

# 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](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

### Office of Alcoholism and Substance Abuse Services

The New York State Office of Alcoholism and Substance Abuse Services (OASAS) hereby gives notice, pursuant to Section 1941 of the Public Health Service Act, of the opportunity for public review of the "Federal Substance Abuse Prevention and Treatment Block Grant – Federal Fiscal Year (FFY) 2009 Annual Synar Report" (Synar Report), which describes New York State's compliance with Federal requirements regarding the sale of tobacco products to youth under the age of 18.

A draft of the Annual Synar Report is available for public review and comment by entering the username NY\_citizen at: <https://bgas.samhsa.gov/synar2009/>. The password is Albany!241565.

The period of review will be from September 24, 2008 through October 1, 2008.

*Questions and comments may be directed to:* Terrence Jackson, Office of Alcoholism and Substance Abuse Services, 1450 Western Ave., Albany, NY 12203-3526, (518) 485-2175, [TerryJackson@OASAS.state.ny.us](mailto:TerryJackson@OASAS.state.ny.us)

## PUBLIC NOTICE

### Department of Civil Service

PURSUANT to the Open Meetings Law, the New York State Civil Service Commission hereby gives public notice of the following:

Please take notice that the regular monthly meeting of the State Civil Service Commission for September 2008 will be conducted on October 7 commencing at 9:30 a.m. and October 8 at 9:30 a.m. This meeting will be conducted at New York Network, Suite 146, South Concourse, Empire State Plaza, Albany, NY. Directions and parking information available at ([www.nyn.suny.edu](http://www.nyn.suny.edu)).

*For further information, contact:* Office of Commission Operations, Department of Civil Service, Alfred E. Smith State Office Bldg., Albany, NY 12239, (518) 473-6598

## PUBLIC NOTICE

### Deferred Compensation Board

Pursuant to the provisions of 9 NYCRR, Section 9003.2 authorized by Section 5 of the State Finance Law, the New York State Deferred Compensation Board, beginning Monday, September 22, 2008 is soliciting proposals from Financial Organizations to provide socially responsible moderate allocation/balanced no load mutual funds (or load funds in which the fees will be waived). The fund would represent one of the investment options under the Deferred Compensation Plan for Employees of the State of New York and Other Participating Public Jurisdictions, a plan meeting the requirements of Section 457 of the Internal Revenue Code and Section 5 of the State Finance Law, including all rules and regulations issued pursuant thereto. A copy of the request for proposals may be obtained from Linda F. Schlissel, Senior Consultant, Evaluation Associates, 200 Connecticut Avenue, Suite 700, Norwalk, CT 06854-1958, (203) 855-2260. All proposals must be received no later than the close of business on Friday, October 24, 2008.

## 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 April 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 fiscal year data.

For each ambulance provider that receives medical assistance payments, the Department shall determine the ratio of such provider's State-processed reimbursements to the total such reimbursements made during each quarter of the 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 five million six hundred and forty thousand dollars statewide in 2008-09. 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 of up to \$2.82 million to the State's Medicaid Program in 2008-09.

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:* Timothy Perry-Coon, Office of Health Insurance Programs, Department of Health, One Commerce Plaza, Suite 720, Albany, NY 12210, (518) 474-5187, (518) 473-5884 FAX, e-mail: MEDTRANS@health.state.ny.us

## 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 inpatient hospital services to comply with a recent federal ruling set forth by the Centers for Medicare and Medicaid Services. The following provides notification of new significant changes.

### Inpatient Hospital Services

In order to emphasize patient quality and safety, the New York State Medicaid program will deny reimbursement on fourteen "never events." "Never events" are avoidable hospital complications and medical errors that are identifiable, preventable, and serious in their consequences to patients. Effective October 1, 2008, the following avoidable hospital conditions have been identified, by New York State Medicaid, as non-reimbursable:

- Surgery performed on the wrong body part
- Surgery performed on the wrong patient
- Wrong surgical procedure on a patient
- Foreign object inadvertently left in patient after surgery
- Medication error
- Air embolism
- Blood incompatibility
- Patient disability from electric shock
- Patient disability from use of contaminated drugs
- Patient disability from wrong function of a device
- Incidents whereby a line designated for oxygen intended for patient is wrong item or contaminated
  - Patient disability from burns
  - Patient disability from failure to identify and treat hyperbilirubinemia (bilirubin in blood) in newborns
  - Patient disability from use of restraints or bedrails

Hospitals receiving payment under New York State Medicaid will be required to provide information on each admission that will designate which complications were present on admission, and which ones occurred during or as a result of hospital care.

Hospitals will be responsible for ensuring that the cost of care associated with these events are not billed to Medicaid, and for reversing or making adjustments to submitted claims should the hospital discover that a claim was submitted in error. The Medicaid claim payment system, also known as eMedNY, will be modified to prevent reimbursement for these events should a hospital submit a claim in error.

The estimated annual net aggregate decrease in gross Medicaid expenditures attributable to this proposed initiative for state fiscal year 2008/2009 is \$700,000.

Copies of the proposed state plan amendment 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 this proposed state plan amendment.

*For further information and to review and comment, please contact:* Philip N. Mossman, Department of Health, Bureau of HCRA Operations & Financial Analysis, Corning Tower Bldg., Rm. 984, Empire State Plaza, Albany, NY 12237, (518) 473-8822, (518) 486-5796 (FAX), e-mail: PNM01@health.state.ny.us

## PUBLIC NOTICE

Department of State  
*Proclamation*

### Revoking Limited Liability Partnerships

**WHEREAS**, Article 8-B of the Partnership Law, requires registered limited liability partnerships and New York registered foreign limited liability partnerships to furnish the Department of State with a statement every five years updating specified information, and

**WHEREAS**, the following registered limited liability partnerships and New York registered foreign limited liability partnerships have not furnished the department with the required statement, and

**WHEREAS**, such registered limited liability partnerships and New York registered foreign limited liability partnerships have been provided with 60 days notice of this action;

**NOW, THEREFORE**, I, Lorraine A. Cortés-Vázquez, Secretary of State of the State of New York, do declare and proclaim that the registrations of the following registered limited liability partnerships

are hereby revoked and the status of the following New York foreign limited liability partnerships are hereby revoked pursuant to the provisions of Article 8-B of the Partnership Law, as amended:

DOMESTIC REGISTERED LIMITED LIABILITY PARTNERSHIPS

- A
- ABBERLEY KOOIMAN LLP (98)
- ALVY & TABLANTE, LLP (98)
- ANTONUCCI & ASSOCIATES ARCHITECTS & ENGINEERS, LLP (98)
- B
- BEATTY HARVEY AND ASSOCIATES, LLP (98)
- BENNETT & MOY, LLP (03)
- BERMINGHAM & FERNANDEZ LLP (03)
- BOYD & AUFENANGER, LLP (03)
- BROADWAY CHIROPRACTIC & WELLNESS LLP (98)
- C
- C. ROBINSON, THOMPSON & ASSOCIATES, LLP (03)
- CAMERON DEACON LLP (03)
- CARDALI & CARDALI LLP (03)
- CLARY & BAX, LLP (03)
- COHEN & GRESSER LLP (03)
- COLLERAN, O'HARA & MILLS, L.L.P. (03)
- CORBIN FAMILY DENTAL ARTS LLP (03)
- D
- DIAGNOSTIC IMAGING GROUP, LLP (03)
- DOYLE & MICHEL LLP (03)
- E
- EPSTEIN, LEVINSOHN, BODINE & WEINSTEIN, LLP (98)
- F
- FINKELSTEIN & FEIL, LLP (03)
- FOX & COMPANY, LLP (98)
- G
- GOLD & WASSERMAN, PERIODONTAL ASSOCIATES, LLP (98)
- GOLDSTEIN GOLUB KESSLER LLP (98)
- GREINER & CHADSEY LLP (03)
- GROSS SCHWARTZ GOLDSTONE & CAMPISI, LLP (03)
- K
- KBL EISNER, LLP (03)
- KINKEL NEUROLOGIC CENTER, LLP (03)
- L
- LAPOLLA LAW FIRM, L.L.P. (03)
- LAW OFFICE OF JOHN TARTAGLIA LLP (98)
- LEVY & PELLEGRINO, LLP (98)
- LIFE DENTAL LLP (03)
- LONDON & WORTH, LLP (98)
- M
- MALMAN & GOLDMAN, LLP (98)
- MARINO & TUDISCO, LLP (98)
- MATERA & BRATKOVSKY, LLP (03)
- N
- NESENOFF & MILTENBERG, LLP (03)
- NIOLETTI GONSON SPINNER & OWEN LLP (98)
- O
- ONE TEN BROKERAGE, LLP (98)
- P
- PARISI & PATTI LLP (03)
- PILIERO GOLDSTEIN, LLP (03)

