

COUNTY OF SUFFOLK



OFFICE OF THE COUNTY EXECUTIVE

STEVE LEVY
COUNTY EXECUTIVE

10/30/08 4:53 P

October 30, 2008

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

RE: - October 14, 2008 Legislative Meeting Vetoed Resolutions: 835-08 & 846-08

Dear Mr. Laube:

Attached please find the following resolutions, which have been acted upon as indicated.

- **835-2008 - Directing the Department of Public Works to Issue Public Health Nursing Task Force RFP**
- **846-2008 – To Establish a Policy for Continued Police Officer Presence in Police Athletic League Programs**

Very truly yours,

Ben Zwirn
Deputy County Executive

Received by A. Howard Date 10/30/08 Time 4:53P

BZ:gg
Enclosure

COUNTY OF SUFFOLK



OFFICE OF THE COUNTY EXECUTIVE

Steve Levy
COUNTY EXECUTIVE

October 30th 2008

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

Dear Presiding Officer Lindsay and Members of the Legislature:

I am returning Resolution 835-2008 vetoed because the present resolution is based on misinformation and a desire to obtain a predetermined conclusion that would call for expansion in the size of Suffolk County government.

This resolution would direct the issuance of a Request for Proposal (RFP) to evaluate staffing conditions for nurses in Suffolk County. It stems from a previous resolution passed by the Legislature last year calling for the Health Department to prepare an RFP for an outside consultant to do the same.

It appears from the composition of the Committee members in attendance, whose mission was to prepare the criteria for a "cost benefit analysis" of the public health nursing program, that possible contrasting views were excluded from the discussion process. This creates the possibility that an appearance could exist that there has been an attempt to have a study to back into a predetermined conclusion that the County requires more nurses to be placed on staff.

Adding to this perception is the fact that the resolution mandates that the consultant not only have "a professional license in the health care field ie: a professional registered nurse" but also have "authored publications in peer reviewed professional journals in areas pertaining to public health policy and/or public health nursing.". What relevance does this criterion have to a cost-benefit analysis? This is a glaring conflict that erases any semblance of objectivity for what will be a very expensive study. Analysis of this type is typically done by financial professionals, not health care providers or nurses themselves.

The term "public health nurse" is a misnomer in that it gives the connotation that any nurse on the public payroll is indeed a "public health nurse." This is not the case. The term has been reserved solely for the 15 to 20 nurses who, in the private sector, are more commonly referred to as "visiting health nurses." This is a small band of nurses

who do not work shifts at the nursing home or the clinics but, rather, are a floating team that are available for on-site visits.

It should be noted that Suffolk County is one of the few local governments in this state that has a visiting health unit on its payroll. Nassau County, for instance, does not have a group of visiting health nurses. It, like many localities, relies on the many private sector entities to provide this function. In fact, one may often see television commercials from these many visiting private health nurse agencies throughout the state that perform this function.

Legitimate questions may be asked as to whether the County should stay in this business, maintain the status quo, or expand the group even further. Any such analysis, however, must be objective and independent.

Unfortunately, the RFP Committee was stacked overwhelmingly with those who were advocating the position of further growth. There was only one person on this 8 member board, the County Executive's Budget Director, who had a non-biased view.

Remarkably, the Budget Director, Connie Corso, my appointee, was never informed by the Task Force of the meetings and was therefore excluded from the opportunity to provide input into the final report, which was the basis upon which this RFP was to be issued.

In 2006, I forwarded a letter to the County Legislature, indicating that Ms. Corso was my selection to serve on this Committee. There was no subsequent notification made by the Committee to Ms. Corso as to the meeting dates so that she could attend.

At a recent legislative session, a legislative aide indicated that she might have verbally informed the Intergovernmental Relations Director of the meetings but never directly told Ms. Corso herself or sent out written notice to her. Moreover, aides of Presiding Officer Lindsay and Deputy Presiding Officer Viloría Fisher's office told Ms. Corso that the Chair, Jane Corrarino, was responsible to invite the appointed members. Ms. Corso also wrote to the Chair (11/13/2006), the Presiding Officer (11/20/2006) and the Deputy Presiding Officer (11/20/2006 and 1/16/2007) to share her analysis for input into the task force report.

