

THE REGIONAL EMERGENCY MEDICAL SERVICES
COUNCIL OF NEW YORK CITY, INC.

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REGIONAL EMERGENCY MEDICAL SERVICES COUNCIL OF
NYC CORRESPONDENCE REPORT ON DETERMINATION OF
PUBLIC NEED FOR A NEW AMBULANCE SERVICE,
CHASDEI DEVORAH, INC., dba EZRAS NASHIM

Offices of the Regional
EMS Council, 475 Riverside
Drive, New York, New York
10115

November 19th, 2019
6:00 p.m.

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A P P E A R A N C E S:

YEDIDYAH LANGSAM, CHAIR
MARIE DIGLIO, EXECUTIVE DIRECTOR OF OPERATIONS
DOV JACOB
GRACE CACCIOLA
CHRISTINE MAZZOLA
DOMINICK BATTINELLI
JOSEPH MARCELLINO
DANNY MEISELS
WILLIAM GOFFIN
MORDECHAI GOLDFEDER
JOHN JOHNSTONE
TRAVIS KESSEL
JAMES DOWNEY
JERRY GELBARD
DAVID MEKETANSKY
JOSEPH SCHENKER
DAVID BEN-ELI
SCOTT ORLANSKI
MORDECHAI LAX
MARTINA BACARELLA
NANCY BENEDETTO
ARTHUR COOPER
ROBERT CRUPI
MEGAN FARLEY
MANFRED FUCHS
SEAN GRAVES
JERRY GOMBO
BRIAN LEVINSKY
DENNIS LAURIE
MITCHELL POWELL
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BY: JEFFREY P. REISNER, ESQ.

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1 REMSCO CORRESPONDENCE REPORT - EZRAS NASHIM

2 CHAIR LANGSAM: My name is
3 Professor Yedidiah Langsam. I'm the
4 Chair of the New York City Regional EMS
5 Council. I'd like to call to order the
6 meeting of November 19th, 2019. The
7 first item is the role call vote to
8 determine a quorum. Marie?

9 MS. DIGLIO: Please answer when
10 your name is called. Dov Jacob?

11 MR. JACOB: Present.

12 MS. DIGLIO: Grace Cacciola?

13 MS. CACCIOLA: Present.

14 MS. DIGLIO: Christine Mazzola?

15 MS. MAZZOLA: Present.

16 MS. DIGLIO: Samia McEachin?

17 Alison Burke? Dominick Battinelli?

18 MR. BATTINELLI: Present.

19 MS. DIGLIO: Joseph Marcellino?

20 MR. MARCELLINO: Present.

21 MS. DIGLIO: Danny Meisels?

22 MR. MEISELS: Present.

23 MS. DIGLIO: Ari Weisz? Lillian
24 Bonsignore? Bradley Kaufman?

25 UNIDENTIFIED SPEAKER: He's

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1 REMSCO CORRESPONDENCE REPORT - EZRAS NASHIM

2 here.

3 MS. DIGLIO: William Goffin.

4 MR. GOFFIN: Here.

5 MS. DIGLIO: Mordechai

6 Goldfeder?

7 MR. GOLDFEDER: Present.

8 MS. DIGLIO: Robert Bristol?

9 Daniel Rodriguez? John Johnstone?

10 MR. JOHNSTONE: Present.

11 MS. DIGLIO: Travis Kessel?

12 MR. KESSEL: Here.

13 MS. DIGLIO: James Downey?

14 MR. DOWNEY: Present.

15 MS. DIGLIO: Jerry Gelbard?

16 MR. GELBARD: Present.

17 MS. DIGLIO: David Meketansky?

18 MR. MEKETANSKY: Here.

19 MS. DIGLIO: Eventually, I'll
20 get your name.

21 MR. MEKETANSKY: You'll get it.

22 MS. DIGLIO: Joseph Schenker?

23 DR. SCHENKER: Here.

24 MS. DIGLIO: David Ben-Eli?

25 DR. BEN-ELI: Present.

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REMSCO CORRESPONDENCE REPORT - EZRAS NASHIM

MS. DIGLIO: Scott Orlanski?

MR. ORLANSKI: Here.

MS. DIGLIO: Mordechai Lax?

MR. LAX: Present.

MS. DIGLIO: Martina Bacarella?

MS. BACARELLA: Present.

MS. DIGLIO: Vincent Barranco?

Nancy Benedetto?

MS. BENEDETTO: Present.

MS. DIGLIO: Arthur Cooper?

Robert Crupi?

DR. CRUPI: Present.

MS. DIGLIO: Megan Farley?

MS. FARLEY: Here.

MS. DIGLIO: Manfred Fuchs?

MR FUCHS: Here.

MS. DIGLIO: Sean Graves?

MR. GRAVES: Here.

MS. DIGLIO: Jerry Gombo?

MR. GOMBO: Here.

MS. DIGLIO: Yedidiah Langsam?

CHAIR LANGSAM: Present.

MS. DIGLIO: Brian Levinsky?

MR. LEVINSKY: Present.

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1 REMSCO CORRESPONDENCE REPORT - EZRAS NASHIM

2 MS. DIGLIO: Dennis Laurie?

3 MR. LAURIE: Present.

4 MS. DIGLIO: Mitchell Powell?

5 MR. POWELL: Present.

6 MS. DIGLIO: We have a quorum.

7 CHAIR LANGSAM: We have a
8 quorum. Thank you. The first item on
9 the agenda is the approval of the
10 September 17th, 2019 meeting minutes.
11 These have been distributed ahead of
12 time. I'm sure everyone's done their
13 homework and has read these
14 line-by-line. Are there any comments,
15 corrections, deletions, additions?
16 Hearing none. A motion to approve is in
17 order.

18 MR. GRAVES: Motion to approve.

19 CHAIR LANGSAM: Second. Thank
20 you. Any further discussion? All in
21 favor, say "Aye."

22 ALL MEMBERS: "Aye."

23 CHAIR LANGSAM: Motion is a
24 approved. The minutes are unanimously
25 approved. Thank you.

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1 REMSCO CORRESPONDENCE REPORT - EZRAS NASHIM

2 Before we begin, I just want to
3 clarify, as the Chair, according to
4 Robert's rules of order, I am not
5 supposed to offer any opinion on any
6 matter that is being debated here. And
7 so, I will not give my opinions. My
8 role here is simply to make sure that we
9 follow parliamentary procedure and that
10 we follow all the rules as set forth by
11 both the State, and our own rules, as
12 well as Robert's rule of order. So I
13 will not be offering an opinion on any
14 item that comes before us.

15 The next item on the agenda is
16 the correspondence report. Marie?

17 MS. DIGLIO: Yes, sir. The
18 offices of the Council received the
19 following correspondence: Nothing new
20 from Membership, Fire Department, PCR
21 monthly inventory control report for
22 September, non-compliant PCR form report
23 for September, 1st quarter program
24 agency report.

25 From New York State Department

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1 REMSCO CORRESPONDENCE REPORT - EZRAS NASHIM

2 of Health: Letter stating no barriers
3 to competency and fitness for Ezras
4 Nashim. Letter stating no barriers to
5 competency and fitness for Ambulnz New
6 York 3. Letter to Captain Gregg Brady,
7 Fire Department, congratulating him on
8 being awarded the State Vital Signs 2019
9 EMS Agency Innovation Award for Clinical
10 Delivery. A survey that is going to be
11 e-mailed to EMS agencies by the
12 Department of Health to collect salary
13 information for EMS providers.

14 Post Public Hearing

15 correspondence from the public: 54
16 letters supporting Ezras Nashim
17 application, phone calls, letter from
18 New York State Assemblywoman Nily Rozic
19 supporting Ezras Nashim. Information to
20 clarify the Ezras Nashim application as
21 requested from the Ambulance Committee
22 at the Public Hearing, which included
23 clarified insurance information and
24 clearer map of proposed territory.

25 Letter from Karen Taddeo, Shahan

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1 REMSCO CORRESPONDENCE REPORT - EZRAS NASHIM
2 and Reisner objecting to alleged
3 improper supplementation of Ezras
4 Nashim's CON application. Application
5 for transfer of operating authority from
6 Taddeo, Shahan and Reisner for Ambulnz
7 New York 3.

8 The offices of the Council sent
9 out the following correspondence,
10 agendas, minutes and the associated
11 attachments for this meeting: 1st
12 quarter program agency report to New
13 York State DOH, 2nd quarter Regional
14 Council report to New York State DOH.
15 An affidavit was sent in regarding
16 uniform requirements.

17 The following communications
18 were issued with regards to Ezras
19 Nashim's CON application: A Public
20 Hearing Notice associated information
21 mailed, e-mailed, and posted on REMSCO
22 webpage and published in New York Times.

23 CHAIR LANGSAM: Are there any
24 questions for Marie regarding the
25 correspondence report? Hearing none.

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1 REMSCO CORRESPONDENCE REPORT - EZRAS NASHIM

2 By your leave, we will re-arrange the
3 agenda, unless someone objects, so that
4 all standing committees will deal with
5 after the two major items on the agenda.

6 Hearing no objection to that, I
7 will ask the Ambulance Committee to make
8 their report.

9 MR. MARCELLINO: The Ambulance
10 Committee met nearly prior to the REMSCO
11 meeting this evening at 5:00 p.m. We
12 reviewed the correspondence report. We
13 also reviewed the Ambulance Committee
14 tag reports. We are still awaiting
15 information on the mapping project.
16 There was no unfinished business and
17 there is no new business.

18 On a review of the new
19 applications for the determination of
20 public need, there were two pieces of
21 two determinations. The very first was
22 review of the new application for the
23 Transfer of Operating Authority on the
24 vote of Ambulnz New York 3, LLC, #0668,
25 five county licensure, transfer to

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1 REMSCO CORRESPONDENCE REPORT - EZRAS NASHIM

2 Ambulnz-FMC, North America, LLC.

3 Upon further discussion of the
4 Ambulance Committee, the Ambulance
5 Committee has made a recommendation to
6 approve. So we're going to bring forth
7 a second motion to approve now by
8 REMSCO.

