

MISCELLANEOUS NOTICES/HEARINGS

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

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

Town of Brookhaven

Notice of Issuance of a Request for Proposals

Please take notice that the Town of Brookhaven shall make available at the Department of Purchasing, Third Floor, Town Hall, One Independence Hill, Farmingville, NY 11738 a Draft Request for Proposals (DRFP) issued pursuant to the provisions of New York State General Municipal Law §120-w for the operation of the Town of Brookhaven Materials Recovery Facility (MRF) located at the Town landfill complex, 350 Horseblock Road, Yaphank, NY. Copies of the DRFP shall be available to prospective proposers on and after July 26, 2006 for a **NON-REFUNDABLE** fee of \$75.00, payable by cash, check or money order to the Town of Brookhaven. Proposers are requested to register with the Department of Purchasing in order to receive all relevant communications and addenda concerning the DRFP. A copy of the DRFP will be filed with the Town Clerk, and additional copies will be made available to the general public free of charge, but no assurance can be given that further communications or addenda will be available to a recipient absent registration and payment of the fee.

In this DRFP, the Town seeks a qualified operator for its dual stream MRF for a term commencing on January 9, 2007 and extending for a term of five (5) years plus five (5) one (1) year option periods, or in the alternative a ten (10) year term. The MRF receives over 45,000 tons

of recyclable materials per year, including all of the designated recyclable materials generated within the Brookhaven Refuse and Recycling Improvement (BRR), a special district consisting of approximately 120,000 residential households, plus certain other recyclable materials received by agreement between Brookhaven and other municipalities, or between the operator and other generators. The operator will be required to process and market all recyclables delivered to the facility, and to abide by certain performance guarantees set forth in the DRFP.

The Town also requests proposers to submit their qualifications, together with preliminary design and cost estimates, for the conversion of the MRF to a single stream processing facility within the term of the contract. Further details as to the current operating configuration of the facility are set forth in the DRFP.

Written comment on the DRFP will be accepted by the Town through September 26, 2006, unless otherwise extended. Comments should be directed to Commissioner John Kowalchuk, Department of Waste Management, One Independence Hill, Farmingville, NY 11738. A Comments Conference for proposers and the general public will be held on August 28, 2006 at the Landfill Complex 350 Horseblock Road, Yaphank, NY at 11:00 a.m. for the purpose of providing proposers with an opportunity to raise questions and make suggestions regarding the DRFP. The Town's MRF will be available for inspection on the day of the Comments Conference and a tour will be conducted immediately following the Conference. Attendance at the Comments Conference is recommended, but not mandatory. The Town will issue a Final Request for Proposals no earlier than ten days after the close of the comment period. Receipt of final proposals is anticipated to be November 1, 2006.

The Town of Brookhaven reserves the right to reject and declare invalid any or all proposals and to waive any informalities or irregularities in the proposals received, all in the best interests of the Town.

The Town of Brookhaven encourages minorities and women-owned business to participate in the procurement process.

Anthony DeMaio, Director
Department of Purchasing
Town of Brookhaven

PUBLIC NOTICE

Department of Environmental Conservation

Pursuant to subdivision 5 of Section 23-1101 of the Environmental Conservation Law, the New York State Department of Environmental Conservation hereby gives public notice of the following:

The Department has determined that public bids for the leasing of parcels of State land totaling 11.80 acres underlying State Route 34 in the Town of Van Etten, Chemung County, New York, for oil and natural gas production is unreasonable and impracticable.

The Department intends to lease such lands to Fortuna Energy, Inc. for such purpose.

For further information, contact: Charles Gilchrist, Department of Environmental Conservation, Division of Mineral Resources, 625 Broadway, 3rd Fl., Albany, NY 12233-6500, (518) 402-8056

PUBLIC NOTICE

Department of Health

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

The Department of Health ("the Department") proposes to amend the Title XIX Medicaid State Plan to supplement the amount paid by the Medicaid program to ambulance providers. Effective July 1, 2006, an annual "emergency medical transportation service supplemental medical assistance payment" shall be made quarterly to ambulance providers in an aggregate amount based upon state fiscal year data.

For each ambulance provider that receives a medical assistance payment, the Department shall determine the ratio of such provider's State-processed reimbursements to the total such reimbursements made during each quarter of the applicable calendar year, expressed as a percentage. The Department shall multiply the percentage of medical assistance reimbursements made to each ambulance provider by the aggregate amount. The result of such calculation shall represent the "emergency medical transportation service supplemental payment" and shall be paid expeditiously to such provider on a quarterly basis.

The Department shall pay one hundred per centum of the non-federal share of any payments made as a result of this amendment to the State Plan.

Providing the State receives Federal financial participation, the aggregate amount will be \$3.0 million dollars statewide for 2006 and \$6.0 million in 2007. The amount to be disbursed to providers whose area of operation is within the City of New York will be twenty-five percent of the applicable aggregate amount, with the remaining seventy-five percent to be disbursed to all other ambulance providers.

