



# Belmar First Aid Squad

To the Mayor and Council

601 Main Street  
Belmar NJ 07719

September 20, 2020

This letter is to notify you that as of 11/1/2020 the Belmar First Aid Squad will be forced to start balance billing the residents of the Borough of Belmar as per the attached Medicare directive unless there is a solid plan in place to insure the financial stability of our Squad. After reviewing our notes following our meeting with you, Administrator Kirshenbaum, Chief Scott and Fire Administrator Dullea, Our finances have no bearing on Medicare law. We have already provided you with the profit and loss statements for 2018 and 2019.

The Members of the Board of Directors,

Francis E. Hines

Michael Provenzano Sr.

Richard Hines

Jack Leonard

Rob De Martin

Mayor Mark Walsifer  
Council President Thomas Brennan  
Councilman James McCracken  
Councilwoman Patricia Wann  
Councilman Thomas Carvelli  
Administrator Edward Kirschenbaum



Borough of Belmar  
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[www.belmar.com](http://www.belmar.com)

November 17, 2020

Mr. Michael Nunes,

I figured it would be easier to send you an email because the Belmar First Aid issue is a bit complicated.

A little history...the Belmar First Aid Squad started out many years ago as an all-volunteer squad. During the last administration in 2018, they became a business with paid employees, billing customers for service and the customer's insurance companies paying the amount that is customary and appropriate for the service area.

It was my understanding that since doing this, they would be a private business and separate from the Borough of Belmar. As a business, they made a deal with Lake Como to service their town for, I believe, \$30,000 per year.

When I took office as Mayor, our Administrative Staff met with the Belmar First Aid Squad and were informed that they were having difficulty making ends meet.

At that point, as a temporary measure to secure service for the summer, we made the decision to help them out by lowering their insurance costs extensively by putting them under the umbrella of the Borough of Belmar, paying their Emergency Medical Technicians, (EMT's) for the summer Beach Front coverage, paying for all the fuel for their vehicles, paying for their supplies from Memorial Day to Labor Day and giving them the same amount of taxpayer dollars to spend where needed as we have every year in the past.

This past summer, the borough increased their hours and additional EMT's were added at their request. All of which is paid for by the borough.

Because the Belmar First Aid business model is obviously not working, myself and our Financial Team met with the members and requested their financial reports. The Borough of Belmar is entitled to these reports under N.J.S.A. 40:5-2 because we pay them more than a total of \$70,000 annually. We have not yet received any reports.

Belmar's Financial Team needs to be able to look at the entire operation of the Belmar First Aid Squad's emergency medical services to see how the taxpayer dollars are being spent. Our professionals need to be able to offer solutions and options to improve their business model. As it stands now the only solution the Squad has come up with is to threaten to charge our residents more than what their insurance companies consider customary for this area to make up for their deficits.

Having emergency medical services in Belmar is of utmost importance. We are more than willing to discuss possible solutions and offer assistance beyond just giving money. I want to emphasize the fact that we are willing to work together with the Belmar First Aid Squad in every capacity. I don't understand why the members are unwilling to work with our professionals to find solutions to their dilemma.

Possible options include, overlapping services with EMT trained police officers, having Hackensack Meridian help with some of the billing and possibly having the First Aid Squad payroll integrated with Belmar's payroll. We could also work out shared service agreements with other neighboring towns paid EMT squads.

Until we know where their problems exist, it is not wise to give them more taxpayer dollars without some justification as to how it is being spent.

At some point it could become a possibility that we would need to go out for bid for emergency services to Belmar since they are no longer a volunteer squad but a business.

Mayor Mark Walsifer

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November 25, 2020

GL-30134

Via Regular Mail and Email: [franny@belmarfirstaid.com](mailto:franny@belmarfirstaid.com)

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C/O Belmar First Aid Squad  
414 9<sup>th</sup> Avenue  
Belmar, New Jersey 07719

Via Regular Mail and Email: [mprovenzano@belmarfirstaid.com](mailto:mprovenzano@belmarfirstaid.com)

Michael Provenzano, Sr.  
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Via Regular Mail and Email: [rhines@belmarfirstaid.com](mailto:rhines@belmarfirstaid.com)

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First Aid Squad  
November 25, 2020  
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Re: Belmar First Aid Squad

Dear Mr. Hines:

As you may be aware this office represents the Borough of Belmar. We have received recent correspondence from the Borough Administrator concerning issues involving the Borough's request for an audit of the financial records of the First Aid Squad for the last few years.

First, on behalf of the Mayor and Council, we want to assure you of our good faith efforts. We sincerely appreciate all that the First Aid Squad does for our residents and those who visit throughout the year. Certainly in these very trying times, even more than normal, we highly value and cherish the service that the First Aid Squad provided to our residents and visitors. We want to work together with the First Aid Squad to obtain a solution that benefits the squad as well as the taxpayers of Belmar.

In a recent article from the local newspaper Mr. Hines is quoted as saying that the Borough's "Stipend" is \$33,000.00 dollars in 2020, and presumably that approximate amount in 2019. However that is not the full picture of the monies received by the First Aid Squad.

In 2019, through the general fund and the beach budget, the First Aid Squad received approximately \$65,800.00 dollar. In addition when considering the other supplies, gasoline, etc. the total amount received by the First Aid Squad in 2019 was approximately \$73,300.00. Those are clearly the type of "voluntary contributions" set forth in the attached Statute. We attach a copy of N.J.S.A. 40:5-2 for you review. That Statute compels the First Aid Squad to provide a copy of the certified audit each year.

