

# 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

### Glens Falls Hospital

Glens Falls Hospital will be utilizing these funds for construction of a new facility for the Greenwich Family Health Center for primary care services. This project will be funded under Section 2807-c(19) of the Public Health Law, under which the Commissioner of Health has the authority to award non-competitive grants.

*Contact:* Muriel Dempsey, Director, Grants Clearinghouse, Department of Health, 433 River St., 5<sup>th</sup> Fl., Troy, NY 12180, (518) 402-1068

## 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 Hospital Services:

- Effective on and after June 1, 2006, if a hospital entitled to an adjustment to Medicaid rates of payments for the purpose of

recruitment, training and retention, closes or experiences a change in status which eliminates their ability to continue to receive such adjustments, the Commissioner will reallocate the effected hospital's adjustment amount to hospitals within the immediate region of the closed hospital. The reallocation will be based on a ratio of the remaining hospitals reported gross salary and fringe benefit costs as reported on their 2004 Institutional Cost Report submitted as of November 1, 2005, to the total of such reported costs for all the hospitals within the region. The Commissioner will define the immediate region as the county or counties within which workers displaced from the closing hospital are likely to seek re-employment.

- Payments made to non-public hospitals for the purposes of recruitment and retention of health care workers may be added to rates of payment or made as aggregate payments to eligible general hospitals.

### Long Term Care Services:

- The current maximum aggregate funding, on an annualized basis, for adjustments to Medicaid rates of payment for non-public residential health care facilities to support demonstration projects to improve the quality of care for nursing home residents through the increase or improvement of direct care staff will be increased by up to \$46.875 million for the period June 1, 2006 through December 31, 2006, and increased by up to \$46.875 million for the period January 1, 2007 through June 30, 2007.

The Commissioner will not issue any new requests for proposals for the demonstration project after December 31, 2004, and all awards for subsequent periods will be distributed on the same proportional basis as the most recent available distribution. Awards subsequent to December 31, 2004, may be used by the RHCFS for any of the purposes previously listed in subdivision 2 of §2808-d of the Public Health Law.

### Non-Institutional Services:

- Effective June 1, 2006, the Commissioner will make additional payments for uncompensated care to voluntary non-profit D&TCs that are eligible for distributions under subdivision 4-a of §2807-p of the Public Health Law in the following amounts: for the period June 1, 2006 through December 31, 2006, \$15 million in aggregate, and for the period January 1, 2007 through June 30, 2007, \$7.5 million. The amounts will be allocated in accordance with the previously noticed and approved methodology for D&TC uncompensated care rate adjustments. Payments may be made as rate adjustments or as aggregate amounts.
- Effective June 1, 2006, the Commissioner will adjust the rates of payment for certified home health agencies, long term home care programs, AIDS home care programs, hospice programs, and managed long term care programs, for the purpose of improving recruitment, training and retention of home health aides and other direct patient care personnel. The aggregate amounts for the adjustments are: for the period June 1, 2006 through December 31,

2006, \$50 million, and for the period January 1, 2007 through June 30, 2007, \$50 million. The amounts available for rate adjustments will be allocated proportionally based on each provider's total annual hours of service, as reported in the provider's latest annual 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 all such hours for all eligible providers.

Programs that receive this rate adjustment must use the funds solely for recruitment, training and retention of non-supervisory home care services workers or other personnel with direct patient care responsibility. Each agency must submit, at a time and in a manner determined by the Commissioner, a written certification attesting that the funds will be used solely for this purpose. The Commissioner is authorized to audit each agency or program to ensure compliance, and will recoup any funds determined to have been used for any other purpose. Any recoupment of funds may be in addition to any other penalties provided for by State statute.

- Effective June 1, 2006, the Commissioner will adjust the rates of payment for certified home health agencies, long term home care programs, AIDS home care programs, and providers of personal care and/or private duty nursing services located in social service districts which do not include a city with a population over 1 million persons, for the purposes of enhancing the provision, accessibility, quality and/or efficiency of home care services and assisting the providers in meeting the cost of:
  - » Increased use of technology in the delivery of services, including telehealth and clinical and administrative management information system;
  - » Specialty training of direct service personnel in dementia care, pediatric care and/or the care of other conditions or populations with complex needs;
  - » Increased auto and travel expenses associated with rising fuel prices, including the increased cost of providing services in remote areas;
  - » Providing enhanced access to care for high need populations; and/or
  - » Such other purposes related to the provision of quality, accessible home care services as the Commissioner may deem appropriate.

These rates of payment will be increased up to an aggregate amount of \$16 million for the period June 1, 2006 through March 31, 2007.

