

DANIEL P. MCCOY
COUNTY EXECUTIVE

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CHRISTINE C. QUINN, ESQ. DEPUTY COUNTY EXECUTIVE

February 19, 2013

Honorable Paul Devane, Clerk Albany County Legislature 112 State Street, Room 710 Albany, NY 12207

Dear Mr. Devane,

I hereby transmit, pursuant to Article 3 Section 309 of the Albany County Charter, my objections to Resolution 62 of 2013, entitled:

"REQUESTING THE PURCHASING AGENT TO SEEK CONSULTANT SERVICES TO ASSIST WITH THE EVALUATION OF THE PROPOSED NURSING HOME LEASE AGREEMENT."

I commend legislators for recognizing the fate of the Albany County Nursing Home is one of the most important decisions to be made and the need for close examination. The contract with Upstate Services Group will protect our seniors by maintaining a safety net facility, protect our taxpayers and accept financial responsibility for the operation of the nursing home. Further delays will likely jeopardize a deal which will keep the nursing home open and save the county at least \$100 million dollars over ten years.

Delay is unacceptable. The Legislature has studied the issue repeatedly. There have been years of discussion over the fate of Albany County Nursing Home. The process of negotiations with Upstate Services Group began almost six months ago. My staff has spent countless hours presenting the proposed lease to legislators. Upstate Services Group, the proposed operator, has also attended meetings with the legislature and answered all questions posed. We have offered alternative times without restriction for those unable to attend the numerous group sessions. In the spirit of cooperation I left the contract open to additional input and opinion so that legislators could be active participants in the process.

Now, after months and months of discussion and review, by a narrow margin, the Legislature adopted Resolution 62, of 2013, on February 11, 2013 and a certified copy presented to me on February 12, 2013. The directives in the resolution are less than clear regarding expectations and outcomes. What is clear, however, is that a fiscal review of the nursing home is ground welltraveled.

Three separate consultant reports commissioned by three different elected officials all concluded that it was fiscally necessary for the county to look outside of government for the solution concerning the nursing home. We engaged experienced outside counsel to assist and to advise us in drafting and negotiating the lease agreement. However, given the request by the legislature to have another outside consultant review the lease agreement, I have issued a RFQ to solicit another party to do that.

Let me be clear, our nursing home residents deserve a home but the county is hemorrhaging money and with each month that the legislature delays this process, we are losing approximately \$1 million. Continuing the status quo is not in the best interest of our nursing home residents and will cost the taxpayers over \$100 million dollars in ten years. Therefore, I have decided to veto Resolution 62.

One year ago I continued the critical mission of ensuring that our nursing home residents have a place they can call home and a place they can receive quality care, while also protecting our taxpayers. I have taken and will continue to take reasonable steps to ensure that the legislature can make an informed decision. The issues have been repeatedly reviewed, studied and vetted, all with the same unified conclusions; Albany County has not and cannot run a nursing home in a fiscally responsible manner. We owe a solemn duty to our nursing home residents and our taxpayers to adopt this lease without further delay.

Therefore, by the authority vested in me, pursuant to Article 3, Section 309 (b)(iii) of the Albany County Charter I respectfully veto Resolution 62 of 2013.

Sincerely,

Daniel P. McCoy
Albany County Executive

dpm/nw

cc:

Honorable Shawn M. Morse, Chairman Honorable Michael F. Conners, II, Albany County Comptroller Jamie Kallner, Majority Counsel Arnis Zilgme, Minority Office Thomas Marcelle, County Attorney (no attachment) Edward Dott, Executive Deputy Comptroller (no attachment) John Evers, General Services (no attachment) Anthony J. Fontanelli, Associate Operations Supervisor (no attachment)