9 CHAIR LANGSAM: Being that we
10 have a seconded motion, it requires no
11 new action here, other than to open it
12 to discussion. I'm going to ask Marie
13 to please read the motion that we're
14 going to discuss.

15 MS. DIGLIO: The Ambulance
16 Committee of the Regional Emergency
17 Medical Services Council of New York
18 City finds, based upon the receipt of a
19 complete application for Transfer of
20 Operating Authority of Ambulnz Holding,
21 LLC, also known as Ambulnz New York 3,
22 LLC, DOH# 0668 to Ambulnz-FMC, North
23 America, LLC, dba Ambulnz New York 3,
24 LLC, and a review of competency and
25 fitness having been conducted by the

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1 REMSCO CORRESPONDENCE REPORT - EZRAS NASHIM
2 Regional Emergency Medical Services
3 Council of New York City, and of the New
4 York State Department of Health, and
5 that review having revealed no issues
6 challenging competency and fitness
7 recommends that approval of the Transfer
8 of Operating Authority with operating
9 authority within the five counties of
10 New York City be granted.

11 CHAIR LANGSAM: And the motion
12 that we will be voting on here is the
13 same motion with the words the "REMSCO,"
14 okay, based often everything. So we'll
15 have the word "REMSCO" substituted for
16 this motion.

17 Do I hear any discussion on this
18 motion? The discussion becomes apart of
19 the public record and gets included, so
20 it would be good to have some
21 discussion.

22 MS. DIGLIO: The lawyers are
23 here if anyone wants to ask any
24 questions.

25 CHAIR LANGSAM: Okay. Hearing

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1 REMSCO CORRESPONDENCE REPORT - EZRAS NASHIM

2 no discussion. We will move to a vote
3 on this motion that we just read. Does
4 anybody want to hear it again?

5 MR. ORLANSKI: No.

6 CHAIR LANGSAM: Role Call.

7 MS. DIGLIO: Okay. So please
8 answer, in favor, against or abstain.

9 CHAIR LANGSAM: If anyone has a
10 conflict of interest, as defined by
11 06-06, as a pecuniary, financial
12 interest in a competing service and
13 those who serve as an officer of an
14 organization deemed to be in direct
15 competition with the applicant, should
16 recuse themselves.

17 Is there anyone here who needs
18 to recuse themselves? Hearing none. Is
19 there anyone sitting around the table
20 who feels that someone should have
21 recused themselves? Hearing none. We
22 will now move to the vote.

23 MS. DIGLIO: Okay. In favor,
24 against or abstain. Dov Jacob?

25 MR. JACOB: In favor.

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1 REMSCO CORRESPONDENCE REPORT - EZRAS NASHIM

2 MS. DIGLIO: Samia McEachin?

3 Dominick Battinelli?

4 MR. BATTINELLI: In favor.

5 MS. DIGLIO: Grace Cacciola?

6 MS. CACCIOLA: Abstain.

7 MS. DIGLIO: Christine Mazzola?

8 MS. MAZZOLA: Abstain.

9 MS. DIGLIO: Joseph Marcellino?

10 MR. MARCELLINO: In favor.

11 MS. DIGLIO: John Johnstone?

12 MR. JOHNSTONE: In favor.

13 MS. DIGLIO: Mordechai

14 Goldfeder?

15 MR. GOLDFEDER: Abstain.

16 MS. DIGLIO: Travis Kessel?

17 MR. KESSEL: In favor.

18 MS. DIGLIO: Jerry Gelbard?

19 MR. GELBARD: In favor.

20 MS. DIGLIO: Joseph Schenker?

21 DR. SCHENKER: Abstain.

22 MS. DIGLIO: Scott Orlanski?

23 MR. ORLANSKI: In favor.

24 MS. DIGLIO: Mordechai Lax?

25 MR. LAX: In favor.

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1 REMSCO CORRESPONDENCE REPORT - EZRAS NASHIM

2 MS. DIGLIO: Martina Bacarella?

3 MS. BACARELLA: In favor.

4 MS. DIGLIO: Vincent Barranco?

5 Nancy Benedetto?

6 MS. BENEDETTO: In favor.

7 MS. DIGLIO: Arthur Cooper?

8 Robert Crupi?

9 DR. CRUPI: In favor.

10 MS. DIGLIO: Meghan Farley?

11 MS. FARLEY: In favor.

12 MS. DIGLIO: Manfred Fuchs?

13 MR. FUCHS: In favor.

14 MS. DIGLIO: Sean Graves?

15 MR. GRAVES: In favor.

16 MS. DIGLIO: Jerry Gombo?

17 MR. GOMBO: In favor.

18 MS. DIGLIO: Yedidiah Langsam?

19 CHAIR LANGSAM: Approve.

20 MS. DIGLIO: Dennis Laurie?

21 MR. LAURIE: In favor.

22 MS. DIGLIO: Brian Levinsky?

23 MR. LEVINSKY: In favor.

24 MS. DIGLIO: Mitchell Powell?

25 MR. POWELL: In favor.

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1 REMSCO CORRESPONDENCE REPORT - EZRAS NASHIM

2 MS. DIGLIO: Motion carries.

3 I'm going to send it around for your
4 signatures.

5 CHAIR LANGSAM: Okay. Did you
6 have a vote?

7 MS. DIGLIO: Yes, it carries.

8 CHAIR LANGSAM: Thank you.

9 Okay. Continue.

10 MR. MARCELLINO: For the second
11 review of the new application for
12 determination of public need,
13 determination of public need for new
14 ambulance for Ezras Nashim, the
15 Ambulance Committee met and it failed.
16 The motion failed.

17 CHAIR LANGSAM: Okay. At this
18 point, it is appropriate for someone to
19 make the motion and then I'll ask for a
20 second. And the motion is to approve
21 the determination of public need for a
22 new ambulance, Chasdei Devorah, Inc.,
23 doing business as Ezras Nashim, and
24 we'll read the full motion later on, but
25 someone should make this motion.

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1 REMSCO CORRESPONDENCE REPORT - EZRAS NASHIM

2 MS. BENEDETTO: So moved.

3 CHAIR LANGSAM: Okay. Nancy
4 moved. Do we have a second?

5 MR. LEVINSKY: Second.

6 CHAIR LANGSAM: We have a
7 second. Thank you. We now move to a
8 discussion. Now, before we start the
9 discussion, recalling that I am not
10 going to offer my opinion on this, I
11 want to read the relevant paragraphs
12 from 06-06, which is the current
13 regulation by which all CONs are
14 processed in New York State.

15 Opportunity shall be provided
16 for REMSCO members, all of you sitting
17 around the table, to make inquiry and
18 ask questions prior to making a
19 determination. You are allowed to ask
20 questions, not only among yourselves,
21 but of anyone. As the application and
22 the public hearing constitute the
23 appropriate forum to introduce and
24 provide new information, this is not an
25 opportunity for either REMSCO members or

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1 REMSCO CORRESPONDENCE REPORT - EZRAS NASHIM
2 non-REMSCO members to introduce/provide
3 new information. You cannot introduce
4 anything that has not been already
5 produced. Should I, in my judgement,
6 hear someone doing that, I will put a
7 stop for it on the record, because that
8 will invalidate the proceedings.

9 The applicant could have amended
10 the application, so long as it occurs
11 prior to the public hearing. So we are
12 now stuck with what we have. Okay.
13 Now, she has here the Public Officers
14 Law and I have 06-06, which essentially
15 says the same thing and I'm going to
16 read 06-06.

17 And it says, "members who have a
18 pecuniary, financial interest in a
19 competing service and those who serve as
20 an officer in an organization deemed to
21 be in direct competition with the
22 applicant should recuse themselves.

23 Does everyone understand that?
24 It means if you make money or you're on
25 a board of directors of a corporation

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1 REMSCO CORRESPONDENCE REPORT - EZRAS NASHIM

2 that might be affected by this, then you
3 should recuse yourself. If you're just
4 a volunteer or you're a paid employee,
5 et cetera, et cetera, et cetera, you
6 have a duty as a member of REMSCO not to
7 recuse yourself and to vote.

8 Having said that, is there
9 anyone around this table who wishes to
10 recuse themselves for cause? Hearing
11 none.

12 Is there anyone sitting around
13 this table who feels that someone should
14 have recused themselves?

15 For the record, we have heard no
16 objections and we will proceed.

17 Finally, the REMSCO shall make
18 its determination by a role call ballot
19 of the members present to accept or
20 reject the recommendation of the
21 committee; that means the Ambulance
22 Committee. They came with no
23 recommendation. Therefore, we are going
24 to be recommending the motion that was
25 just made or not recommending it.

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1 REMSCO CORRESPONDENCE REPORT - EZRAS NASHIM

2 Now, the motion must be made in
3 the form of an approval, which is what
4 we did. Nancy made a motion to approve.
5 It's improper for someone to make a
6 motion to disapprove, so we have a
7 motion on the floor for discussion to
8 approve.

9 Based on the Department's Bureau
10 of House counsel opinion and appendix 3,
11 which I will not read to you because
12 it's very long, in order to make a
13 determination, it must be passed by not
14 less than a majority of the entire
15 members authorized to vote. Not those
16 members present for the meeting. Let me
17 explain that because that is an odd
18 thing.

19 In many committees, you get a
20 quorum, the majority committee votes and
21 that's done. The Open Meeting Law and
22 the General Construction Law of New York
23 State explicitly state that any body
24 that makes a public determination, such
25 as we do, you must have a positive

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1 REMSCO CORRESPONDENCE REPORT - EZRAS NASHIM

2 approval of the majority of the members,
3 whether they are here or not. To be
4 clear, there are 26 members of REMSCO.
5 To approve, we need 26 divided by 2 plus
6 1, which is 14 "yes" votes.

7 Abstentions do not count as a
8 "yes" vote. So essentially, an
9 abstention is a "no" vote. No votes, of
10 course, are no votes. So we need to
11 have, to approve this -- what did I just
12 say --

13 MR. MARCELLINO: 14.

14 CHAIR LANGSAM: 14 "yes" votes.
15 It's been a very long day. Okay. Are
16 there any questions about what I just
17 said?