For this year Belmar has contributed to the Squad \$16,500.00 dollars and another \$16,500.00 dollars is encumbered for the same purpose. Approximately another \$7,400.00 dollars has been donated in team goods and services. From the Beach Fund - \$41,415.50. With funds encumbered, that would exceed \$75,000.00 dollars.

In addition your statements to the newspaper referenced advise you had received from your attorney. I would greatly appreciate if you would provide to me the name and contact information for your attorney so that we can discuss this matter with him/her at greater length.

We enclose a copy of the appropriate Statute which mandates that the squad provide a certified audit on an annual basis to the governing body under these circumstances. Even if the squad does not have a certified audit, we request that the books be provided to the Borough so that they can be reviewed by the Borough CFO and

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KOUTSOURIS & CONNORS**  
COUNSELLORS AT LAW

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Borough Auditor. We would like to receive the books, indicating the amount of monies received, to whom monies were paid, etc. for the last three (3) years beginning January 1, 2018.

We certainly would like to continue a good relationship with the First Aid Squad. However we feel an obligation to our taxpayers to be able to answer questions that have been raised.

Please provide this information as soon as possible.

Very truly yours,



JERRY J. DASTI

JJD/cas

cc: Honorable Mark Walsifer, Mayor, via email: [mwalsifer@belmar.com](mailto:mwalsifer@belmar.com)  
Edward D. Kirschenbaum, Sr., Administrator, via email: [ekirschenbaum@belmar.com](mailto:ekirschenbaum@belmar.com)  
April Claudio, Borough Clerk, via email: [clerk@belmar.com](mailto:clerk@belmar.com)

**DASTI, MURPHY, McGUICKIN, ULAKY,  
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## EMS

### 40:5-2 Contributions to first aid, ambulance and rescue squads.

Any county or municipality may make a voluntary contribution of not more than \$70,000 annually to any duly incorporated first aid and emergency or volunteer ambulance or rescue squad association of the county, or of any municipality therein, rendering service generally throughout the county, or any of the municipalities thereof. In addition, if any such associations experience extraordinary need, the county or municipality may contribute an additional amount of not more than \$35,000.00 annually; provided, however, that the need for such additional funds is established by the association and is directly related to the performance of said association's duties. Whenever the total annual county or municipal contribution to an association exceeds \$70,000, the chief financial officer of the county or municipality shall receive an audit performed by a certified public accountant or a registered municipal accountant of each association's financial records for the current year which shall certify to the governing body of the county or municipality that such records are being maintained in accordance with sound accounting principles.

Any county or municipality may appropriate such additional sums as it may deem necessary for the purchase of first aid, ambulance, rescue or other emergency vehicles, equipment, supplies and materials for use by these associations, the title to which shall remain with the county or municipality, provided that the funds are controlled and disbursed by the county or municipality.

In the case of a joint purchase made by the governing bodies of two or more local units pursuant to the provisions of the "Consolidated Municipal Services Act," P.L.1952, c.72 (C.40:48B-1 et seq.), the title to the purchase shall be held by the joint meeting formed by the contracting governing bodies.

## FIRE

### 40A:14-33. Municipality may contribute money for general purposes of incorporated volunteer fire department

In any municipality where there is an incorporated volunteer fire department which is limited to raising in any one year for the purposes of the department a definite sum, the governing body of said municipality may contribute to such volunteer fire department such sums of money as they shall deem necessary, subject to the limitations of section 40A:14-34.

### 40A:14-34 Municipal appropriations to fire companies.

40A:14-34. The governing body of any municipality may raise and appropriate funds to be granted to the boards of fire commissioners of any fire district or volunteer fire companies located therein, up to a total annual appropriation of \$150,000, which shall be adjusted biennially for inflation by the Director of the Division of Local Government Services in the Department of Community Affairs in accordance with the cost-of-living adjustment promulgated pursuant to section 4 of P.L.1983, c.49 (C.40A:4-45.1a). In any municipality in which there are more than

three such boards or companies, or both, the governing body may raise and appropriate an additional \$50,000 annually for each such additional board or company. Any such board or company shall use not less than 50% of the funds received pursuant to this section for the purchase of fire equipment, materials and supplies. All funds appropriated under this section shall be accounted for to the governing body annually.

Any municipality may appropriate such additional sums as it may deem necessary for the purchase of fire equipment, supplies and materials for use by fire companies or boards, the title to which shall remain with the municipality, provided that the funds shall be controlled and disbursed by the municipality. In the case of a joint purchase made by the governing bodies of two or more municipalities pursuant to the provisions of the "Consolidated Municipal Service Act," P.L.1952, c.72 (C.40:48B-1 et seq.), the title to the purchase shall be held by the joint meeting formed by the contracting governing bodies.



