



Ambulance Contract is Illegal

By [Thomas Mangan](#), Monroe County Elections 2010 Examiner
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The ambulance contracts Sweden and Clarkson signed with Monroe Ambulance violate Section §184(1) of New York State's Town Law.

But at last night's Village Board Meeting, the members of the Board again avoided talking about the legality or illegality of the ambulance contracts Sweden and Clarkson signed with Monroe Ambulance.

Tomorrow it will be two months to the day that the Trustees were presented with a legal brief that clearly showed the ambulance contracts with Monroe Ambulance violate [NY Town Law §184\(1\)](#).

According to NY Town Law §184(1), as long as the towns have signed a fire protection district contract to receive fire protection from the village, the towns cannot sign a separate contract for ambulance service if the village operates and maintains an ambulance service.

It boils down to this, since Brockport operates and maintains an ambulance corps, Clarkson and Sweden can't legally sign a contract with Monroe Ambulance.

In typical legal fashion, the law is stated in negative terms.

[NY Town Law §184\(1\)](#) states that the towns can only sign an ambulance contract with Monroe Ambulance if, and only if, the Village DOES NOT operate an ambulance service.

"In the event that the fire department or fire company furnishing fire protection within the district pursuant to contract does not maintain and operate an ambulance then a separate contract may be made for the furnishing within the district of emergency ambulance service or general ambulance service"

But nothing has been done about it, and nobody has said a single word about it to the public until now. Instead of dealing with a seemingly obvious violation of the law, the Village Board continues to dismantle Brockport's volunteer Ambulance Corps.

If the Village Board spins off the ambulance corps, the town honchos will get away with violating the law. The moment Village Board spins off the ambulance corps, the towns' violation of the law becomes a moot point.

Sometimes it is a mistake to believe that people will do the right thing. For some reason, people are afraid and nobody wants to touch this with a ten foot pole.

The law moves at a snail's pace, but it doesn't move at all unless somebody pushes it.

On January 4, 2011, a lawyer submitted a legal brief which cited the exact section of the law that Sweden and Clarkson have violated.

The word on the street is that the Board gave the brief to the Village Attorney, Mike Leone, who responded that the brief "has teeth".

But Leone also reportedly said that his contract with the village does not cover a lawsuit against the towns for violating the law, so the village would have to pay for the lawsuit.

That seems to have scared off the members of the Village Board.

Unfortunately, according to another attorney who was contacted by examiner.com, it is up to the Village Board to do something about it.

A citizen can file an Article 78 petition to have the courts rule on the legality of the towns' action, but there are two major problems with that approach.

The legal fees for an Article 78 petition are approximately \$20,000 to \$30,000. Also, because of the way the law is written, an individual citizen may not have standing in the case. So even if the towns violated the law, the case might be thrown out of court on a technicality, after you spend the \$20,000 to \$30,000.

Decide for yourself.

- If you want the Village Board to take legal action, then contact the members of the board.
- If you want to file an Article 78 petition, then contact a lawyer.
- If you want to do nothing, then the towns will get away with breaking the law.

"The greatest menace to freedom is an inert people."

Supreme Court Justice Louis D. Brandeis

(Whitney v. California, 1927)

Here is a summary of the legal brief that was presented to the Village Board on January 4, 2011.

The Clarkson and Sweden Town Councils have violated Section §184(1) of New York State's Town Law by signing a contract with Monroe Ambulance.

A legal challenge by the Village Board or village residents, in an Article 78 petition, would likely make the Town Councils' actions void.

[New York Town Law §184](#) provides for fire protection districts. Clarkson and Sweden have both had fire protection districts for years and that is how both towns still contract with the Village for fire service.

[NY Town Law §184\(1\)](#) says that when a Town establishes a fire protection district, they can contract with the Village for fire protection. The law then says the fire protection contract may also provide for ambulance service, in accordance with GML §209-b.

[NY Town Law §184\(1\)](#) also defines how they may do this, and this is the section of the law that the towns have violated.

“In the event that the fire department or fire company furnishing fire protection within the district pursuant to contract does not maintain and operate an ambulance then a separate contract may be made for the furnishing within the district of emergency ambulance service or general ambulance service, or both, with ... an ambulance service, certified or registered pursuant to article thirty of the public health law, which is not organized under the provisions of section two hundred nine-b of the general municipal law. Any such contract with any such ambulance service permitted herein shall be subject to the provisions of this section.”

This section of the law seems to say that, since Clarkson and Sweden use “fire protection districts” to contract with the Village for fire service, the towns can only sign a contract with Monroe Ambulance, or any other commercial ambulance service, if the Brockport Fire Department were to stop having an ambulance service.

The law rarely uses such clear “If... then” statements unless the law means “If and ONLY if”.

Therefore, NY Town Law §184(1) seems to force the Towns to continue to contract, through their fire protection districts, for BOTH fire protection and ambulance service in one contract, as long as the Village continues to provide ambulance service.

Tags: [Brockport](#), [Brockport Ambulance Corps](#), [Fire Contracts](#)