18 Now, just that people should
19 know, what will happen is, we will have,
20 I assume, a rather long discussion. And
21 then we'll have a role call vote and
22 then you will sign your name, again
23 according to Open Meetings Law, there's
24 no such thing as a private bout. You've
25 lost that right, unlike when you elect

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1 REMSCO CORRESPONDENCE REPORT - EZRAS NASHIM

2 the President, where it's secret. There
3 are no such things as secret ballots in
4 the Open Meeting Law. So your name goes
5 down forever for the public record.

6 After that, you will sign the
7 ballot to confirm how you have voted and
8 then we will forward the REMSCO decision
9 to New York State. New York State can
10 accept it or they can not accept it.
11 Each party or any party, anyone in the
12 street, doesn't have to be someone here,
13 is allowed to appeal to the SEMSCO.

14 When and if that happens, and I
15 say "when," because I'm pretty sure that
16 there's going to be an appeal, one way
17 or the other, what happens is, it is
18 sent to an administrative law judge.
19 About a year from now, because they're
20 very slow, the administrative law judge
21 will offer an opinion, much like the
22 hearing officer offers an opinion.

23 It then comes before the
24 SEMSCOs, State Emergency Medical Systems
25 Council Systems Committee, which is like

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1 REMSCO CORRESPONDENCE REPORT - EZRAS NASHIM

2 their Ambulance Committee, where once
3 again, it is discussed under the same
4 guidelines that we've just done.

5 They vote; later in that same
6 afternoon, it goes before the entire
7 SEMSCO. Then the SEMSCO votes. They
8 can vote to overturn the REMSCO's
9 decision or they can vote to affirm the
10 REMSCO's decision. They have no other
11 choice. That gets written to the public
12 record.

13 All the lawyers among you know
14 that nothing stops there, because you
15 can then go to court to what's called an
16 Article 78 Proceeding and this will be
17 five more years later and the lawyers
18 will make a lot of money.

19 Okay. So that's the procedure,
20 so everyone knows what's happening. I
21 know it's very complicated and this
22 happens throughout the State and it
23 happens all the time, so let's move on.

24 Okay. Any questions about
25 anything that I've said? Hearing none.

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1 REMSCO CORRESPONDENCE REPORT - EZRAS NASHIM

2 Discussions, pro and con, please make it
3 clear so that it can become part of the
4 record. Somebody's gotta be first.

5 MR. JACOB: Okay. So according
6 to the policy statement 6-06, which is
7 public need, there are eight variables
8 that need to be met by Ezras Nashim.
9 One, first one will be geography, which
10 is basically, geographic, that they have
11 a response. Now, Hatzalah has the best
12 response in that area.

13 Next one will be population,
14 size, density and projections.
15 Hatzalah, right now, is serving that
16 area for decades and will go on and
17 continue to serve that area.

18 Level of care, they are
19 requesting a BLS. Right now, Hatzalah
20 is operating an ALS. So approving that
21 would be a step down from what already
22 exists. Quality, reliability and
23 response pattern of existing services,
24 Hatzalah is known for the best response
25 team, best response time out there.

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1 REMSCO CORRESPONDENCE REPORT - EZRAS NASHIM

2 MR. MARCELLINO: Excuse me, Dov.

3 MR. JACOB: Yes?

4 MR. MARCELLINO: Can you speak
5 up, please?

6 MR. JACOB: I apologize. Where
7 would you like me to start again?

8 MR. MARCELLINO: No, no. Keep
9 going.

10 MR. JACOB: Type of service,
11 emergency and non-emergency, Hatzalah
12 provides both emergency and
13 non-emergency. Special need, there was
14 no claim of special need. Service
15 affecting this cost and operation,
16 Hatzalah's existing service is one of
17 the most effective in the country.
18 Other local factors, there are none
19 aside from misrepresentation of
20 religion. It still does not establish a
21 need. Even if yes, they still have
22 seven previous variables that still have
23 not been met.

24 Simply put, there is a lack of
25 resource and they should be denied as

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1 REMSCO CORRESPONDENCE REPORT - EZRAS NASHIM

2 Hatzalah right now has been caring for
3 this community for decades. And they
4 will continue to serve them for decades.
5 Thank you for your time.

6 CHAIR LANGSAM: Nancy?

7 MS. BENEDETTO: With all due
8 respect, Chevra certainly has provided
9 wonderful service to our EMS community.
10 That's not the issue and that's not what
11 we're debating here this evening. What
12 we are looking at this evening is, there
13 is a lack of evidence that existing
14 resources will be reallocated to fulfill
15 the maintaining modesty for observant
16 Jewish women. That is a key piece here.

17 Secondly, we are looking at
18 special needs. There's a listing of
19 eight or whatever number of 06-06
20 qualifications. One of them is level of
21 care. Level of care at the BLS level
22 certainly is an appropriate level of
23 care. It is not that it is the best.
24 It is the beginning part of what this
25 application is looking and seeking for.

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1 REMSCO CORRESPONDENCE REPORT - EZRAS NASHIM

2 Special needs is an item that
3 needs to be addressed. And that is
4 exactly what is being sought with this
5 application; that there would be
6 maintaining modesty for observant Jewish
7 women. We are looking. That is a
8 special need, so I'm asking people to
9 look at it from that perspective. There
10 you go.

11 CHAIR LANGSAM: Thank you.
12 Further comments? Dr. Schenker?

13 DR. SCHENKER: So I'm looking
14 right now at the report from the hearing
15 officer and I just have one question
16 about his summary comments and
17 recommendation. He states "yet we have
18 the equally undeniable fact that perhaps
19 60 percent of women-involved emergency
20 medical needs are either being not met
21 or being met to some degree in
22 contravention of their cultural
23 religious concerns."

24 That sounds like a fact that was
25 proven somewhere. I'm just curious

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1 REMSCO CORRESPONDENCE REPORT - EZRAS NASHIM

2 where that number comes from. Because I
3 don't know that it's undeniable or
4 deniable at all. I don't know where
5 this information comes from. So it
6 reads as if that is the rule and I don't
7 know where that rule comes from. So my
8 only point is that, I don't know how you
9 make a statement like that.

10 CHAIR LANGSAM: Anything else?

11 DR. SCHENKER: That's it.

12 CHAIR LANGSAM: Scott?

13 UNIDENTIFIED SPEAKER: Oh, I'm
14 sorry. Let him speak.

15 MR. KESSEL: Quick point of
16 clarification. The opinion from the
17 Ambulance Committee chairperson is an
18 opinion? It's not a binding anything,
19 so it was an opinion; therefore, it
20 didn't need to be completely factual in
21 all of its presentation?

22 CHAIR LANGSAM: I'm not sure
23 what you're asking.

24 MR. KESSEL: The opinion that
25 was just quoted.

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1 REMSCO CORRESPONDENCE REPORT - EZRAS NASHIM

2 CHAIR LANGSAM: The hearing
3 officer's opinion? It's an opinion.

4 MR. KESSEL: It's an opinion, so
5 therefore, like, that being included is
6 part of the opinion?

7 CHAIR LANGSAM: It's an opinion.

8 MR. KESSEL: Okay. I just
9 wanted to clarify.

10 DR. SCHENKER: You have an
11 opinion that something is an undeniable
12 fact is not appropriate.

13 CHAIR LANGSAM: Okay?

14 MR. KESSEL: Okay.

15 MR. ORLANSKI: 100 percent,
16 maybe.

17 DR. SCHENKER: Correct.

18 CHAIR LANGSAM: Scott?

19 MR. ORLANSKI: Yes. Good
20 evening. Scott Orlanski. Hello, again.
21 Just as a point of clarification so that
22 there's no unneeded animosity, I
23 represent the United New York Ambulance
24 Network, which is the commercial
25 services ambulance in the State of New

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2 York.

3 So Nancy, I agree with you
4 1,000 percent. This application is not
5 about Hatzalah at all, but yet, the
6 applicant has made it about Hatzalah.
7 You had read the hearing officer's
8 report, you read the transcript:
9 Hatzalah this, Hatzalah that -- I could
10 care less. This has nothing to do with
11 Hatzalah. This has to do with Ezras
12 Nashim and their proving need.

13 There are eight variables, as
14 we've all heard at nauseam, so I will
15 not repeat them, but the variables and
16 the requirements set forth by 06-06 were
17 not met. They may want to be met.
18 There may be a desire to meet them, as
19 it has been stated in the application
20 submitted by Ezras Nashim.

21 But we are not here to debate
22 wishes, wants or desires. We're here to
23 discuss, and to opine, and to vote upon
24 06-06 as a policy and only those eight
25 variables. Religion is not one of those

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1 REMSCO CORRESPONDENCE REPORT - EZRAS NASHIM

2 variables. And I submit to my fellow
3 members of the Council that should we
4 tread into those dangerous, murky
5 waters, we will be in a world of hurt.

6 Also, regarding the hearing
7 officer's opinion, recommendation,
8 whatever it might be, we've had this
9 hearing officer before. He's gotten us,
10 as a Council, into trouble before, where
11 he suggests that we don't have to follow
12 06-06. We re-interpret 06-06 even
13 though 06 has been interpreted and
14 re-interpreted the same way for decades.

15 This is not about any other
16 organization. This is about the facts
17 that were presented; not even about the
18 emotion and everything that was bandied
19 about at the hearing and if we do not
20 like 06-06, as I have said many times
21 before, then we should change it.
22 Legislate change if that's what you
23 want, but right now, this is the only
24 document, only those eight variables can
25 be considered -- not religion, not

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1 REMSCO CORRESPONDENCE REPORT - EZRAS NASHIM
2 culture, not any of the other things
3 that were mentioned. We have a duty to
4 follow 06-06 as it has been done, as it
5 has been mentioned, and as the policy
6 statement states.

7 CHAIR LANGSAM: Thank you.
8 Nancy?

9 MS. BENEDETTO: Thank you. To
10 be clear, nowhere in 06-06 does it
11 identify one must need -- meet all eight
12 of those components. Therefore, it is
13 not necessary for eight of those to be
14 met. One, one, and that would be
15 special needs could qualify as a very
16 important factor in terms of meeting
17 this application.

