



**Monroe-Livingston Regional EMS Council
Special Meeting Minutes
October 20, 2025 @ 4PM
1190 Scottsville Rd
Rochester, NY 14624**

Welcome by Chair Sam Tinelli - Meeting called to order at 1600

Calling of the Roll; see attached

Officer / Committee Reports:

- Vice Chair : Jon Smith
 - Systems Operations Committee Report:
 - Penfield Volunteer Ambulance CON / Transfer

Timeline and History of the process:

- Webster EMS formed in 2016, with Town of Webster as CON holder (municipal CON, BLS transport)
- North East Quadrant ALS (NEQ) was operator for Town of Webster, ceased operation of CON in 2022
- PENFIELD AMBULANCE has been operating this CON since 2022, and has assisted in enhancing CON to ALS transport
- Application for expansion of territory received in the week of July 14th 2025
 - PENFIELD AMBULANCE currently providing service as noted above
 - Town of Webster wants to get out of ambulance business, as stated in public hearing
 - PENFIELD AMBULANCE wants to continue providing service, and reduce operational / administrative burden going forward
 - Current operational structure, based on DEMSTS guidance in 2022, requires redundancy in CS, charting, operations, to preserve CON / territorial separation
 - PENFIELD AMBULANCE and Town of Webster wish to improve service by reducing burden. DEMSTS contacted by PENFIELD AMBULANCE for guidance. DEMSTS advises that a transfer of Municipal CON is not possible, expansion of

web www.mlrems.org
phone (585) 463-2900
fax (585) 473-3516

office
44 Celebration Drive, Suite 2100
Rochester, NY 14620

mailing
601 Elmwood Avenue, Box 655-P
Rochester, NY 14642



territory would allow PENFIELD AMBULANCE to become provider while permitting Town of Webster an exit from ambulance service.

- Systems committee review on July 21 (0900 at DPM)
 - o Identified additional signature to complete application, executed very promptly
 - o Discussion in meeting surrounded completeness of application, and whether expansion was the right course of action (expansion vs. transfer)
 - o Recognized the application was for expansion, moved this forward
- Public hearing held on August 14th, at Webster Town Hall
 - o All present are positive regarding PENFIELD AMBULANCE's service
 - o Opposition heard to approving expansion, as this creates an additional CON, on assumption Town maintains their CON
 - o This opposition supports transfer of CON as more appropriate method of discharging this issue
- Ben Sensenbach forwards PENFIELD AMBULANCE application to DEMSTS for F&C on August 21, 2025
- Public Hearing Officer report received, Systems Committee meets to discuss on September 2nd
 - o Hearing Officer notes that current definitions within PHL and DEMSTS / DOH policy statement indicate there is no 'need' to support an expansion of territory. PENFIELD AMBULANCE is providing service, fulfilling need, therefore action is not justified. Hearing Officer also recognizes this loophole penalizes PENFIELD AMBULANCE for doing good work
 - o Hearing Officer recommends rejecting expansion in favor of a transfer of CON, citing that after a period of two years, municipal CONs become 'permanent,' and therefore like any other CON
 - o Precedent in Lancaster NY is referenced for this argument
 - o Committee recognizes the application we are asked to consider is for expansion, and not transfer. We discuss advising PENFIELD AMBULANCE to apply for transfer, discuss Hearing Officer report, and discuss how we might position an affirmative motion for Council to act on

web www.mlrems.org
phone (585) 463-2900
fax (585) 473-3516

office
44 Celebration Drive, Suite 2100
Rochester, NY 14620

mailing
601 Elmwood Avenue, Box 655-P
Rochester, NY 14642



- o Committee asks Committee Chair and Program Office to consult with Council legal counsel for guidance
- Ben Sensenbach and I meet with Counsel on September 10th
 - o Our attorney disagrees with the findings of the hearing officer, acknowledging Policy Statements 09-01 and 06-06, and inconsistent language considering municipal and non-municipal CONs. While important to consider, the policy statement does not supersede public health law.
 - o Our attorney directs us back to PHL §3008 and PHL §3010, which defines public need, operating territories, and ambulance certificates, and includes important issues including the transferability of operating certificates.
 - o Based on consideration of PHL, there is no defined conversion of a municipal CON to a 'permanent' CON; this notion of permanence seems to derive from wording within DOH policy statement, and is not consistent with PHL. This issue of permanence seems to be related to the pervasive presumption of need, and not the permanence of the CON.
 - o When considering the requirements for eligibility of a transfer of CON (even if possible), the Town of Webster would not qualify. While the Town of Webster may intend to transfer 100% of their EMS assets (sole asset being the CON), the law doesn't segregate classes of assets, and therefore the Town is not transferring 10% or more of the Town's assets in this transaction.
- Ultimately, the Systems Operations Committee and MLREMS Council must act on the application we have received. We need to form and act on a motion related to PENFIELD AMBULANCE's application for expansion of territory.
 - o We also noted the concerns of Penfield in their administrative burden, the Town of Webster's intent to conclude their CON once their preferred vendor has a path to continue service, and the opposition to the expansion of territory registered by participants of the public hearing. Through this discussion, and in consideration of the points above, the committee:
 - § Recognized the application for expansion of territory
 - § Reviewed the discussion of expansion vs. transfer of CON, including the hearing officer's recommendation and ALJ precedent, and our further exploration of policy statement and public health law
 - § Prepared a resolution for Council to consider at our next scheduled meeting



