fate of the city’s ambulance service by the state Emergency Services Council.

The issue has far-reaching consequences for the community. The cash-strapped city has received more than one-half of revenue each year since 2005 from the service, and has spent more than $100,000 in legal bills defending it.

Storch concluded the regional council was wrong.

“There is no discussion in the meeting minutes, nor were any findings of fact recorded demonstrating a compelling reason to disapprove the proposal,” Storch wrote. “There is just a blanket statement that there is ‘no public need’ for the proposal.”

“That’s a win for us,” Utica Corporation Counsel Linda Sullivan Fatata said.

But the attorney for Kunkel Ambulance Service, which has argued that the city’s ambulances are hurting Kunkel Ambulance Service, Monday the decision isn’t final.

The state council doesn’t always follow recommendations, said Karen Taddeo, of Syracuse-based law firm Taddeo & Taddeo & Taddeo, which reviewed key aspects of the case, she said.

“The state council is the one who votes,” Taddeo said.

Additionally, both Kunkel and the regional council could appeal the decision in October if it doesn’t go their way, she said.

Storch’s 13-page decision focused on the rights and procedures of a municipality starting its own ambulance service.

Among his conclusions were that there is no clear legal definition of need and, therefore, that denying the city’s application was impossible. He also pointed out that interpretation of the law skews toward a municipality’s rights.

“The provision of emergency medical services is a prime example of the appropriate exercise of the power of a municipality to protect the health and safety of its citizens,” he wrote.

Mary Roach, the Albany attorney representing Utica in the ambulance case, said there is a strong chance a Kunkel Ambulance Service decision is thrown out of court.

“The report and recommendation fully supports the city’s position that, as a municipality, it is permitted to determine the health and safety of its citizens,” Roach said.

Mayor David Roefaro said he’s been confident throughout the process.

“But the state recognizes the fact that our ambulance service is needed and warranted,” he said. “It’s a highly recognizable saying we should receive our certificate of need.”
A state Supreme Court judge had thrown out of court a Utica lawsuit seeking to avoid the certification process and face the regional council or shut down.

Kunkel served the city without competition for about 50 years until the city decided to start its own service in 2005.

Although Operations Director Jack T. Kunkel referred questions to the company’s lawyer, he has said revenue and decreased after the city’s service started.
Why did this minor victory become the banner headline when two sexual predators were given a slap on the wrist and the green light to continue
am commenting here because all comments were removed by the OD from the Garramone article. Alot of IMPORTANT INFORMATION was cor
comment section about the Garramones and the HOUSE OF GOOD SHEPARD. If one tenth of what was being said is true...there is a significant
HOUSE OF GOOD SHEPARD that needs to be investigated. It appears that the HOUSE OF GOOD SHEPARD may be attracting sexual predators
poor young woman’s attorney while she was at the House of Good Shepard and if the comment section is true she may have been used as a sex to
employee.

unions, amcare5. that tells you everything you need to know. unions driving out otehr businesses and the taxpayers are worse off for it.

Big victory for the city?? Think again. Give it a couple months, and the chief will be asking to add more FF/Paramedics to staff more ambulance
expensive firefighters in ambulances instead of allowing a private company that has been doing the job for decades, do what they do best. Bunch
kettle

We are never able to see all the books to be sure about the 'making millions.' They never tell us about all of the associated costs involved. We're b
years for these vehicles?? This is NOT a win for taxpayers, since we are footing the bill for this service. It cost us NOTHING when Kunkle was prc
aren't making money. This is just another power grab by Russ Brooks.

We must be logged in to report abuse.
Kunkel costs only once, just the person they transport.

The City ambulance ends up costing twice. once in the form of taxes, then a second charge when you use the service. Perhaps City residents should pay for it through property taxes and therefore should not be charged a second time.

They claim its generating millions yet the public safety part of the city budget rises EVERY single year. If this was such a money maker they shou things in check. Its a loss.