- R
- RADIOLOGICAL ASSOCIATES OF HEMPSTEAD GENERAL HOSPITAL, LLP (03)
- REID RODRIGUEZ & ROUSE, LLP (98)
- S
- SCHER & SPINDLER, L.L.P. (03)
- SCHWARTZ, LICHTENBERG LLP (98)
- SCHWARZ & BLACK, LLP (03)
- SEWON, LLP (03)
- SICHENZIA ROSS FRIEDMAN FERENCE LLP (98)
- SILVERSTEIN HURWITZ & STERN, LLP (03)
- SMOLIN & YAVEL LLP (98)
- SSM DESIGN LLP (98)
- STEPHEN WARSHAFSKY INTERNAL MEDICINE LLP (03)
- SULLIVAN, CHESTER & GARDNER, LLP (98)
- T
- TESE & MILNER, LLP (03)
- THE CARDALI LAW FIRM LLP (03)
- THERAPEUTIC RESOURCES PT PLACEMENT, LLP (98)
- TUNSTEAD SCHECHTER & CZIK LLP (03)
- TW HEALTH SERVICES, LLP (98)
- V
- VALDESPINO COPLAND, LLP (98)
- VAN PROOYEN GREENFIELD LLP (03)
- W
- WALLACE A. SHOWMAN LLP (03)
- WARNER BERNSTEIN LLP (03)
- WEINSTOCK, JOSEPH, KLATSKY & SCHWARTZ, LLP (98)
- WEISS, HANRAHAN & JARZOMBKE, LLP (03)

FOREIGN REGISTERED LIMITED LIABILITY PARTNERSHIPS

- F
- FAUST GOETZ SCHENKER & BLEE LLP (98) (DE)

[SEAL]

WITNESS my hand and the official seal of the Department of State at its office in the City of Albany this twenty-fourth day of September in the year two thousand eight.

LORRAINE A. CORTÉS-VÁZQUEZ  
*Secretary of State*

**PUBLIC NOTICE**  
Department of State  
Certificate of Adoption

I, David A. Paterson, Governor of the State of New York, hereby certify that the attached rule amending §§ 426.6(b), 426.6(c)(12)(iv) and (x), 426.8(b)(1) and (2) and (c)(1) and (2), 426.9(i), 434.1(b)(3), 434.5 and 434.8; adding a new § 426.6(c)(13); and renumbering § 426.7(a)(24) to be § 426.7(a)(25) and adding a new § 426.7(a)(24) of Title 19 of the Official Compilation of Rules and Regulations of the State of New York was duly adopted by me on this day pursuant to § 159-d of the Executive Law.

