

**SUFFOLK COUNTY LEGISLATURE**

**PUBLIC HEARING**

**SEPTEMBER 4, 2012**

**MEETING HELD AT THE SUFFOLK COUNTY LEGISLATURE IN THE EVANS K. GRIFFING  
COUNTY CENTER IN THE MAXINE POSTAL LEGISLATIVE AUDITORIUM  
300 CENTER DRIVE, RIVERHEAD, NEW YORK.**

**MINUTES TAKEN BY:  
DIANA FLESHER, COURT STENOGRAPHER**

## THE MEETING WAS CALLED TO ORDER AT 5:34 PM

### **CHAIRMAN SPENCER:**

Please report to the horseshoe. We're going to begin right away.

Everyone please rise for the Pledge to the Flag to be led by Legislator DuWayne Gregory.

### **SALUTATION**

You may be seated. Good evening. My name is Dr. William Spencer. I'm the Chairman of the Suffolk County Health Committee and Legislator from the 18th District. I'm joined in this hearing this evening by Legislator Lou D'Amaro, DuWayne Gregory, John Kennedy, Kate Browning and also our Counsel George Nolan.

So this is a public hearing. And notice is hereby given that pursuant to the setting of public hearings for the proposed sale of the John J. Foley Skilled Nursing Facility pursuant to the Suffolk County Administrative Code, no proposal to privatize health care services provided by the County of Suffolk can be considered until the Suffolk County Legislature conducts two public hearings. Notice is further given that the County Legislature will hold public hearings on the proposed sale of the John J. Foley Nursing Home as set forth in the Introductory Resolution 1811 on Tuesday, September the 4th, 2012 at 5:30 at the Maxine S. Postal Legislative Auditorium Center in Riverhead and on Friday September 7th at 4 PM at the Rose Caracappa Auditorium in Hauppauge.

So this hearing is now officially called to order. So, I'm just going to set a few housekeeping ground rules for the hearing. If you desire to speak, we're going to ask that you fill out a green card. That card will be collected by one of our -- the aides who will bring the card up and you'll be given an opportunity. Each person will be given three minutes to speak. And at the end of three minutes, we'll ask that you will stop your comments or wrap them up within ten seconds. At that particular point if there is a question or two from any of the Legislators, they can ask those questions and you can respond.

I'm going to ask that at this particular point there are no questions that you will be able to direct specifically to us. The purpose of this hearing is to give you an opportunity to have a formal public record of just statements and issues that you may have concerned with this particular issue.

With that being said, our first speaker is Randy Altschuler. So I ask that you come to the podium and we'll start your three minutes.

### **(APPLAUSE)**

### **MR. ALTSCHULER:**

Thank you very much. Thank you for the opportunity to speak today. I'm coming today to speak against the sale of the John J. Foley Skilled Nursing Home Facility. Unfortunately this is a problem or a sale that has issues in many different levels. First, for taxpayers. Only a year ago we had the ability to sell the home for \$36 million. Today the sales price is 23, \$24 million, so it's substantially lower. And there has not been a proper RFP process for that.

Second, we need to think of the residents of the home. This is the place where folks who can get service -- can get care nowhere else come. We're talking about AIDS beds, we're talking about people -- adult day-care, other folks with long-term disabilities who have nowhere else to go. And we're also thinking about the almost 200 workers for there as well. This can have a devastating

effect on all those groups. It's not good for taxpayers. I'm firmly against this sale. Thank you.

(APPLAUSE)

**CHAIRMAN SPENCER:**

Mr. Altschuler, Legislators have a question for you, if you wouldn't mind coming back, please. My colleagues could, you know, limit their -- to questions; specifically to questions. Okay? Okay, Legislator Gregory.

**LEG. GREGORY:**

Thank you, Mr. Chair. I have two quick questions. Just one, really. Thank you. Thank you for coming here expressing your concerns in support of the Foley Nursing Home. But what I -- what I didn't hear, what lacked in your comments is what exactly would you recommend or what would you do to help save the Foley Nursing Home?

**MR. ALTSCHULER:**

Well, from what I understand, the Foley Nursing Home today is operating far below its capacity. And one of the reasons why it's losing money today is because of that. So, I think one of the -- you know, the thing I would say first and foremost you do is get it up to full capacity.

(APPLAUSE)

**MR. ALTSCHULER:**

There's no reason we should be losing money on the home. At best possibly we want to be making money.

**CHAIRMAN SPENCER:**

Legislator Browning.

**LEG. BROWNING:**

Again, thank you for coming. So, basically -- I want to ask you, you are opposed to the privatization of John J. Foley Nursing Home and keeping this as a public facility?

**MR. ALTSCHULER:**

I am opposed to what has been offered today and the deal that's being pursued by the County today. I do not think that is a good deal for taxpayers. It's not a good deal for the residents of the home and it's not a good deal for the workers as well. We need to sit down collaboratively and figure out the best way, and to go back to Legislator Gregory's comment, the best way to make sure that we're doing what's best for the taxpayers and, you know -- I get bells when I speak.

**LEG. BROWNING:**

Keep going.

**MR. ALTSCHULER:**

And all the different constituencies. Look, overall we surely have a problem in government today where everything has become so adversarial. There's no reason for that. Everybody wants to, you know, the patients desperately -- the folks desperately need the care of the home, the workers obviously, it's incredibly important for them for their jobs, the last thing we want to do today -- the very last thing we want to do is to see job loss, which we really can't afford in this County or in this country. And, of course, for taxpayers it's critical as well to make sure that they're getting the best deal possible and that we're spending their money as well as possible. So, I think you got three groups that should be on the same page if we can work collaboratively together.

**LEG. BROWNING:**

Well, I think what it is my colleague to my right and myself are both adamantly opposed to is the sale to anyone.

**MR. ALTSCHULER:**

Sure.

**LEG. BROWNING:**

So that's what I'm -- I'm trying to get from you and I don't think I really got the answer that you would oppose the privatization. I just want to make sure -- I want to know if you're on the same page, that you would oppose the privatization, because if, in fact, the votes don't go through --

**MR. ALTSCHULER:**

Sure.

**LEG. BROWNING:**

-- to sell this nursing home --

**MR. ALTSCHULER:**

Sure.

**LEG. BROWNING:**

-- and I know you're running for office and I know that, you know, should you be elected --

**MR. ALTSCHULER:**

Yes.

**LEG. BROWNING:**

You know, where would you stand if this sale does not go through and where would you stand in the future if you were elected basically in the privatization of the nursing home?

**MR. ALTSCHULER:**

I would stand with the constituencies I spoke about and do whatever we can and, you know, if it doesn't work and it's best to keep that in County hands, then, I would support that 100%. And right now that's where I think we should be, but we need to take steps to go back to -- to Legislator Gregory's point, we need to take steps to ensure that we, you know, increase the amount of revenue that's being generated and hopefully start making money with it. And that's what I think would be acceptable. So, if after sitting down with all the constituencies later on and deciding that they should be going in another direction, fair enough. But today it's clear that's not where we should be. And instead of trying to sell it, we should try to fix it.

**LEG. BROWNING:**

Okay. But you're -- and you're aware of the constituencies sitting here today saying "don't sell it and keep it as a public facility."

**MR. ALTSCHULER:**

And I'm behind that. I'm here today to speak out against the sale of it and to protect their jobs. And right now what we need to do is protect people's jobs, not just today but protect people's jobs for as long as we possibly can because that's the bottom line right now, where we have so many financial troubles in this County in this Country, people are losing jobs. And as a business person, I know the very last thing you want to do is lay folks off. What you want to do is whatever possible you can to keep those jobs. And if you can't improve the fiscal health of whatever institution they be in, in this case it's the home.

**LEG. BROWNING:**

Thank you.

(APPLAUSE)

**CHAIRMAN SPENCER:**

Legislator Kennedy.

**LEG. KENNEDY:**

Thank you, Doctor. And Mr. Altschuler, I want to thank you for coming out and expressing that strong statement of support for the facility. We've had the opportunity to have many conversations about the unmet medical needs that we have here in Suffolk County, not only for our long-term care needs, but we've also talked about dialysis, we talked about a number of different things that needs can be met within a public facility. And I think you kind of pointed out that this is unique within the County. And should you be successful, clearly there's a role from a Federal level to help us with that delivery of service. So I appreciate you coming out.

**MR. ALTSCHULER:**

Thank you. And absolutely this is a unique facility offering folks who have no other place to go who care. And we need to -- we need to provide those services to those folks. And this is a great institution to do that. We need to increase our census at the home and make sure that it can be making money. And we need to make sure we're protecting folks' jobs at the same time.

**LEG. KENNEDY:**

Thank you.

**CHAIRMAN SPENCER:**

Legislator D'Amaro.

(APPLAUSE)

**LEG. D'AMARO:**

Thank you, Mr. Altschuler. Welcome and thank you for coming down. I appreciate it. I know you have a busy schedule. I just want to ask you, because this is a public hearing, just so I understand your comments, when you say you'd rather work collaboratively to try and fix it, I've been in the Legislature for just about seven years now. And we have made earlier attempts to try and we had special committees look at this. And we've done certain things to try and improve the efficiencies and lessen the subsidy that the County pays. But when you say fix it, do you -- would fixing it mean that at some point the facility then would not require a taxpayer subsidy?

**MR. ALTSCHULER:**

Well, ideally we don't want taxpayers to have to subsidize it. So, if we can get to that point where the facility, you know, again, we need to protect taxpayers here, so we can get to the point where the facility where we all want to be, where the facility is making money, that is, of course, the ideal place to be at.

**LEG. D'AMARO:**

All right, fair enough. And I agree with you. The problem I have is I Chair the Budget and Finance Committee and just this morning -- I Chair that Committee in the Legislature. And just this morning we had a dialogue with our Budget Review Office, which explained to us that no matter how efficiently we run the facility, and I won't go into the factors as to why, that the facility will always require taxpayer subsidy. So, if we can't get to a point where you don't need a subsidy, and I'm not here to debate the merits of whether we should do that or not, but would you then agree that the facility should be privatized?

**MR. ALTSCHULER:**

Look, I haven't been in government for seven years. I've only been in the private sector. And unfortunately -- or fortunately in the private sector, there's no fingers to point. At the end of the day you have to make the decision. Your employees, your company's health is in your hands. And I will tell you right now that we need to make job loss and hurting patients the very last thing on our agenda and take every step we possibly can -- I have not had the benefit of analyzing the budget for Suffolk County. But I got to tell you, if I were -- if I were in your shoes, and it's difficult, I would do whatever I possibly could to ensure that doesn't happen.

And from an outsider's perspective, and it's one of the reasons why I'm running for office, I don't think that's happening. I don't think our elected officials --

**(APPLAUSE)**

I'll tell you right now, in my business, if we're having tough times, the first guy that gets a pay cut is myself. And you got to put your money with your mouth is.

