

SUFFOLK COUNTY LEGISLATURE

PUBLIC HEARING

SEPTEMBER 7, 2012

**MEETING HELD AT THE SUFFOLK COUNTY WILLIAM R. ROGERS LEGISLATURE
BUILDING, ROSE Y. CARACAPPA AUDITORIUM
725 VETERANS MEMORIAL HIGHWAY
SMITHTOWN, NEW YORK**

MINUTES TAKEN BY:
DIANA FLESHER, COURT STENOGRAPHER

MINUTES TRANSCRIBED BY:
KIM CASTIGLIONE, LEGISLATIVE SECRETARY

(THE MEETING WAS CALLED TO ORDER AT 4:02 PM)

CHAIRMAN SPENCER:

Good evening, everyone. We are supposed to start this hearing at four o'clock and received word that there is a lot of interested people who are stuck in traffic so I just gave a few extra minutes, but we are going to go ahead and get started now. So I'm going to ask if we could stand for the Pledge to the flag to led by Legislator Rob Calarco.

SALUTATION

CHAIRMAN SPENCER:

This is the notice of Public Hearing, the A96 hearing for the John J. Foley Skilled Nursing Facility. Notice is hereby given that pursuant to setting public hearings for the proposed sale of the John J. Foley Skilled Nursing Facility of the Suffolk County Administrative Code, no proposal to privatize health care services provided by the County of Suffolk can be considered until the County of Suffolk Legislature conducts two public hearings.

Notice is hereby given that the County Legislature will hold the public hearings on the proposed sale of the John J. Foley Skilled Nursing Facility as set forth in Introductory Resolution 1811 on Tuesday, September the 4th, at the Maxine Postal Legislative Auditorium in Riverhead. This was held accordingly. And then on September the 7th at four p.m., at the Rose Caracappa Auditorium, which is what we are conducting now.

So, again, I thank you all for your time, for coming out on a Friday. We have several Legislators that are here, but right now around the horseshoe Legislator DuWayne Gregory and Rob Calarco, and other Legislators will be joining us.

So with that being said, we have -- if you would like to speak on this public hearing we ask that you go outside and fill out a green card and we will have you speak in the order in which you signed up for the card. And then usual to our Legislatives rules that you will be allowed three minutes to be able to address the Legislators and this public hearing for the public record. So our first speaker is Ray Bingham. Mr. Bingham, if you would come up to the podium. Here you have to hold down the button -- oh, you don't have to hold down button. All right. Very good.

MR. BINGHAM:

Once again I want to say good afternoon to everyone.

CHAIRMAN SPENCER:

Good afternoon.

MR. BINGHAM:

Okay. My reasons for coming today in particular, on my way this morning going into Queens to hand out the fliers that I made up for the nursing home, right, it dawned on me that this is a fourth session that we are going around as far as the nursing home is concerned. We went through Pat Halpin in the first beginning, we went to Mr. Gaffney, we went to Steve Bellone -- I mean Steve Levy, and now we are up to Steve Bellone. You know, to me in many ways this thing has made us into a scapegoat. Every time something is wrong with the budget, these are the people that get attacked first, right?

I remember back in the days when we were back in the old building, when we moved into the new building, the same person that we are fighting over this land for had the family grandfather in the Foley facility, right. They are the one that donated that land to that place, and here it is a couple of years later we are bickering over this land, right.

Number one, in my department we have workers that are combined total of over 200 years experience for the County. And here it is the County is looking to put us out to the grass, right. That's not fair. Nobody would want that, right. If you go through the building, all over the building there are people there 30-something years, including one of your own Legislator, who have a wife there, because I have the pamphlet here as proof. And Mr. Gregory, we do have a program, right, we recognize everybody. Right here it says 35 years for one of your Legislator's wife, right? Here it is, proof, recognition for the employees. So we have that in effect since we have been in, you know, the facility, right. This is nothing new.

What you see at other place, we have 99% more programs going than they have, right. So I don't see any reason why we should get up and take this place for what it's worth, right, and make into a escape goat, right. Because number one, any one of us could be there, like I said before, right. We've had judges, we have had lawyers, we have had doctors, we have had a training astronaut come through there, right, so nobody is immune to coming to there, right. It's a place that has a history. We should preserve it and we should keep it. Thank you for your time.

(APPLAUSE)

CHAIRMAN SPENCER:

Thank you, Mr. Bingham. I see that this is your third time that you have spoken publicly. We definitely understand how heartfelt and how close this is to you, and thank you for taking the time to come out and share with us.

MR. BINGHAM:

Thanks for recognizing it.

CHAIRMAN SPENCER:

Kathleen Reeves is next up to speak. On deck is Nanci Dallaire.

MS. REEVES:

Hi, good afternoon. As you know, I'm a nurse at John J. Foley. I have been here before, many times. And I know all of you get this magazine and I hope you've read it. All right. This is somebody who was born in 1944 -- 46 rather, and has just retired. Baby boomers are retiring at 8,000 a day and they'll be doing that for the next 40 years. All right. The population is growing older. You walk down the street, one in five people you see is going to be over 65. These people also vote. These people also have a say in what goes on in towns, government, State and all that. State, the Federal government, everybody's concerned with these baby boomers because they are going to make up a great part of the society.

Right now Florida has 17% of people over 65. By 2029, every state will have more than that. All right. One-third of the boomers are either divorced as of 2010, separated or have never been married. Sixty-seven is the age most people today plan on retiring. In 1966 that figure was 60. All right. These are people that are going to have to be taken care of, whether it's here, whether it's in Nebraska, it doesn't matter where it is.

These people can be taken care of at a county facility like John J. Foley for roughly 200 and some-odd dollars a day, 291 is what we are getting right now. Or it can cost \$3600 a day if they have to be taken care of at the home in private care. And there's going to be people that aren't going to be accepted in a private nursing home, and these are the people -- you are going to be paying \$3600 a day to be cared for. It's not cheap, and not only on top of that, but the workforce isn't going to be there. The baby boomers are the largest workforce this country has ever seen and the chances of that ever happening again are very slim, especially with the economy.

So I really think you gentlemen need to think really hard and really long before you decide to sell this place to the Sherman's. Because I'm going to be 64, I'm right there in the middle of baby boomers, and there's a whole lot of us out there. And if the County wants to be paying \$3600 a day, because right now one in six people in the county are on Medicaid. That number is only going to go up, and the County's going to need the money to take care of these people because they're not going to have a choice. You can't put them out in the street. So like I said, I wish you'd think long and hard before you sell this to a private facility because you'll be paying \$3600 a day to take care of the people who the private facilities won't take. Thank you.

(APPLAUSE)

CHAIRMAN SPENCER:

Thank you. Nanci Dallaire. On deck is Jennifer Abrams.

MS. DALLAIRE:

Thank you. These public hearings should be held with the purpose of providing ample time for the public to come and be heard. I cannot agree that these hearings held this week have provided that opportunity. It is the week following Labor Day, Tuesday was the first day of school for many, and today Friday, four clock on Vets Highway, very difficult for any taxpaying parent to attend. These tactics are perfectly transparent to me.

Our government is working on truth and honesty and open government? Well, unless they sign a non-disclosure agreement. The law will apply unless you do not enforce it? Proper procedure will be followed unless we sign a waiver? These rules and regulations are put into place to protect the people, not to circumvent these guidelines. I am not comfortable with these practices and I do not feel confident with our protection.

I do not agree that the nursing home care given to the 70 to 80 year olds at Sunharbor Manor can accurately be compared to the skilled nursing care of the 30 to 80 year olds who reside at John J. Foley. This cannot be told just by the amount of beds that it holds or the artwork on the walls. Who will competently compare this skill level? We must ensure adequate protection for these residents before sacrificing their home.

I believe every citizen in Suffolk deserves a few more assurances and solutions, not just a quick sale and a future full of uncertainties. There are still too many questions to be answered, there are too many questionable actions to be investigated, and this decision is far too important to not have all the facts. Especially in this economic environment, it is our government that we will trust to protect these vital health, human and social services, not to profit from them.

The County and State should be working together to preserve this safe haven. Stop acting like it's a burden. Begin to rebuild it. The State is cooperating with Suffolk with everything from the red light cameras, the Traffic Bureau, OTB, the new taxi/limousine laws, variances repealed and reinstated, for the inmates COCs for the jail to phase in operation for that jail, nothing to be spared for this historic health care facility? I want to know why.

Why will my County moan and groan and complain about the support of John J. Foley, but is eagerly anticipating and financially assisting the Sherman's? Where do the Sherman's reside? You are anxiously awaiting to rush in and push through the process for these prospective buyers, but our County institution and these Suffolk County taxpayers do not deserve that same respect? That's insulting and wrong. Especially when even after we sell John J. Foley, after that Yaphank land sale, and even after the County accepts the \$17 million grant to assist John J. Foley, this County will still have an enormous deficit and we will only ask will it be worth it and are we willing to take that risk?