- To meet statutory timelines, MLREMS scheduled to address this issue on September 15, 2025
 - o DEMSTS had not responded to F&C request, follow-up requested by Ben Sensenbach in advance of meeting
 - o DEMSTS responds indicating they had not taken action, then followed-up within a few hours to indicate F&C is barred. No action can be taken on application until resolved
 - o MLREMS votes on September 15th to 'temporarily delay' action, intentionally not tabling this issue as we are unsure when the bar will be lifted
- DEMSTS responds on September 25th to lift bar
 - o F&C achieved, action can be taken
- Meeting on October 20th to act on this matter
 - o Committee recommends an affirmative, solomonic resolution:
 - § **Approve Penfield Ambulance's application for expansion of territory, contingent on the Town of Webster's written agreement to relinquish their municipal CON after PENFIELD AMBULANCE's expansion is finalized.**
 - o This addresses the application before Council, acknowledges guidance on applicable law, addresses the concerns of opposition, preserves the Town of Webster's ability to seek a municipal CON in the future, and maintains the municipality's ability to contract with any existing CON holder
 - o This doesn't address the conflict between PHL and policy statement – recommend follow-on action with the State Council to review the unresolved liability this creates, and petition action.

Further Discussion from Jermeij Cushman clarifying his stance based upon the actions previously taken by NYS DOH in the issuance of the Municipal CON for Webster. His current stance has changed in support of this process in order to assist with the significant operational burden on Penfield, the difficult situation the Council is in due to the fact of the conflicts of the inability to transfer this CON directly to Penfield from Webster.

Michael Wltkowski added to the difficult situation the Council has been in due to the fact that Penfield has not met the need criteria in 0606, and the only option

web www.mlrems.org
phone (585) 463-2900
fax (585) 473-3516

office
44 Celebration Drive, Suite 2100
Rochester, NY 14620

mailing
601 Elmwood Avenue, Box 655-P
Rochester, NY 14642



provided to us is to approve the expansion of the CON to include the Webster territory, versus transferring the current Webster's Municipal CON to Penfield.

- Vote on CON Expansion

After discussion, a reminder of the conflict of interest statement, everyone was asked if there were any conflicts. No one has identified that they have a conflict.

ROLL CALL VOTE					
Category	Name	AYE	NAY	ABST AIN	Not Prese nt
Monroe County At Large - Seat 1	Arnold, William	Y			
Livingston County At Large - Seat 2	Cook, Alex	Y			
At Large EMS Agency - Seat 4	Corujo, Xavier	Y			
Monroe County CON - Seat 1	Coyle Thomas				E
Regional Medical Director	Cushman, Jeremy	Y			
Monroe County EMS Coordinator	Czapranski, Timothy	Y			
Livingston County EMS Coordinator	Dewar, Karen	Y			
REMAC Representative	Farney, Aaron	Y			
Monroe County At Large - Seat 3	Fendt, Evan	Y			
At Large EMS Agency - Seat 3	Frost, Timothy				A
Livingston County - BLSFR	Klueber, Geordie				E
Livingston County At Large - Seat 1	Lindskoog, Jonathan	Y			
EMS Training / Education	Martin, Amanda	Y			
Monroe County At Large - Seat 4	Merdak, Jessee	Y			
Healthcare Representative - Seat 3	Nugent, Brandon				A
Monroe County CON - Seat 2	Perez, Andrew				A
Healthcare Representative - Seat 1	Pierson, Lauren				A
Law Enforcement	Rathfelder, Eric				A
Livingston County At Large - Seat 3	Rose, Meghann				A
Monroe County At Large - Seat 2	Singhal, Sahil	Y			

web www.mlrems.org
phone (585) 463-2900
fax (585) 473-3516

office
 44 Celebration Drive, Suite 2100
 Rochester, NY 14620

mailing
 601 Elmwood Avenue, Box 655-P
 Rochester, NY 14642



At Large EMS Agency - Seat 2`	Smith, Jonathan	Y			
Livingston County CON -	Tinelli, Samuel	Y			
Healthcare Representative - Seat 2	Vacant				N/F
Community Representative	Vacant				N/F
At Large EMS Agency - Seat 1	Witkowski, Michael	Y			
Monroe County - BLSFR	Young, Andrew	Y			

16 affirmative 8 absent/excused

- Vital Signs Conference November 11-15, 2025 OnCenter Syracuse NY.
- Next Council Meeting – November 17, 2025 16:00 Hours at Livingston County EMS 5582 Lake Road Avon, NY .

Adjournment - 1648 with a motion from [Jonathan Lindskoog](#) seconded by Jonathan Smith, motion carried without discussion.

web www.mlrems.org
phone (585) 463-2900
fax (585) 473-3516

office
 44 Celebration Drive, Suite 2100
 Rochester, NY 14620

mailing
 601 Elmwood Avenue, Box 655-P
 Rochester, NY 14642