CD
18 hours ago
Report Abuse
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THE CROOKED POLITICIANS OF CHICAGO COULD TAKE LESSONS ON CORRUPTION AND THIEVERY FROM THE BUNCH OF DINGLEE UTICA!
V guy
18 hours ago
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The City has absolutely no business being in the Ambulance or medical transport business; there is no need.

City Hospitals, County and Municipal Hospitals like the Utica Hospital and County Home at Broadacres and the County Home in Rome had to go. Ever hear of the Utica State Hospital or the Marcy State Hospitals? How about the old Rome State School? Binghampton Psychiatric?
GET THE PICTURE YET?

Private enterprise is best when the rubber really meets the road.

The City ambulance service is a boondoggle or the worst waters. Stop it now.

Maybe if there was a municipal Utica City Funeral Service. the point would be made. Taxpayer paid funerals, then the individuals will be billed for the services too. How would the Mayor like that turnabout?

I suspect he would then 'get it', in the pocketbook.

Mememe
Kunkle- professional, courteous and very efficient
UFD- wannabes, inefficient and rude and extremely unprofessional.

I had UFD service twice for heart related issues, one time the idiots couldn't even start an IV: The SOB's stuck me 5 times without success, all w/ runs of v-tach. Told the idiot I was licensed and would start my own IV, but let's just get to St E's.... his response? "Our protocol states you must can transport." in which case I stated "Patient refuses, let's go buck-o..." True story, can produce paperwork to prove it. The point is, Chief Russet put all proceeds from ambulance profit in a large group with others money and has NEVER given an exact prof/loss numbers to the Mayor. If you make it public to prove me wrong, but you 'can't: right Spinny?

Yeah, I put a LOT of faith in them (THE UFD EMT's)

Aside form the people that comment here, the rest of you Utica Sheeple better wake up and start making changes now before they all retire down their back sides off at the money they have made off of our taxes. Come on, you have to wonder why there is no transparency in the city governm

And love him of dislike him, Frank Vesceera is the only one with the swinging sack to stand up to all of them, THAT's why they hate him- he is exp what they really are. You go Frank- keep pulling that curtian down they all hide behind!!

Concerned Vet
17 hours ago

Making millions???? Then why are taxes going up?

Please, stop insulting us.
first amendment
16 hours ago
Concerned Vet
Making millions???? Then why are taxes going up?

Please, stop insulting us.

Exactly.
Mememe
16 hours ago
Report Abuse
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Concerned Vet
Making millions???? Then why are taxes going up?

Please, stop insulting us.

Exactly.

first amendment:
Amen to that!
Local Person
16 hours ago
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Called Kunkel before and would call them again!
AnonymousLeeCenterResident
15 hours ago
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Next thing you know, all funeral services will have to go through the City of Utica and the Roefaro Funeral Home. Crooked city. I am glad I don't need to clean up, starting with the politicians. If they get rid of the prisons, I am sure most of the problems (aka prison family members) will go frequentlydissapointed
12 hours ago
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WOW! Looks like the entire staff at Kunkel has been posting! I guess when you have nothing better to do...
metrogurl
11 hours ago
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All and I mean all they good paramedics left Kunkel to work @ UFD. Most of the employees at Kunkel don’t even have the ink dry on there EMT had another large group of people leave to work @ RM and COCVAC. Only thing kunkel is out for is to feed the horses and run calls in other com
AnonymousLeeCenterResident
11 hours ago
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I don’t belong to an ambulance service, but I realize when you have the govt. interfere with a business, the businesses always loses and so does th up, especially with this administration. Utica FD is a joke. Overpaid idiots. The city should just have volunteer fire departments and save the taxp are plenty of individuals that would sign up to help out. Lake Delta and Lee Center have a large number of EMTs in their volunteer service. Those their certifications and train on a regular basis. They don’t require wages and insane pensions.
Facient35
5 hours ago
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What a travesty.....Utica has no business being in the ambulance business......it needs to remain privatized and the city should be shrinking rather than growing. With a unionized fire department and uncapped salary and benefit costs from within that department, the revenue generation excuse is simply, as expenses will far outweigh the revenue generated. Please Attorney General come in and clean Utica's highly corrupt government! I am frequently disappointed.

If people choose to volunteer that is wonderful! If they choose to be an EMT or Paramedic or Firefighter, what is wrong with that? By law, the City of Utica that requires a full time Fire Dept. The corruption of the current administration has little or nothing to do with the growth of salaries they are not helping either. Paying full time FF who are also EMT's or Paramedics a decent salary is a no brainer. But, the issue does lie with the outrageous OT, call backs, stipends, etc. are what anger the taxpayer. As they should. The Utica FD members are, as any other organization, gen working professionals. They ARE busy everyday, until anyone who bashes them takes the time to shadow a 24hr shift quit complaining. Taxpayer of mind. We want to feel safe, know that these people will be there when they are needed. In my opinion, if they sit around most of the day and 1 month fighting a fire that would be fine with me. That is a lot more than any of us will ever do. But, sitting around all day is a far cry from reality. right to run this ambulance service. Kunkel can bash and slander as much as they choose. The fact remains the same, they have some strong com because they are only wading in money now, instead of drowning in it.

frequently disappointed, you make several valid points in your latest post.

However, I need to point out that government, whether it be federal, state, or local should never be in competition with private enterprise! That is a socialist state! This country was built on the backs of small, family owned business’. Those who think there are huge profits in the ambulance business are mistaken. If an independent audit of the City of Utica’s ambulance operations were conducted, and broken down into accurate costs vs revenue, taxpayers j simply cannot operate four (4) very high end rigs, ($150,000 plus per ambulance), equipped with all the latest fancy stretchers, cardiac monitors and 2 6-year old rigs must be due for replacement any time now. I am sure another $600,000-$750,000 bond will be taken out for those soon. Someone that I am wrong.
In a recent decision, Administrative Law Judge Larry Storch recommended overturning a 2009 decision by the Mid-State Regional Emergency Council, which denied the city a certificate needed to operate the service.

Didn't Larry Storch play Corporal Agarn on the show F-Troop?

Are any of you guys old enough to remember Larry Storch was a character actor on F TROOP? Any body other than myself that is.

ALCR - Lake Delta and Lee Center have a large number of EMTs in their volunteer service. Those individuals pay for their certifications and training, but they don't pay for their certifications. Their departments pay for them and then they get reimbursed by the state. Or since a number of EMTs are certified interior firefighters. Since that doesn't happen, your house will burn to the ground while waiting for 4-5 mutual aid companies to show up to save your cellar. I'll take a professional department of firefighters and emts over a department with emts and bingo callers any day.
The facts of this case are:
1. The City of Utica was ordered to comply with the process of seeking a NYSDOH CON.
2. The City of Utica has the onus of proving a public need not already being provided by an existing service.
3. The Regional Council followed the Public Health Law, along with Policy Statements of NYSDOH and made a decision based the definition given by State.
4. Public Health Law allows for this type of litigation to be addressed by an ALJ (Administrative Law Judge). He has given his opinion.
This decision has statewide ramifications. This means APPEALS on top of APPEALS.
The City of Utica should not break out the ticker tape parade and party hats yet. My guess is this administration and department heads will be going.
The strange thing is that any new mayor could shut the ambulance down at his/her inauguration and that would be that. How would that look...
How long until we can elect the new Mayor?
PepeEd
45 minutes ago
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Ambulance, Hearse .. The Master Plan ... I wish I knew, Yellow_Dog
Login or register to post a comment:
Login
Username:
Password:
Forgot password
Login
Register
Email:
First Name:
Last Name:
I agree to the terms of use
I am over 13 years of age
NOTE: Your inbox must accept emails from "no-reply@gatehousemedia.com"
Register