(APPLAUSE)

CHAIRMAN SPENCER:

Thank you, Nanci. Jennifer Abrams and Madeliene Lizzol.

MS. ABRAMS:

Hi.

CHAIRMAN SPENCER:

Hello.

MS. ABRAMS:

Thanks again for listening to us. We hope you hear us. You know, I have spoken a few times about the potential that Foley has to break even. I'm not going to talk about that again because there really is no point. We put it out there. That's up to you to believe us. If Rosenberg is willing to buy us for 23 million, there's potential.

The other night some of our residents came forward to see you, five or six of them. I want to impress that those people are probably among the most alert and the highest functioning patients that we have. They're alert and oriented and they can speak for themselves. I come to you on behalf of those who can't. There are many in our facility. As a nurse my job is to be the eyes and ears and bring that information to the doctor. I'm coming to you on behalf of the people who have made this a family.

This facility is -- we have said it so many times. In particular, one of our -- one of our residents came when she was 16 years old. She's 44 years old now. She is total care. You know, we talk about the nursing care that's rendered to these patients. Incontinent of bowel and bladder, reliant on staff for all ADLs, temper tantrums. These are, you know, not unusual. Even though she's 44 years old, she is more about like a ten year old or a 12 year old mentally. I really believe that this move would be tantamount to breaking up a child's home. Even when children are put up for adoption now they try to keep the kids together. I actually went to Suffolk County, they have a program for adoption, and one family had 11 children and they were looking for a home to keep them together. The residents at Foley, she's just one of them. We have many young residents that have been there for up towards of 20 years. They will not know any better. Changing is not going to be a good thing.

Most of these people here have rendered care for these patients and they truly do consider them like their family. Birthdays are noticed. You know, I can go down a hallway and know from the way a patient is breathing if that's their norm. This is how much we have to look out for them. This is not your normal, typical nursing home. The needs that our patients have are far greater than that of your typical Roslyn Manor -- I pretty much guarantee it. You walk down one of our hallways, you will find it very different. Our patient load and their requirements are different. But primarily, we are there for those who had very little and who need the most, and that's what Foley is about. It would be a crime to change that.

(APPLAUSE)

CHAIRMAN SPENCER:

Hi.

MS. LIZZOL:

Good afternoon. My name is Madeliene Lizzol, and today starts my 26th year of service with the County. I can only reiterate, I didn't prepare anything today, but only reiterate, Dr. Spencer, how it's good to be acknowledged, that -- when we have something to say so passionate about something that we believe in. As a nurse, the hardest wound to heal is the wound from the inside out. And when you heal it and you -- the only thing you have to do is when you're working together

and it works and it's healed you only have to like touch base on it every now and then to make sure it's still good. And it's working.

And that's sometimes -- I was talking to my husband on the way here because sometimes you can't not get up and say something, because after 26 years of service, and these folks are more like my family because I spend more time with them than I do my own family, because when you're working that's where you are mostly and you care. And there is so much to say and three minutes is not enough to say it in. I said to my husband just now on my way in, I said I feel like I'm being convicted of a crime that I didn't commit. I do a good will service every day. I go in there with my spirits for the last 26 years and I do my job. And I'm getting convicted and I sit up here and I speak and I fight for something so good and I don't understand.

(Legislator D'Amaro entered the meeting)

MS. LIZZOL:

I mean, I work for the daycare and I shared with you the waste of money with the buses last week, I mean on Tuesday, and, you know, those little things add up. If we can just fix that and there is a life, what are the Sherman's going to do that we cannot do? You know, we're a County facility. We have so many resources. Why can't we fix this? Why can't we?

Like Jen just talked about one of our clients. Do you know I was a nurse on that unit when she was admitted when she was 16? I was 17. We grew up together. She lived her life through me dating, getting married, getting divorced. Her parents died before mine, so I got to know what it was like to lose a parent, and I just lost my dad. And last year, I want to hold it together, but I promised -- I get mad when I cry. And last year was the hardest year of my life. I lost my father, my mother, diagnosed with cancer, and I was up here fighting and my mother said, "You go and you fight because that is right" and I believe in this place. I wouldn't have worked there for 26 years if -- there's not a turnover of County employees there. We see agency coming and going, and believe me, we had some good agency. But, you know, there's so many years of service there, you know. I wish I had more time but I don't, so anyway, thank you. And like Jen said, I hope you hear us.

(APPLAUSE)

CHAIRMAN SPENCER:

We do hear you and I'm sorry about the loss of your father. I know that's one of the most difficult things to go through.

MS. LIZZOL:

It's a vulnerable time in my life, losing my job, my mother being sick. We got married and I didn't even enjoy it. The whole year -- *(laughter)* I enjoyed it, I'm sorry, but I didn't get a chance to enjoy the marriage because we're so busy worrying about where our future is.

CHAIRMAN SPENCER:

Sure. Sheila Carpenter and then Margaret Rosenka is on deck.

MS. CARPENTER:

Good afternoon. I'm Sheila Carpenter, I'm a Social Worker. I guess I want to start out by saying I have no close affiliation to the nursing home. I have no parent there. I'm not employed there. But I have been a Social Worker on Long Island for 35 years, without giving you my age. And when I see elderly people that need a place to go, what we have to tell people -- and this is as a private Social Worker not tied into an agency, as somebody who did employee assistance for the State of New York. Telling people to get their family member into a hospital because for a medical reason they couldn't manage their parent at home, and knowing full well that a hospital must discharge to a safe environment, a hospital will then find a safe environment, which isn't home because home

could be dangerous, for all the reasons that people have mentioned already. And there's nowhere to discharge folks to that people can afford. The hospital can discharge up to 50 miles away from the locale. And so people have nowhere to go.

This facility provides an incredible, an incredible service, and I have heard people mention this year after year after year, and it's affordable. People cannot afford a nursing home. They simply cannot. It's out of the reins of most people and they don't know what to do. And that's why some people keep their family member at home and they have people doing shifts at work and they are trying their best to cover the person who's ill, bringing in a home health aide who works out on some days of the week but other days of the week the agencies don't have people to cover because of poor transportation and an inability to get to the job. This facility provides an incredible service that really should never be overlooked.

And in closing I would just like to say there was a reason why they named this place John J. Foley. And John Foley would turn over in his grave if he realized that this facility was being sold out. He was a real advocate for people. Thank you.

(APPLAUSE)

CHAIRMAN SPENCER:

Margaret Rosenka and Mike Barone is on deck.

MS. ROSENKA:

Good afternoon. My name is Margaret Rosenka. I'm here in opposition of the sale of John J. Foley. When Mr. Bellone came to our building to inform us that we were being sold by the first of the year, he assured us that he had exhausted every avenue possible to keep us open and County run. He told us that the Easter Seal people were interested, but not into well into 2013 and that was unacceptable. He told us that no other organization or hospital showed interest in joining us to make a public/private entity. He told us that all employees were assured jobs with the new owners and that all residents were going to keep their beds.

Well, he lied. The fact is we are not guaranteed anything and neither are our residents. We recently became aware that there was another bid for our facility, and by a local hospital, and for \$2 million higher than what you're now considering selling us to the Sherman's for. We learned that this hospital was willing to work with us to keep present employees County, maintain a stable home for our residents and introduce a public/private practice to our facility that could work for all involved. Why wouldn't you support this? It's a perfect solution. I don't understand why you appear to be in such a rush to close this deal, nor do I understand why we had to find out after the fact that there were indeed other bids for our facility. It makes me wonder what else we've been kept in the dark about.

I urge you to please keep an open mind and consider all possibilities before casting your vote to sell us to the Sherman's. We must do what's right and fair to the residents and employees of John J. Foley and to the taxpayers of Suffolk County. Thank you.

(APPLAUSE)

CHAIRMAN SPENCER:

Thank you. Mike Barone. On deck is Linda Ogno.

MR. BARONE:

Good afternoon. My name is Michael Barone. I work in John J. Foley. I think I start my 24th year two days after Christmas maybe. What I did was I took -- I listened to everybody talk numbers, numbers in, numbers up, everything's about numbers. So I took a snapshot of the census on

September 5th. And on that day we had 184 beds occupied, which leaves us with 80 beds that were open, which also means that's 80 beds not producing revenue. And without having 80 beds there is no way we can achieve our economy of sale. It's not going to work.

So what I did was I did a little research, went online, and I found numbers. I went through the centers for Medicare services. I'm involved in meetings at work and I hear all the numbers that are talked about at work. So what I did was of those 80 beds I broke it down. At that day we had three HIV beds at -- the lowest rate is 384. The rate goes up to like four -- it could go up as far as, excuse me, 485 for private pay. On Medicare it could go up to, from what I heard today, it could go up to almost \$1700 a day, but that's in extreme cases, and the numbers I choose are the lower numbers just to be fair and safe. Again, it's 384 a day for the HIV. Also, too, HIV wing, if you go below 90% you get penalized from the Medicaid, which we lose approximately \$20 a day per bed, which comes out to \$180. Now, those three for the one day alone, is \$1332.