## Belmar First Aid

	As of 10/16			2019
	2020			
<b>First Aid Contributions</b>				
20-01187	\$ 16,500.00	paid	19-00796	\$ 17,000.00
20-01979	\$ 11,500.00	encumbered	19-01421	\$ 11,000.00
20-01979	\$ 5,000.00	encumbered	20-00145	\$ 5,000.00
	<b>\$ 33,000.00</b>			<b>\$ 33,000.00</b>
<b>Beach Payroll</b>				
2020 Beach Season	<b>\$ 41,415.50</b>			<b>\$ 32,767.00</b>
First Aid Supplies	\$ 3,858.03			\$ 2,437.47
Water	\$ 365.00			\$ 231.75
Battery				\$ 94.95
Acct 0-21- -076-295	<b>\$ 4,223.03</b>			<b>\$ 2,764.17</b>
Fuel	<b>\$ 3,180.57</b>			<b>\$ 4,761.49</b>
<b>Total Payments to Belmar First Aid</b>	<b>\$ 81,819.10</b>			<b>\$ 73,292.66</b>

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November 30, 2020

GL-30134

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November 30, 2020  
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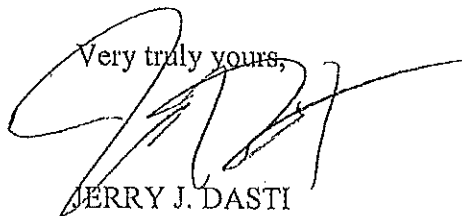
Re: Belmar First Aid Squad

Dear Sirs:

As you are aware pursuant to our letter correspondence dated November 25, 2020 this office represents the Borough of Belmar. In addition to our prior correspondence you should keep in mind that at the August 25, 2020 meeting held between Mayor Walsifer and you, the Squad advised that it needed an additional \$70,000.00 dollars in 2020 due to your financial situation. At that time Mayor Walsifer requested to review your books and your operation plan. You agreed to supply that to him. However it was never forthcoming.

We therefore respectfully request, pursuant to the terms of this letter as well as our prior correspondence that the appropriate paperwork be provided to Belmar without further delay.

In the event that you have any further questions or if I can be of additional assistance, please do not hesitate to contact our office.

Very truly yours,  
  
JERRY J. DASTI

JJD/cas

cc: Honorable Mark Walsifer, Mayor, via email: [mwalsifer@belmar.com](mailto:mwalsifer@belmar.com)  
Edward D. Kirschenbaum, Sr., Administrator, via email: [ekirschenbaum@belmar.com](mailto:ekirschenbaum@belmar.com)  
April Claudio, Borough Clerk, via email: [clerk@belmar.com](mailto:clerk@belmar.com)

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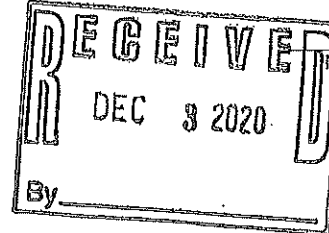
REPLY TO: BELMAR OFFICE

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December 2, 2020

## Via Email and NJ Lawyers Service

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Dasti, Murphy, McGuckin,  
Ulaky, Koutsouris & Connors  
620 Lacey Road  
Lacey Township, NJ 08731

**RE: Belmar First Aid Squad, Inc.**

Dear Mr. Dasti:

Thank you for your letters of November 25 and 30, 2020 on behalf of the Borough of Belmar (the "Borough") addressed to the members of the Board of Directors of my client, the Belmar First Aid Squad, Inc. (the "BFAS"). The Board has asked me to reply.

First, I want to thank you for your assurance that the Borough is acting in good faith in this matter, and for your expression of the Borough's appreciation for the tireless work of the members and officers of the BFAS. I especially appreciate your recognition of the very challenging environment in which they have been working since March, with no respite in sight.

The BFAS – which is one of the oldest volunteer first aid squads in the nation – has had a distinguished history serving the residents of Belmar and the tens of thousands of visitors who flock to our community each week in the summer. I hope you can appreciate the hurt that the members of the BFAS felt to read the quote attributed to

Mayor Walsifer in the November 19, 2020 issue of *The Coast Star*, accusing them of "threaten[ing] to charge our residents more than what their insurance companies consider customary for this area to make up for their deficits."

The BFAS has threatened nothing of the sort. Michael Provenzano's recent letter to the editor announcing the BFAS's change in policy makes clear that the amount that will be charged to residents effective December 1, 2020 is the "out-of-pocket" amounts owed pursuant to the cost-sharing provisions of Medicare, Medicaid and other insurer plans. This amount is not more than "what their insurance companies consider customary." Rather, it is that portion of the customary amount that Medicare, Medicaid and other insurance plans require that patients bear as their "cost-sharing" payments.

For the reasons stated in Mr. Provenzano's letter, and as set forth in the attached OIG Advisory Opinion No. 14-09, this amount cannot simply be waived or ignored. It must either be collected by the BFAS from each resident served, or the Borough must reimburse the BFAS in an amount that reasonably approximates the sum of those residents' out-of-pocket costs.

This is the case regardless of the financial condition of the BFAS. Simply put, one has nothing to do with the other.

In order to substantiate the BFAS's calculation of the amount necessary to cover the out-of-pocket amounts owed by residents, my client would be pleased to provide the Borough with a report from its outside billing company, subject of course to the patient privacy provisions of the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"). If after reviewing this report, the Borough wishes to resume its decades-long practice of covering the out-of-pocket costs for Belmar residents, the BFAS would very much like to reach agreement on payment of the balance of out-of-pocket costs owed by residents' for 2020, so it can certify that it is in compliance with OIG Advisory Opinion No. 14-09.

To that end, I would propose that the Borough and the BFAS each name representatives to an *ad hoc* committee to participate, along with you and me, in this discussion. I think it would make sense as part of that process to attempt to reach agreement on a reporting schedule and formula for calculating on a periodic basis the figure that "reasonably approximates Out-of-Pocket Amounts for Residents," as required by OIG Advisory Opinion No. 14-09. This agreement should also set forth a schedule for those payments, so that both the Borough and the BFAS can budget accordingly.

