

CITY OF NEWTON

IN BOARD OF ALDERMEN

PUBLIC SAFETY & TRANSPORTATION COMMITTEE REPORT

TUESDAY, SEPTEMBER 8, 2009

Present: Ald. Linsky, (Chair) Vance, Ciccone, Coletti, Danberg, Swiston Harney and Fischman
City Staff: Mayor Cohen, Sandy Pooler (Chief Admin. Officer)
Others Present: Tom Lopez (President, Newton Firefighters Association)

#197-09 ALD. COLETTI, GENTILE, SALVUCCI, CICCONE, LINKSY & DANBERG
proposing a RESOLUTION that His Honor the Mayor as requested by the
Newton Firefighters Executive Board by a vote on 7/7/09 respectfully delay for
six months the decision to sign a 3-year contract for ambulance services to allow
the Newton Firefighters Association the time needed to investigate the feasibility
and prepare a proposal for the Newton Fire Department to provide emergency
services to the City. [07/10/09@ 9:21 AM]

ACTION: **APPROVED 6-2 (Ald. Vance and Fischman opposed)**

NOTE: Chairman Linsky explained that the purpose of this discussion was whether or not
this is an opportunity to look at something other than the three-year contract that is being
contemplated.

Ald. Coletti had originally asked that the Board take up this item under suspension of the rules
back in July. The Executive Board of the Fire Department and Ald. Coletti had discussion
regarding the negotiation of a new contract. Ald. Coletti served on the original selection
committee that made the decision not to stay in-house and to select Chaulk Ambulance Service
to start. As Chairman of Finance, Ald. Coletti has been aware of a tremendous amount of
liability issues. If a mistake was made when providing a service like this, the City has a different
set of liabilities. Ald. Coletti said at the start of these discussions, he had ambivalent feelings but
is aware that a typical run costs between \$1,100.00 and \$1,200.00. The contract does show some
flexibility. The real thrust of the discussion Ald. Coletti had with the firefighters was the
suggestion that there should be talks with the Mayor. Ald. Coletti had spoken with Mayor Cohen
explaining that the firefighters really would like to talk before a decision was made and the
Mayor agreed to have discussions. Options could include the extension of the current contract.

Mayor Cohen discussed the steps that were taken to secure a new contract. He said the objective
is very simple; it is to make sure that on January 1, 2010 and beyond the people of the City of
Newton have absolutely the best emergency health system in place for their benefit. Public
Safety is most important and emergency service tops the list. When lives are on the line, and
when people go to sleep, Mayor Cohen wants them to be secure in the knowledge that the best
possible job in making sure the service that is being provided is top notch. That has been done at
no cost to the City and Mayor Cohen wants to be sure that the process is one that insures
confidence.

Sandy Pooler, Chief Administrative Officer, stated that every month or every other month, depending on the time of the year, there is a regular meeting of Emergency Medical Services (EMS) comprised of representatives of the Police Department, Fire Department, dispatcher, and a member of the fire union. There are somewhere between one and three doctors who reside in the City who play major roles in EMS issues including response times, problem review, and listening to tapes. There are issues that come up from time to time with performance of the contract with American Medical Response (AMR). There is a long history of the City having a regular series of meetings. Mr. Pooler noted that this winter at the time of the expiration of AMR's contract, the committee met to talk about what was needed to extend the contract or go out and look at other providers. The Mayor had made clear that he wanted to be sure that there was an open process in this and not just automatically extending, but really taking a look at what services other people might provide so that there would be a transparent, open process. A special committee was formed to look at reviewing contracts and that committee is made up of two representatives of the Fire Department, (Chief LaCroix and Assistant Chief Proia) two representatives of the Police Department, (Chief Cummings and Captain Anastasia) two representatives of the Health Department (Commissioner Naparstek and Linda Walsh) member of the EMS Committee) two doctors, and Eileen McGettigan (Law Department). This Committee reviewed the contract and a series of RFP's that other communities (Waltham, Wellesley, and Peabody) have put out to try to see if there are things above and beyond included in our contract that we wanted. The basic feeling was that at a minimum, we wanted to continue the services that we currently have and perhaps increase the number of ambulances. Right now, there are two advanced life support trucks that carry paramedics. Mr. Pooler felt the call volume merited this and it is hoped that response times could be better. AMR was asked to extend their contract to January 1, 2010 and that was done. Throughout the spring this information was put together and with the help of the Law Department, there were requests for responses. The request for response (RFR) was released on June 11, with a response time of one month requested. On July 16th, the RFR's came back from five different companies. They were reviewed by the committee and on August 5th, the Committee met and narrowed down the responses to the three that people thought were really able because of their size, history and some of the criteria put in the RFR. Those were AMR, Cataldo and Fallon. The Committee then had interviews with those three with interviews lasting between two and a half and three hours. (The Mayor had met with the Fire Union on August 13) Preliminary discussions and interviews had been held and the full committee plan to meet again to discuss impressions and make some recommendations to the Mayor regarding either staying with AMR or not, ranking the different proposals, and by October 1st notify companies whether the city is going to stay or whether there is going to be a transition period. A new company would have to come in and hire employees and buy more equipment if necessary. There is also the opportunity of the City to negotiate with any of the three regarding exact details of what had been requested. Mr. Pooler feels that one very important issue is go to a 24-hour BLS (basic life support) and provide enhanced service as well as provide that service at no cost to the City. The company makes its monies by billings to people who have insurance or Medicare.