Now, we go to the rehab floor. The rehab floor we get reimbursement anywhere between 450 and \$800 a day. So what I did was I took a number of 625, in the middle, and multiplied that times 14, the amount of empty beds, and for the day that come out to \$8,750. We also have nine beds that were people out to the hospital, so we don't get money for that one.

And the last category here is we have 54 vacant beds, including the wing that was shut down around Christmas time. That equates to \$15,336 a day that we're losing -- potential income, excuse me, potential income. Those three numbers add up to \$25,418. You take that number and you multiply that times 365 days of the year, that number comes out to \$9,277,000.

Now, getting back to those nine hospital beds, Mr. Kennedy had spoke yesterday, he is not here, he had spoke yesterday of about a year and a half -- you can't see him. He spoke yesterday about two years ago we did achieve bed hold and for those who don't know what bed hold is, we get paid when the patient is not in the facility. So that equates to \$932,000 a year that we lose by not having bed hold based on a snapshot of nine hospital beds missing.

Now, if you add those two numbers together -- I have tons more information.

CHAIRMAN SPENCER:

Absolutely.

LEG. BROWNING:

Can you continue and give me some more of the information that you've got?

MR. BARONE:

Sure.

LEG. BROWNING:

It sounds very interesting. I would like to know what your final numbers are.

MR. BARONE:

We'll get there, have a seat. Anyway -- no disrespect. Anyway, that brings us up to ten million. You add those two numbers together, the nine million and the 932,000. That comes to \$10,210,000. That's just in nursing home.

If you go into adult day care, and I'll break it down for those of you that aren't 100% -- anybody that's not 100% of the numbers. For adult day care we get \$225 for private pay, which our facility is actually run at 93, 94% Medicaid, so those numbers don't apply. They don't really apply for the mass. I took the number of \$212.94. That's our Medicaid reimbursement for every adult day care registrant that we have.

Now, we are allowed to have on roll everyday 60 registrants. Monday through Friday we've been averaging lately 18, 20. So what I did was I took the number of 25 as a high number to -- just for an illustration. If you take 60 minus our 25 average of the day, that leaves you 35 vacant spots. If you take 35 times our 212.94, that comes out to \$7,495 a day that we lose in adult day care. You multiply that times five for a week, that's \$37,264 a week that we lose in day care.

(Legislator Kennedy entered the meeting)

You take that 37,264, you multiply that by 51, not 52, again to be fair, because they do honor like five or six weekday holidays, so just to be totally fair. So if you take that 37,264 and multiply it times 51, it comes out to \$1.9 million. Now, that's a Monday through Friday. They are also open on Saturdays. Again, with 60 being the number, their average is around 11 on a Saturday, eleven. That leaves 49 vacant spots. Forty-nine vacant spots with those numbers comes to \$10,000 a Saturday we are losing. It's potential income. I mean, it's 10,000. You multiply that same number by 52 every Saturday, this again, is a snapshot, that comes out to \$542,000. Add that together the total loss -- the numbers that I get, and mind you I'm not a CPA, I'm not a CFO, I'm just a maintenance guy, I just fix things. That's all I do. That's \$2.4 million. If you throw that \$2.4 million back in the nursing home, the money that we haven't gotten, that's \$12,653,000 of potential money. It's there. We just have it fill. We'd have to make it work and it's there.

CHAIRMAN SPENCER:

Mr. Barone, I have to ask you to wrap it up. I appreciate what you're saying.

MR. BARONE:

All right. Also, if we opened up on Sundays in an adult dare, that's another \$638,000 which brings us up to \$13,292.

I also have reports about the Medicaid regional pricing where everyone is saying that Medicaid is going down. Well, Medicaid reimbursement rates are going down for Medicaid, but in government buildings they are going up. I do have some -- I got offline here from LeadingAge of New York. It used to NYAHS, but now they're LeadingAge. There is information that shows you that the percentages are going up for county nursing homes. Thank you for your time. Thank you.

CHAIRMAN SPENCER:

Thank you.

(APPLAUSE)

LEG. BROWNING:

Thank you, Mike. Mike, I actually have that.

MR. BARONE:

Oh, you have that?

LEG. BROWNING:

This is what you are talking about?

MR. BARONE:

Yes, ma'am.

LEG. BROWNING:

Yeah, I have it and it certainly shows that the private nursing homes, their reimbursement through this regional price and that they are losing, but all the government nursing homes, from what I can

see, yes, they are making more and they will get more.

MR. BARONE:

What they did was they changed the methodology on how they come up with the rates and the impact study, and they take into consideration for all the municipal owned county -- municipal owned nursing homes, salary, wages, retirements, they take that into consideration and they factor it into the price. Thank you. Have a good day.

LEG. BROWNING:

Thank you.

(APPLAUSE)

CHAIRMAN SPENCER:

Linda Ogno.

MS. OGNO:

That's a maintenance man, see, he's trying to fix things.

CHAIRMAN SPENCER:

And next on deck is Pat Rollings.

MS. OGNO:

I could come up here and tell you all these things, but you've heard them all. The only thing I can say is the reason that the John J. Foley is running at such a loss is because you wanted it that way. Whether you can admit or not, people have said that we have done all we can to make this place viable. They better be careful, their pants may go on fire.

With just the employees' dedication that have come in here to try to fix a problem that should have been fixed from day one. This horseshoe should have been standing up to Mr. Levy when he came in and tried to wreck us, which is exactly what he did. He put it out there. I'm not saying we couldn't had some tweaks, we could have at least broke even there, maybe even made money, but this horseshoe, most of this horseshoe did not stand up for us and should have put a stop to it instead of making us bleed like this. And then making us look bad.

We have 190 employees there right now. One-hundred and twenty of them are a grade 12 and below that, that dedicate their lives every single day to take care of the people because they think it's the right thing to do. Think about that. A grade 12 and below. Do you know how much money that is? But Mr. Sherman is going to come in, after all our years of dedicated service and say to us, yeah, I'll give you a job, but it will probably be at half of what you make. And your benefits? Well, we'll see.

We have a lot of people there that work there that are on the brink of society. But I feel that I work for the County. It's given me a great job. It's given me a great future. I have a retirement that I have to look forward to, plus it gives me a job that I love to do and I go to every single day. How many people you know can say they love their jobs? The people that work there have many social woes out in society, but they come every day and I think that's what makes them the great caregivers that they are.

To throw these 190 people under the bus, what's going to happen in their lives? Will they have to take a job with Mr. Sherman? Probably, because what kind of job can you go without. But at what cost is it going to be to them? Are they going to have to work another 20, 30 hours a week there or somewhere else? Their children will be home alone longer?

I think that you really need to reconsider this and the County facility should not be sold. As a

taxpayer I'm against it. And since Mr. Romaine is my County Legislator and he can't vote, I'm casting my vote no.

(APPLAUSE)

LEG. BROWNING:

Thank you, Linda. Pat Rollings. I don't see Pat here, is -- oh, there she is. And next is -- Princess Pitterson will be next.

MS. ROLLINGS:

Good afternoon, again. Pat Rollings, 25 years and counting, hopefully. You know, I just want to talk a little bit about commitment. The County Executive -- Ex-County Executive Levy was very committed to destroying us. That was the one thing he was stuck on. And bit by bit he's knocked us down, but we kept coming back. We have commitment. We have commitment to our residents. If you look here there is the commitment. If you're in trouble you can't do any better than have one of us on your back. We are committed to this place. I will keep coming here every day. I work eleven to seven, I have two kids. I'm tired, but I'm coming back, and I will come back every day, every meeting and reiterate and say it again and again and again. This place can be viable.

You just heard Mike, \$12 million in empty beds. In empty beds, in empty adult dare care -- 12 million and he's giving you the low side. We need commitment from this County Executive. We thought he was for us. He came and we voted for him because he was going to help us, but you know what? He gave us no time, no commitment. Come March he's already made the decision got to go. We need commitment. Let us be the example. Let us lead the way. You keep us going, we will make the commitment and show you how we can turn this place around.

Another thing I'm very disappointed in is we're at a legislative hearing here. This is a public hearing. Where are all the Legislators? Aren't they interested in what their public has to say? Where is everyone? Where is their commitment? Please, please, I'm going to keep coming back, we are all going to keep coming back. Think about what can be done with this place with just the commitment. Not a bunch of meetings on what's wrong with us, the commitment to change what is wrong with us. Thank you.

(APPLAUSE)

LEG. BROWNING:

Thank you, Pat. Princess Pitterson and next is Mary Finnin after that.

MS. PITTERSON:

Good evening. My name is Princess Pitterson and I've been at John J. Foley almost 17 years. Many of us are single parents and the majority of us are women. We are told by Hauppauge that the new owners will offer someone jobs -- everyone jobs, but I have yet to see this in writing. I have never seen it in writing that the Sherman's will keep our residents or for how long. A week? A month? A year? From what the Sherman's have said, many of our residents would not be profitable for them to keep. So where do they go? On a preferred list like the employees. As one of the County Attorney has said, there is no preferred list for LPNs, CNA's and the residents, who are the first part -- who in the first place the facility don't want. Thank you.

(APPLAUSE)

CHAIRMAN SPENCER:

Legislator Kennedy has a question for you.

LEG. KENNEDY:

Yes, can you just come back to the podium for a second? Thank you, ma'am. We've heard -- have had many, many, many hours of hearings and testimony and things like that and I've been at most of them. I don't always make it on time, but I think I've hit most of them. I don't recall you ever coming out to speak to us before.

MS. PITTERSON:

No, I never spoke before.

LEG. KENNEDY:

Okay. Just out of curiosity, what do you do, ma'am?

MS. PITTERSON:

I'm a nurse, LPN.

LEG. KENNEDY:

You're a PN. Where do you work, what floor?

MS. PITTERSON:

John J. Foley.

LEG. KENNEDY:

Yes. No, I know in Foley. I'm curious just which floor you work on.

MS. PITTERSON:

Two North.

LEG. KENNEDY:

You're up on Two North, okay.

MS. PITTERSON:

Eleven to seven shift.

LEG. KENNEDY:

Oh, you work a night shift?

MS. PITTERSON:

Yes.

LEG. KENNEDY:

So see, that's interesting. As a matter of fact, I'm married to a night nurse. They run a different kind of life and they don't always fit into daytime meetings and daytime things like that. You've been there 17 years, ma'am?

MS. PITTERSON:

December will be 17 years.

LEG. KENNEDY:

Very good. And have you spent the majority of your career working at Foley? Did you work at other places?

MS. PITTERSON:

No. I have been at Foley -- I moved to New York in '93 and I started at Foley in '95.

LEG. KENNEDY:

Very good. All right. Well, listen, I want to thank you for the service, the 17 years of dedication and service that you've done, especially as a night nurse. It's not an easy job. Thank you, ma'am.

MS. PITTERSON:

Thank you.

(APPLAUSE)

CHAIRMAN SPENCER:

Mary Finnin and Dan Farrell is on deck.

MS. FINNIN:

Good afternoon. My name is Mary Finnin. I'm a retired public health nurse. I'm here today as a taxpayer to support retaining the John J. Foley Skilled Nursing Facility as a public facility by the County. I want to address first the issue of IR 1812, the use of the name John J. Foley. I was here when his daughter addressed a prior Legislature, about a year ago, about the use of his name. They brought with them the documents of when that nursing home was opened and dedicated and also testified to the fact that on his dying deathbed that he told his family that if this facility is privatized, that they cannot use his name. He would not allow his name to be used unless it was maintained as a public facility by the County because he was committed to having this kind of a facility available to the poor and those in need for the various health needs that we have in the County.

Now, Suffolk County as Greg testified, Greg Noone testified yesterday, is the only certified facility for AIDS care in New York State. As -- I worked for 18 years in Suffolk County as the primary care nurse coordinator for AIDS. And I worked with the patients there and in all our clinics and with all our various hospitals that we are affiliated with. Now, as these patients age out, you know, if they were in their 30's, 35, you know, you add 20 years, they are aging out. They not only still have HIV, they may not have gone to AIDS yet, but they have other multiple issues which are, you know, comorbidities they are called, and, you know, that's going to mean they're going to need special kinds of care and in increasing number. We have over 6,000 people in Suffolk in that kind of a situation.

The private facilities don't want to take care of people with drug addiction, hepatitis, HIV, mental illness and these are the patients that we take care of in our health centers, in our mental health centers, in our jails, in John J. Foley. And many of them may not have -- they are not old enough to have Medicare and Medicaid pays less in a place like a nursing home. And some of them have no insurance. So we need to keep these -- this facility in particular. That's what we are talking about today.

The John J. Foley Skilled Nursing Facility can be run at a cost effective basis. Not to make a profit. I pay taxes so that that facility will be there and have the funds needed. What the County has to do is to look at the revenue needed to fund the service it provides, not to cut social services. Not to cut health services. You need to look at generating revenue. I heard testimony here today of recommendations just for this place. I made recommendations about the funding that has been let go in terms of our health centers. We've set these places up to fail -- no we haven't, Suffolk County and especially the Suffolk County Executive, the previous one, and now it look like the pattern continues, are setting these places up to fail.

If you don't fund the providers, you can't get the service, then you can't bill for it. If you don't have the staff to do the billing, you can't collect the money. There are many related problems in the system that need to be fixed, that will generate money and that you can have a cost benefit ratio for the health services.

Now, I want to also say I just got today a notice that on the -- let's see, when is this going to be. I guess it's next Friday. The Suffolk County Human Rights Commission is having a hearing in the

Dennison Building, a wonderful building, from one to five. And the only people on this list that I recognize that have been here giving information about health care has been Legislator Browning, and I'm glad that you are going to be on this list, and the Commissioner of Health. All the rest of the people here are from other places, some of them may be local physicians. You have the north shore monopoly represented, you have HRH represented, but, you know, these people haven't been here providing information and working with us to look at what we're going to do. We have a public/private relationship with some of these hospitals right now. But they haven't been here.

CHAIRMAN SPENCER:

Mary, you have to wrap it up. I'm sorry.

MS. FINNIN:

The three minutes are up? I thought I had five. Did I go five?

CHAIRMAN SPENCER:

You did.

MS. FINNIN:

Okay. Well, at any rate, I just want to say, you know, I hope that the people here will also attend that hearing and find out what is being said, because such a late notice to me is suspect. You know, why does it go out so late and who are the players. So that I want to adamantly say we need to keep John J. Foley and we need to keep it as a public sector service.

(APPLAUSE)

CHAIRMAN SPENCER:

Dan Farrell and on deck is Mary Fredette.

MR. FARRELL:

Good evening and thank you for all for being here to listen to us, we appreciate that. I want to thank all of you for being here also to express your concerns with the John J. Foley issue. But like Michael here, I'm a blue collar guy. Blue collar guys, you know what we do? We fix things and keep them running.

(APPLAUSE)

I think with the facts and figures that Michael has given you here, him and I could run this facility better than it's been run over the last ten years.

(APPLAUSE)

He put together some great numbers there. I'm a numbers guy. Going to school to be an accountant, I'm almost there, but you know what? His numbers I'm sure don't lie. I don't think he's making them up. But he came up with saving almost \$12 million I believe, 12, 14 million? But I want to provide you with some numbers because over the last County Executive's Administration and the beginning of this County Executive's Administration, they're playing a numbers game.

You hear it's to subsidize Foley it was as high as 18 million under Mr. Levy. Down to 14 million, nine million. BRO reports it's more in the four to six million dollar range, and if that's really true, the 13 million that Michael came up with would surely be enough to run this facility and put it in the black and take it out of the red. So when you talk about mismanagement, we all know that it's been mismanaged for a reason. They don't want it to succeed. They want to get rid of it for whatever political reasons they may have, but at the same time, when the chips are down and you got a hole in your budget you don't sell a jewel, and this place is a jewel. The workers are so dedicated.

You've heard all them speak here. They take pride in what they do. And as Linda pointed out, they don't make a lot of money but they are dedicate to their job.

And I'll get into more numbers here. BRO's figures of three and a half to four million dollars, you know, to subsidize, but, you know, keep in mind that the place has been low staffed. There are more than 40 empty beds. I believe Michael said there's probably more like 80, 60, 80 beds, but if this place was promoted it certainly could at least break even. And we know they haven't been trying to do that, except, of course, as we know when Mr. Fein was there. And Mr. Fein, I believe, was doing a fine job actually. Whatever you may have thought about him, he was doing a fine job.

(APPLAUSE)

He had bed hold and all of that. But more numbers to chew on. There are 1.5 million residents in Suffolk County, and within that number there are 570,000 housing units. So if you divide that by three and a half million by the 570, you come up \$6.14 per year. That's how much of a subsidy every Suffolk County taxpayer is paying to keep the Foley facility open. And as I said before, for that low price I don't believe it's worth getting rid of this facility, because once you do get rid of it, we'll never see it again and it's a valuable, valuable asset to Suffolk County.

So I don't believe County Executive Bellone is willing to give this away at a low fee of 23 million dollars when it cost probably more than 45 to 50 million to build. And to give it away at this under value, it will be gone forever and the taxpayers will save \$6.14 per year in taxes.

Well, you know what? Everyone in this room, every County employee is a taxpayer as well. And we pay for programs and services and this is one program and service that we think is well worth fighting for. As you see, we have been fighting for this facility for over 20 years and we are going to continue to fight. Because you know what? This place is worth saving and I implore you not to sell the facility. Thank you.