Finally, although the finances of the BFAS are not relevant to the immediate issues presented by OIG Advisory Opinion No. 14-09, I wish to address briefly the Borough's

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Finally, although the finances of the BFAS are not relevant to the immediate issues presented by OIG Advisory Opinion No. 14-09, I wish to address briefly the Borough's

demand that the BFAS either provide the Borough with a certified audit, or provide its books to the Borough for review. The BFAS is not subject to the audit requirement of N.J.S.A. 40:5-2 because the Borough's contributions to the BFAS in money and "in-kind" fall far short of the \$70,000.00 threshold set forth in the statute. For example, the Borough's claimed \$41,415.50<sup>1</sup> in payroll payments made through the Beach Utility to individual BFAS members were not paid to the BFAS; nor, obviously, was the \$16,500 in encumbered, but not actually paid, amounts referenced in your November 25, 2020 letter. My client denies that any of its members stated at the meeting with Borough representatives that the BFAS needed an additional \$70,000.00 in 2020. Also, for what it's worth, I question whether the Legislature intended the term "voluntary contribution," as used in N.J.S.A. 40:5-2, to include payments made by the Borough to cover the out-of-pocket amounts that would otherwise be owed to the BFAS by individual residents for the BLS services provided to them.

While the BFAS appreciates the Borough's offer to have its CFO and municipal auditor review the financial records of the BFAS, my client's officers and members have decades of experience in operating the BFAS and in delivering BLS services. They fully understand the causes of the financial challenges facing the BFAS and other non-profit BLS service providers. Nevertheless, in a good faith effort to address any genuine concerns that residents and taxpayers may have about the finances of the BFAS, the Board will be taking steps in the coming weeks to make its finances more transparent.

In the meantime, if the Borough has questions regarding the BFAS's use of the Borough's \$16,500 in actual monetary contributions or claimed \$7,403.60<sup>2</sup> in "in kind" contributions in 2020, please direct them to me.

In closing, the BFAS wishes to continue its many years of service to the residents of Belmar, and to do so without imposing any out-of-pocket costs on the individual residents it serves. We hope the Borough will work with the BFAS to enable it to continue to do so, under conditions that comply with OIG Advisory Opinion No. 14-09.

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<sup>1</sup> According to the records maintained by the BFAS, the amount of payroll actually paid by the Borough via direct deposit to the individual BFAS members who staffed the Beach Station from Friday, May 22, 2020 to Sunday, September 20, 2020 was \$45,195.50, not \$41,415.50.

<sup>2</sup> Of this \$7,403.60 in in-kind contributions, \$3,912.63 was for first aid supplies the BFAS ordered using a \$5,237.13 Borough purchase order. These supplies were not for the BFAS, but for use at the Beach Station and Lifeguard Stations. The \$3,912.63 amount was the net amount remaining from the total \$5,237.13 purchase order submitted by the BFAS after the amount of Covid-related supplies were deducted. (The Borough sought reimbursement of those costs through the CARES Act.) My client does not know how the Borough reached its \$3,858.03 figure. Whichever figure is used, these supplies were not an in-kind contribution to the BFAS within the meaning of N.J.S.A. 40:5-2.

demand that the BFAS either provide the Borough with a certified audit, or provide its books to the Borough for review. The BFAS is not subject to the audit requirement of N.J.S.A. 40:5-2 because the Borough's contributions to the BFAS in money and "in-kind" fall far short of the \$70,000.00 threshold set forth in the statute. For example, the Borough's claimed \$41,415.50<sup>1</sup> in payroll payments made through the Beach Utility to individual BFAS members were not paid to the BFAS; nor, obviously, was the \$16,500 in encumbered, but not actually paid, amounts referenced in your November 25, 2020 letter. My client denies that any of its members stated at the meeting with Borough representatives that the BFAS needed an additional \$70,000.00 in 2020. Also, for what it's worth, I question whether the Legislature intended the term "voluntary contribution," as used in N.J.S.A. 40:5-2, to include payments made by the Borough to cover the out-of-pocket amounts that would otherwise be owed to the BFAS by individual residents for the BLS services provided to them.

While the BFAS appreciates the Borough's offer to have its CFO and municipal auditor review the financial records of the BFAS, my client's officers and members have decades of experience in operating the BFAS and in delivering BLS services. They fully understand the causes of the financial challenges facing the BFAS and other non-profit BLS service providers. Nevertheless, in a good faith effort to address any genuine concerns that residents and taxpayers may have about the finances of the BFAS, the Board will be taking steps in the coming weeks to make its finances more transparent.

In the meantime, if the Borough has questions regarding the BFAS's use of the Borough's \$16,500 in actual monetary contributions or claimed \$7,403.60<sup>2</sup> in "in kind" contributions in 2020, please direct them to me.

In closing, the BFAS wishes to continue its many years of service to the residents of Belmar, and to do so without imposing any out-of-pocket costs on the individual residents it serves. We hope the Borough will work with the BFAS to enable it to continue to do so, under conditions that comply with OIG Advisory Opinion No. 14-09.

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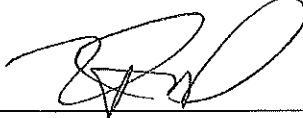
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Thank you for your time and attention to this matter.

Very truly yours,

PRINGLE QUINN ANZANO, P.C.

