

May 11, 2023 CCRC Council Summary Minutes

The following provides a summary of the May 11, 2023 CCRC Council meeting. Please refer to the meeting transcript for details.

Location: Meeting room 1613, 1 Commerce Plaza, Albany NY

Start time: Approximately 10:30am.

End time: Approximately 11:30am.

Webcast: Live by Total Webcast. Archived version can be viewed at:

<https://totalwebcasting.com/view/?func=VOFF&id=nysdoh&date=2023-05-11&seq=1>

CCRC Council Members in attendance (6 required for quorum):

Mark Furnish, Chair; Charles Williams; Wayne Kaplan; Herbert Friedman; Madeline Lee; Jennifer Allinson; Brian Nealon.

Department of Health (DOH) staff in attendance: Marthe Ngwashi; Michael Heeran; Vincent DiCocco

Department of Financial Services (DFS) staff in attendance: Alice McKenney; Ergys Shanaj; Martin Wojcik; Joseph Lansing.

Other attendees: Diane Darbyshire, LeadingAgeNY; Beth Goldstein, Bethel Communities Management; Anastasios Markopoulos, Bethel Communities Management; Kristina Wesch from Wiggin and Dana representing The Knolls at Goshen Inc.; Debbie McIlveen, Summit at Brighton; Susan Bussey, Summit at Brighton; Carly Zecher, Summit at Brighton; Leanne Kontogiannis, Hinman Straub representing Summit at Brighton; Sean Doolan, Hinman Straub representing Summit at Brighton.

Opening remarks were made by the Chair with an introduction of Charles Williams as the new CCRC Council member serving in the NYS Office for the Aging seat on the CCRC Council.

The first agenda item was actions to be taken for the application for the Knolls at Goshen CCRC.

A motion from councilmember Kaplan to approve the Knolls at Goshen Inc to be established as the new operator of Glen Arden CCRC, in Goshen, New York, with conditions and contingencies. Councilmember Friedman seconds.

The Department of Health and Department of Financial Services presented a recommendation to the CCRC Council for Contingent Approval of the application to establish The Knolls at Goshen Inc as the new operator of Glen Arden CCRC in Goshen NY. Michael Heeran of the DOH, Alice McKenney of DFS, and Ergys Shanaj of DFS gave an overview of the recommendation which was summarized in an exhibit to the CCRC Council and can be found at:

https://www.health.ny.gov/facilities/long_term_care/retirement_communities/continuing_care/meetings.htm

After the presentation a discussion occurred between the Council members and representatives of the applicant; Beth Goldstein, Anastasios Markopoulos, and Kristina Wesch. Council members raised questions such as the scenario where the proposed plan did not work, the financial performance of existing Bethel communities and possible impact the transaction may have on those communities, target independent unit occupancy over time, and the source of funding for the required minimum liquid reserves. Councilmember Allinson noted the proposed operating corporate entity was not yet registered as a 501c3 charitable organization. She requested, and the Council approved by a unanimous

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vote, that a contingency be added to the approval to require the 501c3 registration be completed with the Office of Attorney General Charities Bureau.

Upon conclusion of the discussion on the application and recommendations, a vote was called. The motion carried unanimously with all 7 councilmembers voting in the affirmative.

A motion to approve the change in the use of an assumed name of the Knolls located in Valhalla, New York, to the Knolls at Valhalla was made by councilmember Lee with a second by councilmember Williams.

There was no discussion on the motion and a vote was called.

The motion carried unanimously with all 7 councilmembers voting in the affirmative.

The next agenda item was introduced by the Chair with **councilmember Nealon making the motion to approve adding Wolk Manor and Enriched Living Center to the Certificate of Authority of the Summit of Brighton, CCRC Certificate of Authority for the limited purpose of subjecting Wolk Manor enriched living center to financial reporting requirements for CCRC, including New York State Public Health Law, Article 46, Section 4607, 4611,4614 and New York State Insurance Regulations for CCRCs. Councilmember Williams seconds.**

There was no discussion on the motion and a vote was called.

The motion carried unanimously with all 7 councilmembers voting in the affirmative.

The last agenda item was an update on the Harborside CCRC. Michael Heeran of DOH provided the Council with brief remarks on the federal Chapter 11 bankruptcy case #23-70989 filed on March 22nd, 2023, in the United States Bankruptcy Court for the Eastern District of New York.

The Council took up some old business, approving the transcripts from the October 19th, 2021 and May 24, 2022 CCRC Council meetings.

Before conclusion of the meeting, the Chair recognized councilmember Wayne Kaplan's resignation from the CCRC Council effective May 12, 2023. The Chair thanked councilmember Kaplan for his 33 years of service on the CCRC Council.

Councilmember Lee raised the question of when the Council will take up matters to ease the regulatory burden on CCRCs. The Chair indicated DOH CCRC staff would be working on that topic over the summer in preparation for the next CCRC Council meeting.

Councilmember Nealon raised the question of CCRC councilmember recruitment. Michael Heeran of DOH provided an update on councilmember recruitment activities with numerous recruitments in various stages of the process. He noted a consumer representative seat may be Senate confirmed this legislative session.

The meeting was adjourned at approximately 11:30pm.

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