(APPLAUSE)

CHAIRMAN SPENCER:

Thank you. Mary Fredette and Lee Snead is on deck.

MS. FREDETTE:

Thank you, Kate Browning, for all the hard work you've done and John Kennedy for all the work you've done. I just want to say it's really a no brainer that the facility shouldn't be sold. I mean, there's all obvious reasons. I stand in agreement with all the ones that spoke previous to me. It's obvious that Steve Bellone lied us to. It's obvious that the place could probably turn around and make a profit. It's obvious that the place has not been managed correctly over all these years, and frankly, I believe a lot of our time has been wasted coming here and discussing this. This shouldn't even be a discussion now. The building has been there for 100 years. When they built the building that was the end of all of this discussion.

Why don't they sell the Police Department and have the Sheriff Department? That would save a lot of money. The Sheriff Department does everything the Police Department does. They would save a huge amount of money there. Mike Barone took a little bit of time and got those figures for 13 million dollars.

So this is totally -- I have lost a lot of faith in the County government. Of course I have a lot of faith with all the ones that oppose the sale. It's very disillusional and it really frankly scares me, even how the government -- how Suffolk County is being run when I see stuff like this happening.

I just hope everybody makes the right choice, you know, and that is to prevent the sale. And just --

I believe there's going to be very terrible repercussions if you don't. That's all. Thank you.

(APPLAUSE)

CHAIRMAN SPENCER:

Lee Snead, on deck Sandra Cole.

MR. SNEAD:

Good afternoon, Legislators. Again, thank you for letting me appear. My name is Lee Snead. I represent Suffolk County AME. You know, you get to the point where there's really not much more you can say. We hear about the numbers issue. We hear that on the back of a napkin, no disrespect, you can create and determine that this place could be profitable, easy to do. Everybody's told you that they can make it profitable and you should do that.

Yesterday when I was here before the Health Committee I asked you each a question, which is if this place could be profitable would you sell it? There is a way to make it profitable. There's a way to make it profitable, I told you about it yesterday. It's put this thing out to bid again, offer adjoining land to people to develop and to build ancillary facilities. You will have people coming in and putting in bids for that. I assure you of that.

Legislator Browning asked me yesterday about compliance with County Law 215 and whether or not under the resolution that's sitting before you the facility could be sold in accordance with the law. I have prepared a memo and I'm prepared to hand that up now, so I'll leave that with the Clerk here. Unfortunately, I don't have a copy for everyone right now, but there are three copies here.

In short, I don't think after you read the memo you'll be very favorably impressed with the method by which the County Executive has handled this matter, or the ability of this organization to properly pass a law that will stand muster before a court. More than that, it's just wrong. The process they've used is so antithetical to the nature of government I'm amazed that an attorney in the County Executive's Office would suggest that it's lawful. Anyway, since my time is up, thank you very much.

CHAIRMAN SPENCER:

Mr. Snead, your time, in fairness to you, your time isn't up. The overrun wasn't reset. You have another minute and 30 seconds. I apologize.

MR. SNEAD:

You know, folks, if you've got any questions I'm happy to answer them, but I think at this point I don't think I can add to anything anybody else has said.

LEG. KENNEDY:

Dr. Spencer, I would like to ask Mr. Snead, you know, when we were out in Riverhead on Tuesday I posed the same question to Miss Seltzer, who is an attorney, and you've taken the time, which I appreciate, to go ahead and brief what your understanding is of the law, with 215 of County Law. You have seen the contract, you've seen the other things. If, in your opinion, this resolution didn't come to us in a proper or legal manner, then how can we vote on it?

MR. SNEAD:

I don't think you can. There are a number of problems with this. When you read the memorandum there's a short answer provision right on the second page. There are five points that show why this can't be approved right now.

LEG. KENNEDY:

So notwithstanding the fact that this contract that's annexed to the resolution has four signatures on it from the Administration, it's not binding, it's not valid and even if there was a vote in the

affirmative by ten Legislators, which I have said all along is not valid, 12 would be the minimum required to go ahead and to do a surplus.

MR. SNEAD:

That's my opinion. And beyond that, if there were an attempt by this local law to eliminate every provision of Section 215, which is what it says, this law would be subject to a mandatory referendum at any rate. If you could do it that way, which I don't think you can. But this law would be subject to a mandatory referendum, because as soon as you eliminate Section 215-5, which is the super majority vote provision on declaring this property to be surplus, once you eliminate that provision, you have effectively changed the power that each one of the Legislators have, and that's one of the statutory requirements for a mandatory referendum. If you do something that eliminates any elected official's power, you have to have a mandatory referendum. So since that's not in the body of the proposal, obviously the proposal wouldn't work. I suggest take a look at my memo. If anybody has any questions of me I'm happy to make myself available to you privately or back here if you have another hearing.

I would also suggest to you one other thing. We've talked about an RFP process here, and the suggestion has been made that it hasn't been an RFP process. Well, it's true, it's not an according to our RFP process as everybody knows it because that would entail going out into public, going into the paper, having a generalized proposal that you wanted to see back. But under your County Code it is in fact an RFP that's gone out, and that RFP went out from the County Executive's Office back in March when they hired Mr. DeGere to be their agent to seek proposals to purchase this facility.

The sale of a County property is a contract your law, under your County Code. And under Chapter 38 of the County Charter, the failure of the County Executive's Office to inform the County Legislature that they were going out to this private RFP voids that contract ab initio and that's the letter and the language in your code. So you can't vote on this. There is nothing before you technically. But like I said, you are going to have a number of opinions probably coming out of the County Attorney's Office, maybe Mr. Nolan will weigh in. If anybody has any questions of me I'm happy to help.

CHAIRMAN SPENCER:

Thank you.

(APPLAUSE)

CHAIRMAN SPENCER:

Sandra Cole and Kathy Malloy.

MS. COLE:

Hi. My name is Sandra Cole. Can you hear me? Okay. Sorry, I'm nervous. But basically my father, he is a resident at John J. Foley. He has been there the past eight years. And, you know, he had a lot of -- he had eight brain surgeries. He had four brain aneurysms, and not only that he has dementia. And honestly, I'm up here on his behalf, you know. And he has a seizure disorder also that honestly if it wasn't for the workers that are there now he would have been dead, because he was in his room alone seizing and if they didn't know him, you know, because it was a different kind of seizure that he did have, he probably would have been dead.

And honestly I heard -- I live in Queens, you know, it's -- he was in a facility beforehand in Queens for seven years. And basically there were reasons that he had to leave. They changed a lot in there. So therefore we put him out here. And I'm very involved in his life and well being, but I heard -- I don't know how true it is, but I heard through people that family doesn't care because they weren't at the meetings. I never got a list of the meetings. How come they weren't sent to my house? You know, how about the resident's family? You know? That's the most important, because

if it wasn't for the residents there would be no facility, you know.

Basically it's not just affecting the workers, you know. It's the residents, too, the family members, which is me, you know, and, you know, I care about the well being of my father, number one. And by taking it and making it, you know, privately owned, there's going to most likely be all agency nurses, and they are not always on the same floor. As for right now, I'm not saying it's the best run place, I'm not saying there are the best nurses, but you know what? There are a whole bunch that are and, you know, it's everywhere you go. But at the same time, you know, like I said, my dad has dementia and he knows, you know -- like he might not know some people, if he met you yesterday he might know you tomorrow, maybe, but at the same time you know what? He knows them because he's been around them for years, you know. So if somebody else was to be put in there they're not going to know him. You know, it's more anxiety that I have to have every day, you know. Sorry.

Basically I don't think it's the right decision, you know. And basically because I care about my dad and everything. So -- and it's hard enough and then for this to be going on it's just more because like I said, he has a lot of problems. I don't know the next day if something's going to happen to him, you know, because in the past year he has already been in the hospital four times, you know, with hour long seizures. Quite honestly, you know, thank God for the people that are there right now, you know, that know him.

And, you know, somebody was hitting on commitment and you know what? There are a lot of workers that have a commitment to the residents and to their job, but you know what? Number one, I have a commitment and that's to my dad and I'll make sure of whatever I can do. And you know what? I was at one other meeting but I was never, ever told about any other meetings, never. So if -- before I leave maybe I can get a list. You know, coming from Queens is, you know, far away but I'm willing to come whatever, you know, however many miles it takes, you know, I'll be there. And that's really it. So please don't sell this facility. Thank you.

(APPLAUSE)

CHAIRMAN SPENCER:

Kathy Malloy and Don Dailey.

MS. MALLOY:

My name is Kathy Malloy, Suffolk County retiree and AME member. And my mother-in-law is in the John J. Foley Nursing Home. I first want to thank Legislator D'Amaro. He provided me with the copies of the reports filed in compliance with the Mary Hibberd Law when I had questions about Sections D, E and F at the last meeting. Thank you very much, sir.