**LEG. D'AMARO:**

Well, I don't want to, you know, get into any kind of debate. And, again, I just want to ensure you from my perspective to respond to that comment, that I believe we have been working very diligently with respect to this facility in trying to make it work and trying to lessen that subsidy. And I've been privy to all of that. And also when you say *protecting taxpayers*, I want to understand what you mean by that. Because it's my understanding -- or the fact is that the facility is proposed to be sold for at what it appraised for generally -- you know, pretty much close to what it was appraised for. And also that in 2012 the taxpayer subsidy for this facility is \$14 million. \$14 million. So how's keeping that on the books protecting taxpayers? I need to understand that.

**MR. ALTSCHULER:**

I'm looking forward to debating Tim Bishop but now I get to debate the whole -- Democrats at the County Legislature.

**(APPLAUSE)**

Again, I'm just a taxpayer. But as a taxpayer I saw a sales price last year of \$36 million. This year that sales price is dramatically lower. So I'm not a rocket scientist, but when I look at that dramatic drop, I have to wonder what's going on. And, if anything, according to some folks, our economy is supposed to be improving. So, I'm not sure I understand why we're seeing a dramatic drop in sales price of this facility.

So, I look forward to, you know, if I'm fortunate enough to be elected, I look forward to sitting down with local County officials and figuring out what I can do to help. And, you know, as I said as a business person, I know we need to take whatever steps are necessary. It's not easy work. I'm not throwing blame on any one particular group. This is pain that we -- that -- you know, it's built up over the years. But we need to do what we can. And I'm confident with enough determination, enough hard work and with working together, and everybody sitting down and having that conversation and finding out ways to make it work, we can -- we can achieve our goals.

**LEG. D'AMARO:**

An on that note, and I agree with the spirit of cooperation, I, again, appreciate you coming down today. Thank you.

**MR. ALTSCHULER:**

Thank you very much.

**CHAIRMAN SPENCER:**

Thank you.

(APPLAUSE)

**CHAIRMAN SPENCER:**

Our next speaker is Dan Farrell and --

(APPLAUSE)

**MR. FARRELL:**

Good evening. My name is Dan Farrell. I'm the president of AME who represents the workers at John J. Foley. And I'm sure you're aware I'm opposed to the sale of this facility to the Shermans for the -- not just the financial aspect of \$36 million last year and \$23 million this year, but there's 14 acres of land there that, aside from the building, have to be worth more than \$23 million. You don't have to be a rocket scientist to figure out that whoever -- if the Shermans or somebody else is going to buy this facility, they're going to develop this land around it and make it profitable.

And when you spoke about things not being profitable or operating at a loss, why would they close a wing of the facility? Does anybody understand that? Why would you close a wing? Two wings? Closed two wings. Okay, so are we really trying to fill those beds or not? Or are we trying to make this place fail? That's the way I see it.

(APPLAUSE)

There was a previous RFP process that was done. And I believe there were two other bidders. So how come they haven't been considered to buy this facility? And where did Sherman come from? Where did they pop out of?

(APPLAUSE)

I could go on and on, but I think you know where I stand. And to steal a line from one of the Deputy County Executive's "my door's always open to negotiate with John J. Foley if they're willing to do so." And right now I'd like to turn it over to my members whose lives would be disrupted by any sale of John J. Foley. So, I'm going to let them speak. Some of the residents are here. But the residents and the members who work there, their lives are going to be totally disrupted and why would we get rid of jobs and put people on unemployment and have them lose their homes? And the financial impact of this all is just negative, negative, negative. And if you're going to put people out on the streets, this isn't the right way to do it. Keep them working. Keep the facility open. Keep them as AME members. And we'll get through this financial storm eventually. Thank you.

(APPLAUSE)

**LEG. KENNEDY:**

Mr. Farrell, through the Chair?

**CHAIRMAN SPENCER:**

Legislator Kennedy.

**LEG. KENNEDY:**

Yeah, thank you. First of all, thank you for coming out here. But I want to commend you for what is a relatively young Administration as far as your leadership with AME. Here you are at a posture that in my eight years on the Legislature, I have not seen before what has come to AME. So I

credit you --

**(APPLAUSE)**

I credit you with standing up and coming forward on behalf of the membership. And, you know, sometimes I have a little difficulty hearing something. So I want to make sure that I understand it very well. And I'll take it up with you. I think you said that your door is open --

**MR. FARRELL:**

That's correct.

**LEG. KENNEDY:**

-- to discuss --

**MR. FARRELL:**

That's correct, always open.

**LEG. KENNEDY:**

-- the work arrangements and the terms and conditions associated with Foley. You know, prior to this, I've heard over and over and over again about what an economic drain it was because of the way that the facility operates, some of the different things. But I think I'm hearing you say under your watch you're willing to go ahead and have a conversation about that; is that correct?

**MR. FARRELL:**

Absolutely. We're willing to discuss any options that are out there --

**(APPLAUSE)**

-- and quite frankly government is around to provide services and programs as far as I'm concerned. And this is a valuable program and service. This facility -- the care and treatment that these members provide to these residents is not found anywhere else as far as I'm concerned. Those residents are like family to these people.

**(APPLAUSE)**

**LEG. KENNEDY:**

Okay. I'll make it my business and we'll fine tune this and bring it to the Administration. Thank you.

**MR. FARRELL:**

Thank you very much.

**(APPLAUSE)**

**CHAIRMAN SPENCER:**

Sir, thank you. We're up to about -- we're getting close to 40 cards so I'm just multiplying that by three. So I want to make sure that we give everyone an opportunity to speak. Obviously my elected colleagues they can go on. We're going to give everyone a shot at the -- a bite at the apple, but I wanted to kind of -- what I'm going to do is kind of let you know who the next two speakers that are on deck. Because it's really important for me that everyone have an opportunity to speak and express your thoughts.

So, our next speaker is Kathleen Reeves. And on deck is Kathy Malloy and Ray Bingham, so, go

from there.

(APPLAUSE)

**MS. REEVES:**

Okay, I'll wait for you guys. My name is Kathy Reeves. I'm from John J. Foley. I've been here many times before. I'm here to speak on behalf of the residents, the staff and as a taxpayer of Suffolk County.

Our County Executive and certain members of the Legislature are willing to sell the John J. Foley, a Suffolk County asset to Samuel and Israel Sherman for \$23 million. As I said in the past, this is gifting of a County asset which is against the New York State Constitution. And just because someone says it's okay, does not change the law or the constitution.

(APPLAUSE)

In addition, the County is willing to give the Shermans a property tax abatement of approximately \$300,000 a year. And also a sales tax abatement. This is taking money from the taxpayers of Suffolk County. If the County is willing to subsidize the Shermans, why is it so against subsidizing the facility?

(APPLAUSE)

BRO suggests a 2 to \$4 million annual deficit. And that's just 40 empty beds. We produced 3.1 million -- \$3.1 million loss of revenue just by having those 40 beds empty. In fact, right now we have approximately 70 beds empty. If Hauppauge we stop -- would stop using so much energy to try to divest itself of John J. Foley by sale or closure and use that energy to promote the facility, we would probably actually turn a profit.

(APPLAUSE)

We're running at a 7 to 8% capacity as per the County Executive, because we always have at least 40 beds empty on Four South. We can't get bed holds because of this. And according to our Administrator, he went to Hauppauge to try and get those beds reopened for admissions and he was told no.

The Shermans aren't buying nursing homes for anything but money. There are no guarantees to the residents. There are no guarantees to the staff. And the only guarantee for the taxpayers is that they'll be stiffed for the true value of the facility. And the taxes -- if the facility is sold, that the Shermans won't be paying.

There's also no guarantee that the Shermans won't turn around and sell the building to the Marriott Chain, which is giving -- which is going into nursing home business in a big way. There's millions of baby boomers that are going to be hitting the nursing homes. And they're not going -- these chains and the Shermans aren't going into it because they're nice people or they're good guys. They're doing it for money. And if they can make money, there's no reason the County can't. Thank you.

(APPLAUSE)

**CHAIRMAN SPENCER:**

Kathy. Kathy Malloy. Don Dailey second on deck.

**MS. MALLOY:**

Good evening. My name is Kathy Malloy. I'm a 34-year Suffolk County retiree and labor specialist

for my AME Union. My mother-in-law's a 83-year-old wheelchair bound resident of John J. Foley. She has been there since 2007. I want to go on record to state that County Executive Bellone never, ever contacted me or my family about his plans to sell the facility. Newsday reported that he did. He did not. Former County Executive Levy never contacted me either. We initially learned about the sale from the newspaper.

Sadly someone hand-delivered a flier to my mother-in-law about three weeks ago telling her about the sale. I can't explain to you how shook she is. She's an Alzheimer's patient. She just knows she's going to be put out on the street.

There are names and numbers on file at John J. Foley for such contact information, which were ignored. I recognize this as the first Legislative hearing mandated by the Suffolk County Mary Hibberd Law under Section B. And your second hearing is scheduled for Friday. My question is when were the two Public Hearings called by the County Executive held as required under the Mary Hibberd Law Section A? I never saw an announcement. Although I am a resident's family, I received no notice, no letter.

As per Section D of the law where is the written evaluation, which is required to accompany any proposal? Such written report shall include an evaluation and analysis of the cost of performing the services through County government as compared to the cost of performing services through the new plan and shall include an evaluation and analysis of the quality of services to be provided by the new plan as compared to the quality of services currently being provided by the Suffolk County Department of Health Services.

Did the Legislator receive copies? Because I'd like a copy. As per the Section E of the Mary Hibberd Law, where is the written documentation, I ask, as far as from the appropriate State Department including a statement expressing approval of the plan or proposal and outlining suggested subsequent State Aid for the plan, all of which requires an accompanied plan? I ask if the Legislators got a copy because I'd like one.

Under Section F of the law, where is the report identifying expenditures for services under the plan including such sums as must be expended by the County and any voluntary agencies that might be involved, which must accompany the plan and must specifically identify the precise level of services to be provided under the new plan as compared to the level of the services currently provided by the County of Suffolk? Did the Legislators receive a copy? Because I'd like one, too.

Please be advised that as per the Mary Hibberd Law, Section I, no such plan or proposal shall be made part of a Recommended Operating Budget nor approved as part of an Adopted Operating Budget unless and until such Public Hearings have been concluded and items listed in the Mary Hibberd Law Sections A through H have been complied with. And in that regard, I take you back to the Mary Hibberd Law Section A requiring two Public Hearings held by the County Executive.

I read the newspapers everyday.

**(TIMER SOUNDED)**

May I have ten seconds further?

**CHAIRMAN SPENCER:**

What's going to happen, Legislator Browning's going to ask you a question so that'll give you your ten seconds. But I gotta keep the rules straight. So by her asking you a question, it gives you ten seconds. So, Legislator Browning.

**MS. MALLOY:**

What question is she's asking?

**CHAIRMAN SPENCER:**

She's going to ask you a question.

**MS. MALLOY:**

Okay.

**LEG. BROWNING:**

Did you want to finish up your ten seconds?

**MS. MALLOY:**

Yes, I did.