18 MR. ORLANSKI: However, special
19 needs was not addressed by the applicant
20 in their application.

21 CHAIR LANGSAM: Okay. Please
22 address --

23 MR. ORLANSKI: I apologize.

24 CHAIR LANGSAM: -- all comments
25 to the Chair.

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1 REMSCO CORRESPONDENCE REPORT - EZRAS NASHIM

2 MR. ORLANSKI: Thank you.

3 CHAIR LANGSAM: Are there other
4 comments?

5 MR. JACOB: Yes. Nancy also
6 mentioned that there is no need for --
7 in regards to re-allocation of services,
8 I don't believe there was a need for
9 re-allocation of services. I think
10 everything the way it is now, there's no
11 need for it. I believe those were your
12 words, if I'm not mistaken.

13 CHAIR LANGSAM: Thank you.
14 Anyone else would like -- yes?

15 MR. GELBARD: Quite the
16 contrary, 06-06 says the opposite where
17 the applicant must address the need
18 whereby services couldn't be remedied by
19 putting new pieces of ambulances or
20 other services in that spot and that was
21 not addressed in the application.

22 CHAIR LANGSAM: Are there any
23 other comments? Yes?

24 MR. LEVINSKY: A question
25 regarding 06-06. The question regarding

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1 REMSCO CORRESPONDENCE REPORT - EZRAS NASHIM

2 06-06. Is this -- this is a policy
3 statement or a regulation? Because if
4 we're talking about legislation and
5 changing it and you want to gather
6 Article 30 --

7 CHAIR LANGSAM: This is -- I'm
8 reading -- here. It is a -- DOH,
9 Department of Health Bureau of Emergency
10 Medical Services policy statement, which
11 supersedes/updates 93-09, 93-10, this is
12 the date -- it's not actually decades,
13 May 26th, 2006, which is when this one
14 came out and it's the EMS operating
15 certificate application process CON.

16 This is the guidelines by which
17 the DOH evaluates every CON that comes
18 before it and they're empowered by
19 statutory authority to make the
20 decision.

21 MR. LEVINSKY: Is the guideline
22 -- because someone was saying that if we
23 wanted to change it, we need to have
24 legislation and 06-06 is not
25 legislation, correct?

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1 REMSCO CORRESPONDENCE REPORT - EZRAS NASHIM

2 CHAIR LANGSAM: That's correct.

3 Yes. Technically, you're correct. This
4 is not legislation, but the legislature
5 can come up with a law that says we no
6 longer want to use a CON process or that
7 we want to change the CON process. And
8 they can direct the DOH to have whatever
9 process the legislator wants. The
10 legislature are laws, ultimately. Yes?

11 DR. SCHENKER: So policy 06-06,
12 I'm actually looking at it right now,
13 references Article 30 as the legislation
14 that I think Scott mentioned should be
15 changed.

16 CHAIR LANGSAM: Correct.

17 DR. SCHENKER: So Article 30 is
18 where the actual information lives and
19 it states that the REMSCO has the
20 responsibility to make determinations of
21 public need to establish additional
22 emergency medical services and ambulance
23 services to make determinations of
24 public need as provided in Section 3008.
25 So the legislation is actually

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1 REMSCO CORRESPONDENCE REPORT - EZRAS NASHIM

2 Article 30.

3 CHAIR LANGSAM: Are there any
4 other comments, discussions, questions?

5 UNIDENTIFIED SPEAKER: Is it
6 open for the public?

7 CHAIR LANGSAM: No, it is not.
8 Someone here could ask you a question.
9 That's okay, but I don't hear anyone
10 asking any questions.

11 MR. DERING: Is it open to any
12 statements from the applicant's
13 attorney?

14 CHAIR LANGSAM: Hmm?

15 MR. DERING: Is it open to any
16 statements?

17 CHAIR LANGSAM: No. And that's
18 exactly how we do it in the State and I
19 know because I am the Chair, and the
20 State committee does the same thing.
21 That's been proven long ago, but if
22 anyone wants to ask you a question, I
23 have no problem with that.

24 Nancy, do you want to ask the
25 lawyer a question?

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1 REMSCO CORRESPONDENCE REPORT - EZRAS NASHIM

2 MS. BENEDETTO: No. Thank you.

3 CHAIR LANGSAM: Okay. The place
4 for people to make comments is the
5 public hearing. That's why it's called
6 "public hearing." This is an
7 open-meeting; means that anybody can
8 come and sit here and watch what
9 happens. It does not give people the
10 authority to speak; just as anyone can
11 come to Congress and watch them,
12 whatever it is that they do there, but
13 you can't just get up and speak on your
14 own.

15 Any other comments? Hearing
16 none. We will now move to a role call
17 vote.

18 MS. DIGLIO: So read the motion
19 again?

20 CHAIR LANGSAM: Yes, please read
21 the motion exactly as it is now.

22 MS. DIGLIO: REMSCO, New York
23 City, which has conducted a public
24 hearing and has carefully reviewed the
25 information, materials and record in

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1 REMSCO CORRESPONDENCE REPORT - EZRAS NASHIM

2 this matter, recommends that the hearing
3 officer's report in the matter of the
4 application submitted by Chasdei
5 Devorah, Inc. -- sorry, I butchered the
6 name -- dba Ezras Nashim for a new
7 ambulance service in the City of New
8 York, specifically Borough Park, section
9 of Kings County, as identified in the
10 attached map, be accepted and the
11 application be recommended for approval.

12 Please answer in favor, against
13 or abstain.

14 DR. COOPER: Mr. Chairman, so
15 the vote is to accept the report and
16 approve the application?

17 CHAIR LANGSAM: There is no --
18 which report? There is no report.

19 MS. DIGLIO: The report of the
20 hearing officer.

21 DR. COOPER: Yes. That's what
22 the officer just said.

23 CHAIR LANGSAM: Yes, to accept
24 that as -- yes.

25 DR. COOPER: So only one vote.



1 REMSCO CORRESPONDENCE REPORT - EZRAS NASHIM

2 CHAIR LANGSAM: Only one vote.

3 DR. COOPER: Thank you.

4 MS. DIGLIO: Please answer in
5 favor, against or abstain.

6 Dov Jacob?

7 MR. JACOB: Against.

8 MS. DIGLIO: Samia McEachin?

9 Alison Burke? Dominick Battinelli?

10 MR. BATTINELLI: In favor.

11 MS. DIGLIO: Grace Cacciola?

12 MS. CACCIOLA: Abstain.

13 MS. DIGLIO: Christine Mazzola?

14 MS. MAZZOLA: Abstain.

15 MS. DIGLIO: Joseph Marcellino?

16 MR. MARCELLINO: Abstain.

17 MS. DIGLIO: John Johnstone?

18 MR. JOHNSTONE: In favor.

19 MS. DIGLIO: Mordechai

20 Goldfeder?

21 MR. GOLDFEDER: Abstain.

22 MS. DIGLIO: Travis Kessel?

23 MR. KESSEL: In favor.

24 MS. DIGLIO: Jerry Gelbard?

25 MR. GELBARD: Not in favor.

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REMSCO CORRESPONDENCE REPORT - EZRAS NASHIM

MS. DIGLIO: Joseph Schenker?

DR. SCHENKER: Abstain.

MS. DIGLIO: Scott Orlanski?

MR. ORLANSKI: Opposed.

MS. DIGLIO: Mordechai Lax?

MR. LAX: Opposed.

MS. DIGLIO: Martina Bacarella?

MS. BACARELLA: Not in favor.

MS. DIGLIO: Vincent Barranco?

UNIDENTIFIED SPEAKER: Not here.

MS. DIGLIO: Nancy Benedetto?

MS. BENEDETTO: In favor.

MS. DIGLIO: Arthur Cooper?

DR. COOPER: In favor.

MS. DIGLIO: Robert Crupi?

DR. CRUPI: Not in favor.

MS. DIGLIO: Meghan Farley?

MS. FARLEY: In favor.

MS. DIGLIO: Manfred Fuchs?

MR. FUCHS: Against.

MS. DIGLIO: Sean Graves?

MR. GRAVES: Not in favor.

MS. DIGLIO: Jerry Gombo?

MR. GOMBO: Opposed.



1 REMSCO CORRESPONDENCE REPORT - EZRAS NASHIM

2 MS. DIGLIO: Yedidiah Langsam?

3 CHAIR LANGSAM: Oppose.

4 MS. DIGLIO: Dennis Laurie?

5 MR. LAURIE: Not in favor.

6 MS. DIGLIO: Brian Levinsky?

7 MR. LEVINSKY: In favor.

8 MS. DIGLIO: Mitchell Powell?

9 MR. POWELL: Not in favor.

10 MS. DIGLIO: Okay. We have 7 in
11 favor; 12 against; 5 abstain, and 2
12 absent.

13 CHAIR LANGSAM: The motion
14 therefore fails.

15 MS. DIGLIO: It fails on all
16 counts because you don't have enough
17 votes either way, so that's how it goes
18 up to Albany.

19 UNIDENTIFIED SPEAKER: It just
20 fails.

21 CHAIR LANGSAM: It only fails
22 because it did not get approved. It did
23 not have 14 votes.

24 MS. DIGLIO: Okay.

25 CHAIR LANGSAM: That's the only



1 REMSCO CORRESPONDENCE REPORT - EZRAS NASHIM

2 way you look at it.

3 MS. DIGLIO: Okay.

4 CHAIR LANGSAM: Okay. Do you
5 have anything else from the Ambulance
6 Committee?

7 MR. MARCELLINO: That concludes
8 the Ambulance Committee report.

9 CHAIR LANGSAM: Thank you very
10 much for a very difficult task. We now
11 move to the --

12 MS. DIGLIO: Wait. Hold on. I
13 have to send this around for signatures,
14 so don't leave.

15 CHAIR LANGSAM: Yeah, those who
16 are sitting around the table, you can't
17 go home. I will chase after you.

18 (Whereupon, a discussion was
19 held off the record.)

20 CHAIR LANGSAM: We're going to
21 take a breather for two or three
22 minutes.

23 (Whereupon, a recess was taken
24 at this time.)