In accordance with Executive Law § 159-b, this rule was recommended to me by an affirmative vote of four members of the Fire Fighting and Code Enforcement Personnel Standards and Education Commission on March 10, 2008. This rule makes a technical correction to the name of the training known as the "Candidate Physical Ability Test"; makes technical corrections to the Candidate Physical Ability Test to conform to the program developed by the International Association of Fire Fighters; deletes the "safety officer certification"

from the topics of future Commission consideration; makes technical corrections to clarify the requisite training and experience needed for Fire Investigator Level I and II Certification; makes the definition of "Code Enforcement Personnel" more clearly defined and consistent with the language contained in Part 434; allows code enforcement personnel to receive up to six hours of the annual in-service training requirement through on-line training programs and provides that certain International Code Council certifications will satisfy the twenty-four hour in-service training requirement; allows code enforcement personnel a ninety day grace period once every three years to obtain the required in-service training; requires attendance at periodic advanced in-service training programs addressing major code revisions; and adds an hour of health and wellness training to the basic fire training requirement and annual in-service training requirement for firefighters.

This adoption is exempt from the publication requirements of the State Administrative Procedure Act. No statutory notice requirements are applicable. However, notification of this adoption was provided to the Temporary President of the Senate and the Speaker of the Assembly. This rule shall be effective upon filing with the Office of the Secretary of State.

Dated this 2nd day of September, 2008.

David A. Paterson, Governor

Section 426.6(b) of NYCRR Title 19 is amended to read as follows:

Section 426.6 Minimum basic fire training for probationary and nonpermanent fire-fighters.

(b) Satisfactory completion of a basic training shall include a "candidate physical [agility] ability test" as specified in this part.

Section 426.6(c)(12) (iv) and (x) of Title 19 NYCRR is amended to read as follows:

(iv) The candidate places up to 8' of a 200 foot length of 1 3/4" double jacketed hose (50' lengths) over their shoulder, drags the hose 75 feet to a pre-positioned drum, makes a 90 degree turn around the drum, and continues dragging the hose an additional [50] 25 feet stopping in a marked box 5' by 7' at which point they position themselves on one knee and [drag the hose line until the next coupling is dragged across the finish line] pull 50 feet of hose line.

(x) The candidate will remove a pike pole from its brackets, stand within the established boundary, place the tip of the pike pole on the painted area of the push up hinged door in the ceiling, using the pike pole fully push up the door three times, change the pike pole to the hook of the hinged pull down door and pull it down five times, repeat this process [four times (total of five sets of pushes and pulls)] for a total of four repetitions.

Section 426.8(b)(1) and (2) and (c)(1) and (2) of Title 19 NYCRR is amended to read as follows:

(b) To receive Investigator I certification, a person shall have:

(1) been designated by the [jurisdiction] authority having jurisdiction or employing agency to fulfill the duties associated with the fire investigation function;

(2) performed 30 hours of cause and origin determination verified in a format approved by the State Fire Administrator[.];

(i) the 30 hours of Fire investigation Activity shall occur after the completion date of the required Fire Investigator Level I training courses;

(ii) a maximum of 10 hours per investigation shall be credited towards the completion of the 30 hour investigation requirement; and

(iii) the 30 hours of Fire Investigation shall be in the area of Origin and Cause determination in connection with the responsibilities of the Fire Chief pursuant to General Municipal Law 204-d.

(c) To receive Investigator II certification, a person shall have:

(1) been designated by the [jurisdiction] authority having jurisdiction or employing agency to fulfill the duties associated with the fire investigation function;

(2) a current Fire Investigator I certification and have performed a minimum of 50 hours of fire investigation activity verified in a format approved by the State Administrator[.];

(i) the 50 hours of Fire Investigation Activity shall be in addition to the 30 hours required for Fire Investigator Level I certification, and shall occur after the completion date of the required Fire Investigator Level II training courses;

(ii) a maximum of 10 hours per investigation shall be credited toward the completion of the 50 hour investigation hour requirement; and

(iii) the 50 hours of Investigation shall include Origin and Cause determination activities. Such activities must include fires that have been determined to be incendiary in nature and involve skills associated with evidence collection, scene documentation, interviewing, and report preparation for court testimony.