This was the procedures for review of privatization initiatives and this was the report presented by the Department of Health, our Department of Health. On page two of this report, under the Historical Overview of the John J. Foley Operational Studies and Facility Improvements, the current building was completed in 1995 as the John J. Foley, and in 2000 they added the 5th floor state-of-the-art rehabilitation unit. The total cost was 45 million. It was being sold last year for 36 million. Suddenly this year you want to approve a sale for 23 million. Not very good real estate.

On page eight of the same report, Section D, this does not appear to provide a true look at John J. Foley Skilled Nursing Facility. They've got five bullets. John J. Foley had 66% more complaints and incidents received; John J. Foley had 160% more deficiencies; John J. Foley had 87% more total deficiencies; 418% more standard health deficiencies; and 255 more citations. Nowhere does it list that since 2008 the John J. Foley facility has been under staffed at over 25%, and right now I would bet my bottom dollar you have more agency nurses than my AME union nurses there. Agency nurses are not John J. Foley trained and skilled staff. They are not our AME nurses, and a 25% under staffing has resulted in workers regularly working double shifts and being denied vacation

time and given the answer well, it's due to staffing.

The summary of this report by the County -- excuse me, this would be Section E, this is the New York State's response. They say we are confident that the requirements of the, you know, yada, yada, yada Mary Hibberd has been fully met and this transaction will result in the best outcomes for the County as well as the residents of the John J. Foley Skilled Nursing Facility. I'd like to ask how. No full explanation was ever given to me as the family of a resident, and like the last speaker said, I never got one letter, one phone call, nothing, and my name is there.

I disagree with the words of the Sherman proposal. My mother-in-law was turned away from two private nursing homes first and then she spent two miserable months in a local facility in Bay Shore. She cried every day. And I ask you, if you're asking me what to do, number one, advertise the facility, because God knows it's not advertised now. Take that adult day care and run with it; that's a great program. I might have been able to get my mother-in-law in that. Maybe she might not have needed inpatient care, but now she suffers from Alzheimer's so I know she's safe.

And the bottom line is you have a state-of-the-art rehab. Do you know it's for inpatient? Open it up for outpatient and take our insurance. And when my husband or anybody else or me needs physical rehab I'm going to the John J. Skilled Nursing Facility. Thank you.

(APPLAUSE)

CHAIRMAN SPENCER:

Thank you. Don Dailey, on deck is Carmetta Freeman.

MR. DAILEY:

Thank you. My name is Don Dailey. I'm the 4th Vice President of AME. I'm speaking in regard to Introductory Resolution 1811, sale of the John J. Foley Skilled Nursing Facility. Although the Bellone Administration has repeatedly stated that the John J. Foley Skilled Nursing Facility must be sold or shut down because the County can no longer afford to subsidize its operation, the Bellone Administration recently disclosed that it will be granting tax abatements and/or incentives to the purchasers, the Sherman's. This raises questions as to who authorized the offer of tax incentives and under what authority was such tax incentives and abatements offered or granted. What is the amount of these tax incentives or the abatements?

This is important because tax incentives and tax abatements constitute a government subsidy in the form of a revenue loss with the County receiving less taxes than it should on the property. Why are subsidies to provide for the care and safety of nursing home residents considered not affordable by Bellone, while subsidies to provide for the economic well being and profits of a private nursing home operator are considered affordable by the Bellone Administration?

Let's also remember the John J. Foley residents were once Suffolk County taxpayers and their families still are. The Sherman's are from northwestern New York, and the Sherman's bring with them SIEU Local 1199, which is not the bargaining agent for these men and women. AME is their exclusive bargaining agent and to bring in another outfit is a violation of the Taylor Law. I have said on various occasions it seems that it doesn't matter if it's against the law or not as far as this Administration is concerned.

I'm the husband of a registered nurse. I know how hard these people work. I know what they go through every day. And the nurses work twice as much, three times as hard, four times as hard as the doctors. It's -- they do -- they do more work than they should. And, I mean, they are heroes.

And on a personal note, I'm a blue collar guy but I'm not a numbers guy, but I do have a couple of numbers for you. The first number is three. Three is the amount of hours, three hours was the

amount of time that it took to decide to sell this facility to the Sherman's for less money than the original proposal, three hours. Three is also the amount of days, three days after that decision was made is when the appraisal of the land and the building came in. It doesn't pass the smell test. This is no good.

(APPLAUSE)

It appears there are too many questionable antics going on on this very important legal transaction. And until these questions, which have been brought up the last two Mary Hibberd Law mandated hearings have been clearly explained to all of our County taxpayers, we ask that these hearings be tabled for further investigation and discussion. Closing these hearings hold a grave potential for violating many of our own County laws and that cannot be allowed to happen.

(APPLAUSE)

Just one other quick thing. I'm an electrician by trade, and it took the County months to negotiate the purchase of \$5,000 worth of wire to do a major project, months. And in three hours they decide to sell this jewel at a loss. You know, this is bad news.

(APPLAUSE)

CHAIRMAN SPENCER:

Carmetta Freeman. On deck is Joseph Clemente. Don, I won't argue with you about the nurses.

MS. FREEMAN:

Hello. I wasn't really expecting to speak, but I am a John J. Foley employee. I have been in dietary for 27 years. And the only thing I can say is what everyone else has said, that this is a jewel, that we should keep it, that we should keep it there for the residents, for the staff. And to just really reconsider the decision that you're about to make. Thank you.

(APPLAUSE)

CHAIRMAN SPENCER:

Thank you. Mr. Clemente, Joseph Clemente. On deck is Margaret Rizzolo.

MR. CLEMENTE:

Good evening. I'm Joe Clemente. I work at John J. Foley Skilled Nursing Facility. For those of you who were at the last public hearing in Riverhead, there was a letter read from Mr. Bellone to the residents of Foley and he also wrote a letter to the employees at Foley, and I'd like to read that to you. The letter is dated January 3rd of 2012, shortly after he took office and the subject is Looking Forward to Working Alongside You.

"Dear fellow Suffolk County employee, I am honored to work alongside you to serve Suffolk County residents. This morning I had the opportunity to welcome employees to the Dennison Building as they came to work and I look forward to traveling our County and talking with the men and women who are on the frontline serving the public.

As I sought this office and in recent weeks you have likely heard me talk about the need for our County government to do more with less. Let me be clear about my meaning. I say this as someone who has the utmost respect for government, having worked alongside public sector workers for the past decade in Babylon as we made our government more efficient and effective without laying anyone off. I say this as someone who has worked together with union leadership to negotiate contracts that were not only fair for workers, but taxpayers as well. I say this as somebody who negotiates with respect behind closed doors, never in the media.

I also say we must do more with less and we must root out waste because I believe so strongly in our mission. Think for a moment what it is we do in County government. We ensure public safety, we maintain public health and we provide a safety net for the most vulnerable members of our society. I look forward to working alongside you to help make our government more efficient and to make the best possible use of scarce dollars we have available to us. Thank you for your service and if you have an idea to make our government more efficient, please don't hesitate to share."

All right. Now, the first thing, just a couple of points I want to make here about what he said. The first thing is that how he was looking forward to traveling the County and talking with the men and women on the front lines. Well, to my knowledge he was at Foley once, and that was to tell everybody that there were going to be out of a job. So he didn't talk to me, and I don't know if he talked to anybody else, but that's point number one.

(APPLAUSE)

The second point is that, you know, he talks about how he was in Babylon for ten years and he made his government more efficient and effective without laying anyone off. Well, he has already laid off 300 and now he is planning on another 200, so that's not too great either. He also says how he negotiates with respect behind closed doors, never in the media. Well, clearly the deal to sell Foley was negotiated behind closed doors. Okay. That was clear. But as far as what he's done in the media, that's just -- it's definitely unethical and it's immoral. Okay. Lie after lie has been in the paper about us, and if it's not a lie, it's certainly stretching the truth. Okay.

Now, also he says that what we're supposed to do in County government, we ensure public safety, okay, we maintain public health, eh, and we provide a safety net for the most vulnerable members of our society. Who is he talking about? He's certainly not talking about the vulnerable members of our society at Foley, who truly are the most vulnerable.

(APPLAUSE)

He says thank you for your service and if you have an idea to make government more efficient please don't hesitate to share. Well, you know what? There's been plenty. There's been idea after idea after idea floated, okay, and nothing -- it's all been talk and nothing's been implemented. It seems as though he never had any intention of trying to save this facility. All right. He just went along with what was on the burner from the previous Administration.

Last point that I just want to make to you guys is that, you know, I know you guys know, but for everybody else, the legislative body of Suffolk County exists to safeguard the public trust. You find people make up the laws, and if you really believe that proper procedure was followed and that no laws were broken, you can't deny that they were bent, twisted and manipulated to support the County Executive's agenda.