The supplemental payments will result in an annual cost to the State's Medicaid Program of \$2.0 million in 2006 and \$3.0 million in 2007.

Copies of the proposed state plan amendment 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 or to review and comment on this proposed state plan amendment, please contact or write: William Johnson, De-

partment 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: regsqa@health.state.ny.us

PUBLIC NOTICE

Department of Health

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

The Department of Health intends to amend the Title XIX (Medicaid) State Plan for inpatient hospital, long-term care and non-institutional services to comply with recently enacted statutory provisions: Inpatient Services:

- For services on and after April 1, 2006, the Commissioner of Health will establish the reimbursable operating cost component for general hospital inpatient rates by applying a trend factor projection of 2.25% attributable to the period January 1, 2006 through December 31, 2006. Upon reconciliation, such trend factor shall be the final U.S. Consumer Price Index (CPI) for all Urban Consumers, as published by the U.S. Department of Labor, Bureau of Labor Statistics less 0.25%. This represents a clarification from the previously noticed (March 29, 2006) provision that eliminated such trend factor.

Long Term Care Services:

- The current authority to reimburse residential health care facilities, for the Medicaid share of the assessment on each facility's gross receipts received from all patient care services and other operating income on a cash basis, excluding gross receipts attributable to payments received from Medicare, is extended through March 31, 2009. The assessment will remain at six percent.

- For services on and after April 1, 2006, the Commissioner of Health will establish the reimbursable operating cost component for RHCFS rates by applying a trend factor projection of 2.25% attributable to the period January 1, 2006 through December 31, 2006. Upon reconciliation, such trend factor shall be the final U.S. Consumer Price Index (CPI) for all Urban Consumers, as published by the U.S. Department of Labor, Bureau of Labor Statistics less 0.25%. This represents a clarification from the previously noticed (March 29, 2006) provision that eliminated such trend factor.

- Continues effective April 1, 2006 through December 31, 2006, certain cost containment initiatives currently in effect for rates of payment for RHCFS. These are as follows: annual aggregate reduction of \$56M to encourage improved productivity and efficiency and RHCFS administrative fiscal services reimbursement limits including the provisions to address RHCFS with low patient acuity levels. This represents a clarification from the previously noticed (March 29, 2006) provisions.

Non-Institutional Services:

- Effective for the period January 1, 2007 through December 31, 2007, the maximum payment for the operating cost component of emergency department rates shall be \$125 per visit. For the period January 1, 2008 through December 31, 2008, the maximum payment for the operating component shall be \$140 per visit, and for the period January 1, 2009 through December 2009 and for each calendar year thereafter, the maximum payment for the operating component shall be \$150 per visit.

- Effective for rate periods on and after August 1, 2006, medical assistance rates of payment to residential health care facilities and diagnostic treatment centers licensed under Article 28 of the Public Health Law for adult day health care services provided to registrants with Acquired Immunodeficiency Syndrome (AIDS) or other human immunodeficiency virus (HIV) related illnesses, shall be increased by an aggregate amount of \$2.8 million annually. Such amount shall be allocated proportionally among such providers based on the Medicaid

visits reported by each provider in the most recently available cost report submitted to the Department of Health. Such allocated amounts will be included as an adjustment to each provider's daily rate of payment for such services.

- Effective for the period August 1, 2006 through December 31, 2006, the aggregate dollars available for the recruitment and retention adjustment to medical assistance rates of payments for services provided to providers of personal care services located in cities within the state which have populations in excess of one million persons, will be increased by \$4 million.

- The Commissioner of Health will make supplemental payments in the aggregate of \$19,648,000 to qualified freestanding diagnostic and treatment centers, for the period October 1, 2006 through December 31, 2006, to reflect additional costs associated with the transition to a managed care environment. Such payments will be paid to qualified providers as defined in paragraph (a) of subdivision two of §364-j-2 of the Social Service Law per the payment methodology specified in the current approved State Plan.

- The Commissioner of Health will make supplemental payments in the aggregate of \$448,000 for the period October 1, 2006 through December 31, 2006, to freestanding facilities that are sponsored by a university or dental school certified under Article 28 of the Public Health Law, and which provide dental services as its principal mission. Such payments will be paid per the payment methodology specified in the current approved State Plan.

- For services on and after April 1, 2006, the Commissioner of Health will establish the reimbursable operating costs component for general hospital outpatient rates and rates for adult day health care services provided by nursing homes, by applying a trend factor projection of 2.25% attributable to the period January 1, 2006 through December 31, 2006. Upon reconciliation, such trend factor shall be the final U.S. Consumer Price Index (CPI) for all Urban Consumers, as published by the U.S. Department of Labor, Bureau of Labor Statistics less 0.25%. This represents a clarification from the previously noticed (March 29, 2006) provision that eliminated such trend factor.

- For adult day health care services provided by RHCFS, effective April 1, 2007 and thereafter, the operating component of the rates for ADHC programs which achieve an occupancy of 90% or greater for a calendar year prior to April 1, 2007, will be calculated using allowable costs for 2004, 2005 or 2006, whichever is the earliest calendar year of achieving the 90% occupancy, except that for programs receiving rates of payment based on allowable costs for a period prior to April 1, 2007, the rates will remain based on that period.

For ADHC programs, which achieve 90% or greater occupancy prior to calendar year 2004, but did not maintain the 90% occupancy in 2004, 2005 or 2006, the operating component of the rates will be calculated using allowable costs for calendar year 2004, divided by visits imputed at 90% occupancy.

For ADHC programs which have not achieved 90% or greater occupancy for a calendar year prior to April 1, 2007, the operating component will be calculated using allowable costs from the first calendar year after 2006 in which 90% or greater occupancy is achieved, effective January 1, of such year, except for 2007 where the effective date will be no earlier than April 1. If the program has not achieved 90% or greater occupancy by January 1, 2009, the operating component of the ADHC rate effective for 2009, will be calculated using the allowable costs from the 2009 cost report, divided by actual visits or imputed at 90% occupancy, whichever is greater.

- For new ADHC programs approved for operation by a RHCFS on or after April 1, 2007, the payment rates will be calculated based on annual budgeted allowable costs and estimated visits of no less than 90% of the licensed occupancy. Multiple ADHC programs operated by the same RHCFS will be required to submit a separate budget and will have separate rates. The budget-based rates will be in effect for no longer than

two calendar years from either the date of commencing operations, or the date the sponsoring RHCFS submits a full calendar year cost report in which the ADHC achieves 90% occupancy, whichever is earlier. If such a cost report is submitted within two years of commencing operations, the rates will be calculated using that report. In the event that the ADHC program fails to achieve 90% or greater occupancy within two calendar years, the rate will be calculated utilizing allowable costs reported for the second calendar year divided by visits imputed at 90% occupancy.

- Effective January 1, 2008, the rates of payment for adult day health care services operated by RHCFS will not include the costs of transportation.

- Effective April 1, 2007 and thereafter, the maximum daily rate of payment for ADHC services provided by RHCFS that undergo a change of ownership subsequent to 1990, will be determined using the RHCFS inpatient rate of the prior operator as in effect as of January 1, 1990. In the event a RHCFS establishes an off-site ADHC program outside the regional input price adjustment region in which it is located, the computation of the maximum daily rate of payment for such program will be the weighted average of the inpatient rates of payment for RHCFS in the region in which the program is located, as in effect on January 1, 1990, in place of the sponsoring RHCFS's inpatient rate of payment.

- The previously noticed (May 31, 2006) provision relating to the adjustment of rates of payment in an amount up to an aggregate of \$16 million for certified home health agencies, long term home care programs, AIDS home care programs, and providers of personal care and/or private duty nurses services located in social service districts which do not include a city with a population over 1 million persons is being clarified to state that such rate adjustments will be in the form of a uniform percentage add-on to the rates based on the proportion of total allocated adjustment dollars to the total Medicaid expenditures for services provided by all eligible providers.

- The previously noticed (May 31, 2006) provision relating to the adjustment of rates of payment for certified home health agencies, long term home care programs, AIDS home care programs, hospice programs, and any other direct care services programs, for the purpose of improving recruitment, training and retention of home health aides and other direct care services provided to Medicaid patients is being clarified to state that the amounts available for rate adjustments will be allocated proportionally based on each provider's total annual hours of service provided to Medicaid beneficiaries, as reported in the provider's most recent cost report submitted to the Department prior to November 1, 2005, or for managed long term care programs, a suitable proxy developed by the Department of Health in consultation with interested parties, to the total of such hours for all eligible providers.

The estimated annual net aggregate increase in gross Medicaid expenditures attributable to these provisions for State fiscal year 2006/2007 is \$2.0 million.

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

For the New York City district, copies will be 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 these proposed state plan amendments.

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: regsqa@health.state.ny.us

PUBLIC NOTICE

City of New York
Office of Labor Relations

The City of New York Office of Labor Relations (OLR) is seeking proposals from qualified vendors to provide investment management services for a Global Socially Responsible Fund for the City of New York Deferred Compensation Plan. The Request for Proposals will be available beginning on Monday, July 31, 2006. Responses are due no later than 4:30 p.m. Eastern Time on Tuesday, September 12, 2006. To obtain a copy of the RFP, please visit the Plan's web site at <http://nyc.gov/html/olr/html/requests/rfp.shtml>

If you have any questions, please submit them by fax to Georgette Gestely, Director, at (212) 306-7376.