Section 426.9(i) of Title 19 NYCRR is amended to read as follows:

(i) (Under developmental study for future commission recommendations).

(1) Instructor Level III;

(2) Instructor Level IV;

(3) Investigator Level III; and

(4) Public Education Officer Level III[; and].

[(5) Safety Officer.]

Section 434.1(b)(3) of Title 19 NYCRR is amended to read as follows:

(3) Code enforcement personnel or code enforcement official means a [code enforcement officer] person charged with inspection of buildings and structures or with any other aspect of enforcement and/or administration of building or fire codes.

Section 434.5 of Title 19 NYCRR is amended to read as follows:

Section 434.5. Certification of code enforcement personnel

(a) The administrator shall certify code enforcement personnel as having successfully completed the basic training program, in-service training programs, and advanced in-service training programs set forth in this Part as follows:

(1) Basic training.

(i) [Code enforcement personnel] Except as otherwise provided in subparagraph (ii) of this paragraph, each code enforcement official shall successfully complete a [certified] basic training program which includes the subject areas set forth in section 434.6 of this Part within one year of initial appointment. [Training may be suspended in the event of an interruption in employment, but all periods of service as a code enforcement officer shall be counted toward the fulfillment of the applicable requirement.] If employment as a code enforcement official is interrupted during the first year following initial appointment, the time within which the basic training program must be completed shall be extended by a period equal to the lesser of:

(A) the period of such interruption in employment; or

(B) one year.

The failure to complete [a certified] the basic training program within [two years of initial appointment] the time period established under this subparagraph shall result in the forfeiture of any accrued basic training credit. The administrator shall issue a certificate attesting to the satisfactory completion of the basic training program to a code enforcement official who successfully completes the basic training program within the time period established under this subparagraph.

(ii) A code enforcement official who has not completed the basic training program shall be deemed to have satisfied the basic training requirement if he or she:

(A) commenced employment as a code enforcement official prior to January 1, 1985;

(B) successfully completed, prior to January 1, 2003, an examination based upon the subject areas contained in the basic training program; and

(C) obtained a certificate from the administrator attesting to the satisfactory completion of such examination.

(2) Annual in-service training.

(i) [Code enforcement personnel] Each code enforcement of-

official shall successfully complete a minimum of 24 hours of annual in-service training in the topic areas [as] set forth in section 434.7 of this Part in each calendar year following the calendar year in which [certified basic training was successfully completed] he or she obtained basic training certification. For the purposes of satisfying such annual in-service training requirement, on-line training presentations which are certified by the administrator may be accepted for no more than 6 hours annually.

(ii) A code enforcement official who has not completed a minimum of 24 hours of annual in-service training by the end of a calendar year shall be permitted to complete the in-service training required for such calendar year within a three-month grace period that shall expire on March 31st of the following year. However:

(A) courses taken during the grace period for the purpose of satisfying the annual in-service training requirement for the prior calendar year shall not be credited toward satisfying the annual in-service training requirement for the calendar year during which such courses are taken; and

(B) no code enforcement official shall be permitted to use such grace period more than once every 3 years.

(For example, if a code enforcement official completes 20 hours of in-service training during calendar year 2007, he or she will be permitted to satisfy the annual in-service training requirement for 2007 by taking an additional 4 hours of in-service training during the grace period that will expire on March 31, 2008. However, the 4 hours of training taken during that grace period will be credited only toward satisfying the annual in-service training requirement for calendar year 2007 and will not be credited toward satisfying the annual in-service training requirement for calendar year 2008. Further, that code enforcement official will not be permitted to use a grace period for the purposes of satisfying the annual in-service training requirements for calendar year 2008 or calendar year 2009, but will be permitted to use a grace period for the purpose of satisfying the annual in-service training requirement for calendar year 2010.)

