UTICA — The pendulum swayed away from the city’s favor in the drawn-out fight to retain its ambulance service. There’s still a long way to go.

In a 22 to 4 vote, the state Emergency Medical Services Council upheld an earlier decision by a regional council denying the city the certificate of need to run the service.

The city had appealed that initial decision, made in February 2009, starting the administrative process that came to a vote this week.

“The council followed the process and followed the law,” said Karen Taddeo, the lawyer representing Utica-based Ki Service, which fought the city’s appeal. “They did their job, and they did it well.”

City officials and the lawyer they’ve hired to work the case on their behalf expressed disappointment over the decision.

“It will go to the court system now, and it will play out in court and we will run the ambulance service while that happens,” said Mayor David Roefaro.

That process alone could take roughly six months, and could be followed by an appeal to a higher court.

“We’re disappointed,” Corporation Counsel Linda Sullivan Fatata said. “We obviously wouldn’t have gone this far without believing it was valuable service to our citizens and one that was needed.”

Roefaro traveled to Albany earlier this week on behalf of the city’s case to address a committee that advised the council to deny the city the certificate.

He said Wednesday the decision was expected because the council was made up of members from private ambulance services, whose sentiments similar to what he expressed when the regional council voted roughly a year-and-a-half ago.

Mary Roach, the Albany-based attorney working for the city, said state law allowed the city to keep running its service while the appeal process has been completely exhausted.

The stakes are high on all sides.

* The cash-strapped city has received more than a half-million dollars of revenue each year since 2005 from the service, spent more than $100,000 in legal bills defending it.
Kunkel officials have said their business, which served the city for 50 years without competition, took a hard hit when it established its own service in 2005. They have also disputed the city’s contention that its service provides a better level of care.

Jack Kunkel, president of Kunkel Ambulance, could not be reached for comment.

The council’s vote directly contradicts an earlier ruling by an administrative law judge. In late June, Judge Larry decision that there is no clear definition of need and, therefore, denying the city’s application on that basis is improper.

The city had to face the regional council after a state Supreme Court threw out a prior Article 78 proceeding the city certification process altogether.

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