Sandy Pooler said there had been discussion concerning the need for a third ALS (advanced life support) and the doctors' response was that if you don't have enough runs for the ALS people to do, the more complicated procedures get rusty and that would not be helpful. That is why the

BLS was requested. Ald. Coletti felt that a very important issue was the fourth ambulance. He asked if the ambulances would work out of the fire stations and Mr. Pooler responded that for good distribution, the ambulances would continue to operate out of the stations. Mayor Cohen stressed that the arrangement with the fire stations works out very well. Mayor Cohen reiterated that he wants to be sure the people have the best possible service.

Ald. Coletti said that previously the City could buy out the contract and he asked if that provision would still be included. Mr. Pooler noted the termination clause stated that if the City finds the company has a material breach in the contract, it could be terminated and would provide the option to purchase some or all of the vehicles and defibrillation units.

Tom Lopez, President of the Newton Firefighters Association, said he agreed with the Mayor of the importance of emergency service and if the Fire Department did not think they could provide the same, if not a better level of care, they would not even approach this issue. Public Safety is the number one concern of the firefighters. In 1993 there were in-depth conversations regarding the Fire Department taking over this process. Mr. Lopez stressed that all that the Fire Department wanted was the opportunity to have the city look at whether the Fire Department could handle this.

The Mayor said a process had been set out. If someone had come to the City in the spring saying the Union is interested in making a proposal, at that time a time frame could have been set out that would have worked, but unfortunately now there have been representations to a number of companies. They have provided a tremendous amount of effort into making these proposals. If Newton Wellesley Hospital came in and said that they think they could do a great proposal in house and want to get into this area, would the City say to them that the process would be stopped and have to start over with a time frame of six months to come up with a proposal. If some other private entity would come in six months from now and say they just found out and would be interested, it is very late in the game. Just to reiterate what Ald. Coletti said there is a lot of free care under the aegis of the Fire Department right now and is subject to the \$100,000.00 cap. When an ambulance service is free, the cap goes away and the Mayor noted that is not a small risk. The Mayor felt it is not too early for the Committee to look at this on an ongoing basis to see if when the next contract rolls around, there can be a viable process for doing this in-house. The Mayor said he was very uncomfortable about pulling the plug on this process when we have made representations to the public and to serious providers regarding the process. In the Mayor's opinion, it would undermine the City's credibility in future endeavors, not only in this area but in dealing with other contractors if the City were to change the rules of the game in the fourth quarter.

Ald. Harney made the motion to approve this item and the Committee voted in favor by a vote of 6-2 (Ald. Vance and Fischman opposed).

At approximately, 7:40 pm Ald. Harney moved for adjournment, which was approved 8-0.

NOTE: Subsequent to the meeting, there was a motion at the full Board of Aldermen to suspend the rules to allow this item to be reported out without a written report. The motion to suspend the rules carried and the full board voted 20 yeas, 2 nays (Ald. Fischman and Vance) and 2 absent (Ald. Sangiolo and Parker) to approve the resolution.

Respectfully Submitted,

Stephen M. Linsky, Chairman