

COUNTY OF SUFFOLK



OFFICE OF THE COUNTY EXECUTIVE

STEVE LEVY  
COUNTY EXECUTIVE

May 29, 2008

Mr. Timothy Laube  
Clerk of the Legislature  
Suffolk County Legislature  
Veterans Memorial Highway  
Hauppauge, New York 11788

Handwritten stamp: 05/29/08 3:58

**RE: - May 13, 2008 - Legislative Meeting**

**Vetoed Resolution: #334-08 – Authorizing a Request for Proposals to Identify Management Consultant for John J. Foley Skilled Nursing Facility**

Dear Mr. Laube:

Attached please find the above resolution which has been acted upon as indicated.

Very truly yours,

Ben Zwirn  
Deputy County Executive

Received by A. Pastore Date 5/29/08 Time 3:58

BZ:gm  
Enclosure

COUNTY OF SUFFOLK



OFFICE OF THE COUNTY EXECUTIVE

Steve Levy  
COUNTY EXECUTIVE

May 29, 2008

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

RE: RESOLUTION 334-08

Dear Presiding Officer Lindsay and Members of the Legislature:

I am returning herein **Resolution No. 334-08 AUTHORIZING A REQUEST FOR PROPOSALS TO IDENTIFY MANAGEMENT CONSULTANT FOR JOHN J. FOLEY SKILLED NURSING FACILITY** vetoed in its entirety because the Health Department has already retained a consultant to perform an evaluation of the nursing home operations and future options regarding the facility. On August 10, 2006 the County Purchasing Division, on behalf of the Department of Health Services, issued a Request for Proposals (RFP) to provide Consultant Services to Enhance Operation of the John J. Foley Skilled Nursing Facility. The winning proposer of this RFP was **Horan, Martello, Morrone, PC (HMM)**.

A number of blue ribbon studies have already done critical analysis of the nursing home and have urged the county to get out of the nursing home business. The most recent study by HMM will upon its publication in the next two weeks provide a number of options that the county may take regarding the nursing home. Included in these options are closure, sale, sale of just the operating license, or contracting of the management. Moving forward with this resolution at this time would preempt the detailed analysis and recommendations that would be coming forward from the HMM report. Why would we lock ourselves into an outside management scenario if the report suggests and the legislators thereafter agree that it would make far more sense to choose one of the other options that was laid out by the HMM report.

What we do with the nursing home will have tremendous ramifications not only for the well being of the patients but for the future stability of our county budget. It is estimated that we will lose anywhere from \$54 million to \$76 million and require a like amount of subsidies in running the nursing home over the next three years. It is absolutely

08 MAY 29 10:59 AM '08  
SUFFOLK COUNTY EXECUTIVE

imperative that we make the wise choice and not act expeditiously with this type of resolution that seeks to lock us down a path that may indeed be foolhardy.

It is therefore strongly urged that the Legislature sustain this veto and at the very least await the publication and analysis of the HMM study so that the Legislature as a whole can first determine which option it deems best to pursue.

Sincerely,  
  
Steve Levy  
County Executive of Suffolk County

SL:jch

cc: All Suffolk County Legislators  
Tim Laube, Clerk of the Legislature  
Christine Malafi, Esq., Suffolk County Attorney  
Lynne A. Bizzarro, Esq., Chief Deputy County Attorney  
James A. Morgo, Chief Deputy County Executive  
Frederick B. Pollert, Deputy County Executive for Finance and Management  
Jeffrey W. Szabo, Deputy County Executive and Chief of Staff  
Ben Zwirn, Deputy County Executive  
Connie Corso, Budget Director  
Dan Aug, Director of Communications  
Mark Smith, Deputy Director of Communications

**RESOLUTION NO. 334 –2008, AUTHORIZING A REQUEST FOR PROPOSALS TO IDENTIFY MANAGEMENT CONSULTANT FOR JOHN J. FOLEY SKILLED NURSING FACILITY**

**WHEREAS**, the John J. Foley Skilled Nursing Facility provides a wide range of services to hundreds of Suffolk County residents, including long-term care, short-term rehabilitation and adult day care; and

**WHEREAS**, the County's General Fund subsidizes the Foley Facility's operations, with the County transferring in excess of \$10 million to Foley in each of the past several years; and

**WHEREAS**, as a result of the Foley Facility's operating deficit, the County Executive has proposed that the County sell the Foley Facility to a private operator; and

**WHEREAS**, before the Foley Facility is offered for sale, this Legislature believes that a good faith effort should be made to improve the management of the Facility; and

**WHEREAS**, effective, new management could increase efficiencies, reduce costs, improve collection of receivables and identify grants and other revenues that would reduce the amount that the County of Suffolk must transfer to the Foley Facility; now, therefore be it

**1<sup>st</sup>** **RESOLVED**, that the Commissioner of the Department of Health Service is hereby authorized, empowered and directed to prepare and issue a Request for Proposals (RFP) to secure new management consulting services for the John J. Foley Skilled Nursing Facility; and be it further

**2<sup>nd</sup>** **RESOLVED**, that the RFP issued by the Department of Health Services shall seek to identify a consultant or consultants capable of providing management at Foley that will increase efficiencies, reduce costs, improve collection of receivables and identify grants and other revenues and identify employee contractual modifications that will increase productivity and reduce operating expenses; and be it further

**3<sup>rd</sup>** **RESOLVED**, that the Department of Health Services shall issue this RFP within ninety (90) days of the effective date of this resolution; and be it further

**4<sup>th</sup>** **RESOLVED**, that the RFP committee, shall consist of the Commissioner of the Department of Health Services or his or her designee, a designee of the Presiding Officer of the Suffolk County Legislature and a designee of the County Executive; and be it further

**5<sup>th</sup>** **RESOLVED**, that this RFP committee shall review all responses and make findings and recommendations; and be it further

**6<sup>th</sup>** **RESOLVED**, that the Department of Health Services shall present the findings and recommendations of the RFP committee to this Legislature for further action within one hundred eighty (180) days of the effective date of this resolution; and be it further

7<sup>th</sup> **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (21) and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED: May 13, 2008

APPROVED BY:

**VETOED**  
\_\_\_\_\_  
County Executive of Suffolk County

Date: **MAY 29 2008**

Intro. Res. 1436 Res. No. 334

May 13, 2008

**Motion:**  
 Romaine, Schneiderman, Browning, Beedenbender, Viloría-Fisher  
 Losquadro, Eddington, Montano, Lindsay, Alden  
 Barraga, Kennedy, Nowick, Horsley, Stern, D'Amaro, Cooper

**Co-Sponsors:**  
 Romaine, Schneiderman, Browning, Beedenbender, Viloría-Fisher  
 Losquadro, Eddington, Montano, Lindsay, Alden  
 Barraga, Kennedy, Nowick, Horsley, Stern, D'Amaro, Cooper

**Second:**  
 Romaine, Schneiderman, Browning, Beedenbender, Viloría-Fisher  
 Losquadro, Eddington, Montano, Lindsay, Alden  
 Barraga, Kennedy, Nowick, Horsley, Stern, D'Amaro, Cooper

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

**MOTION**

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  FAILED \_\_\_  
 No Motion \_\_\_ No Second \_\_\_

**RESOLUTION DECLARED**

ADOPTED  
 \_\_\_ NOT ADOPTED

Tim Laube  
 Tim Laube, Clerk of the Legislature

Roll Call \_\_\_ Voice Vote