

VOTER

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January 2010

League of Women Voters of Brookhaven

ROAD AND RAIL LOCAL AND REGIONAL

An exploration of the many possible changes and improvements
to our transportation system on Long Island and beyond

Presented by Adam Gaus, Transportation Chairman
of the League of Women Voters of Suffolk County

MONDAY, JANUARY 24, 1:30 PM

AT JEFFERSON'S FERRY

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ALL WELCOME

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LWV of BROOKHAVEN

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This Saturday we started a new year, 2011, and every new year brings with it a hope that it will be better than the last one. Each of us wishes for what is important to him—better weather, better health, cleaner politics, fewer murders, but we wish in common for many of the same things —full employment, kindness between people, a safe future for our children and world peace. We also look forward to signs that we are getting closer to solving problems that beset us. This year, Suffolk County is selecting the six persons who will form the redistricting commission to draw the district lines according to new 2010 census figures—nonpartisan, nonpolitical. We are the first county in the state to do so. Let's write to our state legislators to recommend that they follow our lead.

J. J. FOLEY SKILLED NURSING FACILITY—FUND-RAISER

The employees of the John J Foley Skilled Nursing Facility are holding a fundraiser Monday, January 10, at 6 pm (\$35) at the Yaphank Fire Department to raise money for legal costs to keep the facility open for county residents. Call Marilyn McKeown (286-1169) for more information. See pages 4-5 for background on the John J. Foley Skilled Nursing Facility.

STATE PLANNING MEETINGS

In December our members discussed the many items on the state list of positions. Although the emphasis will be on reforming state government—redistricting, ethics reform, rules of operation— we were asked to consider other items that we might think should be updated, added, or dropped. Most of the positions are important ones that can help us take action in the future, but we did want to suggest that the opposition to term limits be looked at again. LWV-US opposes term limits for federal offices and LWV-NY adopted a similar position in 1996 for state positions. We agree that term limits eliminates the advantage of experienced legislators and may not be as effective as electing poor legislators out of office, but the New York State history of re-electing incumbent legislators seems to ask for a solution that moderate term limits would offer—for instance, three terms of four-year terms, or four terms of two-year terms.

BOARD POSITION OPEN

If you would like to be part of our board of directors — to help plan meetings, work on committees, publicize the League, please call Nancy Marr, 730-6556.

GENERAL MEETING—JANUARY 24—TRANSPORTATION

Because transportation is so critical to our life in the suburbs we have been following the progress of New York State DOT and Long Island in improving it. On January 24 we have a chance to learn more about what is happening on Long Island and the region. Our speaker will be Adam Gaus, a Smithtown LWV and Suffolk County LWV Board member, a retired engineer, and an enthusiastic and well-informed student of transportation and its possible improvements. He will bring us up to date about construction on Route 347, a gravel transfer yard in Yaphank that would cut down on some of the trucks, possible double tracking of the LIRR Main Line, and additional train storage yards. He is also knowledgeable about the East Side Access under the East River, as well as a freight tunnel under the Hudson River and an idea for light rail in the Hamptons.

The meeting will be held at Jefferson's Ferry, a continuing care community on Route 347 that welcomes our meetings. It is also a good opportunity to see Jefferson's Ferry and learn more about it.

THE AFFORDABLE HOUSING COMMITTEE

The Suffolk County LWV Housing Committee will be meeting on Wednesday, January 19, at 12 o'clock in Riverhead, in the cafeteria run by Suffolk Community College's Culinary Program, on Main Street, just east of the four corners. (Our county board will meet on that day at the Culinary Program just prior to the committee meeting.) We welcome any new members who wish to participate, and suggest they arrive at 10 to participate in the SC LWV Board meeting if they wish. Our first topic will be a look at each town's accessory apartment rules and history.

JOIN THE LEAGUE

We are always hoping new people will join the League and become members, and our policy has been to send VOTERS to prospective members. We hope that if you have not joined, but would like to, you will fill in the membership application below and return it with your dues of \$50 for the year. They will cover your membership for a year and half, until June 30, 2011. If you do not wish to join, but want to continue receiving our VOTER and learn of our events, you may return the application and donate \$10.00, which would cover the printing costs of the VOTER for a year. If you wish to receive your VOTER by email, just let us know your email address. Otherwise we will mail it.

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Background and Current Status
of the Suffolk County
John J. Foley
Skilled Nursing Facility

County Executive Levy had hoped to sell the John J. Foley Skilled Nursing Facility to Kenneth Rozenberg, a private operator of other nursing facilities, but in early December the Legislature voted against the plan. Because the County Executive expected to have no costs in 2011, there is no funding for the nursing facility in the new 2011 budget. When the Legislature voted against selling it, he said he had no option other than to close it, and he started the process of staff layoffs and referrals of patients, effective in January.

Suffolk County is one of 36 counties in New York State that operate skilled nursing facilities to provide a safety net by assuring access to long term care for county residents. Currently, the facility provides residential long term care for patients in Suffolk County who are typical of other county nursing homes throughout New York State but are unlike patients in proprietary and non-profit skilled nursing facilities; 88% are covered by Medicaid, compared with 67.8% at other facilities in the county, 36.9% entered the facility as Medicaid patients, compared with 7.7% at other facilities, 42% are under 65 years of age compared with 6.3% at other facilities in the county, many will require a longer stay than at other nursing homes, and are more likely to be discharged to a hospital. A high percentage of the patients need considerable care due to the demographic profile of residents with disproportionately high behavioral demands and need for staff attention. The facility is supported by insurance and Medicaid and Medicare fees, some state and county funding, and some private payments.

In 1995, Suffolk County completed construction of a new facility. The original infirmary had been opened in 1919 in a building acquired in 1879; in 1937, Suffolk County constructed a new building on the site with federal assistance to be used as a home and hospital for the aged and chronically ill population. By 1965, it had become clear that the infirmary building was not up to the tasks required of it, but it was not until 1995, responding to threats that New York State would suspend funding if no action were taken, that the County constructed a new facility to hold 264 residents, including 24 new beds for residential AIDS patients. In 2005, at a cost of 4.5 million dollars, it was expanded to add Adult Day Care Services.

The nursing home was operated as a sub-unit of the Department of Health Services until 1987, when it was placed under an Enterprise Fund of Suffolk County (Fund 632), like most of the county-owned nursing homes in New York State. For most of the years of the Enterprise Fund's existence, a subsidy has been required, as is the case in most of the other county-run nursing homes in New York State. In 2010, the Budget Review Office estimated the subsidy provided by Suffolk County taxpayers at four million dollars, or approximately thirty-three cents per household.

Various studies have been made to find solutions to the cost of running the facility. Previous County Executives have proposed privatization, transfer to Social Services, and the creation of a separate Department of Infirmary Services. Because of the Legislature's commitment to protecting the public health and safety of Suffolk residents Local Law 20-1997 of the Administrative Code, known as the Mary Hibberd Law, established specific requirements and procedures for consideration of any initiatives to replace services by the SCDOHS with services provided by another entity (quasi-public or private) to ensure the highest level of scrutiny to any such proposal. (Mary Hibberd served as Suffolk County's Health Commissioner from 1992 to 1997.)

In recent years, efforts were made to improve the administration of the nursing home, to do more outreach to attract more patients, to add more services for veterans, but the County Executive believes that it is not feasible to keep it as a county-run facility, even with alternative methods of funding that were suggested. Opposition to selling

or closing it from the union, A.M.E., the staff, patients and their families has mounted. This month, the employees, without the backing of their union. A.M.E., successfully sought an injunction, temporarily stopping the closure of the facility and preventing Mr. Levy from instituting layoffs. Mr. Levy took it to the Appellate Division but was denied. The opponents of the sale say that since Suffolk County has not followed the procedures laid out by the Mary Hibberd Law, the County Executive is prevented from closing the facility. County Legislator Browning has been exploring the possibility of leasing space to medical providers who could supplement the services at the facility and bring in revenue. The suggestion that a public benefit corporation be created was not followed up because of the fear that such a corporation could not be monitored. If John J Foley is closed, another use for it will have to be found.

On December 6, Nancy Marr made the following statement to the SC Legislature, on behalf of the LWV of Suffolk County:

The League of Women Voters of the United States believes that a basic level of quality health care should be available to all US residents. It should include long term care and mental health care. Not many years ago, In 1995, the county, with taxes, built the John J Foley Skilled Nursing Facility as a state of the art facility to provide care for many people who might not find good care in other facilities. In 2006, with an additional 4.5 million dollars, it was expanded to add adult day health care to long term care and rehab. Today it cares for veterans, AIDS patients, patients with Alzheimer's and patients with degenerative diseases, many of them for a longer term than a private facility would allow. The patients who are there are helped by being close to their families, and the professional staff are county employees of high quality. We do have a financial problem, so we understand why the County Executive plans to sell the facility. But we wonder whether it is wise to dismantle a facility that is working well; should we disinvest the county of one of its assets, in order to solve the problem caused by a bad economy. We understand that there was no money budgeted to run John J Foley after March 2011. From information from the Budget Review Office, thirty-three cents per household is the cost to the county to run the facility, after receipts from insurance and other income of 28 million dollars. Taxes have become unmentionable, but there may be times when we have to use them to accomplish our goals.

We hope the County Legislature and the County Executive can find common ground to keep the facility open to continue to serve those in need, and we urge them to explore some of the options that have been suggested.

As you prepare for a new legislative session in January, we write to encourage you to make a top priority the passage of new legislative rules to create a more deliberative, representative and accountable chamber. We encourage you to begin the new session with a fresh set of rules that will impact the way business is done in Albany during your next two years in office. We urge you to pass new rules which increase transparency and make it easier for rank and file members to move bills to the floor for debate, and mandate hearings and public comment on important bills.

We recognize that since 2005, important progress in the area of rules reform has been made. Notably, we have praised the Assembly for reforms which have ended empty seat voting, obligated standing committees to meet once a month, made attendance mandatory at committee meetings, and reduced the maximum number of committees on which a member can serve.

While these reforms are commendable, there is more work to be done to develop a better legislative process, where rank and file members of the Assembly and their constituents play a greater role in shaping legislation. Last year, your colleagues in the Senate passed several notable rules reforms, in light of which we encourage the Assembly to review them and consider adopting rules that will go further in:

1. Making the distribution of member resources more equitable by distributing funding for members using standard formulas, publicly provided in the operating rules;
2. Allowing members to force committee hearings on specific bills, giving power to rank and file members to hold public hearings on legislation over the objection of leadership;
3. Enabling members to bring bills with sufficient support to the floor for a vote, allowing popular bills that lack the support of leadership to survive past committee; and
4. Making the legislature's proceedings completely public, and record and report attendance, votes, minutes, and debates, allowing citizens to obtain records without the expense and delay of a Freedom of Information Law request.

In addition to the reforms the Senate has undertaken, we urge you to take initiative on the following rules changes:

1. Further reduce the number of legislative committees on which an individual member may serve during a legislative session;
2. Require committee reports issued with any bill voted out of committee to set forth the purpose of the bill, the proposed changes to existing law, section-by-section analysis, the bill's procedural history, committee or subcommittee votes, any individual members' comments on the bill, and organizations which support and oppose the bill;
3. Require a process for reading, debating and amending any bill before it receives a vote from the committee (absent a vote by the committee to forego that process for any particular bill);
4. Strengthen the ability of committee chairs to control the committee budget and make hiring and firing decisions; and
5. Institutionalize conference committees, so that when bills addressing the same subject have been passed by both chambers, a conference committee will be convened at the request of the prime sponsor from each chamber or the Speaker and Majority Leader.

We believe that an overhaul of the rules that will make the Assembly a more open, democratic and accountable chamber, will help New York tackle the challenges we face in these difficult times. We are anxious to work with you in passing these reforms, and encourage you to have an open and public discussion of these important issues in a manner that properly takes into account the public's desire for a transparent, accountable and deliberative chamber.

- Brennan Center for Justice at NYU School of Law
- Citizens Union
- Common Cause/NY
- The League of Women Voters of New York State
- New York Public Interest Research Group



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Thank you for your support! – Alice D'Amico

SOMETHING TO THINK ABOUT—FROM POSTSTAR.COM

Out of all 50 states, New York State was dead last in terms of voter turnout in last month's general election - an abysmal 32.1 percent. States like Arkansas and Alaska and Kentucky and Montana beat us. States with weaker educational systems than we have. States with far less extensive transportation and communication systems. There are 11.8 million people registered to vote in New York out of 13.4 million who are eligible to vote. That's pretty good, But of those voters, only about 4.7 million actually went to the polls on Nov. 2. That's not so good.

Some, including New York City Mayor Michael Bloomberg, suggest the reason for our anemic voting record is that the state makes it too difficult for people to vote. Mayor Bloomberg is among those calling for reforms in the state's voting system to encourage more people to participate in elections. Many of his suggested reforms have contributed to increased voter turnout in other states, with some being more successful at bumping up rates than others.

The most popular solution has been the advent of early voting, which involves letting people vote prior to Election Day. Thirty-two states, plus the District of Columbia, allow some kind of early voting at a small number of designated sites, usually a county clerk's office. It does make voting more convenient.

Another solution growing in popularity is same-day voter registration, which means a voter can walk up to a polling place with appropriate ID and proof of address and just vote right then.

Another tactic is allowing voters to vote by absentee ballot without having to provide a reason. Nine states allow people to vote by mail whether they're going to be out of town on Election Day or not. Voters can sign up to have ballots mailed to them automatically each year to make it convenient.

But the voter still has to make the effort to learn about the election, fill out the ballot, attach a stamp and mail it in. And the more paper ballots you have, the more people you need to physically count them.

Even in states that have enacted these reforms, voter turnout is still only slightly more than half the eligible population at most. Minnesota heads the list at 55.5 percent, joining only eight other states in which a majority of eligible voters actually vote.

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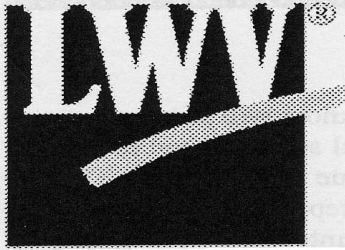
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- Wed Jan 19 Suffolk County LWV Housing Committee, Suffolk Comm. College Culinary Inst, noon
- Wed Jan 19 Brookhaven LWV Board Meeting, Renee Stahlman's, 2 pm (NOTE UNUSUAL DATE)
- Mon Jan 24 MEETING ON TRANSPORTATION - ROAD AND RAIL—LOCAL AND REGIONAL
at Jefferson's Ferry, 1:30

FEBRUARY

- Wed Feb 9 Brookhaven LWV Board Meeting, Nancy Marr's, 2 pm
- Wed Feb 16 Suffolk County LWV Board Meeting, , Suffolk Comm. College Culinary Inst, 9:30 am
- Mon Feb 28 General Meeting, Subject to be announced, Comsewogue Library, 1:30 pm