**(LAUGHTER)**

**CHAIRMAN SPENCER:**

She has the right to do it. That's fair.

**LEG. BROWNING:**

I have a second question.

**CHAIRMAN SPENCER:**

All right. That's her first question. That's fine.

**MS. MALLOY:**

I just want to point out that I never saw any announcement of any public hearing held by County Executive Bellone. And as a family member of a resident, Mr. Bellone should have contacted me. I know he told the media that he did, but he didn't. No one contacted the Malloy family. So somebody's not telling the truth. Thank you. Did you have a question, ma'am?

**LEG. BROWNING:**

Yes, I do. I have another question. Curiosity, I've been reached out to by some people and knowing that your mom is -- mother-in-law, right?

**MS. MALLOY:**

She's my mom.

**LEG. BROWNING:**

She's your mom, that's right.

**MS. MALLOY:**

My mom is gone now. So she's my mom.

**LEG. BROWNING:**

Okay. But anyway, I was just curious, I was reached out to by some patients and family members were reached out to by the Health Department pertaining to these Public Meetings about not attending. And if it's -- you know, if the facility isn't sold, it would close. And they will have nowhere to go. Did you ever receive any phone calls or correspondence?

**MS. MALLOY:**

Not only did I not receive a phone call, but my brother-in-law Tim Molloy, Suffolk County Police Officer from the Seventh, he is her Power of Attorney. So I called him on my way here and said,

"Tim, I just want to be sure I'm telling the truth." He said, "you tell them no one ever called. Mr. Bellone never called me. Mr. Tomarken never called me and Mr. Levy never called me."

**LEG. BROWNING:**

No, but I think what I -- I was contacted over the weekend by some people who have received phone calls from our Health Department --

**MS. MALLOY:**

No.

**LEG. BROWNING:**

-- pertaining to these meetings and asked not to attend. And I just want to find out, so you didn't get those phone calls?

**MS. MALLOY:**

Well, not me, not my husband, not my brother-in-law. There's only three of us.

**LEG. BROWNING:**

Okay.

**MS. MALLOY:**

And no one did.

**LEG. BROWNING:**

Okay. So then not everybody got the call. Thank you.

**MS. MALLOY:**

Thank you. Any other questions? Thank you.

**CHAIRMAN SPENCER:**

Thank you.

**(APPLAUSE)**

**CHAIRMAN SPENCER:**

Ray Bingham. Okay. Yes, Legislator D'Amaro.

**LEG. D'AMARO:**

I just wanted to, in response to the prior speaker, I looked at the provisions of the law obviously, too, with respect to the Public Hearings that are required and the written documentation. And, yes, we did get copies of what's required. And if you have not received that, you know, I'm sure we can make that available to you. There's the -- this morning at the Budget and Finance Committee, we examined the Budget Review Office report required under Section H.

**MS. MALLOY:**

A-huh.

**LEG. D'AMARO:**

And I do have in front of me a report to the Suffolk County Legislature pursuant to the code A9-6. So we do have that and we can certainly make that available to you.

**MS. MALLOY:**

I will contact your office tomorrow, if you don't mind.

**LEG. D'AMARO:**

No, I don't mind at all.

**MS. MALLOY:**

Thank you, sir.

**LEG. D'AMARO:**

You're welcome.

**CHAIRMAN SPENCER:**

Mr. Bingham.

**MR. BINGHAM:**

I just want to say good evening to everybody. First off, before I start, I just want to say how sorry I am for one of our own Suffolk County worker that was in the John J. Foley that passed away four days ago, right? The family and the worker from our job that we all treat as family at low, right, so that the husband work for the County and, you know, it just so happened that, you know, just like anyone of us, right? We all drive cars, right? We all walk the streets, right? Tomorrow morning any one of us could get hurt, right, and need the services of a Suffolk County John J. Foley, right? It's not impossible. I've seen it happen. I watched a coworker of mine, the senior cook, for the people who are familiar with the time clock in our building, I've seen him walk down that hallway, hit the time clock. He had one stroke. By the time he hit the door to the Dietary Department, he had another stroke.

None of us are immune to any of this stuff, right? This is something we should think about. I don't know how many of you guys up there are millionaires. I certainly am not. I don't see any millionaires out here, not that I know of, right, that can afford so-called costly and -- money would not really buy you the services. I can tell you that from experience, right?

One thing I'd like to make clear, right, when you come to Foley, right, you're not just coming to a place that you're going to be taken care of, right? Chris Barns, I remember when he come to our place, right, since I have have firsthand knowledge of bringing him the food from day one from (inaudible), right, I used to bring him those sandwich and stuff like that -- now's he's up to a sandwich, now he's up to chopped meat, right? Now I do my little jig for him, light up his face, right? Those are the things, right, that make this place unique. Not all this stuff, right?

And lastly, right, I've spent so far -- I bought 8,000 sheets of paper to which I'm marketing right now the nursing home day-care center. That place used to make between 13 and \$14,000 every single day. And this is not your -- Budget Office might be, you know, correct in their allocation of how they handle things. This is facts. I'm the one there on the forefront, but I know, when we have 60 residents in daycare, right, I can tell you we were making that kind of money. Now to get all those people back in the beds over there, start marketing this place and see how this place runs.

You asked the previous person that ran against Mr. Steve Bellone, right, we were in the black when we first came into that building, right? And we open up the AIDS wing and we were making money left and right, right? As soon as our Administration guy that wanted all this special stuff, right? And the place went down. Thanks for your time.

**(APPLAUSE)**

**CHAIRMAN SPENCER:**

Thank you, Mr. Bingham. Don Dailey, Linda McGuire and then Patty Kuss is second on deck.

**MR. DAILEY:**

I'd like to thank all the members of the Legislature that are present this evening for allowing me to speak. My name is Don Dailey and I'm the Fourth Vice President of the Suffolk County Association of the Municipal Employees. I'm here today to speak on behalf of the heroes that report to us everyday at the John J. Foley Skilled Nursing Facility in Yaphank.

While the County deals with massive shortfalls due to the economic picture, more and more departments manned by our brothers and sisters are doing more with less. This was an election slogan used by our County Executive that has become a daily way of life for the men and women at Foley. The thought of providing anything less than total concern and stellar care does not exist in the mindset of these employees, yet their future has been in constant play by Suffolk County government for over a decade. It is difficult to speak without passion about my brothers and sister at Foley.

As a husband of a registered nurse, I know what these men and women go through. The required tasks are endless yet the level of care is never compromised. And when a staff member is with a patient, that patient's wellbeing and quality of life is the most important issue. My brothers and sisters at Foley trudge this difficult road every day. A workforce such as this should be honored and protected. Suffolk County can never measure their worth in terms of dollars and cents. And it is insulting that these men and women are being undervalued the way they seem to be by the Suffolk County government. And the burning question is why? Why has this gone out as a no bid contract? It can be understandable that the County would want to secure the best deal possible regarding this facility, but why would the County entertain an offer that is less than that of the previous party? Why would the County entertain a deal that includes additional acres of land in a prime industrial location for less money? How does one spin this illogical action to taxpayers and to the distinguished members of our Legislature? Was there a proper appraisal completed that included the real estate as well as the building? Was the additional land intend to be used for? And has the environmental evaluation been completed as to the impact of whatever endeavor is pursued.

But with all these valid issues that deserve to be put through the entire legal process, the question asked by our heroes in white at the JJ Foley facility is can the government of Suffolk County allow the sale of this facility to a company that is alleged to provide substandard care to the citizens of this County that need it most? The deal does not guarantee the jobs of our brothers and sisters. There is nowhere for the certified nurses aides to go if they're laid off from the County.

SIEU Local 1199 is not the bargaining agent for the workers at John J. Foley. And bringing in another union violates the Taylor Law. But apparently obedience of the law is not important to the County Executive if it gets in the way of his agenda. I hope all Legislators will listen carefully to the men and women who speak before you today.

**(TIME SOUNDED)**

I also ask all of you to think long and hard about your votes in this issue. There will come a time when you need to defend your votes. Don't be on the wrong side of right and wrong.

**(APPLAUSE)**

**CHAIRMAN SPENCER:**

Thank you. Linda McGuire. Second on deck is Madeliene Lizzol.

**MS. MCGREGOR:**

Press the button? Hi, good evening. Thank you for allowing me the opportunity to speak. And it's

Linda McGregor.

**CHAIRMAN SPENCER:**

McGregor. Okay. Sorry.

**MS. MCGREGOR:**

That's okay. Before I forget, I forgot to mention at the last time I spoke at the Public Hearing, I was taking care of my grandfather at home and he needed 24-hour care. And I started considering placement when Home Health Care just couldn't give me anybody to help me on weekends and nights. And I reached out to John J. Foley in June. Admissions. And I got a reply back that there was no beds. I'm not saying that's not true, but that's the response I got from Admissions in John J. Foley when I looked into placing my grandfather.

Thank you, Mr. Pearsall for being attentive to my request. It was within one business day. He provided me with documentation of the resolution so I could be more knowledgeable about what I'm speaking about tonight. And thank you, Mr. Kennedy, for your press release in support of John J. Foley and everything that's been going on. I don't follow all the newspapers. I only got the press release by e-mail. I don't know if it was published in any newspaper.

A couple of things stand out to me. I'm going to address the John J. -- the report by Gail Vizzini, the Budget Review Office, a certificate of savings. What stood out to me is, yes, it's hard to fathom that the facility depreciated by \$13 million dollars in one year. I think that something of this magnitude and this significance, the Suffolk County Legislature should consider getting two independent appraisals, something of this magnitude and significance. Intentions aren't enforceable under the contract without a reverter clause. This contract of sale and the previous contract of sale in 2011 does not contain a reverter clause; whereas if the buyer doesn't follow through in their intention to retain residents or decides to subdivide the land and make a lot of money, the property would revert back to taxpayers; back to the county.

Also just an irony -- an irony to me there's a \$565,000 finder fee in lieu of the RFP process. Going -- referring to the Introductory Resolution 1811 2012 Amended Copy as of 8/9/12, what stood out to me is the phrase "due diligence". Out of respect for John J. Foley residents and employees, I'm not going to go into the list I compiled how political parties and politicians in this County have not demonstrated due diligence. One -- well, I'll list one. The unnecessary patronage job for a former labor leader at Suffolk County taxpayer expense. There's no reason for that. And if you really --

**(APPLAUSE)**

If you're going to say you practice due diligence then you have to practice due diligence across the board. All right. So I'm going to forego that list of all the facts of not showing due diligence.

**(TIME SOUNDED)**

Okay. Out of time. I wanted to go into the Section One, supersede New York County Law Section 215, I don't know what the law was so I looked it up.

**CHAIRMAN SPENCER:**

I'm sorry. You have to stop there but --

**MS. MCGREGOR:**

Well, apparently Section 215 is a useless County Law because there's a provision in County Law that allows the County to circumvent Section 215. So actually 215 is a useless law that has no teeth. It's not enforceable --

**CHAIRMAN SPENCER:**

Okay.