(iii) A code enforcement official who attains professional certification from the International Codes Council in any of the "Inspector Categories," "Plans Examiner Categories," or "Code Official Categories" established by the International Codes Council and existing on the effective date of this paragraph shall be deemed to satisfy the annual in-service training requirement for the calendar year in which such professional certification was obtained.

(iv) The administrator shall issue a certificate attesting to the satisfaction of the annual in-service training requirement for a calendar year to a code enforcement official who:

(A) successfully completes the annual in-service training program during such calendar year (or during any applicable grace period); or

(B) obtains any professional certification described in subparagraph (iii) of this paragraph during such calendar year.

### (3) Advanced in-service training.

(i) [Code enforcement personnel who received from the administrator prior to January 1, 2002 certification of having successfully completed a certified basic training program shall complete the advanced in-service training program set forth in section 434.8 of the Part prior to January 1, 2003.] Each code enforcement official who received basic training certification prior to January 1, 2002 was required to receive the advanced in-service training which is now described in section 434.8(a) of this Part prior to January 1, 2003.

(ii) Each code enforcement official, including but not limited to each code enforcement official who received the advanced in-service training which is now described in section 434.8(a) of this Part, shall successfully complete an advanced in-service training program as described in section 434.8(b) of this Part for each amendment of the New York State Uniform Fire Prevention and Building Code which:

(A) becomes effective after the effective date of this subparagraph; and

(B) is designated by the administrator as a major revision.

Such advanced in-service training program must be completed not

later than six months after the effective date of such major renovation of the New York State Uniform Fire Prevention and Building Code. The administrator shall issue a certificate attesting to satisfactory completion of an advanced in-service training program to a code enforcement official who successfully completes such advanced in-service training program within the applicable time period.

(4) Code enforcement personnel who commenced employment prior to January 1, 1985 and have not received certification of having successfully completed a certified basic training program shall complete the advanced in-service training program set forth in section 434.8 of this Part, provided the individual first successfully completes an examination based upon the subject areas contained in a certified basic training program.

(b) Course waivers.

(1) The specific course requirements of the basic training program described in this Part may be waived by the State Fire Administrator where it is shown that the applicant has successfully completed New York State Fire or Code Enforcement Training courses, federally-sponsored courses, or courses offered by an accredited college, university or professional society which are equivalent to the basic training course requirements of this Part. Adequate documentation supporting a request for waiver shall include information verifying course content, attendance, grade awarded, as the case may be, and shall be submitted to the State Fire Administrator in such format as he shall require.

(2) Applicants for a waiver of any course included in the basic training program shall be required to successfully complete an examination for that portion of the basic training program for which a waiver is being sought. The failure to achieve a passing score in such examination shall result in the denial of the waiver and the applicant shall remain subject to all basic training requirements set forth in this Part.

Section 434.8 of NYCRR Title 19 is amended to read as follows:

Section 434.8 Advanced in-service code enforcement personnel training.

(a) Each code enforcement official who received a basic training certification prior to January 1, 2002 was required to receive a minimum of 48 hours of advanced in-service training in the International Codes prior to January 1, 2003. Each code enforcement official who was required to receive such advanced in-service training and who did receive such advanced in-service training prior to January 1, 2003 was eligible to receive certification from the administrator for satisfaction of the in-service training requirement set forth in section 435.7 of this Part for the calendar year in which such advanced in-service training was completed. The advanced in-service training referred to in this subdivision contained instruction in subject areas as follows:

[(a)](1) CODE ORGANIZATION AND APPLICATION (8 hrs. 30 min.)

International Code training program overview (2 hrs. 30 min.)

International Code Organization (2 hrs. 30 min.)

Applicability of the International Codes (Building, Residential, Fire, Property Maintenance, Fuel Gas, Plumbing, Mechanical, Energy Conservation) (3 hrs.)

Successfully complete an examination on the knowledge, skills and abilities covered in Code Organization and Application (30 min.)