25 CHAIR LANGSAM: At this point,

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REMSCO CORRESPONDENCE REPORT - EZRAS NASHIM

we have concluded all the statutory
responsibilities of REMSCO regarding the
CONs and transfer of need and will now
proceed to our ordinary report of
standing committees and there is no
further need to transcribe the rest of
the session.

(Time noted: 6:46 p.m.)

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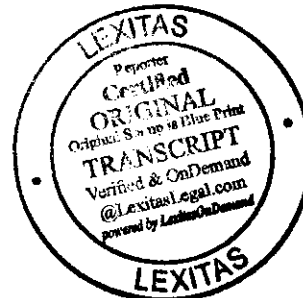
C E R T I F I C A T E

I, DANIEL A. JOSEPH, a Notary Public
within and for the State of New York, do hereby
certify:

That the witness(es) whose testimony is
hereinbefore set forth was duly sworn by me,
and the foregoing transcript is a true record
of the testimony given by such witness(es).

I further certify that I am not related
to any of the parties to this action by blood
or marriage, and that I am in no way interested
in the outcome of this matter.


DANIEL A. JOSEPH



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A	agendas (1)	12:18	40:14	bandied (1)
absent (1)	9:10	apologize (2)	Article (5)	31:18
41:12	ago (1)	25:6 32:23	23:16 34:6	Barranco (3)
abstain (14)	36:21	appeal (2)	35:13,17 36:2	5:8 15:4 40:10
13:8,24 14:6,8	agree (1)	22:13,16	aside (1)	barriers (2)
14:15,21	30:3	appendix (1)	25:19	8:2,4
38:13 39:5,12	ahead (1)	20:10	asking (3)	based (3)
39:14,16,21	6:11	applicant (6)	27:8 28:23	11:18 12:14
40:3 41:11	Albany (2)	13:15 18:9,22	36:10	20:9
abstention (1)	2:20 41:18	30:6 32:19	Assemblywo...	basically (1)
21:9	Alison (2)	33:17	8:18	24:10
Abstentions (...)	3:17 39:9	applicant's (1)	associated (2)	Battinelli (7)
21:7	alleged (1)	36:12	9:10,20	2:6 3:17,18
accept (5)	9:2	application (...)	assume (1)	14:3,4 39:9
19:19 22:10,10	allowed (2)	8:17,20 9:4,4	21:20	39:10
38:15,23	17:19 22:13	9:19 10:22	attached (1)	beginning (1)
accepted (1)	ALS (1)	11:19 16:11	38:10	26:24
38:10	24:20	17:21 18:10	attachments ...	believe (2)
action (2)	ambulance (...)	26:25 27:5	9:11	33:8,11
11:11 44:12	1:5 8:21 10:7,9	30:4,19 32:17	attorney (1)	Ben-Eli (3)
actual (1)	10:13 11:4,4	32:20 33:21	36:13	2:11 4:24,25
35:18	11:15 16:14	34:15 38:4,11	Attorneys (2)	Benedetto (11)
additional (1)	16:15,22	38:16	2:19,23	2:13 5:9,10
35:21	19:21 23:2	applications ...	authority (7)	15:5,6 17:2
additions (1)	28:17 29:23	10:19	9:5 10:23	26:7 32:9
6:15	29:25 35:22	appropriate (...)	11:20 12:8,9	37:2 40:12,13
address (2)	38:7 42:5,8	16:18 17:23	34:19 37:10	best (4)
32:22 33:17	ambulances (...)	26:22 29:12	authorized (1)	24:11,24,25
addressed (3)	33:19	approval (5)	20:15	26:23
27:3 32:19	Ambulnz (6)	6:9 12:7 20:3	awaiting (1)	binding (1)
33:21	8:5 9:6 10:24	21:2 38:11	10:14	28:18
administrati...	11:20,21,23	approve (11)	Award (1)	blood (1)
22:18,20	Ambulnz-F...	6:16,18 11:6,7	8:9	44:12
affidavit (1)	11:2,22	15:19 16:20	awarded (1)	BLS (2)
9:15	amended (1)	20:4,8 21:5	8:8	24:19 26:21
affirm (1)	18:9	21:11 38:16	Aye (2)	board (1)
23:9	America (2)	approved (3)	6:21,22	18:25
afternoon (1)	11:2,23	6:24,25 41:22	B	body (1)
23:6	animosity (1)	24:20	Bacarella (7)	20:23
agencies (1)	29:22	approving (1)	2:13 5:6,7 15:2	Bonsignore (1)
8:11	answer (4)	area (3)	15:3 40:8,9	3:24
agency (3)	3:9 13:8 38:12	24:12,16,17	ballot (2)	Borough (1)
7:24 8:9 9:12	39:4	Ari (1)	19:18 22:7	38:8
agenda (4)	anybody (2)	3:23	ballots (1)	bout (1)
6:9 7:15 10:3,5	13:4 37:7	Arthur (4)	22:3	21:24
	apart (1)	2:14 5:11 15:7		Bradley (1)

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3:24	caring (1)	34:5	8:21 10:7,10	8:7
Brady (1)	26:2	Chasdei (3)	10:13 11:4,5	Congress (1)
8:6	carries (2)	1:5 16:22 38:4	11:16 16:15	37:11
breather (1)	16:2,7	chase (1)	19:21,22	CONs (2)
42:21	cause (1)	42:17	20:20 22:25	17:13 43:4
Brian (4)	19:10	Chevra (2)	23:2 28:17	considered (1)
2:17 5:24	certainly (2)	2:23 26:8	36:20 42:6,8	31:25
15:22 41:6	26:8,22	choice (1)	committees (3)	constitute (1)
bring (1)	certificate (1)	23:11	10:4 20:19	17:22
11:6	34:15	Christine (4)	43:6	Construction...
Bristol (1)	certify (2)	2:5 3:14 14:7	communicati...	20:22
4:8	44:6,11	39:13	9:17	continue (3)
Broadway (1)	cetera (3)	City (7)	community (2)	16:9 24:17
2:20	19:5,5,5	1:2 3:4 11:18	26:3,9	26:4
Bureau (2)	Chair (59)	12:3,10 37:23	competency (4)	contrary (1)
20:9 34:9	2:3 3:2,4 5:23	38:7	8:3,5 11:24	33:16
Burke (2)	6:7,19,23 7:3	claim (1)	12:6	contraventio...
3:17 39:9	9:23 11:9	25:14	competing (2)	27:22
business (3)	12:11,25 13:6	clarification ...	13:12 18:19	control (1)
10:16,17 16:23	13:9 15:19	28:16 29:21	competition (...)	7:21
butchered (1)	16:5,8,17	clarified (1)	13:15 18:21	Cooper (9)
38:5	17:3,6 21:14	8:23	complete (1)	2:14 5:11 15:7
	26:6 27:11	clarify (3)	11:19	38:14,21,25
C	28:10,12,22	7:3 8:20 29:9	completely (1)	39:3 40:14,15
C (3)	29:2,7,13,18	clear (3)	28:20	corporation (...)
2:2 44:2,2	32:7,21,24,25	21:4 24:3	complicated ...	18:25
Cacciola (7)	33:3,13,22	32:10	23:21	correct (5)
2:5 3:12,13	34:7 35:2,16	clearer (1)	components (...)	29:17 34:25
14:5,6 39:11	36:3,7,14,17	8:24	32:12	35:2,3,16
39:12	36:19 37:3,20	Clinical (1)	con (7)	corrections (1)
call (6)	38:17,23 39:2	8:9	9:4,19 24:2	6:15
3:5,7 13:6	41:3,13,21,25	collect (1)	34:15,17 35:6	corresponde...
19:18 21:21	42:4,9,15,20	8:12	35:7	1:4 3:1 4:1 5:1
37:16	42:25	come (3)	concerns (1)	6:1 7:1,16,19
called (3)	Chairman (1)	35:5 37:8,11	27:23	8:1,15 9:1,9
3:10 23:15	38:14	comes (6)	concluded (1)	9:25 10:1,12
37:5	chairperson (...)	7:14 22:23	43:2	11:1 12:1
calls (1)	28:17	28:2,5,7	concludes (1)	13:1 14:1
8:17	challenging (1)	34:17	42:7	15:1 16:1
Captain (1)	12:6	comments (9)	conducted (2)	17:1 18:1
8:6	change (4)	6:14 27:12,16	11:25 37:23	19:1 20:1
care (5)	31:21,22 34:23	32:24 33:4,23	confirm (1)	21:1 22:1
24:18 26:21,21	35:7	36:4 37:4,15	22:7	23:1 24:1
26:23 30:10	changed (1)	commercial (1)	conflict (1)	25:1 26:1
carefully (1)	35:15	29:24	13:10	27:1 28:1
37:24	changing (1)	committee (17)	congratulati...	29:1 30:1