**MS. McGREGOR:**

-- which says the County has to sell its assets at the highest responsible bidder. All right. Good enough.

(APPLAUSE)

**CHAIRMAN SPENCER:**

Thank you, Miss McGregor. And I apologize. Did you have another -- I feel since I messed up your name, if you need -- I can ask you a question. Did you have another ten seconds of something you wanted to say? I can do that.

**MS. McGREGOR:**

I appreciate that. I mentioned at the last public hearing my daughters both have tried to be in the military. One of the other patrons here asked me -- asked what happened with the Try Care Contract? They were interested -- they were interested in entering into an agreement to come into the facility as a revenue generator and the Executive never pursued it. Why not? So I was asked to ask that question on behalf of one of the other people here.

(APPLAUSE)

**CHAIRMAN SPENCER:**

Okay. Thank you. Thank you. Patty Kuss. And second on deck is Ken McDermott. On deck is Madeliene Lizzol.

**MS. KUSS:**

Good evening.

**CHAIRMAN SPENCER:**

Good evening.

**MS. KUSS:**

I have a letter here, Steve Bellone, the County Executive. I just want to make sure it's on the record.

"To the residents of the John J. Foley Nursing Home. I'm writing to you to express both my concern over and commitment to your care and wellbeing at Suffolk County Foley Nursing Home. As you may know in preparing to run for Suffolk County Executive, and I've closely followed the events surrounding the possible sale of Foley and how that will impact you, I have been troubled to watch as your home has been made into a political football for the advancement of political interest, while you are left in the dark about what the next weeks, months and years will bring.

As Supervisor of the Town of Babylon, I have worked to bring people together to make government work for our citizens and to bring that forth I'm going to bring that same approach to the County. If I'm fortunate enough to be elected County Executive, I am committed to working closely with your representatives such as my good friend Kate Browning and the County Legislature and the Foley staff to ensure that your care is the foremost concern as we determine what actions need to be taken regarding the facility's management.

I am confident that together we will find a solution that enables you to receive the best possible care and housing while making it certain that our County is operating in an efficient and effective way for all of our citizens. I hope to have the opportunity to come visit with you soon.

Sincerely, yours, Steve Bellone." This was signed -- this is a copy. I have the original letter.

**LEG. BROWNING:**

Patty, I'd like get a copy of that, please.

**MS. KUSS:**

You most certainly can, Kate.

**(APPLAUSE)**

Right now.

**(APPLAUSE)**

And even though I'm still not there, I still care about these workers and my coworkers. And I feel very strongly about my position. Thank you.

**CHAIRMAN SPENCER:**

Thank you. Madeliene Lizzol.

**MS. LIZZOL:**

Hello. My name is Madeliene Lizzol. And I worked for John J. Foley for 26 years. In the past eight years I worked downstairs in the Adult Daycare. In November of '09, we were at a total capacity of almost 50 residents per day. And on Saturday was 25. Today we have an average of 25 during the day -- during the weekday Monday through Friday, approximately 11 on Saturday.

I don't know what happened. Back in '09 when we had our -- a correction -- a Occupancy Certificate problem and we were forced to discharge most of our residents. And they went to another medical model daycare. And we've never recovered from that. And our budget contract, still the same contract, for Saturday, still traveled -- we have five buses for nine residents that travel from Patchogue to Center Moriches. Medicaid pays the bus when they get on the bus. The bus is provided. Medicaid charges per bus, right. But the contract's still the same.

So, if this reflects what goes on up in -- in the nursing home, that we're not marketing, because I don't know -- this is a book I had gotten from the senior center where they are -- they have, like, advertisements, and they show the -- they're half a page, everybody. We're not marketing, you know.

Last year Mr. Gregory sat in his chair and said that -- are we looking at every avenue to help this facility? And you know what? You believe that last year that we weren't looking everywhere. Are we looking everywhere still? Because, you know, we had a -- about a year-and-a-half ago we had an administrator that would do what the Shermans are going to do; get in here, fill up their staff in daycare, fill up the nursing home, fill up the rehab center, turn a profit, get the EMR up, get a Medicaid Office running, you know, I believe that we need to look at everything, you know.

This is our marketing. This is our brochures for the nursing home, rehab upstairs, the daycare, the nursing home. And we have a little, little spot here in this book that reminds me from one of the ladies by accident that I spoke to on a Saturday looking for her friend, somewhere in a rehab upstairs, she didn't know -- and she said she looked for hours. And she found a little, little address with our number. And her friend was upstairs. And these are -- I've never -- have you ever seen these somewhere? You know where you see them? In the lobby of the nursing home.

**(TIMER SOUNDED)**

You know. I have more, but I prepared myself, but sometimes you get up here and public speaking is just scary.

**CHAIRMAN SPENCER:**

You did a pretty good job. You did a very nice job.

**(APPLAUSE)**

You got your point across. Ken McDermott, Barbara Marin and Maureen Diolasa. But, Miss, I apologize, Miss Lizzol, there's a question from one of our Legislators; from Legislator Browning for you.

**LEG. BROWNING:**

Just one. I know you said you have, I believe -- you said 26 years?

**MS. LIZZOL:**

26 years.

**LEG. BROWNING:**

26 years. How many years would you have left to retire?

**MS. LIZZOL:**

About 11. And I have to tell you, if I can ride it out and get out of there on my birthday, I'm out of there, because you don't have to worry about me. I will retire. But I'm too young to retire and I am too old to start over. At 44 years old, would you want to start over anywhere? I can't do it.

**LEG. BROWNING:**

Mady, why don't you tell me about the -- you started the Happy Hearts Program for the dementia patients. Can you tell me about the award you received?

**MS. LIZZOL:**

I won an award back, and I believe it was '07, I'm not exactly sure, I don't remember the exact date, for innovating a process program that I started on the Alzheimer's Unit, because of -- I felt the need that our patients needed to be -- the family members were dispersed. And they weren't come back around anymore. And I felt that we need to get them in here somehow.

So I started a innovative process program for -- we started with a coffee team. We sent invitations out. I don't think they care -- invitations out to family members so that we can get them and start -- bring the family, you know, get us involved. The staff members volunteer. We all get together and every few months that we, you know, before all this stuff started with us losing our jobs, you know, it was more easier to get everybody together. And just to get them all together and get to know each other, make it a family. You know why? Because part of us -- they're part ownership of that residence. So let them feel like they own that building. That's their home, you know.

**LEG. BROWNING:**

Mady, who helps you do this?

**MS. LIZZOL:**

My family and my coworkers. They volunteer. I come in on my time off. I've been a volunteer --

**(APPLAUSE)**

-- in that building -- no, I'm dedicated. I am fully dedicated. I believe in this nursing home. I

believe it should be a nursing home. I believe -- because it is -- for some God forsaken reason, we're still here and we're still fighting. And you know what? Kate and Mr. Kennedy, God bless you.

**(APPLAUSE)**

God bless you for sticking up and believing, believing, believing -- you believe in standing behind us. Mr. Kennedy, you're not even in our District and you have -- you know? Thank you. Thank you.

**(APPLAUSE)**

**LEG. BROWNING:**

Mady, the reason why I asked about the Happy Hearts is to make sure that the members here are aware of what you do; and the fact that you do take time out because I've been to the Happy Hearts and I saw it was you, your mom, your brother, your nephew, your husband. I mean, you have every single one of your family members there volunteering so -- and other people in the community.

**MS. LIZZOL:**

Also, my father was a patient upstairs on Five Tower.

**LEG. BROWNING:**

That's right.

**MS. LIZZOL:**

He's since gone, but do you know my father was in three different hospitals before -- we had to fight for him to get into John J. Foley because they said they're rejecting admissions because they're closing. Why would you -- I work there. I know what's going on there.

**LEG. BROWNING:**

Thank you, Mady.

**MS. LIZZOL:**

You're welcome, Kate.

**CHAIRMAN SPENCER:**

Legislator Kennedy.

**LEG. KENNEDY:**

Mady, I appreciate the comments, but I will tell you that all my colleagues have struggled with this. But more importantly, our predecessors are the ones that worked to go ahead and put this into place. John J. Foley, who I had the privilege to meet with and work with briefly when I first started my County career, and Legislator Davis, who very few people ever speak about but who actually worked hand in hand with Legislator Foley to build the nursing home, really were the predecessors to us. And we are wrestling with the issue. We have different ideas. We're here to hear from you today. It's not about me; it's about each and every one of us and what we do.

**MS. LIZZOL:**

But sometimes you need a driving force to help you to stay strong. And, Mr. Kennedy, and, Kate, I know you've been behind us from the very beginning and I want to thank you.

**LEG. KENNEDY:**

Thank you.

(APPLAUSE)

**CHAIRMAN SPENCER:**

Thank you. Mr. McDermott, I think it's for real this time. You're up.

**MR. McDERMOTT:**

My name is Kevin McDermott. I'm a former resident of John J. Foley. I'm not a staffer or employee.

(APPLAUSE)

I'm a living, breathing success story. I was pretty much marked for dead when I came in. I couldn't walk. I was not the clever, young chap I am today. And my family literally thought I was going out of the picture. They got rid of my car, my dog, my wife, my house. I really miss my dog.

(LAUGHTER)

The position we're in today is that this fight has been going on since the day I became a resident of John J. Foley. It's a ridiculous, ridiculous thing in this day and age of everybody talking about inclusion and diversion and this and that and the other thing. We want to close the one shining star of Suffolk government? I mean, it's ridiculous. Where would you put the people in there right now? Everybody ran off a sinking ship who could go, who had the resources and the ability to go. The people there are proof positive there's nowhere to go. I was one of them. I was very sick. I had no coverage. I had nothing.

The social worker of the department there was able to write my application to Social Security that I couldn't write. I tried several times. I stayed on line at the welfare center. I needed a wheelchair in the welfare office, or Social Services, whatever it's called. It was ridiculous.

But laying in that bed at John J. Foley, somebody left early, {Karen Ams} as able to secure my future. Today I have my retirement from the Police Department. I have retirement from Social Security. And I even have retirement for 30 years of the Bethpage Fire Department, voluntary; voluntary Fire Department. So, I'm a living example. I can speak, you know. There are many that cannot speak.

We have an Alzheimer's Floor, a dementia floor. Where else do you have that? I'll buy you a new hat if anyone can tell me. The answer is no. You want to look at a nursing home? Look in Nassau County. You'll run right out. Trust me. We got a beautiful building there. They recently put the physical therapy section in. Why can't they put in another part that is, you know, a mixing, like {Dominican Village}? It was a Catholic, older High School in Amityville. And they have exactly that. They have a nursing home, they have assisted living; whatever level you need or want, you can get it there. And believe me the Catholic Church is not going to lose money. Not in Amityville. So that is a home run. And if the model exists in the universe, shame on us for not looking at that and saying why can't we have that? What are we missing? We want to rush judgment, sell the place. This is the longest sale in my life. I would have gave up long ago if I was trying to buy this place. This is going on for years.