I believe our government officials should lead by example. And I believe that no one should be above the law. I hope and pray that you believe that also. Please, on the 13th put on your white hats and vote no to this sweetheart deal.

(APPLAUSE)

CHAIRMAN SPENCER:

Margaret Rizzolo.

MS. RIZZOLO:

Good afternoon, gentlemen, ladies. My name is Margaret Rizzolo. My daughter is a resident of Foley's for the last 20 years. She was 35 years old when she went in there. And if it wasn't for

Foley and the people who took care of her then, I wouldn't have her today. They gave her excellent care and thank God she came around a lot. She couldn't speak or do anything for herself.

I really don't have that much to say here. I just think you guys should get together and just don't sit and look at each other, but get this straightened out because you're the guys who could straighten it out.

(APPLAUSE)

Don't let us walk home and just forget about it. For 20 years I have been coming here. I even came to certain offices to try and talk to people and they didn't know anything about it. But funny, they had a meeting with the union that day. That's besides the point, that's years. But I really don't have anything to say except stop and think of what you are doing to these people. Twenty years this girl's been in there. I have been around looking for places because I was scared they were going to close it. So I started looking and I looked. And I didn't find anyplace. Some of them refused to take her, some couldn't take her, and some couldn't help her. Foley can't help her 100%, but they can help her. So for 5% I'll take that. Thank you, gentlemen.

(APPLAUSE)

CHAIRMAN SPENCER:

Miss Rizzolo, Legislator Browning would like to ask you a question if you wouldn't mind, if you would come back.

MS. RIZZOLO:

I'm not used to this.

LEG. BROWNING:

Sounds like you're Scottish. Am I right?

MS. RIZZOLO:

Excuse me?

LEG. BROWNING:

You sound like you've got a wee bit of a Scottish accent there.

MS. RIZZOLO:

Oh, you found it.

LEG. BROWNING:

Just a wee bit. But thank you for coming because it's important for everybody to hear the family members. Your daughter being at John J. Foley for 20 years and going there at the age of 35, and that's what's important to make sure that everybody realizes the ages of the residents there. They're not seniors citizens, they're not the 70 and 80 year old little old men and women who will spend a very short period of time. And Mr. Clemente talked about the safety net as did the County Executive in his letter, and John J. Foley being that safety net. I'm just curious, you're saying that you have tried other places but wouldn't take your daughter. Have you even found anywhere that say, for example, you know, Mr. Sherman says that he would keep all of the current residents, but I have seen no guarantees in his contract --

MS. RIZZOLO:

Definitely no guarantees.

LEG. BROWNING:

-- that your daughter could stay. Have you found anywhere, I mean, do you know of anywhere outside of John J. Foley that would take your daughter within Suffolk County, and if it's not within Suffolk County, where would the nearest place be? Have you any idea?

AUDIENCE MEMBER:

The cost would be prohibitive.

MS. RIZZOLO:

No, not right now. These things I'll keep to myself until I get everything fixed. Okay.

LEG. BROWNING:

Okay. I appreciate you coming. Thank you very much.

(APPLAUSE)

MS. RIZZOLO:

Thank you. But one thing I wanted to say. I know there's been words that the residents, their families didn't come, nobody came to talk. Well, think about the ones who can't come, who have to stay home to take care of these people, too. It's just impossible. I come there three days week, five hours a day, and I stay with my daughter. Before that, I worked, I'd be there every night. But that's my story. Thank you.

LEG. BROWNING:

Well, there's many of them that don't have family like you, so thank you.

MS. RIZZOLO:

Thank you for everything.

(APPLAUSE)

CHAIRMAN SPENCER:

Is there anyone else that would like an opportunity to be heard? Can you give us your name, sir? And then you and then you.

MR. WILLIAMS:

Kevin Williams. I'm AME's 3rd Vice President.

CHAIRMAN SPENCER:

Hello, Mr. Williams.

MR. WILLIAMS:

Hello. Spike Lee said it in one of his movies. He said, "Do the right thing." I love that statement because that's what life's about. That's why I got involved with the union. That's why I'm an organizer. I organize 24/7 just to do the right thing by these people right here and they know how committed I am to do that.

(APPLAUSE)

When we're young and stupid we don't always know what's right and wrong. There's nobody young in this room anymore and nobody's stupid, so there is no excuse for mature adults to do the wrong thing when they know what's right.

(APPLAUSE)

I always follow what my instincts is. You know, I feel that's how God speaks to you, you know. It's like a silent voice that says do this or do that. That's what I teach my girl, to do the right thing always because you are only going to get blessings in return. You get blessed by doing the correct thing.

Selling Foley is wrong. It's wrong for the families, it's wrong for the community, it's wrong for the workers, and mostly it's wrong for the patients. Martin Luther King, Jr., said it. He said, "The time is always right to do right". That's what he said, that's a quote. What if he didn't do the right thing? What if he didn't leave? Where would we be as a nation, where would be as a people for my people? If he didn't stand up and do what was right there might not be a 1964 Civil Rights Act. I might not be up here today. Some of y'all might not be up there. Because he did the right thing. In the face of adversity, he did the right thing. That's what leadership is about.

(APPLAUSE)

Do what's right in the face of what's right. Where would be as a union if Charlie Novo didn't do the right thing?

(APPLAUSE)

The original believer. The original believer did the right thing and that's why we as a union can choose our leaders. We can empower ourselves by coming together as a union. We can vote those in and vote those out.

(APPLAUSE)

That is the game my brothers and sisters. Register and vote. When we want to put boots on the ground you make sure you show up because I'm going to be there because somebody is going to pay. Jesus said, "You reap what you sow", brother.

(APPLAUSE)

MR. MASTANDO:

Good evening. Peter Mastando. I work at John J. Foley. I'm into my 17th year. You heard all the stories. You heard the cries, the laughs, the sadness. This is one thing you got to forget you're a Republican or a Democratic Legislator. This is something that takes everybody's vote to pass not to sell John J. Foley. And, Joe, I just want to say that Mr. Bellone's mentor was Mr. Levy. That was his mentor. He's just like Mr. Levy, but let's get away from that.

Like I said, we need your votes. John J. Foley is a fabulous place. How many of these people are going to go home if they sell this place and the relatives can't take care of them? What do they do? They've got to go to work, they might have children too to take care of. Do you think about that part of it? I mean, this is not easy for anybody.

On that 13th please vote with us. You'll be very happy you did and you'll have a happier state of mind. And I think that about sums it up. You already heard everything said. Relatives come out, Queens, the young lady from Queens. It's all about family. We're your family. You're our family. Help us. Thank you.

(APPLAUSE)

MS. COLE:

Hi. My name is Bette Cole. My daughter was up here speaking before. It's 15 years since my husband has had the brain surgeries, aneurysms. It's been ongoing 15 years, more than half her

lifetime. It's been very difficult, very stressful for the whole family. We don't need any more stress. We need him to be taken care of. He's gone downhill. He's never going to get better. He's only going to be going down progressively worse. It's hard to watch, it's hard to see.

He was in a different facility seven, eight years ago. It took me one year. I feel for this lady with her daughter. I looked for a year to find him a place. No one would take him; he wasn't old enough, he was too old, he wasn't sick enough, he's too sick. Anything, anywhere I called, anywhere I went it took a long time. I got the same response from all the different facilities that I went to, "Sorry, ma'am, we can't help you. Good luck." "Sorry, ma'am, we can't help you." There is no way in this world that this man would be able to come home. He can't. There is no one there to take care of him. Even if someone did, it's not enough. He needs this facility. We as a family need this facility. It needs to stay open and provide services to the people here that need them. Thank you.

(APPLAUSE)

CHAIRMAN SPENCER:

Is there anyone else that would like an opportunity to be heard?

MS. HUGHES:

Wanda Hughes. I've been at John J. Foley 14 years. I want y'all to consider your vote before you decide. Like I been saying, where I live at, it's a two senior complex. And we have aged come there, but they're only there for four or five hours. We have witnessed people dead in their apartments, we have witnessed people fell down in their apartments, and like I was telling Maddie, we're going to set up a meeting and Maddie will come over there and we can see if we could get them in day-care or get some of them inside John J. Foley, which would -- might match -- sit up and match with Mike's numbers. Because their children are tired. They come in there and, you know, they see a big disappointment. You walk inside the apartment and you see your mother laying there dead, you know?

They need -- these people, like I been saying, they need -- some of them need 24 hour care, not five hours with an aid to come and see about them. They need like these workers, these nurses, these workers, some of them would need some activities with activity department, you know. It's a sad thing. I witnessed walking in somebody's apartment where I live at and they were found dead for two days. So some of these, you have to think about what you're going -- your decision because, you know, some people need 24 hour service. So consider before you even decide to try to close it or sell it. Think of the workers and think of everybody else. All right? Put your mind together, think, relax and then make a decision. Thank you.