By:   
\_\_\_\_\_  
Kenneth E. Pringle, Esq.

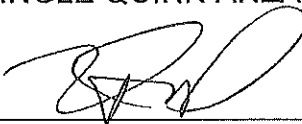
Attachment

Cc: Board of Directors of the Belmar First Aid Squad, Inc.

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Very truly yours,

PRINGLE QUINN ANZANO, P.C.

By:   
\_\_\_\_\_  
Kenneth E. Pringle, Esq.

Attachment

Cc: Board of Directors of the Belmar First Aid Squad, Inc.

# DASTI, MURPHY, McGUCKIN, ULAKY, KOUTSOURIS & CONNORS

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Christopher K. Koutsouris ◊ Δ  
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December 8, 2020

GL-30134

Via Email: [kpringle@pringle-quinn.com](mailto:kpringle@pringle-quinn.com)

Kenneth E. Pringle, Esquire  
Pringle, Quinn, Anzano PC  
701 Seventh Avenue  
Belmar, New Jersey 07719

Re: Belmar First Aid Squad

Dear Ken:

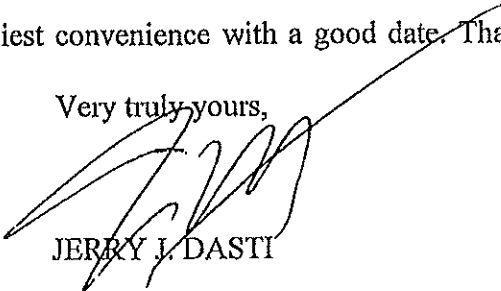
Thank you for speaking with us on Friday. We would like to set up a meeting with you and representatives of the First Aid Squad, including Mr. Hines if you believe that would be appropriate. If you would give me a few dates that would be good for you and your client we will advise accordingly.

In the meantime it would be extremely helpful if we could get a better handle on the amount of income and revenues received, and the amount, and to who, payments are made on an annual basis. We need more than a simple profit and loss statement.

If your client could provide that information, it would make a long way in allowing Belmar to help the First Aid Squad, which is our first and foremost desire.

Please get back to me at your earliest convenience with a good date. Thank you for your anticipated cooperation.

Very truly yours,

  
JERRY J. DASTI

JJD/nc

cc: Honorable Mark Walsifer, Mayor via email  
Edward D. Kirschenbaum, Sr., Administrator via email  
Christine Manolio, Borough CFO via email

# First Aid Squad suspends resident billing policy

By  
Michael Nunes

December 9, 2020

BELMAR— The Belmar First Squad [BFAS] has agreed to suspend its policy of collecting out-of-pocket costs from residents for EMS service pending “further discussions between the squad and the borough over funding,” according to a joint state from the squad and the borough.

A statement sent to The Coast Star on Wednesday afternoon said discussions will focus on finding common ground between both parties on a formula to calculate the number of payments from the borough necessary for the first aid squad to waive costs to residents without running foul of federal guidelines.

The second objective of the talks will be to explore “whether and how the borough can assist the BFAS in achieving and maintaining financial sustainability” in order for the squad to continue to provide residents of Belmar and Lake Como with no out-of-pocket EMS service.

On Dec. 1, the squad announced it would have to change its policy of waiving fees to Belmar residents as the annual stipend of around \$30,000 was not enough to reasonably approximate the loss in revenue to the first aid squad. Fran Hines, a 40-year member of the squad and its director, said the squad will need around \$70,000 to keep the service cost-free to residents.

Borough officials stood by their assertion that they would be unwilling to give more money to the first aid squad until they were able to review the squad’s financial records, leading to the standoff between the town parties.

In the joint statement the Belmar First Aid Squad, which is being represented by former mayor Kenneth E. Pringle on a pro bono basis, said that it is facing considerable financial challenges since it began transitioning in April of 2018 from a volunteer ambulance service to a paid service, and becoming certified by the Department of Health as a non-volunteer, Basic Life Support Service.

The squad employs at least two certified EMTs year-round, and has also needed to take a \$100,000 loan in May of 2018 to cover the cost of paid EMTs. In 2019, the squad had to borrow another \$150,000 to buy new ambulance equipment and, this year, "expenses increased dramatically" as the squad purchased additional personal protective equipment to protect staff from the coronavirus. Over the past year, the squad has used \$100,000 of its endowment investment funds to cover the shortfall.

Mr. Pringle also explained that the financial issues that the BFAS faces are structural, insofar as the volume of EMS calls generated by the Belmar and Lake Como service territory and the mix of insurance coverages, if any, maintained by those patients, are insufficient to cover BFAS's costs of operating a paid-EMS service, even with existing municipal subsidy levels.

Options that the squad is facing to remain financially viable include, according to the statement, "expand[ing] the BFAS service territory to include neighboring municipalities at such time as they too, like Belmar, determine they can no longer provide adequate coverage with volunteers. But this option is not likely to provide relief in the short-term."

Since 2019, the borough has offered to help the first aid squad to relieve some of their expenses. In early 2019, the borough arranged for the BFAS to be added to the borough's liability insurance coverage, which saved the BFAS more than \$30,000 in annual premiums. In addition to a stipend of \$33,000 and in-kind assistance in the form of gasoline and supplies, Borough officials also assisted the BFAS in 2020 by collecting contributions of \$4,000 each from the

Marina Grille, D'Jais and Bar Anticipation to help offset the cost of responding to the high volume of calls related to those businesses.