And one final thing I want to say what nobody -- well, a few people know. I'm an alcoholic. (Inaudible) We have an alcohol program at John J. Foley. Today we opened up the first meeting with 142 years of sobriety with people in wheelchairs. How's that possible? 142 people. How can you drink? There's no bar there. It's a good trick. But those people are in recovery. And we still have a few. The point is that some of the things that have gone on behind the scenes that you

don't know about, people give up their time, etcetera. To close this down is a big mistake. And I don't know when it happened, but back in the day, some President said, well, we should close our Patent Office because by now we've invented every good thing. And the question is, that was like in the 1800's. So, I ask the Legislators are you closing your Patent Office? Because in a few years, you'll be looking to build a new nursing home. I'm sure of it. Thank you.

**(APPLAUSE)**

**CHAIRMAN SPENCER:**

Thank you. Barbara Morin, Maureen Diolosa; and Regina Seltzer is second on deck.

**MS. MORIN:**

My name is Barbara Morin. I'm a lifelong resident of Suffolk County and a taxpayer --

**MS. FLESHER:**

You have to bring the mic down.

**MS. MORIN:**

Should I start over?

**MS. FLESHER:**

No.

**MS. MORIN:**

Okay. I'm a taxpayer and registered voter. I'm here today to speak against the proposed sale of John J. Foley. Selling the nursing home and property for only \$23 million is like a giveaway. In this economy, why give it away? If you're going to sell it, hold onto it and sell it down the road when prices come up again. Something seems wrong to say the least.

I have come to know this facility because I'm guardian to a person in New Jersey who wants to move to the facility, but at this point I'm afraid to. We've been looking at Foley because of the location and it's reputation. We like the fact that it is a non-profit. It's about the care and not the mighty o dollar -- almighty dollar. I think that it is criminal that residents there are once again being threatened that they're going to lose their home. Did anyone ask the residents whether it should be sold? Government has a responsibility to care for those that cannot care for themselves.

It also concerns me that even more County workers will be laid off. This will only put more pressure on the economy. It hurts families and communities. Everyone loses. The residents of Suffolk County, the patients and the employees all lose. Everyone except the very lucky buyer. Yes, something seems very wrong. Thank you.

**(APPLAUSE)**

**CHAIRMAN SPENCER:**

Thank you. Maureen Diolosa. Second on deck is Margaret Rosenka.

**MS. DIOLOSA:**

I didn't write a speech. So, you'll have to excuse me. I'm just winging it. Twenty two years ago when my mom passed away, I had to find a facility for my sister. And John J, who's up in heaven right now, helped me find that place. And it was John J. There was no other -- no place that would take my sister, not that she was a problem, she was very easy care. She had dementia. She was on Medicaid. Nobody wanted a Medicaid patient. So I had aides around the clock at my mom's house until I could find a place for her. And finally we got her into -- well, it was an infirmary at that time.

The staff at John J are the best in the world.

**(APPLAUSE)**

For 22 years I have been going there. And for 22 years I have seen the best of care. Their activity, their aides, the nurses. I can't talk well enough about them. And my heart is broken because that is my sister's home. And if you do this to her or any of these poor people, that's their home. You know, I'm sure all you people -- I'm sure none of you have anybody in a facility like that. And I'm sure you have money to put your family in maybe a better facility. I don't know. But as far as I'm concerned, there isn't a better facility. And I just hope that you keep John J open the way it is, with the County workers; because those County workers break their butts. And that's all I have to say. Thank you. And thank you, Mrs. Browning, and thank you, Mr. Kennedy, for your support.

**(APPLAUSE)**

**CHAIRMAN SPENCER:**

Thank you. Regina Seltzer, Margaret Rosenka and Pat Rollings.

**MS. SELTZER:**

Good evening. My name is Regina Seltzer. I'm a taxpayer. And I'd like to thank Kate Browning for asking the questions about privatization. I'm here opposing the sale of the nursing home, the Foley facility, for the reasons that they've already given. I'm not going to repeat any of them.

The only other reason that I think -- and I think it's a very, very important one and one that I thought the Democratic Party was very strongly in favor of, was the feeling that government was there to help those people who couldn't help themselves. We have people in this County who cannot afford to be taken care of any place else. And it is the role of government to provide them with the services that government can provide and make sure that they are well taken care of. It is not the role of government to make money. Government is not a business. And this County Legislature should not be looking at this particular facility as a moneymaking proposition; rather you should be looking at it as something that we, as citizens and as human beings, should be providing for those people who, in our community, need our help. Thank you.

**CHAIRMAN SPENCER:**

Thank you.

**LEG. KENNEDY:**

I got a quick question.

**(APPLAUSE)**

**CHAIRMAN SPENCER:**

Miss Seltzer, Legislator Kennedy has a question for you

**LEG. KENNEDY:**

Thank you. Thank you for coming out to speak. And if I can, I'm just going to ask you one quick question, a little bit off what your comments were. But I'm going to take advantage of the fact that you are an attorney?

**MS. SELTZER:**

Yes.

**LEG. KENNEDY:**

Okay. And have you taken a look at the methodology, I guess, in which this sale was brought about or some of the representations that have been made?

**MS. SELTZER:**

Totally illegal.

**LEG. KENNEDY:**

So in your opinion as an attorney, what you've looked at, there's no element of legality with this at all?

**MS. SELTZER:**

Absolutely.

**LEG. KENNEDY:**

Okay.

**MS. SELTZER:**

Not only is it illegal, but it's immoral.

**LEG. KENNEDY:**

Thank you.

(APPLAUSE)

**CHAIRMAN SPENCER:**

Margaret Rosenka, Pat Rollings, Nanci Dallaire.

**MS. ROSENKA:**

Good evening. My name is Margaret Rosenka. I'm an 18 year employee of John J. Foley. I stand here once again to oppose the sale of our facility. I know you've heard it all before, but the truth is worth repeating. The taxpayers of Suffolk County deserve a home for their elderly and disabled, a place close to friends and relatives, a place they must -- most likely help pay for through taxes, a place where they can feel safe and secure and not have to worry about being sent to the hospital and not having their own bed to return to. If you think this can't happen, you're sadly mistaken.

On my unit we have 37 residents. Many of them are behavior problems with psychiatric diagnoses. They throw things, they hit, they scratch themselves, the scream for no reason. And they bawl and they don't generate much of a profit. You really believe that these people have a future with the Shermans, that they can call home? You have to be honest with yourself and realize that they did not. They'll most likely be the first to go. No profit, no bed. A very simple equation. You're in business to make money.

We've been saying it for years, John J. Foley has been mismanaged. We need more documentation for reimbursements and we need more marketing to keep our beds full and make paying beds holds. We've come a long way and in the right direction. To sell our building now and at such a ridiculously low price is not going to benefit anyone but the Shermans. It's not fair to the residents and the employees of John J. Foley and it certainly is not fair to the taxpayers of Suffolk County who pay for our building with their hard earned money. How exactly do you justify selling 14 acres of County land, a beautiful state of the art building and all its contents and the license to run it for such a small amount of money? I've tried to understand your rationale, but it just doesn't make sense. I'm encouraging you to vote no to the sale. With proper management we can lose less and begin to earn more for the taxpayers of Suffolk County. If the Shermans can generate a profit from our building, then why can't we? Thank you.

(APPLAUSE)

**CHAIRMAN SPENCER:**

Pat Rollings, Nanci Dallaire. And then Linda Ogno.

**MS. ROLLINGS:**

Good afternoon. Thank you for once again letting us speak and let you know how we feel about this.

**CHAIRMAN SPENCER:**

Good afternoon.

**MS. ROLLINGS:**

This has been going on for so long. And when Mr. Bellone first took office, we thought we finally had an Executive that we could trust. He said he was willing to help us run his place efficiently. But we found out as early as March there was some backroom deal. No RFP process; conveniently a waiver was produced and this whole deal with this guy who's not even a real estate broker, all of it is really slimy and sleazy and definitely does not sound on the up and up. I think just that alone, I mean, I don't have to be a lawyer, it just smells.

Now, as far as running us into the ground, I think that we've been run into the ground again, just a little deeper this time, with a little smile on the face, little pat on the head, okay, \$14 million. Isn't that the highest loss yet? We are 62% agency. Nobody's getting hired into the building. And another funny thing is, lately we've been having lots of agency. Normal 11 to 7 works with two. We've all been working with three. While I love working with three, my night is a lot easier; however, why all of sudden we can have three? Why all of a sudden there's no problem with having a higher amount of agency? *Like, okay, we're getting rid of the place, let's build up this debt.*

The computers we were using, we don't have any more.

(APPLAUSE)

That's supposed to be how we make our money with billing. We stopped using the computers. There was a problem with it and that was it. They're all sitting there with signs "do not use until further notice." That's where we're supposed to get our reimbursement another way. Marketing has been talked about before. You don't ever hear anything about John J. Foley; ever. You never see anything in the paper, you never see -- hear anything on the radio.

**AUDIENCE MEMBER:**

Nothing good.

**MS. ROSENKA:**

Yeah, nothing good.

Another thing is I'm in the position like many of the other workers here -- Dan had said, you know, they would disrupt my life. No. This would devastate my life. I'm here working 25 years, a dedicated employee. I'm just like many of the other workers here. I buy soaps and shampoos and socks. Another girl here has paid for a haircut for somebody who didn't have it. Like we said to you before, these just aren't our patients. They're our family. And we care a lot about them. Okay?

And the last thing I want to say quickly is I brought my mother there twice. I brought her there for rehab and she did wonderfully. And then I brought her back there to die. Okay. And they were

marvelous there. Marvelous. And there was no money to be made with her coming for a couple of days to die, but that's where she wanted to be and that's where I wanted her. And everyone there was wonderful. And we're always that way with any kind of patient who comes. And they're on hospice, you come up with everything you need to come up with, we're wonderful to the families and it's just -- it's a special place to be to move onto the next world. I thank you very much. Please vote no.

**(APPLAUSE)**

**CHAIRMAN SPENCER:**

Thank you.

**LEG. KENNEDY:**

Quick question about the medical records.

**CHAIRMAN SPENCER:**

We have questions if you wouldn't mind coming back, please. Thanks. Thanks, Pat.

**LEG. KENNEDY:**

We have been told that -- what was it -- two meetings ago at Oversight Committee, that the Electronic Medical Records -- actually the Administration had approved to train the trainer and that there is supposed to be implementation and use of the Electronic Medical Records. You're telling me today that's not happening?

**MS. ROLLINGS:**

No. No.

**LEG. KENNEDY:**

None of the medical records equipment is being used at all?

**MS. ROLLINGS:**

No. You know what they did do, what they did do is they got rid of some of the girls that do the filing. So now the seven to three nurses and the eleven to seven nurses have to do the filing, too, on top of their own jobs.

**LEG. KENNEDY:**

Okay thank you.

**CHAIRMAN SPENCER:**

We will follow up on that on the Health Committee hearing on Thursday. That's very important to us.