[(b)](2) OCCUPANCY CLASSIFICATIONS AND HAZARD RECOGNITION (9 hrs. 30 min.)

Occupancy classifications (3 hrs.)

Building maintenance and fire safety requirements

(industrial, institutional, assembly and multiple residence) (3 hrs.)

Hazardous materials (flammable liquids, compressed gases, explosive commodities and toxic substances) (3 hrs.)

Successfully complete an examination on the knowledge, skills and abilities covered in Occupancy Classifications and Hazard Recognition (30 min.)

[(c)](3) BUILDING CONSTRUCTION AND STRUCTURAL DESIGN CRITERIA (19 hrs. 30 min.)

Elements affecting egress (4 hrs.)

Building space requirements (4 hrs.)  
 Structural types and classifications (2 hrs.)  
 Structural materials, components and assemblies (7 hrs.)  
 Conversions, alterations and additions to existing buildings (2 hrs.)  
 Successfully complete an examination on the knowledge, skills and abilities covered in Building Construction and Structural Design Criteria (30 min.)  
 [(d)](4) BUILDING SYSTEMS (10 hrs. 30 min.)  
 Mechanical systems components (conveyance) (1 hr.)  
 Electrical systems and components (1 hr.)  
 Heating and air-handling systems and components (1 hr.)  
 Plumbing systems and components (1 hr.)  
 Fire safety systems (6 hrs.)  
 Successfully complete an examination on the knowledge, skills and abilities covered in Building Systems (30 min.)

(b) *Each code enforcement official, including but not limited to each code enforcement official who was required to receive the advanced in-service training which is now described in subdivision (a) of this section, shall periodically receive advanced in-service training as determined by the administrator, not to exceed 24 hours, to coincide with each amendment of the Uniform Fire Prevention and Building Code and its standards which is designated by the administrator as a major revision. Each hour of instruction in such advanced in-service training program shall be counted toward satisfaction of the annual in-service training requirement under section 434.5(a)(2) and section 434.7 of this Part for the calendar year in which such hour of instruction is received, as well as toward satisfaction of the advanced in-service training requirement. Each such advanced in-service training program shall contain instruction in such subject areas as shall be designated by the administrator, including but not necessarily limited to the following:*

#### CODE UPDATES

*Updates to the Uniform Fire Prevention and Building Code or the State Energy Conservation Construction Code*

*Changes in the International Codes source documents.*

*New York State modifications to the International Codes.*

*New York regulatory changes.*

A new section 426.6(c)(13) is added to Title 19 NYCRR to read as follows:

#### (13) Health and Wellness (1 hr.)

(i) *Describe health and wellness issues including proper nutrition; physical fitness; the importance of proper PPE use in protecting health and wellness; the common causes, indications, risk factors, and impact of job related stress; and the nature, availability, and benefits of peer counseling programs.*

(ii) *Training materials utilized for health and wellness training shall include, at a minimum, materials approved by the State Fire Administrator.*

Section 426.7(a)(24) of Title 19 NYCRR is renumbered to be 426.7(a)(25) and a new 426.7(a)(24) is added to read as follows:

#### (24) HEALTH AND WELLNESS (1 hr.)

(i) *Annual in-service training shall include a minimum of one hour addressing health and wellness topics including proper nutrition; physical fitness; the importance of proper PPE use in protecting health and wellness; the common causes, indications, risk factors, and impact of job related stress; and the nature, availability, and common benefits of peer counseling programs.*

[(24)](25) OPTIONAL ALTERNATIVES [FNaaa] (up to 40 hours)

- (i) Hydrant locations and special information
- (ii) Hydrant inspection and testing
- (iii) Water systems and fire flows
- (iv) Water systems and local conditions
- (v) Hazardous materials and their locations
- (vi) Preplanning for life hazards

- (vii) Preplanning for conflagrations/heavy fire
- (viii) Critique of recent operations
- (ix) Disaster planning
- (x) Certified first responder

## 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 Steven Rocklin, Codes Division, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2008-0361 Matter of Jacob D. Albert, 8 Winter Street, Boston, MA 02108, for a variance concerning fire-safety requirements with alterations to an existing museum.