In a call between the borough and the first aid squad, "[b]orough officials reiterated the obligation that the Borough owes to its taxpayers to spend their funds wisely, and its need to better understand the BFAS's finances and the reasons for the shortfall," according to the statement.

According to Mr. Pringle "the BFAS would provide the borough with a breakdown of its billing and collections and other revenue sources, as well as its salaries and other expense information that the mayor and counsel need to understand the extent and nature of the financial issues confronting the BFAS, and so that they can determine what assistance, if any, the borough can and should provide."

*Check out our other Belmar stories, updated daily. And remember to pick up a copy of **The Coast Star**—on newsstands Thursday or online in our e-Edition.*

*This is an excerpt of the print article. For more on this story, read **The Coast Star**—on newsstands Thursday or online in our e-Edition.*

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January 4, 2021

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OF COUNSEL  
GAURI S. SHAH ♦  
EDWARD R. BONANNO ♦  
DIANE MAGRAM ▲

## Via Email and Regular Mail

The Hon. Mark Walsifer  
Mayor  
Borough of Belmar  
601 Main Street  
Belmar, New Jersey 07719

The Hon. Kevin Higgins  
Mayor  
Borough of Lake Como  
1740 Main Street  
Lake Como, NJ 07719

**RE: Notice of Cessation of Services by the Belmar First Aid Squad, Inc.  
Effective March 31, 2021**

Dear Mayors Walsifer & Higgins:

I am writing on behalf of my client, the Belmar First Aid Squad, Inc. (the "BFAS"), to provide the Boroughs of Belmar and Lake Como (collectively, "the "Boroughs") with formal notification that the BFAS will cease providing Emergency Medical Services ("EMS") and Basic Life Support ("BLS") services to the Belmar/Lake Como communities effective March 31, 2021, or at such earlier date as the Boroughs are able to make other arrangements.

The Board of Directors and the Life Members of the BFAS reached this difficult decision after much consideration and discussion at meetings on December 20, 2020 and January 3, 2021. The decision to cease operations was made by the unanimous vote of those present at both meetings. Even before the pandemic, the volume of hospital transport calls for which the BFAS could obtain reimbursement from Medicare and other insurers was never sufficient to cover its operational costs and amortize the \$250,000 in debt the BFAS incurred in making the transition to a paid service. The pandemic has resulted in a substantial reduction in the volume of reimbursable hospital trips as patients have sought to avoid the hospital. The BFAS's operations through November of 2020 ran at a loss of nearly \$100,000, which the BFAS covered from its savings. That deficit was projected to widen in 2021 as the pandemic continues and the amount collected from insurers shrinks each month. That trend will not change any time soon. Although it was always uncertain whether the BFAS could make the difficult transition from a chronically understaffed volunteer ambulance service to a financially self-sufficient paid service, the officers and members tried their best to continue serving the Belmar/Lake Como communities.

The challenges were not only financial. The stress of operating the BFAS at a deficit in these uncertain times – along with the hours required to operate what has become a year-round 24/7 business in a highly regulated environment -- has taken a toll on the officers and members of BFAS, whose average age is in the mid- to late-60's. Those who have managed the BFAS for the last several decades are ready to retire. It has only been their love for our community and their tremendous pride in the 93-year history of the "Grand Daddy of First Aid" that have kept the Belmar First Aid Squad going this long. It is therefore with the deepest regret that the officers and members of the BFAS have asked me to inform you of their unanimous decision to cease operations while there are still sufficient liquid assets to pay off its outstanding obligations.

The Board of Directors and the Life Members have also instructed my firm to begin preparing a Plan of Dissolution (the "Plan") for the BFAS, and to initiate the other steps that are required under the New Jersey Non-Profit Corporation Act, N.J.S.A. 15:1-1, *et seq.*, and the Internal Revenue Code, to formally dissolve the BFAS after it has completed winding up its affairs.

The Plan will provide for the sale of the vehicles and equipment of the BFAS. The proceeds from the sale of those assets, together with any remaining savings, will be used to pay off the BFAS's outstanding obligations, including the balance of the \$250,000.00 mortgage on the BFAS's property at 414 Ninth Avenue, Belmar, New Jersey (the "BFAS Property"). The remaining proceeds from the sale of the BFAS's assets, including the Property, will be distributed to Sec. 501(c)3 charities to be designated by the BFAS Board of Directors and Life Members as required by law. Those items that cannot be sold, or that have historical value, will be transferred to other Sec. 501(c)3 charitable organizations, as appropriate.

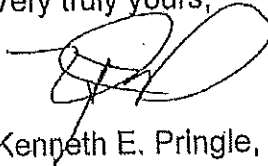


The BFAS has already ceased accepting donations from the public. Checks received recently will be returned. The Board of Directors will be writing to other recent donors offering to return their contributions. The BFAS Board asks, however, that the Boroughs continue to provide their stipends on a pro-rata basis through the date the BFAS ceases providing services.

As I am sure you can understand, after 93 years of service to the greater Belmar community, this has been an extremely difficult decision for the Board of Directors and Life Members of the BFAS. The BFAS will, of course, work cooperatively to ease the Boroughs' transition to a new BLS service provider by sharing information regarding call volume, reimbursement rates and other technical information. The BFAS hopes that the Boroughs' new BLS service provider will hire some, if not all, of the 22 part-time Certified EMTs currently employed by the BFAS.