**MS. ROLLINGS:**

(OFF THE MICROPHONE) It's partially being used. The nurses are using computers. None of the aides are.

**CHAIRMAN SPENCER:**

Okay, thank you. Nanci? Thank you. Linda and then Matt Freudenberg.

**MS. DALLAIRE:**

Thank you. I'm concerned that these proceedings -- that our County will deem fair and just in determining the fate of the John J. Foley Skilled Nursing Facility. I will be allowed three minutes, not five, to express my concerns and voice my objections to these public hearings to decide if we should sell John J. Foley and forever change the dynamic of the health care system in Suffolk County

established to provide these vital health services, designed to ensure the protection of every citizen of this County. These hearings just might satisfy some requirements, but I cannot agree that they will be fair.

A Legislator once commented how sad it is that John J. Foley was set up to fail; no truer words have been spoken. And unfortunately these tactics continue today. Without John J. Foley the fair opportunity to -- given the fair opportunity to overcome the challenges that plague this facility due to the poor decisions made in the past, which will eventually affect today's operation. First, why would this County enter into another questionable transaction? Number one, when these required public hearings are not yet completed? And number two, why the first shady sale transaction is still in litigation?

This reinforces my belief that this deal is done regardless of how many public hearings are held or how many people protest. This costly mistake has already been made for us, without needing to explain any of the many questionable actions, which has led us to these hearings. John J. Foley stands as a shell of its former self thanks to the direct callous actions of the former County Executive. And if it were not for his destructive decisions against this institution, John J. Foley would not be suffering this present condition. If the expense still being spent to sell off this facility were applied to restoring this facility, John J. Foley would be in a very different position.

That EMR system alone should have been installed two years ago. Two years it should have been enhancing the operations between treatment and reimbursement and in turn saving this County money, but was cancelled by Mr. Steve Levy. The sabotage to that successful daycare program -- this program that the Shermans themselves acknowledge was functioning in full just a year-and-a-half ago, imagine what a full daycare working along with that EMS system could create in revenue and we will not give it a fair chance?

All of these expenses conveniently never mentioned in the press, questions about the loss revenue, never raised. These debilitating decisions that cost John J. Foley so much omitted. Why were simple solutions simply ignored regardless of that Administration's personal opinion? They still had an obligation to the citizens of Suffolk to protect and plan for the future of John J. Foley and they failed.

Then add in the relentless bad press, the intention of closing every unit. Five Tower John J. Foley's penthouse suite, it's a ghost town. Why? When empty beds equal lost revenue. There is also the rehabilitation center which has been forgotten. And we all know why the adult daycare's depleting. Not to mention the residents who have now been moved out of their home due to the impending change and their loved ones uncertain future. I thought we would not allow these cruel options to be repeated again, yet sadly they are happening once more.

**(APPLAUSE)**

**CHAIRMAN SPENCER:**

Thank you. Linda. Then Matt Freudenberg and Mary Fredette. Hello.

**MS. OGNO:**

Linda Ogno.

**CHAIRMAN SPENCER:**

Linda Ogno.

**MS. OGNO:**

John J. Foley, 24 years, taxpayer for probably 40 more years than I'd like to say. I would like to thank you's at least for coming to listen to us.

**CHAIRMAN SPENCER:**

Absolutely.

**MS. OGNO:**

But I would like to thank Kate and Mr. Kennedy for fighting hard all this time for us. And this is what you Legislators all should have been doing. Mr. D'Amaro, you said -- they have not tried to fix this facility. Not in the least.

**AUDIENCE MEMBER:**

Ever.

(APPLAUSE)

**MS. OGNO:**

If the taxpayers of this County ever seen the way that this facility was run, you can just imagine how the rest of this government is being run. And I as one sitting here for five years am not happy watching this Legislature run like this. And my job is now going to be to get out there and speak to as many people as I can. This grand facility should maybe not make us money, but at least should be breaking even. And that's our job as County workers, as County people to take care of the people that cannot take care of themselves. You want to give this guy tax subsidies? Why? What sense would that make when we can subsidize ourselves?

This facility has been run into the ground. And you all should be held accountable that have sat here. I sat here for five years. Mr. Lindsay sat there and said "if Mr. Rosenberg can make money, why can't we?" And I'll tell you why. Because you didn't put a money man in there to try to get the money that this facility deserves. And at least to break even. And you's all should be held accountable.

(APPLAUSE)

**CHAIRMAN SPENCER:**

Matt Freudenberg. Thank you. Mary Fredette and Richard Smith is on deck.

**MR. FREUDENBERG:**

Good evening. I'm a nurse that works at John J. Foley. I've been there for about 12 years.

**CHAIRMAN SPENCER:**

Good evening.

**MR. FREUDENBERG:**

I don't agree with the sale at all. And most -- for a number of different reasons. The first one being it's too cheap, I think. I don't know too much about business. I did come from a small business family where we run family business. We've been to the US Open, the Senior's Open, Hampton Classic, numerous different business ventures over the years.

And it's my understanding after talking to one of my brothers the way to calculate the financial sale of a building like this is that if it was estimated -- say, the revenue -- the sale was a million dollars. Let's take a million dollars, for instance. You would multiply that times eight or ten. And that would be the actual number of the business. So if it's \$25 million, it should be about 200 million or 300 million paid over the course of a number of years. That's how you calculate the sale of a business; any business. That's the first thing.

Secondly, I don't think that it should be sold because we're not in business as a business. This is

supposed to be a non-profit. We're supposed to be taking care of the citizens of Suffolk County, the people who cannot take care of themselves. You know, if everything's about a bottom line, a dollar, you know, we can just kick them all out. We don't need them, you know. Call an ace an ace. Right? That's the bottom line. It's not about making money. But I can guarantee you that the employees of John J. Foley, it's not all about making money. They love these people. We treat these people just like our family.

**(APPLAUSE)**

I know for a fact that my mother -- my own mother was a resident of John J. Foley a few -- I think it was last year she was there. And she had been in a few different hospitals. And she had told me that her care on Five Tower was the best care that she has ever received any place including St. Charles, Mather or any other place in Suffolk County.

So I would ask you to reconsider the sale for a lot of different reasons. Just as the right thing to do. I understand it's probably losing money. I haven't looked at the books. I'm taking your word for it. I'm assuming that it is losing money. But if you got somebody in there who could run it like a business, I don't see why it couldn't at least break even. You know, like we have ambulances that go out everyday, \$500 a pop. Well, we have an EMS Unit in Suffolk County. Why don't we join hands with them and have them transport the patients and they can recoup the money from Medicaid.

We buy drugs from a pharmacy. Why don't we buy directly off the manufacturer and cut out the middle man altogether? That's how a business operates. You know, they don't go through two or three people. All these people are making money along the way. They go right to the main source and that's how you make your profits. That's all I'm going to say. Thanks.

**(APPLAUSE)**

**CHAIRMAN SPENCER:**

Thank you.

**MS. FREDETTE:**

Good afternoon. My name is Mary Fredette. And I was a nurse at John J. Foley for over 20 years. And actually I've been a nurse for over 30 years. And as a new nurse, I have been around to different private entities, private nursing homes and did staff relief. And I was at times very horrified about the staffing to the point where I would only do private duty. Because I was -- you know, I'm very sensitive and conscientious and want to do an honest job. And after a good ten years of doing private duty, I had an opportunity to go to John J. Foley. I heard it from a coworker that the staffing was good there and a good place to do a really good honest job. But, of course, you had to take a cut in pay. And I've been there for 20 years and I just really can't -- I'm so glad that I've been there and able to really care for the people as well as the staffing that we have and -- that's a priority, is the residents' care. It's not-for-profit. It's the residents care.

So I just want to just -- I think more other facilities should look at John J. Foley as an example and the private ones should really follow pursuit. And I just can't -- I don't understand why this is always -- why we have to constantly fight this year after year. It's a facility that people really love each other unconditionally. They really care about the residents. And I don't understand why we have to keep fighting like this. And that's all I have to say.

**(APPLAUSE)**

**CHAIRMAN SPENCER:**

Thank you. Richard Smith. Jeanne Melnik and then Ken Martinson.

**MR. SMITH:**

I'm Richard Smith. I'm a three-year resident at John J. Foley, which -- without the facility, I would be dead. That's like pretty straight forward. I was 100 pounds when I arrived and now I weight 151 pounds. I'm opposed to the sale. I just find it very disturbing. I mean, health care for profit is not a good idea.

**(APPLAUSE)**

And John J. Foley especially -- especially -- a very unique facility. The fact it has 100 year plus tradition of serving the people of Suffolk County, you know, and the people of Suffolk County taking care of their own people, you know, and that's important. It's a state-of-the-art facility. I mean, you know, it's got, you know, O2 vacuum, you know, you got air in every room, state-of-the-art rehab. I mean, some vets could, like, you know, probably use it for traumatic head injuries. It's like -- it's not just a warehouse for the old. You know, there are people that are ill; chronically ill; ain't going to get no better, you know, and they don't really have any place to go. You know, and if you're going to try to make money off the back of the people with the least, there's something just inherently wrong with that. You know, it's like not correct. I don't know. I have a lot to say. But I mean, really the staff, they have become like my family, you know. They worry about you. They respond when you're sick. And I think it's -- you know, I think it's a -- don't laugh. I mean a lot of the facilities you can ring a bell 'til you're blue in the face. Ain't shit happening. Excuse me.

**(LAUGHTER)**

But, you know, I mean it's not right. But, you know, these people take care of -- they care about us. They take care of us. And I think selling them out and selling out that tradition, it's cheap. It's a freaking crime. And that's it.

**(APPLAUSE)**

**CHAIRMAN SPENCER:**

Thank you, Mr. Smith. I know it took a lot of effort and courage for you to be able to come out and to give us your opinion. And we really appreciate it.

You can come to the table, please.

**LEG. BROWNING:**

If somebody can help with the mic.

**CHAIRMAN SPENCER:**

Jeanne Melnik.

**MS. MELNIK:**

My name is Jeanne Melnik. And I have been a resident of John J. Foley for 12 years. And I have grown to love the staff as my own family. They care for me when I'm sick. They know if I'm depressed. They are always there for me. And it breaks my heart to know that that's in jeopardy, that I could lose that. And they're my family when my family's not there. I just feel like I've been sold. I'm one of the contents of the building that was sold, like the beds and the bedpans. And I don't think that that's right. There should be no price on someone's happiness and on their home. And I just feel the sale should be canceled completely. That would make me very happy. And that's all really I have to say.

(APPLAUSE)

**CHAIRMAN SPENCER:**

Miss Melnik, how long have you been a resident at the Foley?

**MS. MELNIK:**

Twelve years.

**CHAIRMAN SPENCER:**

Twelve years, you said. And during that period of time, I guess, over the last few years with regards to the issue of the sale, what sort of impact has that had on you personally?

**MS. MELNIK:**

Well, I know that I have come to speak before the Legislators before. And it just -- it just seems that the sales are on again, off again. And just when you think everything is over and you're safe again, you hit another curve. And I don't want to have to leave my home. I don't want to have to make a life with any other people than what I have in my life now.

