

# MISCELLANEOUS NOTICES/HEARINGS

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## Notice of Abandoned Property Received by the State Comptroller

Pursuant to provisions of the Abandoned Property Law and related laws, the Office of the State Comptroller receives unclaimed monies and other property deemed abandoned. A list of the names and last known addresses of the entitled owners of this abandoned property is maintained by the office in accordance with Section 1401 of the Abandoned Property Law. Interested parties may inquire if they appear on the Abandoned Property Listing by contacting the Office of Unclaimed Funds, Monday through Friday from 7:00 a.m. to 5:00 p.m., at:

1-800-221-9311 (In New York State)  
(518) 270-2200 (Outside New York State)

or visit our web site at:  
[www.osc.state.ny.us](http://www.osc.state.ny.us)

Claims for abandoned property must be filed with the New York State Comptroller's Office of Unclaimed Funds as provided in Section 1406 of the Abandoned Property Law. For further information contact: Office of the State Comptroller, Office of Unclaimed Funds, 110 State St., Albany, NY 12236

## PUBLIC NOTICE Department of Health

Pursuant to 42 CFR Section 447.205, the Department of Health hereby gives public notice of the following:

The Department of Health proposes to amend the Title XIX (Medicaid) State Plan for long term care services to reflect enacted State legislation as follows:

Pursuant to Section 2808 of the Public Health Law, the Commissioner shall develop and implement a standardized process for assessing the feasibility of capital mortgage refinancing, including a standard formula for determining the net cost benefit of refinancing, inclusive of all transaction and closing costs. On or before September 1, 2003, each residential health care facility certified as a provider under Medicaid, except for those facilities established under the nursing home companies law or the hospital loan construction law, shall review its existing capital debt structure using the standard formula to evaluate whether or not a material cost benefit could be derived by refinancing its capital mortgage or mortgages and shall forward the results of such review to the Commissioner.

The Commissioner shall review each facility's submission and make a written determination as to whether or not the facility should refinance its capital mortgage or mortgages, and if so, for what amount,

within sixty days of the date of the facility's submission based on the following parameters:

- a) the mortgage refinancing must result in a present value cost benefit that "materially exceeds" the amount of all transaction and closing costs associated with the refinancing;
- b) mortgages may be refinanced for a term greater than the remaining term of the existing debt within certain limits, if doing so would result in the present value cost benefit as specified in (a) above;
- c) mortgages may be refinanced utilizing variable rate mortgage loans, if doing so would result in the present value cost benefit as specified in (a) above;
- d) not-for-profit and governmental residential health care facilities may utilize taxable mortgage loans to refinance their existing debts, if doing so would result in the present value cost benefit as specified in (a) above;
- e) moneys contained in facility debt service reserve funds may be considered in the evaluation of amounts necessary to be refinanced, but only to the extent such moneys total more than the debt service reserves needed to establish the successor capital mortgage refinancing;
- f) in no event shall funded depreciation accounts, or building funds accumulated through donor-restricted contributions or unrestricted contributions, gifts, bequests, or legacies, be considered in the evaluation of amounts necessary to be refinanced; and
- g) the principal amount, including all transaction and closing costs and any pre-payment penalties associated with the previous mortgage or mortgages, that is deemed necessary to be refinanced by the Commissioner, as approved by the Public Authorities Control Board and the United States Department of Housing and Urban Development where appropriate, shall be considered the final, approved mortgage amount for capital cost reimbursement.

The capital cost component of rates of payment for services provided for the period October 1, 2003 through March 31, 2004, for residential health care facilities that have been identified by the Commissioner as refinancing candidates shall reflect capital interest costs equivalent to the lower of prevailing market borrowing rates available on or about July 1, 2003, for refinancing capital mortgages for their remaining term plus two hundred basis points, or the existing rate being paid by the facility on its capital mortgage or mortgages as of that date. The Commissioner shall determine, in consultation with mortgage financing experts, the prevailing market borrowing rates available to not-for-profit and governmental residential health care facilities to refinance capital mortgages on a tax-exempt fixed rate

basis, and to proprietary residential health care facilities to refinance capital mortgages on a fixed rate basis, for this purpose. Exceptions to this policy shall be provided by the Commissioner to each such facility that demonstrates, prior to December 1, 2003, or thirty days after receipt of the Commissioner's written determination, whichever occurs later, that:

- a. it has initiated or completed the process of refinancing the mortgage or mortgages in question, in which case the capital cost component of rates of payment shall be timely revised to reflect capital interest costs associated with a refinanced mortgage that conforms to the standards outlined above. For this purpose, a facility that has applied for approval by the Commissioner, the State Hospital Review and Planning Council and/or the Public Health Council to refinance its existing mortgage debt as part of a larger project involving facility replacement, expansion, renovation or change of ownership is considered to have initiated the process of refinancing;
- b. it can not refinance its capital mortgage or mortgages to achieve the relevant present value cost benefit due to a "lock out" or similar provision in its current mortgage agreement that prevents refinancing; due to some other type of genuine refinancing obstacle, such as an inability of the facility to obtain credit approval from a lender or mortgagor insurer, or due to an intervening change in credit market conditions or other relevant circumstances, in which case the capital cost component of rates of payment shall continue to reflect the capital interest costs associated with the existing mortgage or mortgages, together with reasonable costs incurred in connection with the facility's attempt to refinance its existing mortgage debt.