- Effective October 1, 2006 and April 1 of each subsequent state fiscal year, rates of payment for early intervention and prenatal care assistance services will receive an annual cost of living adjustment (COLA). The COLA will be based on the most recent estimate of the budget year's U.S. Consumer Price Index (CPI) for all Urban Consumers published in the Congressional Budget Office Economic and Budget Outlook, after June 1 of the budget year prior to the year for which rates of payment are being developed. The CPI shall be reconciled to the final CPI for all Urban Consumers published by the U.S. Department of Labor, Bureau of Labor Statistics, for the particular rate year and any difference will be included as an adjustment in the next prospective COLA.
- Effective on and after October 1, 2006 through December 31, 2009, rates of payment for adult day health care services provided to persons with AIDS or other HIV related illnesses, shall reflect trend factor adjustments based on the previously approved and noticed methodology based on the use of the Federal CPI for Urban Consumers.

The estimated annual net aggregate increase in gross Medicaid expenditures attributable to these proposed initiatives for state fiscal year 2006/2007 is \$185.2 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

### Town of Hempstead Sanitary District Number Two

The Sanitary District Number Two is soliciting proposals from Administrative Service Agencies, Trustees, and Financial Organizations for services in connection with a Deferred Compensation Plan that will meet the requirements of Section 457 of the Internal Revenue Service Code and Section 5, of the State Finance Law, including all rules and regulations issued pursuant thereto.

A copy of the proposal questionnaire may be obtained from Robert Noble, Secretary to the Board, Sanitary District Number Two, 2080 Grand Avenue, Baldwin, New York 11510-2951

All proposals must be submitted not later than 30 days from the date of publication in the *New York State Register*.

## PUBLIC NOTICE

### Department of Taxation and Finance Interest Rates

Pursuant to the provisions of subsection (j) of section 697 of the Tax Law, the Commissioner of Taxation and Finance hereby sets the overpayment rate of interest for the purposes of said subsection for the months of July, August, and September 2006 at 7 percent per annum; and sets the underpayment rate of interest for the purposes of said subsection for the months of July, August, and September 2006 at 9 percent per annum. These rates are applicable to the New York State personal income tax (Article 22 of the Tax Law - except for rates of interest payable by or to an employer with respect to income taxes required to be withheld and paid over by the employer pursuant to Part V of such Article 22), unincorporated business income tax (Article 23 of the Tax Law), estate tax (Article 26 of the Tax Law), gift tax (Article 26-A of the Tax Law), generation-skipping transfer tax (Article 26-B of the Tax Law), the New York City resident income tax

(Article 30 of the Tax Law, Chapter 17 of the New York City Administrative Code), the New York City nonresident earnings tax (Article 2-E of the General City Law, Chapter 19 of the New York City Administrative Code), the City of Yonkers resident income tax surcharge (Article 30-A of the Tax Law, Article IX of the Codes and Ordinances of the City of Yonkers) and the City of Yonkers nonresident earnings tax (Article 30-B of the Tax Law, Article X of the Codes and Ordinances of the City of Yonkers).

Pursuant to the provisions of subsection (e) of section 1096 of the Tax Law, the Commissioner of Taxation and Finance hereby sets the overpayment rate of interest for the purposes of said subsection for the months of July, August and September 2006 at 7 percent per annum; and sets the underpayment rate of interest for the purposes of said subsection for the months of July, August and September 2006 at 10 percent per annum. These rates are applicable to the New York State corporation tax (Article 9 of the Tax Law), franchise tax on business corporations (Article 9-A of the Tax Law), franchise tax on state banks, trust companies, financial corporations and tax on savings and loan associations (Article 9-B of the Tax Law), tax on national banking associations and production credit associations (Article 9-C of the Tax Law), motor fuel and diesel motor fuel taxes (Article 12-A of the Tax Law), unrelated business income tax (Article 13 of the Tax Law), petroleum businesses tax (Article 13-A of the Tax Law), taxes on alcoholic beverages (Article 18 of the Tax Law), tax on beverage containers (Article 18-A of the Tax Law), taxes on boxing and wrestling exhibitions (Article 19 of the Tax Law), tax on cigarettes and tobacco products (Article 20 of the Tax Law), highway use tax (Article 21 of the Tax Law), interest payable by or to an employer with respect to income taxes required to be withheld and paid over by the employer pursuant to Part V of Article 22 of the Tax Law, tax on lubricating oil (Article 24 of the Tax Law), State and local sales and use taxes administered by the Commissioner of Taxation and Finance (Articles 28 and 29 of the Tax Law), special tax on passenger car rentals (Article 28-A of the Tax Law), real estate transfer tax (Article 31 of the Tax Law), tax on gains from real property transfers (Article 31-B of the Tax Law), franchise tax on banking corporations (Article 32 of the Tax Law), franchise taxes on insurance corporations (Article 33 of the Tax Law), tax on independently procured insurance (Article 33-A of the Tax Law), the special assessments on hazardous waste (section 27-0923 of the Environmental Conservation Law), waste tire management and recycling fee (section 27-1913 of the Environmental Conservation Law), and underpayments or overpayments of the mortgage recording tax (Article 11 of the Tax Law) in cities having a population of one million or more.

No underpayment rate set hereby shall be less than 6 percent per annum. The underpayment rate for taxes on beverage containers and for State and local sales and use taxes administered by the Commissioner of Taxation and Finance shall not be less than 14 percent per annum and the underpayment rate for taxes on lubricating oil shall not be less than 12 percent per annum. The underpayment rate for the special assessments on hazardous waste imposed by section 27-0923 of the Environmental Conservation Law shall be 15 percent.

*For further information, including rates for previous periods, contact:* Marilyn Kaltenborn, Director, Technical Services Division, Department of Taxation and Finance, Bldg. 9, State Campus, Albany, NY 12227, (518) 457-1153, e-mail: Marilyn.Kaltenborn@tax.state.ny.us

## PUBLIC NOTICE

### Uniform Code Regional Boards of Review

Pursuant to 19 NYCRR 1205, the petitions below have been received by the Department of State for action by the Uniform Code Regional Boards of Review. Unless otherwise indicated, they involve

requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Roy Scott, Codes Division, Department of State, 41 State Street, Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2006-0277 Matter of William and Eleanor Ayers, P.O. Box 154, Ruby, NY 12475 for variances concerning building safety requirements regarding the construction of a building.

Involved is the construction of a single-family home in the Town of Ulster, County of Ulster, State of New York.

2006-0312 Matter of Margaret O'Halloran, 102 Georgia Avenue, Long Beach, NY 11561 for an appeal and/or variances concerning fire-safety requirements, including minimum ceiling height dimensions.

Involved is the alteration of an existing one-family dwelling of frame construction, located at 102 Georgia Avenue, City of Long Beach, County of Nassau, State of New York.

2006-0313 Matter of Tom Powers, 20 East Penn Street, Long Beach, NY 11561 for an appeal and or variances concerning fire-safety requirements, including the need to install a sprinkler system in a three-story building.

Involved is the addition to an existing one-family dwelling of frame construction, located at 205 E. Penn Street, City of Long Beach, County of Nassau, State of New York.

2006-0349 Matter of Charles & Stacy Comiskey, 55 Magnolia Avenue, Garden City, NY 11530 for an appeal and/or variances concerning fire-safety requirements, including the need to install a sprinkler system in a three-story building.

Involved is the addition to an existing one-family dwelling of frame construction, located at 55 Magnolia Avenue, Incorporated Village of Garden City, County of Nassau, State of New York.

2006-0352 Matter of Christopher J. Bond, PE, for Hunt Engineers, Architects & Land Surveyors, PC, Airport Corporate Park, 100 Hunt Center, Horseheads, NY 14845, for a variance concerning fire safety requirements, including relief from requirements to provide required sprinkler protection. The building is classified as a mixed use of B (Business occupancy) office A3 (Assembly occupancy) grandstand, one story in height of Type IIb (unprotected noncombustible) construction, and is located at Watkins Glen International Speedway, 2790 County Road 16 in the Town of Dix, Schuyler County, State of New York.

2006-0364 Matter of Jon and Leslie Bailey, P.O. Box 244, Old Forge, NY 13402 for a variance to allow a wood frame building more than two stories in height, to allow a spiral stairway as a means of egress, and emergency egress requirements in accordance with Title 9 of the New York State Uniform Fire Prevention and Building Code

Involved is a two-family dwelling located at 200 Fulton House Way, Town of Webb, County of Herkimer, State of New York.

2006-0368 Matter of Richard Krause, P.O. Box 480, Shelter Island, NY 11964 for an appeal and/ or variances concerning fire-safety requirements, including building area and exiting limitations.

Involved is the alteration of an existing Airplane Hanger, located at Daniels Hole Road, East Hampton, County of Suffolk, State of New York.

2006-0369 Matter of Mark McAvoy, One Seacrest Drive, Huntington, NY 11743 for an appeal and/or variances concerning fire-safety requirements, including minimum ceiling height dimensions.

Involved is the alteration of an existing one-family dwelling of frame construction, located at 27 East 23rd Street, Huntington, County of Suffolk, State of New York.

2006-0370 Matter of Harrison Bridges & Associates, Trevor Harrison, 16 South Main Street, Pittsford, NY 14534, for a variance concerning safety requirements, including stair enclosure requirements in Allen Hall, a building located on State Street, Village of Alfred, County of Allegany, State of New York.

SALE OF  
FOREST PRODUCTS

NOTICE OF SALE

Otsego Reforestation Area No. 3

Contract No. X006121

Pursuant to Section 9-0505 of the Environmental Conservation Law, the NYS Department of Environmental Conservation hereby gives Public Notice for the following Sale of Forest Products:

Sealed bids for 52 cords more or less of miscellaneous softwood pulpwood, 98.3 MBF more or less of softwood sawtimber, 1.3 MBF more or less of hardwood sawtimber, and 14 cords more or less of miscellaneous hardwood firewood located on Otsego Reforestation Area No. 3, Stand(s) A-5, will be accepted at the Department of Environmental Conservation, Bureau of Procurement and Expenditure Services, 625 Broadway, 10th Floor, Albany, New York 12233-5027 until 11:00 a.m., Thursday, June 15, 2006.

*For further information, contact:* Paul Wenner, 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