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CONTACT: KARA HAHN

Office: 631-853-6356

Cell: 516-639-3788

Email: Kara.Hahn@suffolkcountyny.gov

County Legislature Approves Sale of Foley Nursing Home

After Four Years of Debate, Legislature Makes a Choice

HAUPPAUGE, NY, MARCH 3, 2011 – The Suffolk County Legislature Tuesday night approved the sale of the John J. Foley Skilled Nursing Facility.

The proposal for the sale from Suffolk County Executive Steve Levy needed 12 votes to gain passage and the vote was 12 in favor of the sale and 4 against. Legislator Ed Romaine recused himself (his wife works at the nursing home) and the Sixth District legislative seat is vacant. The measure needed 12 votes because it authorized the sale of county property.

Voting not to sell the facility were County Legislators Kate Browning, Jack Eddington, Vivian Vilorio-Fisher and John Kennedy.

An additional resolution outlining a long list of guarantees and benefits for the residents and current employees of the nursing home, which were negotiated by Legislature Presiding Officer William J. Lindsay, was approved by the same vote.

The decision came after hearing arguments that taking such an action might violate an Appellate Court stay issued the previous day that limits the actions the county can take regarding the nursing home. The stay was issued by a state Appellate Court hearing a suit filed by three residents and one employee of the nursing home, a suit which seeks to block the closing of the facility. Legislators heard arguments from the two attorneys representing the opposing sides in that case, with the plaintiffs arguing the stay banned the Legislature from acting on the sale, while the attorney representing County Executive Levy argued that the stay blocked a closure but not a sale.

Legislature counsel George Nolan, however, voiced the opinion that acting on the sale would violate the stay. Some legislators said they wanted to get a clarification from the court but Levy administration officials argued that the down payment that has been made on the sale would have to be returned tomorrow if the sale was not approved. The Legislature rejected two motions to delay the vote, one to delay it until Friday at 1 p.m. and the other to delay it until the regularly scheduled County Legislature meeting in Riverhead next Tuesday.

“This has been an extraordinarily difficult decision that we have been struggling with for four years,” said Presiding Officer Lindsay. “This is far from an ideal solution but under these difficult circumstances, it was the only choice we had.”

Levy administration officials said the only way to fund the nursing home for the rest of the year would have been to fire 800 county employees.