In closing, I want to express on behalf of the BFAS Board of Directors and Life Members, their appreciation for the cooperation that has been shown to the BFAS by your respective Boroughs for all these many decades.

Very truly yours,



Kenneth E. Pringle, Esq.

Cc: Board of Directors and Life Members of the Belmar First Aid Squad, Inc. (via email)  
Louise Mekosh, Lake Como Borough Clerk/Administrator (via email)  
Jerry J. Dastí, Esq. Belmar Borough Attorney (via email)

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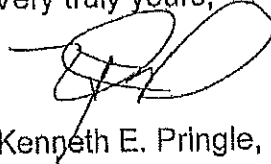
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Very truly yours,



Kenneth E. Pringle, Esq.

Cc: Board of Directors and Life Members of the Belmar First Aid Squad, Inc. (via email)  
Louise Mekosh, Lake Como Borough Clerk/Administrator (via email)  
Jerry J. Dasti, Esq. Belmar Borough Attorney (via email)

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January 8, 2021

GL-30134

Via Email: [kpringle@pringle-quinn.com](mailto:kpringle@pringle-quinn.com)

Kenneth E. Pringle, Esquire  
Pringle, Quinn, Anzano PC  
701 Seventh Avenue  
Belmar, New Jersey 07719

Re: Belmar First Aid Squad

Dear Ken:

I wish to follow up our telephone conversation on Tuesday. Needless to say I was completely taken back by the position of your client that it does not even want to sit down and discuss the potential of Belmar taking over all responsibility for the First Aid Squad liabilities, debts, etc. The fact that you have indicated any discussion, without prejudice to either party, would be a "non-starter" is simply amazing. I understand that is your client's decision and not yours. However we cannot understand the reasoning.

Needless to say the First Aid Squad was built over the last ninety three (93) years by millions of dollars of contributions from Belmar citizens, its taxpayers, and the municipal government. We believe that in the best interests of our citizens to attempt to save the First Aid Squad, keep all of the volunteer and paid workers, and potentially entered into shared service Agreements with other municipalities in Monmouth County. We have conceptually considered a plan. For your clients to simply disregard even sitting down to discuss those issues is something that we frankly cannot understand or accept.

We urge your client to be reasonable, in the best interests of Belmar and its citizens. We urge your client to put aside any personality issues they believe may exist with members of the municipal government, which I can assure you do not exist on our side. What is best for all is what is best for Belmar residents. We believe we can fashion a remedy to your client's financial issues. However we need your client's cooperation and understanding.

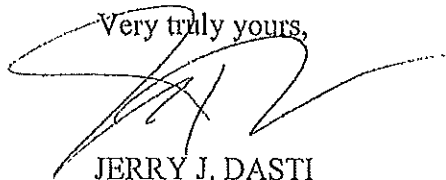
I again implore you to speak with your client and advise whether a meeting can be discussed with them, with or without attorneys present, and with or without any persons that you believe may be a blockage to any reasonable discussion. We are ready to sit down with your client without delay.

Kenneth E. Pringle, Esquire  
Belmar First Aid Squad  
January 8, 2021  
Page 2

Please speak to your client and advise accordingly.

Thank you for your anticipated cooperation.

Very truly yours,

A handwritten signature in black ink, appearing to read "JERRY J. DASTI", with a long, sweeping horizontal line extending to the right.

JERRY J. DASTI

JJD/cas

cc: Honorable Mark Walsifer, Mayor [via email mwalsifer@belmar.com](mailto:mwalsifer@belmar.com)  
Edward D. Kirschenbaum, Sr., Administrator [via email ekirschenbaum@belmar.com](mailto:ekirschenbaum@belmar.com)  
April Claudio, Borough Clerk, [via email aclaudio@belmar.com](mailto:aclaudio@belmar.com)  
Bridget A. Dudas, QPA, RPPS, [via email: bdudas@belmar.com](mailto:bdudas@belmar.com)

**DASTI, MURPHY, McGUICKIN, ULAKY,  
KOUTSOURIS & CONNORS**  
COUNSELLORS AT LAW

# PRINGLE QUINN ANZANO, P.C.

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ATTORNEYS AT LAW

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REPLY TO: BELMAR OFFICE

January 10, 2021

KENNETH E. PRINGLE •••  
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ROBERT A. GALIZIO  
JEFFREY S. QUINN  
DANIEL S. HUNCZAK ▲  
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GAURI S. SHAH •  
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DIANE MAGRAM ▲

## Via Email

Jerry J. Dasti, Esq.  
Dasti, Murphy, McGuckin,  
Ulaky, Koutsouris & Connors  
620 Lacey Road  
Lacey Township, NJ 08731

**RE: Belmar First Aid Squad, Inc.**

Dear Jerry:

Thank you for your letter of January 8, 2021. As I stressed to you in our call on January 4, 2021, the decision of the BFAS to cease EMS operations on March 31, 2021 and to dissolve the organization, was not a negotiating tactic. The BFAS will be pleased to provide the Borough with assistance to facilitate the transition to a new EMS service provider, including information about call volume, billing and collection history, staffing information and schedules and other technical information about its operations. As I explained during our call on January 5, 2021, as discussed further below, the BFAS will also provide the Borough with the opportunity to buy its ambulances and other equipment. But the BFAS will not provide EMS services after March 31, 2021.

