

Budget Amending Resolution No. 34-2010

Introduced by Presiding Officer Lindsay, Deputy Presiding Officer Viloría-Fisher and Legislators Cooper, Gregory, Kennedy, Nowick, and Schneiderman

**RESOLUTION NO. 992-2010, AMENDING THE 2011  
RECOMMENDED OPERATING BUDGET REGARDING THE  
JOHN J. FOLEY SKILLED NURSING FACILITY  
(MANDATED)**

**WHEREAS**, the 2011 Recommended Operating Budget must comply with Local Laws 21-1983 and 29-1985; and

**WHEREAS**, Local Law 29-1985 established the simplified dual budgetary process requiring that separate mandated and discretionary portions of the budget be adopted; and

**WHEREAS**, it is the desire of the Legislature to provide sufficient appropriations to continue operation of the John J. Foley Skilled Nursing Facility until such time as a policy determination is approved by Legislative resolution as to the operation or divestiture of the function or facility; and

**WHEREAS**, expenses to operate the John J. Foley Skilled Nursing Facility will be duly offset by federal and state aid covering in excess of 80% of costs; and if necessary provision is made for a transfer from the General Fund; now therefore be it

**1st RESOLVED**, it is the policy decision of the Legislature to reallocate existing appropriations within the John J. Foley Skilled Nursing Facility Fund 632 to assure the facility is operational until a determination is approved by a duly adopted Legislative resolution as to the proposed divestiture of the facility or the continued operation by Suffolk County; and be it further

**2nd RESOLVED**, that no provision in this resolution shall be interpreted or construed to require or support the closure, privatization or divestiture of the John J. Foley Skilled Nursing Facility or the sale of the Facility's building, grounds, equipment or operating license as any such action will require separate legislative action and any sale of the John J. Foley Skilled Nursing Facility is itself dependent on the County Legislature declaring the buildings and grounds surplus to the needs of the County by a two-thirds vote of the entire membership of this body; and be it further

**3rd RESOLVED**, that because of certain positive indicators in the economy it is the policy decision of the Legislature to increase the County Executive's recommended growth rate for sales tax in 2011 from 4.25 to 4.56% or a conservative increase of \$3.5 million in 2011 based upon the recommendations of the independent Legislative Budget Review Office.

DATED: November 3, 2010

APPROVED BY:

**VETOED**

County Executive of Suffolk County

Date: 11-15-10

**\*\*VETO OVERRIDE NOT ADOPTED ON NOVEMBER 16, 2010\*\***

Expenditures															
Fd.	Unit	Act	Agency	Unit Name	Activity Name	Obj.	Object Name	2010 Estimated	2010 Revised Estimate	2010 Difference Revised - Est	2011 Recommended	2011 Adopted	2011 Diff Adopt - Rec	2012 Forecast	D/M/O
632	9710	0000	DBT	Serial Bonds	NON-CONTRACT AGENCY	6901	Payoff Principal Balance	\$0	\$0	\$0	\$15,934,000	\$0	(\$15,934,000)	\$0	M
Revenues															
Fd.	Agry		Rev.	Revenue Description				2010 Estimated	2010 Revised Estimate	2010 Difference Revised - Est	2011 Recommended	2011 Adopted	2011 Diff Adopt - Rec	2012 Forecast	D/M/O
001	FIN		1110	State Admin Sales & Use Tax				\$514,095,325	\$514,095,325	\$0	\$535,768,251	\$537,463,091	\$1,694,840	\$553,586,984	M

This resolution reduces mandated debt service in the John J. Foley Skilled Nursing Facility Fund (632) by \$15,934,000. This represents the recommended Payoff Principal Balance. In addition, mandated sales tax revenue in the General Fund is increased by \$1,694,840. The combined mandated and discretionary increase in sales tax is \$3.5 million. See companion B.A. 35-2010 for the discretionary changes. B.A. 34-2010 and B.A. 35-2010 combined have no impact on the property tax, with a General Fund surplus of \$1,694,840 in this resolution and an offsetting deficit of the same amount in B.A. 35-2010. The intent of this resolution is to continue operation of the John J. Foley Skilled Nursing Facility until such time as a policy determination is approved by Legislative resolution as to the operation or divestiture of the facility. These appropriations are redistributed within the Fund 632 discretionary budget in companion B.A. 35-2010. See Budget Review Office report, page 196.

There is no property tax impact of the combined actions taken in this mandated resolution (Res. No. 992-2010 / B.A. 34-2010) and the complementary discretionary resolution (Res. No. 993-2010 / B.A. 35-2010). The actions taken in this mandated resolution reduce the General Fund property tax by \$1,694,840. This translates into a \$3.11 decrease in the average homeowner tax bill and a decrease of less than one-cent per \$1,000 of full equalized value of property. The companion discretionary resolution increases taxes by an equal offsetting amount.