Involved is an alteration of a second story from an unfinished attic to assembly and exhibition space for more than 100 persons without the installation of an automatic sprinkler system for an assembly building of an A3 occupancy, Type VA construction, 2 stories in height, approximately 5,720 square feet in area, located at 1109 Equestrian Ave, Fishers Island, Town of Southold, Suffolk County, State of New York.

2008-0366 Matter of Conrad Roncati, 935 River Road., Edgewater, NJ 07030, for a variance concerning fire-safety requirements with alterations to an existing attic for use as three massage rooms in conjunction with an existing gymnasium.

Involved is the number of exits, sub-minimum ceiling height, sub-minimum room width, sub-minimum corridor width, stair riser height above the required minimum and stair tread width below the required minimum, for an existing gymnasium of an A-3 occupancy, two stories in height, approximately 7,983 square feet in area, located at 25 Hill Street., Village of Southampton, Suffolk County, State of New York.

2008-0368 Matter of John Bracco, 106 Main Street, West Sayville, NY 11796, for a variance concerning fire-safety requirements for alterations to an existing basement.

Involved is an alteration of a basement for use of a recreation room with a sub-minimum ceiling height, for a single family dwelling of Type VB construction, 2 stories in height, approximately 2,741 square feet in area, located at 5 Cindy Street, Smithtown, Town of Smithtown, Suffolk County, State of New York.

2008-0454 Matter of IRA Fire Department, 12591 State Route 176 Cato, NY 13033, for a variance concerning fire-safety requirements, including requirements for a sprinkler system in an assembly occupancy with a fire area that has an occupant load of 100 or more.

Involved is the construction of a fire house with a community room, known as IRA Fire Department, located at 12591 State Route 176, Town of Cato, County of Cayuga, State of New York.

2008-0470 Matter of Galapagos Hamptons, LLC, "The Ross School", 18 Goodfriend Drive, East Hampton, NY 11937, for a variance concerning fire-safety requirements with the construction of a new sports facility.

Involved is the construction of an air supported structure for use as a sports facility which will exceed the permitted building area of an A-4 (assembly) occupancy, Type VB construction, one story in height, approximately 51,679 square feet in area, to be located at 18 Goodfriend Drive, East Hampton, Town of East Hampton, Suffolk County, State of New York.

SALE OF  
FOREST PRODUCTS  
Allegany Reforestation Area No. 4  
Contract No. X007033

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

Sealed bids for 78 cords more or less and 556.7 MBF more or less of red pine timber located on Allegany Reforestation Area No. 4; Stand 41, will be accepted at the Department of Environmental Conservation, Contract Unit, 625 Broadway, 10th Fl., Albany, NY 12233-5027 until 11:00 a.m., Thursday, Oct. 9, 2008.

*For further information, contact:* David Zlomek, Senior Forester, Department of Environmental Conservation, Division of Lands and Forests, Region 9, 5425 County Rte. 48, Belmont, NY 14813-9758, (585) 268-5392

SALE OF  
FOREST PRODUCTS  
Otsego Reforestation Area No. 2  
Contract No. X007088

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

Sealed bids for 78 cords, more or less, of spruce pulpwood; 685.8 MBF, more or less, of spruce sawtimber; 8.8 MBF, more or less, of miscellaneous hardwood sawtimber; 43 cords, more or less, of miscellaneous hardwood firewood located on Otsego Reforestation Area No. 2, Stands A-10, 12, 13, 14, will be accepted at the Department of Environmental Conservation, Bureau of Procurement & Expenditure Services, 625 Broadway, 10th Fl., Albany, NY 12233-5027 until 11:00 a.m., Thursday, Oct. 9, 2008.

*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