PUBLIC NOTICE

Department of State
F-2006-0258
Date of Issuance - July 26, 2006

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-2006-0258, David Dengler has requested authorization from the United States Army Corps of Engineers/Buffalo District to construct a 250-foot rip-rap revetment at the base of the bluff on the shoreline of Lake Ontario, at 132 South Rainbow Shore Road, in the Town of Richland, Oswego County. The activity is proposed in order to control erosion. The proposed activity would be undertaken in a State designated Coastal Erosion Hazard Area (CEHA), designated in accordance with Article 34 of the State Environmental Conservation Law and its implementing regulations in 6 NYCRR Part 505 (see 6 NYCRR Part 505.2(o) for definition of a Coastal Erosion Hazard Area). The designated erosion hazard area is a "Natural Protective Feature Area" delineated on the official New York State Department of Environmental Conservation Coastal Erosion Hazard Area Map Photo Number 402-828-79, sheet 6. The proposed activity involves the excavation and construction of the bluff which is a designated Natural Protective Feature.

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., 30 days from the date of publication of this notice, or August 25, 2006.

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 Taxation and Finance
Tax Law Section 1111 Annual Adjustment
Calculation on the Base Retail Price on Cigarettes

Pursuant to the provisions of section 1111(j)(2) of the Tax Law, the Commissioner of Taxation and Finance is required to give public notice of the base retail price adjustment calculation and the resulting base retail price of cigarettes for purposes of establishing the prepaid sales tax on cigarettes imposed by section 1103 of the Tax Law. Section 1111 (j) of the Tax Law was amended by Chapter 85 of the Laws of 2002 to provide that the base retail price of cigarettes shall be adjusted each year by a factor based upon the manufacturers' list price for a carton of standard brand cigarettes. There is no base retail price adjustment for the period September 1, 2006, through August 31, 2007. The base retail prices of cigarettes effective September 1, 2006, remain as follows:

Package of twenty (20) cigarettes: \$5.161
For each additional five (5) cigarettes: \$1.290

The base retail price is adjusted annually, to take effect the first day of September.

For further information, including rates for previous periods, contact: Michael Parada, Technical Services Division, Department of Taxation and Finance, State Campus, Albany, NY 12227, (518) 457-0346

SALE OF FOREST PRODUCTS

NOTICE OF SALE

Cortland Reforestation Area No. 8
Contract No. X006165

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 134.4 MBF more or less of sawtimber; 875 tons more or less of pine sawtimber; and 140 cords more or less of pulpwood located on Cortland Reforestation Area No. 8, Stand(s) A-6, 7, 8, 9, 10 will be accepted at the Department of Environmental Conservation, Contract Unit, 625 Broadway, 10th Floor, Albany, New York 12233-5027 until 11:00 a.m., Thursday, Aug. 10, 2006.

For further information (including billing) contact: Mark Zubal, Forester 1, Department of Environmental Conservation, Division of Lands and Forests, Region 7, 1285 Fisher Ave., Cortland, NY 13045-1090, (607) 753-3095

SALE OF FOREST PRODUCTS

NOTICE OF SALE

Delaware Reforestation Area No. 4
Contract No. X006125

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 60.5 MBF more or less of Oak and hardwood sawtimber, 2.3 MBF more or less of hemlock sawtimber and 10 cords more or less hardwood firewood located on Delaware Reforestation Area No. 4, Stand(s) B-20 will be accepted at the Department of Environmental Conservation, Bureau of Procurement & Expenditure Services, 625 Broadway, 10th Floor, Albany, New York 12233-5027 until 11:00 a.m., Thursday, Aug. 10, 2006.

For further information, contact: Ben Peters, Senior Forester, Department of Environmental Conservation, Division of Lands and Forests, Region 4, 65561 State Hwy. 10, Suite 1, Stamford, NY 12167-9503, (607) 652-7365

SALE OF FOREST PRODUCTS

NOTICE OF SALE

Delaware Reforestation Area No. 5

Contract No. X006071

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 141.7 MBF more or less of red pine sawtimber, 153.4 BF more or less of spruce sawtimber, 6.4 MBF more or less of mixed hardwood sawtimber, 23.8 cords more or less of softwood pulp, and 12 cords more or less hardwood firewood located on Delaware Reforestation Area No. 5, Stand(s) A-8, B-26 will be accepted at the Department of Environmental Conservation, Bureau of Procurement & Expenditure Services, 625 Broadway, 10th Floor, Albany, New York 12233-5027 until 11:00 a.m., Thursday, June 8, 2006.

For further information, contact: Ben Peters, Senior Forester, Department of Environmental Conservation, Division of Lands and Forests, Region 4, 65561 State Hwy. 10, Suite 1, Stamford, NY 12167-9503, (607) 652-7365