The estimated annual aggregate decrease in Medicaid expenditures as a result of this state plan amendment is estimated to be \$34 million.

Copies of the proposed state plan amendments are on file in each local (county) social services district and are available for public review.

For the New York City district, copies are available at the following places:

New York County  
250 Church Street  
New York, New York 10018

Queens County, Queens Center  
3220 Northern Boulevard  
Long Island City, New York 11101

Kings County, Fulton Center  
114 Willoughby Street  
Brooklyn, New York 11201

Bronx County, Tremont Center  
1916 Monterey Avenue  
Bronx, New York 10457

Richmond County, Richmond Center  
95 Central Avenue, St. George  
Staten Island, New York 10301

The public is invited to review and comment on this proposed state plan amendment. For further information and to review and comment please contact: William Johnson, Department of Health, Division of Legal Affairs, Office of Regulatory Reform, Corning Tower, Rm. 2415, Empire State Plaza, Albany, NY 12237, (518) 473-7488, fax: (518) 486-4834, e-mail: regsqna@health.state.ny.us

## PUBLIC NOTICE

Department of State  
F-2003-0374

Date of Issuance - August 20, 2003

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program. The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at 41 State Street in Albany, New York.

**In F-2003-0374, The New York City Department of Environmental Protection of 59-17 Junction Boulevard, Flushing, NY 11373,** propose the demolition and subsequent replacement of deteriorating Piers 1 and 2 at the Tallman Island Water Pollution Control Plant. Pier 1 is oriented perpendicular to the shore and is approximately 46 feet in width and 300 feet in length. Pier 2 runs parallel to the shore and is approximately 32 feet in width and 350 feet in length. The new piers will occupy the same footprint as the existing piers and provide vehicular access to the sludge transfer/shipment operations occurring at Pier 4 and will be used to support the liquid sludge transfer and shipment operations at the Tallman Island Water Pollution Control Plant. Area lighting will be provided on both piers and navigational lighting will be provided in accordance with U.S. Coast Guard requirements. The stated purpose is to allow the emergency sludge marine transfer operation to continue. The project site is located on the East River in the College Point section of Queens, New York.

Any interested parties and/or agencies desiring to express their views concerning (**any of**) the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., **15 days from the date of publication of this notice, or September 4, 2003.**

Comments should be addressed to the Division of Coastal Resources and Waterfront Revitalization, New York State Department of State, 41 State Street, Albany, New York 12231. Telephone (518) 474-6000; Fax (518) 473-2464.

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

## PUBLIC NOTICE

Department of State  
F-2003-0561

Date of Issuance - August 20, 2003

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activity described below, which is subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program. The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at 41 State Street in Albany, New York.

**In F-2003-0561, NYS Office of Parks and Recreation, P.O. Box**

247, Babylon, NY 11702, proposes dredging a 100' wide channel; and placing compatible dredged sand on the adjacent eastern beach as beach nourishment and surplus dredge material in the approved upland disposal site. The project is located in Heckscher State Park in the boat basin and on the Great South Bay, Town of Islip, Suffolk County.

Any interested parties and/or agencies desiring to express their views concerning the above proposed activity may do so by filing their comments, in writing, no later than 4:30 p.m., **15 days from the date of publication of this notice, or September 4, 2003.**

Comments should be addressed to the Division of Coastal Resources and Waterfront Revitalization, New York State Department of State, 41 State Street, Albany, New York 12231. Telephone (518) 474-6000; Fax (518) 473-2464.

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

**SALE OF  
FOREST PRODUCTS  
NOTICE OF SALE  
Chenango Reforestation Area Nos. 18 and 21  
Contract No. X004733**

Pursuant to section 9-0505 of the Environmental Conservation Law, the Department of Environmental Conservation hereby gives public notice of the following:

Sealed bids for 805 tons more or less of red pine, 51 tons more or less of scotch pine, 0.5 MBF more or less of black cherry, 0.2 MBF more or less of white ash, 2 cords more or less of hardwood firewood, and 30 cords more or less of red pine located on Chenango Reforestation Area No. 21 and 18, Stand(s) A-41, 45 and D-39, will be accepted at the Department of Environmental Conservation, Contract Unit, 625 Broadway, Albany, NY 12233-5027 until 11:00 a.m., Thursday, Sept. 4, 2003.

*For further information (including billing) contact:* Robert Slavicek, Department of Environmental Conservation, Lands and Forests, 2715 State Hwy. 80, Sherburne, NY 13460-4507, (607) 674-4036

**SALE OF  
FOREST PRODUCTS  
NOTICE OF SALE  
Oneida Reforestation Area No. 7  
Contract No. X004687**

Pursuant to section 9-0505 of the Environmental Conservation Law, the Department of Environmental Conservation hereby gives public notice of the following:

Sealed bids for 22.6 MBF more or less of mixed hardwood and softwood sawtimber, and 287 cords more or less of firewood located on Oneida Reforestation Area No. 7, Stand(s) B-26, will be accepted at the Department of Environmental Conservation, Contract Unit, 625 Broadway, Albany, NY 12233-5027 until 11:00 a.m., Thursday, Sept. 4, 2003.

*For further information (including billing) contact:* Alan Brown, Department of Environmental Conservation, Lands and Forests, 225 N. Main St., P.O. Box 89, Herkimer, NY 13350-0089, (315) 866-6330