**CHAIRMAN SPENCER:**

Sure. Legislator Browning has a question for you. And, again, just as Mr. Smith, I just have -- just an incredible amount of respect for you and just to be able to come here and come up, takes a lot of courage to be able to speak out. And, it is, you know, really very -- something heartfelt and touching. And, you know, I think that you deserve to have as much stability as possible in your life. So, thank you.

**MS. MELNIK:**

I'm also afraid of my friends that -- my aides and the nurses. They've been there for so long. And the fact that they may lose everything is horrible. And that shouldn't be done to anybody. You know, that could happen to you. We could just vote you out, right.

(LAUGHTER/APPLAUSE)

**CHAIRMAN SPENCER:**

If that's what it took to make the County work, then that will be okay with me. Legislator Browning has a question for you.

**LEG. BROWNING:**

Thank you for coming. And like you and Mr. Smith I think it's important that the rest of the Legislators see how young the residents are because people have this vision of a nursing home, thinking that you're all, you know, late seventies, eighty something years old. And then they look at you and they see you've been there 12 years. And, you know, I know -- I believe you have multiple sclerosis; correct?

**MS. MELNIK:**

I do.

**LEG. BROWNING:**

All right. And are you considered long-term custodial care? Do you know what -- is it skilled care or long-term custodial? Are you familiar with what --

**MS. MELNIK:**

It would be long-term care.

**LEG. BROWNING:**

You're long-term custodial care, which is one of the things that Mr. Sherman had spoken about. When I asked him the question, and he said that, no, we're not encouraged and we're not forced or the State would not force us to take long-term custodial care. So my question for you is, are you concerned that if Mr. Sherman buys the home, that you will be guaranteed to stay at John J. Foley?

**MS. MELNIK:**

Absolutely, I'm frightened. I'm absolutely frightened that -- that I could just be -- there is no place for me to go. I'm not -- I'm too much -- I'm total care. So a regular nursing home is not going to take me. The skilled nursing facility, John J. Foley's fantastic. They take care of an array of problems; not just multiple sclerosis. We have Cerebral Palsy, we have dementia, we have stroke victims, AIDS patients, we have basically everything that they're taking care of.

**LEG. BROWNING:**

And many of them are around your age, right?

**MS. MELNIK:**

Yes. We have the largest young community in New York State.

**LEG. BROWNING:**

I just think it's important, because long-term custodial care was something that Mr. Sherman did not respond very well to as far as that they're not -- they wouldn't be forced or required by the State to continue to care. And as you have said, that you have nowhere else to go. You have no one else to take you in. This was your last resort. And I know we have met on many occasions. I know that you're very successful in your career in the banking business, but sadly so. An illness took everything away from you.

**MS. MELNIK:**

Exactly.

**LEG. BROWNING:**

And I want to make sure that we know that you will continue as a taxpayer and someone who's worked very hard all your life is continued to be cared for appropriately.

**MS. MELNIK:**

Thank you very much.

**(APPLAUSE)**

**CHAIRMAN SPENCER:**

Ken Martinson and then Kathleen Yirinec is on deck. And then second on deck is Abrams. Jennifer Abrams.

**MR. MARTINSON:**

I'm Ken Martinson. I'm a patient at John J. Foley. I --

**CHAIRMAN SPENCER:**

Pull the mic up, please. Thank you.

**MR. MARTINSON:**

How's that? I'm Ken Martinson. I'm a patient at John J. And what I have to say has already been actually pointed out by the preceding people. I know them all. I don't think, I myself, was prepared for a stroke and a brain aneurysm. I don't think you plan for that kind of thing to happen. And you don't have the benefit of family because they're all deceased. So when somebody says

they know what a sale of a property is, it depends on the kind of property. And this is the only Suffolk County facility that looks after and cares for people who probably can't take care of themselves, myself included. Dealing with that and facing that has been very difficult and hard for me. I would have to say that that is -- I speak for other people but their illness and array of problems are far greater than my own.

So when you do an appraisal, you have a dollar amount. But I don't know if you could put a dollar amount on the people who I know take care of me. Yet you're willing to see a difference in agency and Suffolk County employees -- and I don't look at it that way. I look at it as people. And the people that care are here. And I would like you to put that in some sort of context with your debate. I appreciate having that time to speak, but I know you have other people to see. Thank you.

**(APPLAUSE)**

**CHAIRMAN SPENCER:**

Thank you. Kathleen Yirinec, Jennifer Abrams and then Lee Snead.

**LEG. BROWNING:**

Kathy, come to the table and we'll use the mic at the table.

**MS. YIRINEC:**

Good evening, ladies and gentlemen. My name is Kathleen Yirinec. Some of you may remember me from the last time I spoke. I became a resident in John J. Foley in October of 2001. I have had a stroke and was in a coma for six months. After being treated in five different hospitals, I finally opened my eyes. My parents were eagerly waiting for me to wake up. But when I saw them I had no idea who they were. I didn't know who I was. And everything was a blank. I wasn't able to speak or move either.

Due to John J. Foley's many programs, such as physical therapy, arts and crafts, movies and computer room, I have presently recovered 85% of movement and memory. During my stay I have been through two knee replacements, a heart attack and presently have a wound care system on my right leg. I am -- excuse me -- I have spoken to other residents who have lived in other facilities. And they were not as happy with their care as when they moved to John J. Foley. This is due to the staff.

They presently have a wide variety of patients they accept. They are the only facility in the area that accepts AIDS patients. On the third floor there is a wing devoted to them. And on the fourth floor there is a wing devoted to Alzheimer's patients. Other facilities didn't take them. I think this is commendable. Please join with us to keep John J. Foley the way it is. I thank you.

**CHAIRMAN SPENCER:**

Thank you. Jennifer Abrams.

**MS. ABRAMS:**

Hi. Thanks again for allowing us all to come here and speak to you. We know that you're all striving to do what's fair. I just ask that you would all do what's fair and right and just. It just doesn't seem right that the Shermans would be given so much benefit that they would be receiving tax breaks, that the County Executive Office will assist them with making sure that people have their paperwork in place. Those efforts should be given to us, to the County.

**(APPLAUSE)**

It just didn't make sense to me. So the decision must be made fairly, justly, purely on behalf of the

residents at Foley and the Suffolk County residents who work for this facility at -- not meager salaries, but salaries that are lower than the private and hospitals. But it's a sacrifice that we've all made because John J. Foley means something else. It's not a private facility. And I just really worry that if you do go through with this, that there will be many more Richards, Kathleens sitting in the hospital that won't be coming forward. They will be sitting in the hospitals and it will ultimately cost us more money because the hospitals cost more to take care of the people. And they just won't be coming there.

So the global balance picture really makes sense to do what's right; to open Four South, to allow John J. Foley to achieve bed hold so that we can at least break even. We know that it's possible. We brought this information before. We're still closed on Four. Just as the lady said, they didn't have an open bed when we have empty beds. That's about it. Thank you.

**CHAIRMAN SPENCER:**

We have a couple of questions, if you wouldn't mind. Legislator Kennedy; then Legislator Browning.

**LEG. KENNEDY:**

Hi. Thank you for coming, Jennifer. When I started to talk before with Pat about the Electronic Medical Records, I heard -- I saw that you had something to add. What's going on? When you were in work today or yesterday, is this being used or not? And if so, where?

**MS. ABRAMS:**

Yes. I just didn't want you to think that there's nothing happening. There is a law -- there's a mandate that you need to be up and running by the end of the year. We do have computers in place which are not being utilized by the CNA's. They're still recording on the flow books by hand. But nursing and MDS is doing Electronic Medical Records. We are.

**LEG. KENNEDY:**

And is there any plan --

**MS. ABRAMS:**

There's still a few people that have been in service, but by and large we are -- the nursing is using the Electronic -- and the MDS system is Electronic.

**LEG. KENNEDY:**

Okay.

**MS. ABRAMS:**

So, you know, we aren't charting properly. There is a potential for us to make as much as possible.

**LEG. KENNEDY:**

Now, I forget, where are you? You're on Four, Three?

**MS. ABRAMS:**

I was on Four. That was where I started. I'm on Three North now.

**LEG. KENNEDY:**

Okay.

**MS. ABRAMS:**

Long-term unit.

**LEG. KENNEDY:**

And is there any plan to move the computer charting over to the CNA's? Has anybody -- Mr. Carey,

anybody talked to you about what the next level is to go ahead and do --

**MS. ABRAMS:**

No, I'm not sure when they're --

**LEG. KENNEDY:**

Okay.

**MS. ABRAMS:**

-- you know, they'll have to do -- you know, in order for it -- all to come together, I think, it has to be done by the end of the year. It's just a matter of in-servicing; you know, a lot of them have already been in-serviced on it, but it's not in place at the moment.

**LEG. KENNEDY:**

Okay. Thank you.

**CHAIRMAN SPENCER:**

Legislator Browning.

**LEG. BROWNING:**

Well, just to touch on that, because I know that everything the CNAs do, and there can always be something slightly missed when they put it in a book, which is -- it's important because there's revenue in every single thing that the CNA does besides the RNs and the LPNs. But I know that there's an issue that I asked the Shermans about. It was long-term custodial.

**MS. ABRAMS:**

Right.

**LEG. BROWNING:**

Do you have a ballpark number and how many long-term custodial residents there are at John J. Foley?

**MS. ABRAMS:**

Pretty much most of them.

**LEG. BROWNING:**

So you're saying maybe 40, 50% of them?

**MS. ABRAMS:**

Oh, at least. More than that.

**LEG. BROWNING:**

Yeah.

**MS. ABRAMS:**

Maybe not the rehab patients, but -- you know, oftentimes when we come up here, we talk about the PRI system. And I meant to bring one with me. But I encourage you to -- I can actually make one up. Many -- when you look at a PRI -- everybody looks at a PRI when they're going to see if the patient is acceptable for the unit. It's always considered total care. It's a number system, one through four.

I would pretty much bet if you went through all of our PRIs, you would find many Fours which are total care; incontinent and bowel -- we might have done staff for all ADLs. Comparatively in a private nursing home, you might see Two's. You might see a few Four's. But our facility has a

large amount of total care. So it is -- it's considered custodial care. And it may not be the highest reimbursement but it's actually more work. If you have to change incontinent's briefs, if you have to do -- brush teeth, feed people -- they can't do that for themselves. That's -- you know, that's a lot of manpower. Where someone who's a Two can do that herself, but she's still qualifies to be in a nursing home.

**LEG. BROWNING:**

But those are the people that you generally -- because I know that you did the recruitment for -- you went to hospitals --

**MS. ABRAMS:**

Yes.

**LEG. BROWNING:**

And -- so when you were going to the hospitals, were you basically getting ones that were already rejected by private nursing homes?

**MS. ABRAMS:**

Oh, yeah.

**LEG. BROWNING:**

I mean, what was going on?

**MS. ABRAMS:**

Yes. Most of the people that we did -- except for admission, were rejected by other facilities because of either their physical requirements or behavioral. Along with all that, providing the care, you have to the behaviors.

**LEG. BROWNING:**

And do you know what happens, if, say, for example a number of private nursing homes rejected that person and say John J. Foley rejected them, where would they go?

**MS. ABRAMS:**

City, out of state; far away.

**LEG. BROWNING:**

Okay. Thank you.

**MS. ABRAMS:**

You're welcome.

**CHAIRMAN SPENCER:**

Thank you. Lee Snead.

**MR. SNEAD:**

Good evening, members of the Legislature. Thanks for allowing me to speak. My name is Lee Snead. I'm representing the Suffolk County Association of Municipal Employees and their workers at the John J. Foley facility. We've seen each other before. I'll try to be brief.

I cannot amplify or add anything that was brought before you by any of these folks so I'm not going to try. Plus you've already heard me speak on this issue a number of times. However, there are two points I would like to make to you. We're all aware of the unique -- and I would say incredibly flawed process by which the Bellone Administration has pushed this matter forward. I'm concerned, however, that this organization, the Legislature itself, is in its process compounding the problem.

These hearings were never designed to come after the fact. They were designed to come before the Legislature actually deliberated on the sale of this facility. A week and a half ago, this organization, the Suffolk County Legislature, closed the Public Hearing on the Foley facility. And that's in derogation of what the Hibberd Law was intending to do and in derogation of what this organization has previously legislated.

So, I would suggest to you that at this point while these hearings can go on as themselves, the Legislature must, in fact, start this process over again by laying this proposal on the table once you have finished with these proceedings.

Secondly, I have had the opportunity in recent days to speak with the principals of one of the bidders from the original Rosenberg deal. And, in fact, were the second highest bidder. And they, in fact, came up with a proposal that was apples and apples to the Sherman deal, but offered \$25 million. That's without the \$1 million subsidy that the County is providing from the HEAL grant. That's without the \$300,000 in subsidy that the County's providing through tax incentives; and that's without the \$500,000 payment just this year that the County is considering here.

I would suggest wholeheartedly that in light of that situation somebody reach out to them and ask whether or not they are intending to put that proposal forward and consider it by this organization. You're leaving money on the table even if you do a complete sale. They, however, I am also told, would be willing to talk to the County about a public/private partnership, one that keeps the County owning the facility, one that keeps the workers as municipal employees, one which manages that facility in the best of situations in a manner in which they've been working for you already. So, it's my strong suggestion that somebody from organization reach out to them.

That said, I'll give you my 32 seconds.

**CHAIRMAN SPENCER:**

We have a question for you, if you wouldn't mind, Mr. Snead, from Legislator Browning.

**LEG. BROWNING:**

I guess I could pose it in the form of a question to be right, but I'm aware -- and I think what I would like to say is, are you aware at 4:30 this afternoon, actually, I received a phone call from Brookhaven Hospital that they were one of the bidders during the Rosenberg bid. And today at 4:30 they said that they are absolutely still interested. And that if this sale does not move forward, they would like to continue conversation. And I believe -- is that the people that you're speaking of?

**MR. SNEAD:**

Yes.

**LEG. BROWNING:**

Okay. Because their bid was much higher; much higher.

**MR. SNEAD:**

That group. I did not speak with the hospital. I spoke with the other side.

**LEG. BROWNING:**

Yes, the partner.

**MR. SNEAD:**

Yes.

**LEG. BROWNING:**

Yes. So, I have reached out to them. Actually, they called me today and said that they still have an interest in the nursing home. And we're a little surprised that no one contacted them, feeling that they -- they were the second highest bid with the original RFP that no one did reach out to them asking them if they had a -- a continued interest. So, I think it will be incumbent upon this Legislature to find out why they were not contacted.

(APPLAUSE)

Especially since the bid was higher. It doesn't change my opinion -- it doesn't change my opinion. I do not support the sale. And I told them. I would not support privatizing it; however, I think the process is important and they should have been reached out to.

**MR. SNEAD:**

And I will tell you that they not only indicated to me that they're interested in that deal, but they are actively interested in speaking with the County about a public/private working deal that would allow the County to keep the facility, that would, in fact, actually put a situation in place that might actually expand the facility for other -- for other uses; and would truly make this a -- I don't want to a one-stop shopping because it minimizes what's going on there, but a facility that -- that deals with all of the needs that are incumbent upon a medical establishment.

**LEG. BROWNING:**

Thank you.

**MR. SNEAD:**

Thank you very much.

(APPLAUSE)

**CHAIRMAN SPENCER:**

Is there anyone else that wishes to be heard on this matter? Okay. I need you to fill out a card and we'll -- also, state your name, please, for the record.

**MRS. RUSSO:**

I'm Salvatore Russo, Second Vice President for AME. Okay? I have a couple of concerns. My dad, he was a vet. He lost his legs through gangrene. I walked through this facility. I see what they have. They have a state-of-the-art facility here. They can take care of all these individuals, long-term, short-term. And now you're just going to utilize your short-term? What are you going to do with the long-term? Throw them out? Doesn't make sense; it's unfair.

You hear what they're saying? They're family here. How can you take family and throw them out in the street? You know, the workers are taxpayers, the patients are taxpayers. And now you're are going to just take them out and throw them out? They're taxpayers. They paid for that facility. You have jails that you have inmates, that you're taking better care of. Brand new jail, \$196 million. You came up with the money for that. No problem. There you go. Inmates, criminals, anybody. We'll take care of them. But these people here? You're going to throw them out? I'm a little insulted; very insulted.

I watched what my father went through. I don't like the idea that you're going to take these people that -- same families all these years and just throw them out. I mean, inmates that rob, steal, killing our people; people, our taxpayers and you're taking great care of them. You're giving them a brand new facility, plenty of money. No problem. Plenty there.

What about the new precinct? You came up with a new precinct, again, criminals; plenty of money for them. Brand new precinct in Hauppauge. Multimillion dollar one. Look at it. State-of-the-art, too. Also. I'm very insulted here. Okay? I appreciate the time, but I'm insulted. Thank you.

(APPLAUSE)

**CHAIRMAN SPENCER:**

Is there anyone else that wishes to speak? Please come forward, sir, and just state your name for the record.

**MR. MASTANDO:**

Good evening. My name is Peter Mastando. I work at John J. Foley, maintenance department. I'm not happy to be here again defending John J. Foley as I usually do; becomes a yearly thing to practice for. I think I'm doing pretty well now. I used to be shaking and scared. I had a heart attack from -- over this thing here. I'm doing better. Anyway, Mr. Kennedy, and Miss Kate Browning, thank you very much and anyone else who supports John J. Foley. At least we got somebody in there doing the right thing.

You know, in my old neighborhood growing up, there were times we used to say, show me who you stay with, I'll show what you are. Now, we're talking about Mr. Bellone now. If he's got a shady deal, then we got shady people doing our voting. And it's not right. If he gets in trouble, you get in trouble. I mean by a shady deal, 23 million. I'm hearing numbers like that. I don't know, property's included. I don't think anybody wants to get in trouble. I wouldn't. I wouldn't.

On behalf of these residents, you take a look at them and you say to yourself, if it wasn't good at John J. Foley, they wouldn't stay there. It's not the lobster and the filet mignon that's good there, you know. It's the love, the care and the affection.

**MEMBER AUDIENCE:**

Here, here.

(APPLAUSE)

**MR. MASTANDO:**

We love them. They're our family. You heard all this stuff. It's up to you. We need your help. They need your help. It's your duty for these people, whether you make money or not, it's your job to look out for them, because they voted you in. They did the right thing for you. I mean, common sense. And we were sabotaged by Mr. Levy. And it was unfortunate we came to this -- you know, another County Executive doing the same thing. I mean, he put this in the paper. It was for sale. And that was the start of the resolution of John J. Foley. Nobody wants to bring somebody to a place that's closing. Excuse me. You know, that's put the place down. We're sinking. We're just about floating. We need your help. We want your help. We believe in you.

If you're against Foley, I would hope you change your mind. Because it is something for you to do. We don't have to tell you how to be in business. We don't have to tell you how to make money. This place has made money already. You know how to make money. If you want it to be a nursing home, a County nursing home, you can do it.

We had one administrator, had all the best pros. I said this once before. He did so good they got rid of him.

(LAUGHTER/APPLAUSE)

Does that make sense? This don't make sense. He was a little rough around the edges, but he did

what he wanted and succeeded. So if you really wanted to make money, which it shouldn't even make money, but let's say yes, it can be done. Thank you very much.

**(APPLAUSE)**

**CHAIRMAN SPENCER:**

Thank you. Is there anyone else that wishes to be heard? Again, I want to thank you for -- oh, you're coming to speak? Okay.

**MS. HUGHES:**

Yes. Wanda Hughes. I work in dietary. Like Mr. Raymond Bingham has said, where we live at, we have -- we live in a single complex. We have like 12 or 13 people who want to bring people to our jobs -- to the nursing facility. But by them reading in the paper that it's being sold or being closed, you know, we can bring them in there. We have people to put on the Fourth South side. We have dozen of people -- if they open that Fourth South up, we have people where I live at that wanted to put their family in there. I can't see why they can't open that up.

And these workers, our workers and the nurses at the facility, you know, we love them people. They're like family to us. Some of them don't have a person, their family living or anything. But we talk with them. We encourage them. We put smile on their face and we take care of them. But if they open that Fourth South part up, I'll have people that can -- that wants to bring their families in there. We'll have the fourth floor filled up. Because they're asking me everyday, *why you being closed?* Can't put them in there.

They ask me because I live there, you know? But they say, you know, *why do them want to sell it? Why do they want to close it?* You know, I care for them -- for them people. I really do. You know, it breaks my heart that they want to sell it or close it, you know. Who knows? Like they said, you can lead the horse to the water but you can't make them drink. You know, you can lead us to the -- you know, we're the water. But who knows if the Shermans, buy them -- buy it, they're going to take care of them people? You know, like you said, you can make -- can't make -- you know, you can't make them drink. You know, we show care. Our workers, we show care for them -- for them residents. Thank you for the time.

**(APPLAUSE)**

**CHAIRMAN SPENCER:**

Thank you. Thank you all for taking time out of your homes and families to come out. I know this is, again, these aren't hollow words. I know this is an extremely important issue. We've heard a lot of concerns with regards to the process. We heard from employees, residents, taxpayers. And we understand that this is an extremely important issue that should not be taken lightly.

The next hearing is going to be held on September the 7th. It'll be out in Hauppauge. And I hope each of you have a safe trip home tonight. I will take -- personally as a Legislator deliberate and think about all of these issues. I'll remember each of your faces and everything that you've said.

With that, this hearing is closed. We'll see you Friday, if you would like to come back and have other words. Thank you.

**(APPLAUSE)**

**THE MEETING CONCLUDED AT 7:34 PM  
{ } DENOTES SPELLED PHONETICALLY**