So the record is clear, the proposal you communicated to me in your telephone call of January 5, 2021 was the following: The Borough would "take over" the EMS operations from the BFAS. In exchange for the Borough's agreement to assume responsibility for the BFAS's expenses, including liability for repaying the BFAS's

\$250,000 mortgage and other debts, the BFAS would sign over its vehicles and "deed over its property" to the Borough. I explained to you that the BFAS's property at 414 Ninth Avenue is worth upwards of \$2 million<sup>1</sup> and that it was the BFAS's plan to donate the net proceeds from the sale of the property to charities for the benefit of Belmar residents.

I will be pleased to communicate to my client any proposal the Borough may wish to make, as I have the above proposal, and your letter of January 8, 2021. But it is important that the Borough not have any illusions about the BFAS's position, and that it focus its planning on finding a replacement EMS service provider so that the transition from the BFAS on March 31, 2021 is a seamless one.

The decision of the BFAS Board and Life Members was not hastily made or arrived at without considering every possible alternative. During their hours-long discussions over two recent meetings, the Board and Life Members of the BFAS specifically discussed the likelihood that the Borough would make the above-described proposal you communicated to me on January 5, 2021. The members even discussed the likelihood that the Borough would, as a fall back proposal, offer a plan to keep the BFAS in operation like the one referenced in your January 8, 2021 letter and that it would involve a shared service agreement, most likely with Neptune Township's paid EMS service.

After lengthy discussions of these and other alternatives and scenarios, it was the unanimous decision of the Directors and Life Members to cease EMS operations on March 31, 2021 and to dissolve. A variety of reasons were expressed, including the age of its members and the impending retirement and relocation of its day-to-day managers. Nearly every member expressed the sentiment that the BFAS had become a business, and ceased being the close-knit organization they had joined and loved. Rather than watch the BFAS continue to lose its identity, they decided to cease the BFAS's operations while it is still an independent organization, and to donate the proceeds of its assets to charities for the benefit of Belmar residents, and thereby preserve its 93-year legacy of service to the Belmar community.

The Borough may not understand or agree with this decision, but it is the decision of the BFAS's Board and Life Members to make. It deserves to be respected.

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<sup>1</sup> In response to your question, I confirmed that the deeds gifting these parcels to the BFAS do not contain any restrictions on their future use. With due respect to the comment in your letter that the BFAS was "built over the last ninety three (93) years by millions of dollars in contributions from the Belmar citizens, its taxpayers and the municipal government," the BFAS was built over the last 93 years through the blood, sweat and tears of generations of volunteer members expended over tens of thousands of hours, and countless interrupted family meals and nights of sleep. The BFAS is deeply grateful for the support of its many private donors during that period, and for the in-kind and monetary municipal contributions it has received in recent decades from the Borough.



Jerry J. Dasti, Esquire  
January 10, 2021  
Page 3

Subject to its decision, the BFAS will work cooperatively to assist the Borough in transitioning to a new EMS service provider on or before March 31, 2021. As stated in my January 4, 2021 notice letter, the BFAS strongly encourages the Borough and/or the new EMS service provider to hire some or all of the 22 part-time Certified EMTs that work for the BFAS. Please let me know to whom they should send their resumes for consideration. We can also arrange a meeting between representatives of the Borough and/or the new EMS service provider and Rob DeMartin, the BFAS Director of Operations, to answer any staffing or other operational questions the new EMS service provider may have.

As stated in my letter of January 4, 2021, the BFAS will also share with the new EMS service provider anonymized information related to the BFAS's call volume and its billing and collection histories. The BFAS can also provide the new EMS service provider with staffing schedules and expenditures on supplies, so that it can properly estimate the staffing and supply costs required to service the Belmar/Lake Como communities.

As referenced above, and as I stated during our call on January 5, 2021, the BFAS will provide the Borough or the new EMS service provider with the opportunity to purchase for fair market value the BFAS's ambulances and such other vehicles and equipment as may need. The BFAS would agree to schedule the transfer of title to those vehicles and equipment to coincide with the hand-off of EMS operations to the new EMS service provider. Because the proceeds of the sale of these vehicles will be used to pay down the BFAS' mortgage and other interest-bearing debts, the BFAS will be negotiating for the sale and transfer of its ambulances to occur immediately after March 31, 2021, and for some of its other vehicles and equipment before. The Borough should therefore identify as soon as possible those vehicles the Borough or its new EMS service provider would be interested in purchasing.

At some point in the future, the BFAS will also offer its 414 Ninth Avenue property for sale. Please let me know if the Borough might be interested in purchasing the property, so that we can notify you at such time as the BFAS seeks proposals.

In the interim, if there is any other specific information that the Borough or its new EMS service provider needs to facilitate the transition to a new EMS service provider, please let me know so that a meeting or conference call with the appropriate representative(s) of the BFAS can be scheduled as soon as practicable.

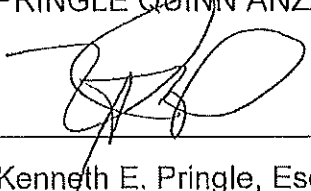
Jerry J. Dasti, Esquire  
January 10, 2021  
Page 4

Finally, kindly confirm that the Borough will be paying the BFAS the pro-rated amount of its stipend to cover the first quarter of 2021. According to my calculations, that would be  $(\$33,000.00 \times .25) \$8,250$ .

Very truly yours,

PRINGLE QUINN ANZANO, P.C.

By: \_\_\_\_\_

  
Kenneth E. Pringle, Esq.

Cc: Board of Directors and Live Members of the Belmar First Aid Squad, Inc. (via email)