

COUNTY OF SUFFOLK



OFFICE OF THE COUNTY EXECUTIVE

STEVE LEVY  
COUNTY EXECUTIVE

2011 JUL 7 P 4:04  
SUFFOLK COUNTY, N.Y.  
RECEIVED

July 7, 2011

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

**RE: - June 21, 2011 – Legislative General Meeting**

**Vetoed 2011 Resolution: #523-2011 – Amending the 2011 Operating Budget  
and Authorizing the Operation of the John J. Foley Skilled Nursing Facility**

Dear Mr. Laube:

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

Very truly yours,

**Brendan Chamberlain**  
Intergovernmental Relations Director

Received by Mica Howard Date 7/7/11 Time 4:04P

BC:gg  
Enclosure

COUNTY OF SUFFOLK



OFFICE OF THE COUNTY EXECUTIVE

Steve Levy  
COUNTY EXECUTIVE

7/7/11 11:33  
011 JUL -7 P 4:04  
COUNTY EXECUTIVE  
SUFFOLK COUNTY, NY  
11787

July 7, 2011

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. 523 – 2011, AMENDING THE 2011 OPERATING BUDGET  
AND AUTHORIZING THE OPERATION OF THE JOHN J. FOLEY SKILLED  
NURSING FACILITY.**

Dear Presiding Officer Lindsay and Members of the Legislature:

I am returning herein **RESOLUTION NO. 523 – 2011, AMENDING THE 2011  
OPERATING BUDGET AND AUTHORIZING THE OPERATION OF THE JOHN J.  
FOLEY SKILLED NURSING FACILITY**; 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.

Through this resolution, the Legislature is attempting to fund the facility for the duration of the year. Whether or not the Legislature frees up enough real money to cover operating losses, the Legislature in this resolution has failed to address the \$17-18 million loss in budgeted revenue that would have been realized from the closure and sale of the assets.

This resolution also fails to address the long-term structural budget deficiencies that are inherent in public sector competition against the private sector, and is overly reliant on one-time, inflated reimbursement Medicaid numbers that cannot be expected to continue.

Furthermore, since the adoption of this resolution, 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,



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

Intro. Res. 1557

Res. No. 523

June 21, 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	16	—		1	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*

Tim Laube, Clerk of the Legislature

Roll Call \_\_\_ Voice Vote

**RESOLUTION NO. 523 -2011, AMENDING THE 2011  
OPERATING BUDGET AND AUTHORIZING THE OPERATION  
OF THE JOHN J. FOLEY SKILLED NURSING FACILITY**

**WHEREAS**, Resolution No. 47-2011 authorized the County Executive to execute agreements for the sale of the John J. Foley Skilled Nursing Facility; and

**WHEREAS**, the County of Suffolk has been unable to consummate the sale due to the withdrawal of the prospective buyer; and

**WHEREAS**, the health and safety of the patients requires continuing the operation of the John J. Foley Skilled Nursing Facility until such time as the issue is re-evaluated and a definitive plan and course of action is agreed to; and

**WHEREAS**, certain critical positions were abolished at the John J. Foley Skilled Nursing Facility to comply with local law after the adoption of the 2011 Operating Budget; and

**WHEREAS**, Resolution No. 324-2011 amended the 2011 Operating Budget for the John J. Foley Skilled Nursing Facility to operate until June 30, 2011; and

**WHEREAS**, additional revenue from rebasing of the facility's Medicaid rates, and continued operation of the facility will generate additional Medicaid and Medicare revenues; and

**WHEREAS**, Section 4-31 (G) of the Suffolk County Charter now allows amendment of the County Operating Budget by County Legislators four times during the fiscal year as long as the amendment reduces, lowers, terminates or cancels appropriations; abolishes positions of employment; terminates contract agencies; terminates or reduces the size of County programs or departments, or makes transfers of appropriations that are offset by reductions in other programs; now, therefore be it

**1<sup>st</sup>** **RESOLVED**, that appropriations within Fund 632 John J. Foley Skilled Nursing Facility are to be transferred as shown below in order to operate the facility through December 31, 2011 and assure the health and safety of the patients entrusted to the Suffolk County facility; and be it further

**2<sup>nd</sup>** **RESOLVED**, that revenues be adjusted as shown below to account for the additional revenues from Medicaid rebasing and the additional revenue generated by operation of the John J. Foley Skilled Nursing Facility for all of Suffolk County Fiscal Year 2011; and be it further

**3<sup>rd</sup>** **RESOLVED**, that the 2011 County Operating Budget is hereby amended as follows and that the County Comptroller and the County Treasurer be and hereby are authorized to transfer the following funds and authorizations:

**REVENUES:**

<u>FD</u>	<u>AGY</u>	<u>REV CODE</u>	<u>REVENUE NAME</u>	<u>AMOUNT</u>
632	HSV	1830	Adults in Public Institutions	+\$1,294,699
632	HSV	1831	Medicaid-Adult Private Institutions	+\$9,118,133
632	HSV	1832	Medicare-Adult Public Institutions	+\$548,533

APPROPRIATIONS:

<u>FD</u>	<u>AGY</u>	<u>UNIT</u>	<u>OBJ</u>	<u>UNIT/ACTIVITY &amp; OBJECT NAME</u>	<u>AMOUNT</u>
632	HSV	4530	1410	Clothing Allowance	-\$4,600
<u>FD</u>	<u>AGY</u>	<u>UNIT</u>	<u>OBJ</u>	<u>UNIT/ACTIVITY &amp; OBJECT NAME</u>	<u>AMOUNT</u>
632	HSV	4530	1020	Terminal Vacation Pay	+\$37,706
632	HSV	4530	1050	Terminal Sick Leave Payments	+\$9,557
632	HSV	4530	1080	Retro And Vacation Pay	+\$24,424
632	HSV	4530	1100	Permanent Salaries	+\$5,612,807
632	HSV	4530	1120	Overtime Salaries	+\$927,961
632	HSV	4530	1130	Temporary Salaries	+\$196,185
632	HSV	4530	1230	Workman's Comp-Disability	+\$62,802
632	HSV	4530	1270	Disability Income	+\$19,731
632	HSV	4530	1380	Deferred Pay	+\$45,754
632	HSV	4530	1400	Cleaning Allowance	+\$10,227
632	HSV	4530	1620	OT - Straight Time	+\$34,981
632	HSV	4530	3010	Office Supplies	+\$20,659
632	HSV	4530	3020	Postage	+\$1,784
632	HSV	4530	3250	Building Materials	+\$6,466
632	HSV	4530	3310	Clothing & Accessories	+\$20,909
632	HSV	4530	3320	Household & Laundry Supplies	+\$102,746
632	HSV	4530	3330	Food	+\$355,939
632	HSV	4530	3370	Medical, Dental & Laboratory Supplies	+\$178,150
632	HSV	4530	3500	Other: Unclassified	+\$49,773
632	HSV	4530	3510	Rent: Business Machines And Sys	+\$30,293
632	HSV	4530	3610	Repairs: Office Equipment	+\$13,215
632	HSV	4530	3650	Repairs: Building	+\$27,450
632	HSV	4530	3660	Service Contracts - Misc	+\$10,000
632	HSV	4530	3680	Repairs: Special Equipment	+\$21,409
632	HSV	4530	3770	Advertising	+\$7,504
632	HSV	4530	3920	Laundry & Sanitation	+\$228,227
632	HSV	4530	3930	Cartage	+\$136
632	HSV	4530	3950	Notary Fees	+\$120
632	HSV	4530	4015	Cellular Communications	+\$593
632	HSV	4530	4070	MTA PAYROLL TAX	+\$22,261
632	HSV	4530	4140	Transportation: Indigents	+\$233,872
632	HSV	4530	4330	Travel: Employee Contract	+\$443
632	HSV	4530	4340	Travel: Other	+\$545
632	HSV	4530	4560	Fees For Services - Non Employees	+\$1,453,800
632	HSV	4530	8330	Social Security	+\$526,804
632	HSV	4530	8380	Benefit Fund Contribution	+\$183,111

INTERFUND TRANSFERS:

<u>FD</u>	<u>AGY</u>	<u>REV CODE</u>	<u>REVENUE NAME</u>	<u>AMOUNT</u>
016	IFT	2854	Transfer From SC Nursing Home	+\$307,870
038	IFT	2854	Transfer From SC Nursing Home	+\$179,751
001	IFT	R632	Transfer from SC Nursing Home	-\$10,961,365

<u>FD</u>	<u>AGY</u>	<u>EXP CODE</u>	<u>EXPENDITURE NAME</u>	<u>AMOUNT</u>
632	HSV	9810	Transfer To Fd 038 – Self Insurance	+\$179,751
632	HSV	9820	Transfer To Fd 016 – Inter-Dept Chrg	+\$307,870
632	IFT	E001	Tr to Fd 001 General	-\$10,961,365

and be it further

**4<sup>th</sup>** **RESOLVED**, that the following positions of employment be restored or added to the John J. Foley Skilled Nursing Facility and that there are sufficient appropriations to fill the positions in accordance with the hiring plan proposed by the current administrator/consultant of the John J. Foley Skilled Nursing Facility.

<u>Position Number</u>	<u>Spec.</u>	<u>No.</u>	<u>Position Title</u>	<u>J/C</u>	<u>Grade</u>	<u>No. Created</u>
632-4530 -3701-XXXX		0068	MEDICAL RECORDS ADMINISTRATOR	C	21	1
632-4530 -3701-XXXX		2034	ASSISTANT NURSING CARE DIRECTOR	C	23	1
632-4530 -3600-XXXX		9509	ASSISTANT DIRECTOR NURSING HOME	C	28	1
632-4530 -3702-XXXX		2016	REG NURSE SUPVR-NRSNG HME	C	22	4
632-4530 -3702-XXXX		2011	REGISTERED NURSE	C	19	1
632-4530 -3703-XXXX		8145	DIETETIC SERVICE SUPERVISOR	C	21	1
632-4530 -3703-XXXX		8101	FOOD SERVICE WORKER	L	7	2
632-4530 -3707-XXXX		2665	SUPERVISOR OF MEDICAL SOCIAL WORK	C	25	1
632-4530 -3711-XXXX		3671	ADULT DAY CARE PROG DIRECTOR	C	24	1

and be it further

**5<sup>th</sup>** **RESOLVED**, that the moneys appropriated pursuant to this resolution shall be used for the sole and exclusive purpose of funding operations at the John J. Foley Skilled Nursing Facility, until and unless directed otherwise by the Suffolk County Legislature.

DATED: June 21, 2011

APPROVED BY:

**VETOED**

County Executive of Suffolk County

Date: JUL 07 2011