1

2

3

31:1 32:1	Daniel (3)	Department ...	39:24 40:2,4	2:9 4:13,14
33:1 34:1	4:9 44:4,18	7:20,25 8:7,12	40:6,8,10,12	Dr (19)
35:1 36:1	Danny (2)	12:4 34:9	40:14,16,18	4:23,25 5:13
37:1 38:1	2:7 3:21	Department'...	40:20,22,24	14:21 15:9
39:1 40:1	date (1)	20:9	41:2,4,6,8,10	27:12,13
41:1 42:1	34:12	DERING (3)	41:15,24 42:3	28:11 29:10
43:1	David (4)	2:21 36:11,15	42:12	29:17 35:11
cost (1)	2:10,11 4:17	desire (1)	direct (3)	35:17 38:14
25:15	4:24	30:18	13:14 18:21	38:21,25 39:3
Council (12)	day (1)	desires (1)	35:8	40:3,15,17
1:2,4,7 3:5	21:15	30:22	DIRECTOR ...	Drive (1)
7:18 9:8,14	dba (3)	determinatio...	2:4	1:8
11:17 12:3	1:5 11:23 38:6	1:4 10:19	directors (1)	due (1)
22:25 31:3,10	deal (1)	16:12,13,21	18:25	26:7
counsel (1)	10:4	17:19 19:18	disapprove (1)	duly (1)
20:10	debate (1)	20:13,24	20:6	44:8
count (1)	30:21	determinatio...	discuss (2)	duty (2)
21:7	debated (1)	10:21 35:20,23	11:14 30:23	19:6 32:3
counties (1)	7:6	determine (1)	discussed (1)	E
12:9	debating (1)	3:8	23:3	
country (1)	26:11	Devorah (3)	discussion (12)	E (5)
25:17	decades (5)	1:5 16:22 38:5	6:20 11:3,12	2:2,2,21 44:2,2
counts (1)	24:16 26:3,4	difficult (1)	12:17,18,21	e-mailed (2)
41:16	31:14 34:12	42:10	13:2 17:8,9	8:11 9:21
county (2)	decision (4)	DIGLIO (94)	20:7 21:20	East (1)
10:25 38:9	22:8 23:9,10	2:4 3:9,12,14	42:18	2:23
course (1)	34:20	3:16,19,21,23	discussions (2)	effective (1)
21:10	deemed (2)	4:3,5,8,11,13	24:2 36:4	25:17
court (1)	13:14 18:20	4:15,17,19,22	distributed (1)	eight (7)
23:15	defined (1)	4:24 5:2,4,6,8	6:11	24:7 26:19
Crupi (7)	13:10	5:11,14,16,18	divided (1)	30:13,24
2:14 5:12,13	degree (1)	5:20,22,24	21:5	31:24 32:11
15:8,9 40:16	27:21	6:2,4,6 7:17	document (1)	32:13
40:17	deletions (1)	11:15 12:22	31:24	either (3)
cultural (1)	6:15	13:7,23 14:2	DOH (6)	17:25 27:20
27:22	Delivery (1)	14:5,7,9,11	9:13,14 11:22	41:17
culture (1)	8:10	14:13,16,18	34:8,17 35:8	elect (1)
32:2	deniable (1)	14:20,22,24	doing (2)	21:25
curious (1)	28:4	15:2,4,7,10	16:23 18:6	emergency (1...
27:25	denied (1)	15:12,14,16	Dominick (4)	1:2,4 11:16
current (1)	25:25	15:18,20,22	2:6 3:17 14:3	12:2 22:24
17:12	Dennis (4)	15:24 16:2,7	39:9	25:11,12
D	2:17 6:2 15:20	37:18,22	Dov (5)	27:19 34:9
	41:4	38:19 39:4,8	2:4 3:10 13:24	35:22
dangerous (1)	density (1)	39:11,13,15	25:2 39:6	emotion (1)
31:4	24:14	39:17,19,22	Downey (3)	31:18

C

C

C

employee (1) 19:4	20:23	40:18,19	form (2) 7:22 20:3	22:4 23:6 41:17
empowered (1) 34:18	Ezras (55) 1:5 2:19 3:1	favor (37) 6:21 13:8,23	forth (4) 7:10 11:6	Goffin (3) 2:7 4:3,4
EMS (7) 1:7 3:4 8:9,11	4:1 5:1 6:1	13:25 14:4,10	30:16 44:8	going (11) 8:10 11:6,12
8:13 26:9	7:1 8:1,3,16	14:12,17,19	forum (1) 17:23	11:14 16:3
34:14	8:19,20 9:1,3	14:23,25 15:3	forward (1) 22:8	17:10 18:15
entire (2) 20:14 23:6	9:18 10:1	15:6,9,11,13	Fuchs (7) 2:15 5:16,17	19:23 22:16
equally (1) 27:18	11:1 12:1	15:15,17,21	15:12,13	25:9 42:20
ESQ (2) 2:21,24	13:1 14:1	15:23,25	40:20,21	Goldfeder (7) 2:8 4:6,7 14:14
essentially (2) 18:14 21:8	15:1 16:1,14	38:12 39:5,10	fulfill (1) 26:14	14:15 39:20
establish (2) 25:20 35:21	16:23 17:1	39:18,23,25	full (1) 16:24	39:21
et (3) 19:5,5,5	18:1 19:1	40:9,13,15,17	further (5) 6:20 11:3	Gombo (7) 2:16 5:20,21
evaluates (1) 34:17	20:1 21:1	40:19,23 41:5	27:12 43:7	15:16,17
evening (4) 10:11 26:11,12	22:1 23:1	41:7,9,11	44:11	40:24,25
29:20	24:1,8 25:1	feels (2) 13:20 19:13	G	good (2) 12:20 29:19
Eventually (1) 4:19	26:1 27:1	fellow (1) 31:2	GARFUNKE... 2:19	gotta (1) 24:4
everyone's (1) 6:12	28:1 29:1	Finally (1) 19:17	gather (1) 34:5	gotten (1) 31:9
evidence (1) 26:13	30:1,11,20	financial (2) 13:11 18:18	Gelbard (8) 2:10 4:15,16	Grace (4) 2:5 3:12 14:5
exactly (3) 27:4 36:18	31:1 32:1	finds (1) 11:18	14:18,19	39:11
37:21	33:1 34:1	Fire (2) 7:20 8:7	33:15 39:24	granted (1) 12:10
Excuse (1) 25:2	35:1 36:1	first (5) 3:7 6:8 10:21	39:25	Graves (8) 2:16 5:18,19
EXECUTIV... 2:4	37:1 38:1,6	24:4,9	General (1) 20:22	6:18 15:14,15
existing (3) 24:23 25:16	39:1 40:1	fitness (4) 8:3,5 11:25	geographic (1) 24:10	40:22,23
26:13	41:1 42:1	12:6	geography (1) 24:9	Gregg (1) 8:6
exists (1) 24:22	43:1	five (3) 10:25 12:9	give (2) 7:7 37:9	guideline (1) 34:21
explain (1) 20:17	F	23:17	given (1) 44:10	guidelines (2) 23:4 34:16
explicitly (1)	F (1) 44:2	floor (1) 20:7	go (4) 23:15 24:16	H
	fact (3) 27:18,24 29:12	follow (4) 7:9,10 31:11	27:10 42:17	happen (1) 21:19
	factor (1) 32:16	32:4	goes (3)	happening (1) 23:20
	factors (1) 25:18	following (3) 7:19 9:9,17		happens (5)
	facts (1) 31:16	foregoing (1) 44:9		
	factual (1) 28:20	forever (1) 22:5		
	failed (2) 16:15,16			
	fails (4) 41:14,15,20,21			
	Farley (7) 2:15 5:14,15			
	15:10,11			

1

2

3

22:14,17 23:22,23 37:9 Hatzalah (12) 2:23 24:11,15 24:19,24 25:11 26:2 30:5,6,9,9,11 Hatzalah's (1) 25:16 Health (4) 8:2,12 12:4 34:9 hear (4) 12:17 13:4 18:6 36:9 heard (2) 19:15 30:14 hearing (26) 6:16 8:14,22 9:20,25 10:6 12:25 13:18 13:21 17:22 18:11 19:10 22:22 23:25 27:14 29:2 30:7 31:6,9 31:19 37:5,6 37:15,24 38:2 38:20 held (1) 42:19 Hello (1) 29:20 hereinbefore ... 44:8 Hmm (1) 36:14 Hold (1) 42:12 Holding (1) 11:20 home (1) 42:17 homework (1) 6:13 House (1)	20:10 hurt (1) 31:5 I identified (1) 38:9 identify (1) 32:11 important (1) 32:16 improper (2) 9:3 20:5 included (3) 8:22 12:19 29:5 information (...) 8:13,19,23 9:20 10:15 17:24 18:3 28:5 35:18 37:25 Innovation (1) 8:9 inquiry (1) 17:17 insurance (1) 8:23 interest (3) 13:10,12 18:18 interested (1) 44:13 interpreted (1) 31:13 introduce (2) 17:23 18:3 introduce/pr... 18:2 invalidate (1) 18:8 inventory (1) 7:21 issue (1) 26:10 issued (1) 9:18	issues (1) 12:5 item (5) 3:7 6:8 7:14,15 27:2 items (1) 10:5 J Jacob (12) 2:4 3:10,11 13:24,25 24:5 25:3,6,10 33:5 39:6,7 James (3) 2:9,21 4:13 JEFFREY (1) 2:24 Jerry (8) 2:10,16 4:15 5:20 14:18 15:16 39:24 40:24 Jewish (2) 26:16 27:6 John (4) 2:8 4:9 14:11 39:17 Johnstone (7) 2:8 4:9,10 14:11,12 39:17,18 Joseph (10) 2:6,11 3:19 4:22 14:9,20 39:15 40:2 44:4,18 judge (2) 22:18,20 judgement (1) 18:5 K Karen (1) 8:25 Kaufman (1)	3:24 Keep (1) 25:8 Kessel (12) 2:9 4:11,12 14:16,17 28:15,24 29:4 29:8,14 39:22 39:23 key (1) 26:16 Kings (1) 38:9 know (8) 21:19 23:13,21 28:3,4,7,8 36:19 known (2) 11:21 24:24 knows (1) 23:20 L lack (2) 25:24 26:13 Langsam (59) 2:3 3:2,3 5:22 5:23 6:7,19 6:23 9:23 11:9 12:11,25 13:6,9 15:18 15:19 16:5,8 16:17 17:3,6 21:14 26:6 27:11 28:10 28:12,22 29:2 29:7,13,18 32:7,21,24 33:3,13,22 34:7 35:2,16 36:3,7,14,17 37:3,20 38:17 38:23 39:2 41:2,3,13,21 41:25 42:4,9 42:15,20,25	Laurie (7) 2:17 6:2,3 15:20,21 41:4 41:5 law (8) 18:14 20:21,22 21:23 22:4,18 22:20 35:5 laws (1) 35:10 lawyer (1) 36:25 lawyers (3) 12:22 23:13,17 Lax (7) 2:12 5:4,5 14:24,25 40:6 40:7 leave (2) 10:2 42:14 Legislate (1) 31:22 legislation (6) 34:4,24,25 35:4,13,25 legislator (1) 35:9 legislature (2) 35:4,10 let's (1) 23:23 letter (5) 8:2,4,6,17,25 letters (1) 8:16 level (5) 24:18 26:20,21 26:21,22 Levinsky (10) 2:17 5:24,25 15:22,23 17:5 33:24 34:21 41:6,7 licensure (1) 10:25 Lillian (1)
---	---	---	--	---