(APPLAUSE)

MS. VACCARO:

Hello, everybody. My name is Stephanie Vaccaro. I'm AME's Secretary. I was going to get up here and tell you guys how wrong everything is and how much everything doesn't smell right. Everybody before me did that. What I'm asking is that you table the hearings for further review and investigation. Obviously looking at your faces you guys know in your heart that this isn't right, and me, AME, supporting my brothers and sisters, I ask you to stand behind us and table this for further review. Thank you.

(APPLAUSE)

MR. STASYS:

My name is Joe Stasys. As most of you know, I have been here quite a few times talking to you. I wonder if you really hear what's being said here because it seems to fall on deaf ears all the time. I

came up when there were layoffs. Had you not laid off half the staff in my department there'd be more than enough money from that department to run John J. Foley.

(APPLAUSE)

You could take all the numbers you want by a budget. He doesn't know the business, he only knows numbers, and he's fed numbers. And who's feeding the numbers? Different Steve, same baloney. That's what we're getting and that's what we've been getting. If you take a look, from what I heard, \$45 million to build the building. If you take a look at the 14 acres, that's almost \$14 million because it's a million dollars an acre. If you take a look at about \$20 million worth of equipment in the building, that comes out to like \$79 million. And you're going to sell it for a third of what was put into it.

And you're also going to put out a lot of workers. The workers are the ones that balance the back of the County. They are the ones carrying it. They're the ones that go out and buy products, along with the rest of the public, and that's where the County has been balancing the budget. And that's the worst thing that could have ever happened, and we started that problem back when Pat Halpin was in, and nothing has been done since. My taxes were lowered \$22 in the last seven years, and believe me, \$22 would not have killed my family. Let's do the right thing. Let's keep John J. Foley. Let's hire back some more workers so that we can produce money. Thank you.

CHAIRMAN SPENCER:

Excuse me. I'm sorry, sir, what was your name again?

MR. STASYS:

Joe Stasys.

CHAIRMAN SPENCER:

You mentioned that in your particular department -- what department do you work in?

MR. STASYS:

Real Property Tax Service Agency.

CHAIRMAN SPENCER:

Okay.

MR. STASYS:

Right now we have millions of dollars sitting in a vault where the checks are going to be outdated soon because we don't have enough workers; they laid off half the department. We were just keeping up with it at the time.

LEG. KENNEDY:

Doctor, if I can, let me share, because I spent nine years working with them. What Mr. Stasys is referring to is Real Property Tax Services verifies every land record instrument that's recorded in the County of Suffolk. As matter of fact, we just increased the verification fee to I believe, what are we up to, 30 bucks, Joe?

MR. STASYS:

No. It used to be 30 bucks; you just doubled it.

LEG. KENNEDY:

Oh, we're up to 60 bucks. Okay, 60 bucks for every instrument. However, it takes a recorder to review it, make sure it's the appropriate piece of property and that it's put in proper form. With that, then we as a municipal entity get to deposit the check because we performed the service.

Since he had his staff cut in half there's nobody to do that. So the instruments get sent in, but they're sitting there in buckets with piles getting higher and higher and higher because there's nobody to do it.

MR. STASYS:

And that \$60 is only for one parcel, because the fee goes up with every other parcel.

CHAIRMAN SPENCER:

Thank you, sir. Thank you. These hearings have certainly served their purpose in terms of for me personally that, you know, I learned a lot. I've heard from your unions, the employees, I've heard from residents, from families of residents, and I know that sometimes, especially some of you have spoken three times. I've come to know your names and faces if I were to see you outside. And this situation is beyond gut wrenching and extremely hard for me as an elected official and my colleagues that are here. Your words are not void. They haven't fallen on deaf ears. There's definitely a lot of things that we have to consider when looking at this and I do think that the hearing process has opened the doors where you have given us ideas, you have given us numbers, you've given us -- I realize that we're talking about your lives. Your jobs, your retirement, your future, your loved ones, where you've really dedicated yourself. And you deserve to be heard. You deserve to have your elected officials listen and to take it seriously. And you have my solemn promise that I will do that. There are certain things that I have gone back and I have checked and I found things to be true, I found other things to not be true, on both sides of the equation. Over the next week I have a lot of work to do.

But, again, for you to be away from your families, I appreciate my colleagues who are here. The other Legislators, Legislator Kennedy, Presiding Officer Horsley, Kate Browning, Lou D'Amato, DuWayne Gregory, Rob Calarco and other colleagues who are represented here, too.

So again, I did want to, and this is important on the weekend of the anniversary of 9/11 that we unfortunately not celebrate but recognize on September 11th. I did want to just before we close just take a moment and stand and have a moment of silence for those who died and the first responders and the officers who were in 9/11.

(Moment of Silence Observed)

CHAIRMAN SPENCER:

You may be seated. Again, we, and if -- I feel I represent my colleagues in terms of saying that if anyone's mind is made up one way or the other that we need to really consider everything that's been said here today. So I hope that everyone gets home safely and, you know, again, your time has not been spent in vain. I thank you for coming out. This hearing is closed.

(The meeting was closed at 5:47 p.m. and reopened at 5:48 p.m.)

CHAIRMAN SPENCER:

Mr. Sabatino, go right ahead.

MR. SABATINO:

Thank you, Mr. Chairman. I'm Paul Sabatino II for those of who you don't know. I served in County government for 31 years. I have 35 years of experience in municipal government. I want to begin by giving you a broader perspective perhaps than has been presented prior to now.

This issue is bigger, I repeat bigger, than just the John J. Foley transaction. And why is it bigger? It's bigger because the precedence that you set if you go forward with a transaction that can only be described as reminiscent of the scandals we had during the Gaffney Administration with car leasing, with the Greco land scandals, and the whole Health Department scenario, which resulted in the Mary

Hibberd Law, because it began, it began, with an abandonment of the rules and the laws and the regulations that govern the transactions of a municipality.

The most astonishing thing that I saw in connection with this transaction, which goes even beyond the bad things that happened during the Gaffney years, is that the County Attorney gave you a memo, he gave you a memo and put in writing that there is no statutory scheme or Legislative framework that supports the proposed transaction. Think about that folks for a moment. We live in America. If there is no statutory scheme or framework, to support the proposed transaction, how can a transaction possibly be valid?

We abide by rules, we abide by laws, and we abide by regulations. It's not the law of the jungle. The State Legislature has actually given you guidelines and you act in activities like this. You should not, you should not, underscore the word not, create a situation in which you're no longer guarding against preferential treatment, favoritism, corruption, fraud or waste. That's the standard. But if your starting point is there is no statutory framework to support the transaction, you know you're in trouble.

Then you move to stage two and you ask yourself well, what does the rest of the memo say? The rest of the memo incredibly states that this transaction began, somebody off the street walked into the office of a Deputy County Executive, walked into the office of a Deputy County Executive and said let's make a deal. And then lo and behold -- that was March. According to the County Attorney that was March of this year. And then lo and behold on May 29th, I believe the memo says May 29th, I'm doing this from memory. On May 29th, lo and behold a waiver is granted to a person who doesn't have a license for real estate under Article 12-A of the New York Real Property Law. So an unlicensed person is granted a waiver to do a transaction that requires a license, the violation of which is a misdemeanor under State law.

Then, then, somehow this waiver results in a contract dated, I believe it's July 30th, without the benefit of an appraisal being done in advance. Again, absolutely astonishing, and this is in writing. This is not me making this up or speculating or guessing.

CHAIRMAN SPENCER:

Mr. Sabatino, let me do this because in the same way that you said we got to follow the rules, we have the rule for three minutes, so if one of my colleagues wishes to ask you to make your point --

MR. SABATINO:

Right. I'll close in one sentence then.

CHAIRMAN SPENCER:

Okay. I have to be fair to you, you called me on the rules -- which -- okay.

MR. SABATINO:

You are absolutely right. One sentence to close out. Abandoning the rules, the laws and the regulations as was done in the 12 years with the Gaffney Administration led to one after another, three in total, scandals and investigations that ultimately resulted in the cancellation of those contracts. You're headed on the same path if you let this transaction stand on the facts and circumstances that are currently in the public domain. Thank you, Mr. Chairman. I appreciate it.

(APPLAUSE)

CHAIRMAN SPENCER:

Thank you. Now, I appreciate Mr. Sabatino, but you know, when we have the option -- Counsel advised me that I didn't need to have a vote to close the hearing, but what we can do is that I have my colleagues here, may I have a motion to close?

LEG. CALARCO:

Motion.

CHAIRMAN SPENCER:

May I have a second on the motion?

LEG. HORSLEY:

Second.

CHAIRMAN SPENCER:

All those in favor? Opposed?

LEG. KENNEDY:

Opposed.

LEG. BROWNING:

Opposed.

LEG. GREGORY:

Abstained.

CHAIRMAN SPENCER:

It carries three to two with one abstention. Thank you.

(THE MEETING CONCLUDED AT 5:53 P.M.)