**2011 PROPERTY TAX LEVY**

**FINANCIAL IMPACT OF EXECUTIVE VETOES AFTER ACTIONS TAKEN BY THE LEGISLATURE**

**BA 34**

**GENERAL FUND**

	2011 PROPERTY TAX LEVY	2011 COST TO AVG TAXPAYER	2011 AV TAX RATE PER \$100	2011 FEV TAX RATE PER \$1000
<b>TOTAL</b>	<b>\$0</b>	<b>\$0.00</b>	\$0.000	\$0.000

**POLICE DISTRICT AND DISTRICT COURT**

	2011 PROPERTY TAX LEVY	2011 COST TO AVG TAXPAYER	2011 AV TAX RATE PER \$100	2011 FEV TAX RATE PER \$1000
<b>TOTAL</b>	<b>\$0</b>	<b>\$0.00</b>	\$0.000	\$0.000

**COMBINED**

	2011 PROPERTY TAX LEVY	2011 COST TO AVG TAXPAYER	2011 AV TAX RATE PER \$100	2011 FEV TAX RATE PER \$1000
<b>TOTAL</b>	<b>\$0</b>	<b>\$0.00</b>	\$0.000	\$0.000

**NOTES:**

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2010.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2010-2011.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2010 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

COUNTY OF SUFFOLK



OFFICE OF THE COUNTY EXECUTIVE

Steve Levy  
COUNTY EXECUTIVE

**Budget Amendment 34- Res. 992-2010**

November 15, 2010

Presiding Officer William J. Lindsay and  
Members of the Suffolk County Legislature  
William H. Rogers Legislative Building  
725 Veterans Memorial Highway  
Smithtown, New York 11787

RECEIVED  
2010 NOV 15 P 4:44  
COUNTY OF SUFFOLK  
OFFICE OF THE COUNTY EXECUTIVE

Re: **RESOLUTION NO. 992-2010, AMENDING THE 2011 RECOMMENDED OPERATING BUDGET REGARDING THE JOHN J. FOLEY SKILLED NURSING FACILITY, MANDATED BUDGET AMENDMENT NO. 34-2010**

Dear Presiding Officer Lindsay and Members of the Suffolk County Legislature:

I am returning herein Resolution No. 992-2010; "Amending the 2011 Recommended Operating Budget Regarding the John J. Foley Skilled Nursing Facility; Mandated Budget Amendment No. 34-2010," **vetoed** in its entirety.

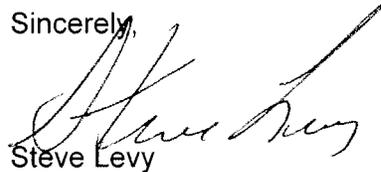
The Legislature's 2011 adopted budget resolutions regarding the John J. Foley Skilled Nursing Facility result in an unbalanced 2011 operating budget that simply defies logic. The adopted amendments essentially fund the continued operation of the nursing home with the proceeds for closing the facility: staff salaries and operational costs are funded by reversing \$16 million in expenditures budgeted to pay off the debt service once the building is sold, and over \$33 million in revenues for the sale of the building, license and furniture included in the recommended budget are left untouched.

It is time for the County to get out of the nursing home business. My preference is to sell the nursing home as laid out in the plan currently pending before the Legislature. The plan sells the facility to a reputable nursing home operator for \$36 million, a price which exceeds two recent appraisals including the Legislature's appraisal, keeps the facility open, keeps the patients in their beds, the majority of staff employed by the new owner while at the same time freeing our taxpayers from this avoidable annual fiscal drain. But after years of studies, reports, public hearings, testimony and debate, the Legislature has been unable to come to a decision on the nursing home. The Legislature's 2011 budgetary solution is more dysfunctional than anything that has come out of Albany – it is simply impossible to fund the continued operation of the facility with the funds generated by the closure of the very same facility.

The impact of Budget Resolutions 34-2010 and 35-2010 together is to fund the nursing home in 2011 by reducing necessary debt service funding, the money from which would come from the

sale of the same facility that the Legislature is keeping open. An override of this veto would result in a budget that is illegal, out of balance, and will threaten our bond rating. The Legislature cannot have it both ways. I urge that my veto of BA 34-2010 and BA 35-2010 be sustained and that if the Legislature does not want the facility to close, it should immediately vote to sell the nursing home as proposed.

Sincerely,



Steve Levy  
County Executive of Suffolk County

SL:tv

cc: All Suffolk County Legislators  
Gail E. Vizzini, Director, Budget Review Office  
Tim Laube, Clerk of the Legislature

SUFFOLK COUNTY  
County Legislature  
RIVERHEAD, NY



*This is to Certify That I, TIM LAUBE, Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on*

November 3, 2010

and that the same is a true and

correct transcript of said resolution and of the whole thereof.

*In Witness Whereof, I have hereunto set my hand and the official seal of the County Legislature of the County of Suffolk.*

A handwritten signature in cursive script that reads "Tim Laube".

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Clerk of the Legislature

Intro. Res. BA 34

Res. No. 992

November 3, 2010

**Motion:**

Romaine, Schneiderman, Browning, Muratore, Losquadro  
Eddington, Montano, Cilmi, Lindsay, Viloría-Fisher, Barraga,  
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

**Co-Sponsors:**

Romaine, Schneiderman, Browning, Muratore, Losquadro  
Eddington, Montano, Cilmi, Lindsay, Viloría-Fisher, Barraga,  
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

**Second:**

Romaine, Schneiderman, Browning, Muratore, Losquadro  
Eddington, Montano, Cilmi, Lindsay, Viloría-Fisher, Barraga,  
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE					/
2	Jay H. SCHNEIDERMAN	/				
3	Kate M. BROWNING	/				
4	Thomas MURATORE		/			
6	Daniel P. LOSQUADRO		/			
7	Jack EDDINGTON	/				
9	Ricardo MONTANO	/				
10	Thomas CILMI		/			
11	Thomas F. BARRAGA		/			
12	John M. KENNEDY, JR.	/				
13	Lynne C. NOWICK	/				
14	Wayne R. HORSLEY	/				
15	DuWayne GREGORY	/				
16	Steven H. STERN		/			
17	Lou D'AMARO		/			
18	Jon COOPER	/				
5	Vivian VILORIA-FISHER, D.P.O.	/				
8	William J. LINDSAY, P.O.	/				
	Totals	11	6	—		1

MOTION
<input checked="" type="checkbox"/> Approve
Table: _____
Send To Committee
Table Subject To Call
Lay On The Table
Discharge
Take Out of Order
Reconsider
Waive Rule _____
Override Veto
Close
Recess
APPROVED <input checked="" type="checkbox"/> FAILED _____
No Motion _____ No Second _____

RESOLUTION DECLARED
<input checked="" type="checkbox"/> ADOPTED
NOT ADOPTED

*Tim Laube*

Roll Call  Voice Vote \_\_\_\_\_

SUFFOLK COUNTY  
County Legislature  
RIVERHEAD, NY



*This is to Certify That I, TIM LAUBE, Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on November 16, 2010 and that the same is a true and correct transcript of said resolution and of the whole thereof.*

*In Witness Whereof, I have hereunto set my hand and the official seal of the County Legislature of the County of Suffolk.*

*Tim Laube*

---

Clerk of the Legislature

Intro. Res. BA34

Res. No. 992

November 16, 2010

**Motion:**

Romaine, Schneiderman, Browning, Muratore, Losquadro  
Eddington, Montano, Cilmi, Lindsay, Viloría-Fisher, Barraga,  
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**Second:**

Romaine, Schneiderman, Browning, Muratore, Losquadro  
Eddington, Montano, Cilmi, Lindsay, Viloría-Fisher, Barraga,  
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE	/				/
2	Jay H. SCHNEIDERMAN	/				
3	Kate M. BROWNING	/				
4	Thomas MURATORE		/			
6	Daniel P. LOSQUADRO	/				
7	Jack EDDINGTON	/				
9	Ricardo MONTANO	/				
10	Thomas CILMI		/			
11	Thomas F. BARRAGA		/			
12	John M. KENNEDY, JR.	/				
13	Lynne C. NOWICK	/				
14	Wayne R. HORSLEY	/				
15	DuWayne GREGORY	/				
16	Steven H. STERN		/			
17	Lou D'AMARO		/			
18	Jon COOPER				/	
5	Vivian VILORIA-FISHER, D.P.O.	/				
8	William J. LINDSAY, P.O.	/				
Totals		10	6	-	1	1

MOTION	
<input type="checkbox"/> Approve	
<input type="checkbox"/> Table: _____	
<input type="checkbox"/> Send To Committee	
<input type="checkbox"/> Table Subject To Call	
<input type="checkbox"/> Lay On The Table	
<input type="checkbox"/> Discharge	
<input type="checkbox"/> Take Out of Order	
<input type="checkbox"/> Reconsider	
<input type="checkbox"/> Waive Rule _____	
<input checked="" type="checkbox"/> Override Veto	
<input type="checkbox"/> Close	
<input type="checkbox"/> Recess	
APPROVED _____ FAILED <input checked="" type="checkbox"/>	
No Motion _____ No Second _____	

<b>RESOLUTION DECLARED</b>
<input type="checkbox"/> ADOPTED
<input type="checkbox"/> NOT ADOPTED

*Tim Laube*

Roll Call  Voice Vote \_\_\_\_\_

Tim Laube, Clerk of the Legislature