C

C

C

3:23	mapping (1)	Meghan (2)	6:16,18,23	29:1 30:1,12
line-by-line (1)	10:15	15:10 40:18	11:7,10,13	30:20 31:1
6:14	Marcellino (...)	Meisels (3)	12:11,13,16	32:1 33:1
listing (1)	2:6 3:19,20	2:7 3:21,22	12:18 13:3	34:1 35:1
26:18	10:9 14:9,10	Meketansky ...	16:2,16,19,20	36:1 37:1
lives (1)	16:10 21:13	2:10 4:17,18	16:24,25	38:1,6 39:1
35:18	25:2,4,8	4:21	19:24 20:2,4	40:1 41:1
LLC (6)	39:15,16 42:7	member (1)	20:6,7 37:18	42:1 43:1
10:24 11:2,21	Marie (5)	19:6	37:21 41:13	Nashim's (2)
11:22,23,24	2:4 3:8 7:16	members (11)	move (6)	9:4,19
LLP (1)	9:24 11:12	6:22 17:16,25	13:2,22 17:7	nauseam (1)
2:22	marriage (1)	18:2,17 19:19	23:23 37:16	30:14
local (1)	44:13	20:15,16 21:2	42:11	nearly (1)
25:18	Martina (4)	21:4 31:3	moved (2)	10:10
long (5)	2:13 5:6 15:2	Membership ...	17:2,4	necessary (1)
18:10 20:12	40:8	7:20	murky (1)	32:13
21:15,20	materials (1)	mentioned (4)	31:4	need (25)
36:21	37:25	32:3,5 33:6		1:5 10:20
longer (1)	matter (4)	35:14	N	16:12,13,21
35:6	7:6 38:2,3	met (9)	N (1)	21:5,10 24:7
look (2)	44:14	10:10 16:15	2:2	24:8 25:13,14
27:9 42:2	Mazzola (7)	24:8 25:23	name (6)	25:21 27:8
looking (6)	2:5 3:14,15	27:20,21	3:2,10 4:20	28:20 30:12
26:12,17,25	14:7,8 39:13	30:17,17	21:22 22:4	32:11 33:6,8
27:7,13 35:12	39:14	32:14	38:6	33:11,17
lost (1)	McEachin (3)	minutes (4)	Nancy (11)	34:23 35:21
21:25	3:16 14:2 39:8	6:10,24 9:10	2:13 5:9 15:5	35:24 43:4,7
lot (1)	means (3)	42:22	17:3 20:4	needs (7)
23:18	18:24 19:21	misrepresent...	26:6 30:3	13:17 26:18
	37:7	25:19	32:8 33:5	27:2,3,20
M	medical (8)	mistaken (1)	36:24 40:12	32:15,19
mailed (1)	1:2,4 11:17	33:12	Nashim (53)	Network (1)
9:21	12:2 22:24	Mitchell (4)	1:5 2:19 3:1	29:24
maintaining ...	27:20 34:10	2:18 6:4 15:24	4:1 5:1 6:1	new (42)
26:15 27:6	35:22	41:8	7:1 8:1,4,16	1:2,5,8,8 2:20
major (1)	meet (2)	modesty (2)	8:19,20 9:1	2:24 3:4 7:19
10:5	30:18 32:11	26:15 27:6	10:1 11:1	7:25 8:5,18
majority (3)	meeting (8)	money (2)	12:1 13:1	9:7,12,14,22
20:14,20 21:2	3:6 6:10 9:11	18:24 23:18	14:1 15:1	10:17,18,22
making (1)	10:11 20:16	monthly (1)	16:1,14,23	10:24 11:11
17:18	20:21 22:4	7:21	17:1 18:1	11:17,21,23
Manfred (4)	32:16	Mordechai (8)	19:1 20:1	12:3,3,10
2:15 5:16	Meetings (1)	2:8,12 4:5 5:4	21:1 22:1	16:11,13,22
15:12 40:20	21:23	14:13,24	23:1 24:1,8	17:14,24 18:3
map (2)	Megan (2)	39:19 40:6	25:1 26:1	20:22 22:9,9
8:24 38:10	2:15 5:14	motion (25)	27:1 28:1	29:23,25

C

C

C

33:19 37:22 38:6,7 44:5 Nily (1) 8:18 non-complia... 7:22 non-emergen... 25:11,13 non-REMSC... 18:2 North (2) 11:2,22 Notary (1) 44:4 noted (1) 43:10 Notice (1) 9:20 November (2) 1:9 3:6 number (2) 26:19 28:2 NYC (1) 1:4	22:22 officer (7) 13:13 18:20 22:22 27:15 31:9 38:20,22 officer's (4) 29:3 30:7 31:7 38:3 Officers (1) 18:13 offices (3) 1:7 7:18 9:8 Oh (1) 28:13 okay (23) 12:14,25 13:7 13:23 16:5,9 16:17 17:3 18:12 21:15 23:19,24 24:5 29:8,13,14 32:21 36:9 37:3 41:10,24 42:3,4 once (1) 23:2 open (7) 11:11 20:21 21:23 22:4 36:6,11,15 open-meetin... 37:7 operating (7) 9:5 10:23 11:20 12:8,8 24:20 34:14 operation (1) 25:15 OPERATIO... 2:4 opine (1) 30:23 opinion (17) 7:5,13 17:10 20:10 22:21 22:22 28:16	28:18,19,24 29:3,3,4,6,7 29:11 31:7 opinions (1) 7:7 opportunity ... 17:15,25 Oppose (1) 41:3 Opposed (3) 40:5,7,25 opposite (1) 33:16 order (5) 3:5 6:17 7:4,12 20:12 ordinary (1) 43:5 organization ... 13:14 18:20 31:16 Orlanski (14) 2:12 5:2,3 13:5 14:22,23 29:15,19,20 32:18,23 33:2 40:4,5 outcome (1) 44:14 overturn (1) 23:8 ----- P ----- P (3) 2:2,2,24 p.m (3) 1:10 10:11 43:10 paid (1) 19:4 paragraphs (1) 17:11 Park (1) 38:8 parliamentar... 7:9	part (3) 24:3 26:24 29:6 parties (1) 44:12 party (2) 22:11,11 passed (1) 20:13 pattern (1) 24:23 PC (1) 2:19 PCR (2) 7:20,22 pecuniary (2) 13:11 18:18 people (4) 21:18 27:8 37:4,9 percent (3) 27:19 29:15 30:4 perspective (1) 27:9 phone (1) 8:17 piece (1) 26:16 pieces (2) 10:20 33:19 place (1) 37:3 please (9) 3:9 11:13 13:7 24:2 25:5 32:21 37:20 38:12 39:4 plus (1) 21:5 point (5) 16:18 28:8,15 29:21 42:25 policy (6) 24:6 30:24 32:5 34:2,10	35:11 population (1) 24:13 positive (1) 20:25 Post (1) 8:14 posted (1) 9:21 Powell (7) 2:18 6:4,5 15:24,25 41:8 41:9 present (21) 3:11,13,15,18 3:20,22 4:7 4:10,14,16,25 5:5,7,10,13 5:23,25 6:3,5 19:19 20:16 presentation ... 28:21 presented (1) 31:17 President (1) 22:2 pretty (1) 22:15 previous (1) 25:22 prior (3) 10:10 17:18 18:11 private (1) 21:24 pro (1) 24:2 problem (1) 36:23 procedure (2) 7:9 23:19 proceed (2) 19:16 43:5 Proceeding (1) 23:16 proceedings (...)
--	--	--	--	--

C

C

C

18:8	33:19	34:8	Reisner (4)	7:22,24 8:1
process (4)		reads (1)	2:22,24 9:2,6	9:1,12,14,25
34:15 35:6,7,9	Q	28:6	reject (1)	10:1,8,12
processed (1)	qualification...	reallocated (1)	19:20	11:1 12:1
17:14	26:20	26:14	related (1)	13:1 14:1
produced (1)	qualify (1)	recalling (1)	44:11	15:1 16:1
18:5	32:15	17:9	relevant (1)	17:1 18:1
Professor (1)	Quality (1)	receipt (1)	17:11	19:1 20:1
3:3	24:22	11:18	reliability (1)	21:1 22:1
program (2)	quarter (3)	received (1)	24:22	23:1 24:1
7:23 9:12	7:23 9:12,13	7:18	religion (3)	25:1 26:1
project (1)	question (6)	recess (1)	25:20 30:25	27:1,14 28:1
10:15	27:15 33:24,25	42:23	31:25	29:1 30:1,8
projections (1)	36:8,22,25	recommenda...	religious (1)	31:1 32:1
24:14	questions (8)	11:5 19:20,23	27:23	33:1 34:1
proposed (1)	9:24 12:24	27:17 31:7	remedied (1)	35:1 36:1
8:24	17:18,20	recommende...	33:18	37:1 38:1,3
proven (2)	21:16 23:24	38:11	REMSCO (55)	38:15,18,18
27:25 36:21	36:4,10	recommendi...	3:1 4:1 5:1 6:1	38:19 39:1
provide (1)	Quick (1)	19:24,25	7:1 8:1 9:1,21	40:1 41:1
17:24	28:15	recommends ...	10:1,10 11:1	42:1,8 43:1,5
provided (3)	Quite (1)	12:7 38:2	11:8 12:1,13	reports (1)
17:15 26:8	33:15	record (9)	12:15 13:1	10:14
35:24	quorum (4)	12:19 18:7	14:1 15:1	represent (1)
providers (1)	3:8 6:6,8 20:20	19:15 22:5	16:1 17:1,16	29:23
8:13	quoted (1)	23:12 24:4	17:25 18:1	requested (1)
provides (1)	28:25	37:25 42:19	19:1,6,17	8:21
25:12	R	44:9	20:1 21:1,4	requesting (1)
proving (1)	R (2)	recuse (6)	22:1,8 23:1	24:19
30:12	2:2 44:2	13:16,18 18:22	24:1 25:1	requirement...
public (24)	re-allocation ...	19:3,7,10	26:1 27:1	9:16 30:16
1:5 8:14,15,22	33:7,9	recused (2)	28:1 29:1	requires (1)
9:19 10:20	re-arrange (1)	13:21 19:14	30:1 31:1	11:10
12:19 16:12	10:2	references (1)	32:1 33:1	resource (1)
16:13,21	re-interpret (1)	35:13	34:1 35:1,19	25:25
17:22 18:11	31:12	regarding (6)	36:1 37:1,22	resources (1)
18:13 20:24	re-interpret...	9:15,24 31:6	38:1 39:1	26:14
22:5 23:11	31:14	33:25,25 43:3	40:1 41:1	respect (1)
24:7 35:21,24	read (11)	regards (2)	42:1 43:1,3	26:8
36:6 37:5,6	6:13 11:13	9:18 33:7	REMSCO's (...)	response (5)
37:23 44:4	13:3 16:24	Regional (7)	23:8,10	24:11,12,23,24
published (1)	17:11 18:16	1:2,4,7 3:4	repeat (1)	24:25
9:22	20:11 30:7,8	9:13 11:16	30:15	responsibiliti...
put (2)	37:18,20	12:2	report (60)	43:3
18:6 25:24	reading (1)	regulation (2)	1:4 3:1 4:1 5:1	responsibilit...
putting (1)		17:13 34:3	6:1 7:1,16,21	35:20

U

U

U

35:20	Schenker (14)	38:7	speak (4)	23:14
rest (1)	2:11 4:22,23	services (13)	25:4 28:14	street (1)
43:7	14:20,21	1:2,4 11:17	37:10,13	22:12
revealed (1)	27:12,13	12:2 24:23	SPEAKER (5)	stuck (1)
12:5	28:11 29:10	29:25 33:7,9	3:25 28:13	18:12
review (5)	29:17 35:11	33:18,20	36:5 40:11	submit (1)
10:18,22 11:24	35:17 40:2,3	34:10 35:22	41:19	31:2
12:5 16:11	Scott (8)	35:23	special (7)	submitted (2)
reviewed (3)	2:12 5:2 14:22	serving (1)	25:13,14 26:18	30:20 38:4
10:12,13 37:24	28:12 29:18	24:15	27:2,8 32:15	substituted (1)
right (7)	29:20 35:14	session (1)	32:18	12:15
21:25 24:15,19	40:4	43:8	specifically (1)	suggests (1)
26:2 27:14	Sean (4)	set (3)	38:8	31:11
31:23 35:12	2:16 5:18	7:10 30:16	spot (1)	Suite (1)
Riverside (1)	15:14 40:22	44:8	33:20	2:23
1:7	second (7)	seven (1)	standing (2)	summary (1)
Robert (5)	6:19 11:7	25:22	10:4 43:6	27:16
2:14 4:8 5:12	16:10,20 17:4	Shahan (3)	start (2)	supersedes/u...
15:8 40:16	17:5,7	2:22 8:25 9:6	17:8 25:7	34:11
Robert's (2)	seconded (1)	sign (2)	state (18)	supplementa...
7:4,12	11:10	21:22 22:6	7:11,25 8:8,18	9:3
Rodriguez (1)	Secondly (1)	signatures (2)	9:13,14 12:4	supporting (2)
4:9	26:17	16:4 42:13	17:14 20:23	8:16,19
role (6)	secret (2)	Signs (1)	20:23 22:9,9	supposed (1)
3:7 7:8 13:6	22:2,3	8:8	22:24 23:22	7:5
19:18 21:21	section (2)	simply (2)	29:25 36:18	sure (4)
37:16	35:24 38:8	7:8 25:24	36:20 44:5	6:12 7:8 22:15
Rozic (1)	seeking (1)	sir (1)	stated (1)	28:22
8:18	26:25	7:17	30:19	survey (1)
rule (3)	SEMSCO (3)	sit (1)	statement (5)	8:10
7:12 28:6,7	22:13 23:7,7	37:8	24:6 28:9 32:6	sworn (1)
rules (3)	SEMSCO's (1)	sitting (4)	34:3,10	44:8
7:4,10,11	22:24	13:19 17:16	statements (2)	Syracuse (1)
-----	send (2)	19:12 42:16	36:12,16	2:24
S	16:3 42:13	size (1)	states (3)	Systems (2)
S (1)	sent (3)	24:14	27:17 32:6	22:24,25
2:2	9:8,15 22:18	slow (1)	35:19	-----
salary (1)	September (3)	22:20	stating (2)	T
8:12	6:10 7:22,23	Somebody's (...)	8:2,4	T (2)
Samia (3)	serve (4)	24:4	statutory (2)	44:2,2
3:16 14:2 39:8	13:13 18:19	sorry (2)	34:19 43:2	table (5)
saying (1)	24:17 26:4	28:14 38:5	step (1)	13:19 17:17
34:22	service (8)	sought (1)	24:21	19:9,13 42:16
says (4)	1:5 13:12	27:4	stop (1)	Taddeo (3)
18:15,17 33:16	18:19 25:10	sounds (1)	18:7	2:22 8:25 9:6
35:5	25:14,16 26:9	27:24	stops (1)	tag (1)

C

C

C

10:14 take (1) 42:21 taken (1) 42:23 talking (1) 34:4 task (1) 42:10 team (1) 24:25 Technically (1) 35:3 terms (1) 32:16 territory (1) 8:24 testimony (2) 44:7,10 Thank (14) 6:8,19,25 16:8 17:7 26:5 27:11 32:7,9 33:2,13 37:2 39:3 42:9 thing (4) 18:15 20:18 21:24 36:20 things (2) 22:3 32:2 think (2) 33:9 35:14 three (1) 42:21 time (6) 6:12 23:23 24:25 26:5 42:24 43:10 times (2) 9:22 31:20 transcribe (1) 43:7 transcript (2) 30:8 44:9 transfer (6) 9:5 10:23,25	11:19 12:7 43:4 Travis (4) 2:9 4:11 14:16 39:22 tread (1) 31:4 trouble (1) 31:10 true (1) 44:9 two (4) 10:5,20,21 42:21 Type (1) 25:10 ----- U ----- ultimately (1) 35:10 unanimously... 6:24 undeniable (3) 27:18 28:3 29:11 understand (1) 18:23 unfinished (1) 10:16 UNIDENTIF... 3:25 28:13 36:5 40:11 41:19 uniform (1) 9:16 United (1) 29:23 unneeded (1) 29:22 use (1) 35:6 ----- V ----- variables (7) 24:7 25:22 30:13,15,25	31:2,24 Vincent (3) 5:8 15:4 40:10 Vital (1) 8:8 volunteer (1) 19:4 vote (18) 3:7 10:24 13:2 13:22 16:6 19:7 20:15 21:8,9,21 23:5,8,9 30:23 37:17 38:15,25 39:2 voted (1) 22:7 votes (8) 20:20 21:6,9 21:10,14 23:7 41:17,23 voting (1) 12:12 ----- W ----- Wait (1) 42:12 want (9) 7:2 13:4 17:11 30:17 31:23 34:5 35:6,7 36:24 wanted (2) 29:9 34:23 wants (4) 12:23 30:22 35:9 36:22 Washington ... 2:23 watch (2) 37:8,11 waters (1) 31:5 way (6) 22:16 31:14 33:10 41:17	42:2 44:13 we'll (3) 12:14 16:24 21:21 we're (6) 11:6,13 26:11 30:22 34:4 42:20 we've (3) 23:4 30:14 31:8 webpage (1) 9:22 Weisz (1) 3:23 WILD (1) 2:19 William (2) 2:7 4:3 wishes (2) 19:9 30:22 witness(es) (2) 44:7,10 women (2) 26:16 27:7 women-invol... 27:19 wonderful (1) 26:9 word (1) 12:15 words (2) 12:13 33:12 world (1) 31:5 written (1) 23:11 ----- X ----- x (2) 1:3,11 ----- Y ----- Yeah (1) 42:15 year (1)	22:19 years (1) 23:17 Yedidyah (5) 2:3 3:3 5:22 15:18 41:2 York (29) 1:2,8,8 2:20,24 3:4 7:25 8:6 8:18 9:7,13 9:14,22 10:24 11:17,21,23 12:3,4,10 17:14 20:22 22:9,9 29:23 30:2 37:22 38:8 44:5 ----- Z ----- 0 ----- 06 (1) 31:13 06-06 (17) 13:11 17:12 18:14,16 26:19 30:16 30:24 31:12 31:12,20 32:4 32:10 33:16 33:25 34:2,24 35:11 0668 (2) 10:24 11:22 ----- 1 ----- 1 (1) 21:6 1,000 (1) 30:4 100 (1) 29:15 10115 (1) 1:8 11207 (1) 2:20
--	---	---	---	---

C

C

C

12 (1)	1:7			
41:11				
120 (1)	5			
2:23	5 (1)			
13202 (1)	41:11			
2:24	5:00 (1)			
14 (4)	10:11			
21:6,13,14	54 (1)			
41:23	8:15			
17th (1)	6			
6:10	6-06 (1)			
19th (2)	24:6			
1:9 3:6	6:00 (1)			
1st (2)	1:10			
7:23 9:11	6:46 (1)			
2	43:10			
2 (2)	60 (1)			
21:5 41:11	27:19			
2006 (1)	677 (1)			
34:13	2:20			
2019 (4)	7			
1:9 3:6 6:10	7 (1)			
8:8	41:10			
26 (2)	78 (1)			
21:4,5	23:16			
26th (1)				
34:13	8			
2nd (1)				
9:13	9			
3	93-09 (1)			
3 (6)	34:11			
8:6 9:7 10:24	93-10 (1)			
11:21,23	34:11			
20:10				
30 (4)				
34:6 35:13,17				
36:2				
3008 (1)				
35:24				
4				
400 (1)				
2:23				
475 (1)				

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The Letter of the Law. The Spirit of Service.

_____, being duly sworn, deposes and says: I have reviewed the transcript of my deposition / hearing taken on _____. The following changes are necessary to correct my testimony.

CASE CAPTION:

[illegible]

Sworn to before me this _____

Day of _____

NOTARY PUBLIC

Testimony Deposition / Hearing Witness:

X

Print:

