

COUNTY OF SUFFOLK



OFFICE OF THE COUNTY EXECUTIVE

Steve Levy
COUNTY EXECUTIVE

June 23, 2011

RECEIVED
OFFICE OF THE COUNTY EXECUTIVE
JUN 23 2 58
SUFFOLK COUNTY, NY

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. 444 – 2011, CANCELLING A CERTAIN CONSULTANT CONTRACT.

Dear Presiding Officer Lindsay and Members of the Legislature:

I am returning herein **RESOLUTION NO. 444 – 2011; CANCELLING A CERTAIN CONSULTANT CONTRACT**; vetoed in its entirety.

The 2011 Operating Budget, as legally adopted by the Legislature, funded the skilled nursing facility for only three months, and anticipated savings from the closure of the facility on April 1, 2011 as well as the sale of the building and assets. Although the Legislature has opposed the very closure adopted through the 2011 Operating Budget, the county should maintain the ability to implement its Operating Budget as adopted.

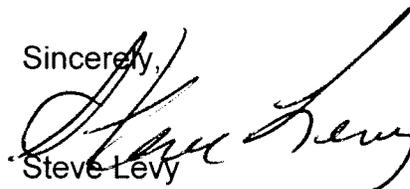
While the Legislature recently adopted a resolution to fund the facility beyond April 1, it failed to address the \$17-18 million loss in anticipated revenue that would have been realized from the closure and sale of the assets. That funding resolution for the rest of 2011 also fails to address the long-term structural budget deficiencies that are inherent in public sector competition against the private sector.

Furthermore, since the adoption of Resolution 444-2011, the court order against implementing closure has been lifted.

Given all of these considerations, closure of facility and sale of the assets may still be a necessary step to address our budget issues.

For these reasons, I strongly urge the Legislature to sustain my veto of this resolution.

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

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
Christopher Kent, Chief Deputy County Executive
Edward Dumas, Chief Deputy County Executive
Eric Naughton, Deputy County Executive for Finance and Management
Ken Crannell, Deputy County Executive
Connie Corso, Budget Director
Eric Kopp, Assistant Deputy County Executive
Dan Aug, Director of Communications
Mark L. Smith, Deputy Director of Communications

**RESOLUTION NO. 444 -2011, CANCELLING A CERTAIN
CONSULTANT CONTRACT**

WHEREAS, the Department of Health Services contracted with Phyllis Ramzel & Associates, 40 Underhill Boulevard, Suite 10, Syosset, New York, 11791, to provide consultant services in connection with the closure of the John J. Foley Skilled Nursing Facility; and

WHEREAS, this contract is scheduled to run through December 31, 2011 in an amount not to exceed \$150,000; and

WHEREAS, a majority of the County Legislature has opposed closing the Foley Facility and a restraining order issued by the Appellate Division, Second Department, currently blocks the closure; and

WHEREAS, closing the Foley Facility is not in the public's interest in that it will only diminish the facility's value, dislocate hundreds of patients and cause hundreds of layoffs; and

WHEREAS, the County has the right under the subject contract to terminate the contract for any reason, upon 30 days notice; now, therefore be it

1st RESOLVED, that the County's contract with Phyllis Ramzel & Associates, as described herein, is hereby terminated; and be it further

2nd RESOLVED, that the Department of Health Services is hereby directed to notify the consultant of the contract's termination; and be it further

3rd 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: JUN 07 2011

APPROVED BY:
VETOED

County Executive of Suffolk County

Date: 6-23-11

Intro. Res. 1472

Res. No. 449

June 7, 2011

Motion:
Romaine, Schneiderman, Browning, Muratore, Anker
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:
Romaine, Schneiderman, Browning, Muratore, Anker
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:
Romaine, Schneiderman, Browning, Muratore, Anker
Eddington, Montano, Cilmi, Lindsay, Vilorio-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	Sarah S. ANKER					
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		15	2	-	1	-

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

Roll Call _____ Voice Vote