Needless to say, with no contrasting view in these hearings the report issued was overwhelmingly one sided in calling for additional resources. The report was written by nurses themselves calling for the County to expand the nurses program. Now, this panel seeks to have Suffolk County hire a consultant who must be a licensed professional in the health care field, e.g. registered professional nurse, to do a further study at the expense of the taxpayer.

I understand that it is the desire of the Legislature to move forward with such a study and I do not wish to stand in the way of that obvious intent. However, I believe it is my responsibility to point out that this process did not follow proper legal procedures. I therefore did not have a comfort level of issuing an RFP at that time.

I would be happy to revisit this issue with the Legislature to allow the RFP to go out through a proper fashion, which would include the ability of Ms. Corso, my appointee to the panel, to be able to add an addendum to the report.

Upon that addendum being incorporated into the plan, I look forward to working with the Legislature to allow for such an RFP. I would add, however, that we should not condone the provision that would restrict the consultant to be a licensed professional in the health care field, e.g. a registered professional nurse. It obviously would lead to a biased conclusion.

For these reasons stated above, I urge you to sustain my veto.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Levy". The signature is fluid and cursive, with a large initial "S" and "L".

Steve Levy

County Executive of Suffolk County

Intro. Res. No. 1771-2008

Laid on Table 8/19/2008

Introduced by Presiding Officer Lindsay and Legislators Vilorio-Fisher, Romaine

RESOLUTION NO. 835 -2008, DIRECTING THE DEPARTMENT OF PUBLIC WORKS TO ISSUE PUBLIC HEALTH NURSING TASK FORCE RFP

WHEREAS, Resolution No. 176-2006, as amended by Resolution No. 835-2006 and Resolution No. 548-2007, created a Public Health Nursing Task Force to establish criteria for a Request for Proposals (RFP) to be used to choose a consultant to perform a cost/benefit analysis of Suffolk County's Public Health Nursing Program; and

WHEREAS, pursuant to the aforementioned resolutions, the Suffolk County Legislature's Office of Budget Review prepared a RFP based on the criteria established by the Public Health Nursing Task Force; and

WHEREAS, the Budget Review Office provided the RFP to the Department of Public Works, Purchasing Division, on January 30, 2008, for issuance to potential vendors/consultants; and

WHEREAS, the Department of Public Works has not issued the RFP to date; and

WHEREAS, the Legislature's stated intent, to conduct a cost/benefit analysis of the Public Health Nursing Program, was first expressed nearly 2 1/2 years ago; and

WHEREAS, the Department of Public Works is willfully ignoring a policy adopted by this Legislature; now, therefore be it

1st RESOLVED, that the Department of Public Works, Purchasing Division, is hereby directed to issue the Public Health Nursing RFP within 10 days after the effective date of this resolution; and be it further

2nd 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: October 14, 2008

APPROVED BY:

VETOED
County Executive of Suffolk County

Date:

Intro. Res. 1771 Res. No. 835

October 14, 2008

Motion:

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

Co-Sponsors:

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

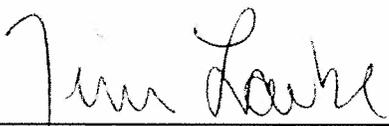
Second:

Romaine, Schneiderman, Browning, Beedenbender, Losquadro
 Eddington, Montano, Alden, 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	Brian BEEDENBENDER					
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	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		17	—		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, Clerk of the Legislature

Roll Call _____ Voice Vote

COUNTY OF SUFFOLK



OFFICE OF THE COUNTY EXECUTIVE

Steve Levy
COUNTY EXECUTIVE

October 28, 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 NO. 846-2008, TO ESTABLISH A POLICY FOR
CONTINUED POLICE OFFICER PRESENCE IN POLICE ATHLETIC
LEAGUE PROGRAMS**

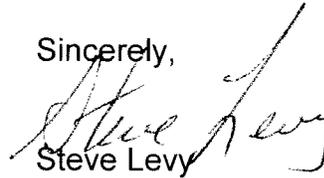
Dear Presiding Officer Lindsay and Members of the Legislature:

I am returning herein **Resolution No. 846-2008, TO ESTABLISH A POLICY FOR CONTINUED POLICE OFFICER PRESENCE IN POLICE ATHLETIC LEAGUE PROGRAMS** vetoed in its entirety because spending \$168,000.00 per year for a highly trained police officer to run sports programs is not the best use of taxpayers money. We need fewer officers in non-police functions, and more on our streets keeping us safe. The level of service and commitment to the children and their families will not be affected by the reassigning of officers.

The Police Athletic League is a valuable organization that we will continue in full force, but we can do so just as effectively and more cost efficiently by using non-active duty police officers who will make less than one-third of the salary that the present officers are making, and returning officers to precinct patrol. As a courtesy to the Presiding Officer and PAL advocates we have shifted disabled active officers to replace three able bodied officers at PAL who will now be shifted to patrol. However, it would be a mistake to lock us into a scenario where we could never use a retired officer in the future. Retired officers could allow us in some cases to provide more stability and continuity then a disabled officer who may come and go.

For the reason stated above, I urge the Legislature to sustain my veto.

Sincerely,



Steve Levy

County Executive of Suffolk County

SL:bc

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

Intro. Res. 1887 Res. No. 846

October 14, 2008

Motion:

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

Co-Sponsors:

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

Second:

Romaine, Schneiderman, Browning, Beedenbender, Losquadro
 Eddington, Montano, Alden, 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	Brian BEEDENBENDER						
6	Daniel P. LOSQUADRO						
7	Jack EDDINGTON						
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18	Jon COOPER						
5	Vivian VILORIA-FISHER, D.P.O.						
8	William J. LINDSAY, P.O.						
Totals		17	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

Roll Call Voice Vote ___


 Tim Laube, Clerk of the Legislature

Intro. Res. No. 1887-2008

Laid on Table 9/16/2008

Introduced by Presiding Officer Lindsay, and Legislators Browning, Losquadro, Cooper, Eddington, Gregory, Nowick, Romaine, Horsley, Kennedy

**RESOLUTION NO. 846 -2008, TO ESTABLISH A
POLICY FOR CONTINUED POLICE OFFICER PRESENCE IN
POLICE ATHLETIC LEAGUE PROGRAMS**

WHEREAS, the Suffolk County Police Athletic League ("PAL") operates sports leagues, mentoring and reach-out programs that serve tens of thousands of youngsters each year; and

WHEREAS, four Suffolk County police officers are presently assigned to assist PAL operations; and

WHEREAS, this police presence and participation is critical to the continued success of PAL programs; and

WHEREAS, PAL volunteers, the PAL Board of Directors and the Suffolk County District Attorney have all called for the continued assignment of sworn Police Officers to PAL; and

WHEREAS, the County of Suffolk can and should maintain an active police presence in PAL programs by reassigning police officers who are on light duty to PAL; and

WHEREAS, over 50 Suffolk County police officers are presently on light duty; now, therefore be it

1st RESOLVED, that the Commissioner of the Suffolk County Police Department is hereby authorized, empowered and directed, pursuant to Article 13 of the SUFFOLK COUNTY CHARTER, to continue to assign at least four sworn Suffolk County police officers to PAL programs; and be it further

2nd RESOLVED, that the Suffolk County Police Department is also directed to reassign police officers who are presently performing light duty activities with the Police Athletic League within thirty (30) days of the effective date of this resolution; and be it further

3rd RESOLVED, that any diminution of sworn police officer staffing dedicated to PAL below that set forth herein may only be accomplished by a duly enacted resolution of the County of Suffolk; and be it further

4th 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: OCT 14 2008

APPROVED BY:

~~County Executive of Suffolk County~~ **VETOED**

Date: