



DRAFT MINUTES
Legal Affairs Committee
May 10, 2013
Agency Meeting
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**Legal Affairs Committee
May 10, 2013**

The Committee convened at 9:00 a.m.

Committee Members Present:

Cecil Wray, Committee Chairman, Richard Booth, Sherman Craig, Frank Mezzano and Patrick Hooker

Other Members or Designees Present:

Lani Ulrich (Agency Chairwoman), William Thomas, William Valentino, and Robert Stegemann (DEC)

Agency Staff Present:

Terry Martino (Executive Director), James Townsend, Sarah Reynolds, Mary Palmer, Keith McKeever, Jennifer McAleese, Douglas Miller, Paul Van Cott, Amy Hall, Emily Tyner, Rick Weber, Shaun LaLonde, John Burth, Ed Snizek, Walt Linck.

Others Present:

Frederick Monroe (Executive Director, Local Government Review Board)

Douglas Miller gave his presentation on the JIF Referral Process.

Robert Stegemann asked about the number of responses from referrals the Agency has received from other agencies. He noted that of the 101 referrals that have been received from other agencies so far this year, and that a total of 26 jurisdictional inquiry forms, applications or variance letters have been sent to applicants and only 11 have been returned.

Mr. Miller said that there is a lag time from the date when the applicant receives applications from the agency. It is now in the hands of the landowner if they want to proceed with their project or not.

Frank Mezzano asked if when we receive a permit application that also involves another agency if we notify them. There must be a volume going out as well as coming in?

Mr. Miller said that those are handled through the Agency's Regulatory Programs Division through the normal permitting process. We do notify the local Code Officer on all our JIF responses as well.

Sherman Craig commented that this was an excellent way of keeping track and coordinating, and the efficiency is impressive. He noted that this does not eliminate the need for a landowner to contact other agencies.

Mr. Miller said hopefully what it does is avoid a lag for the landowner in that they have to go from one to another, and then another. Hopefully because of this, when we send them a JIF, they will be able to do it in a unified way on their end as well. They can start the process together rather than separately. Then they don't find out three months down the road that they needed to contact another agency as well, and basically start over again with them.

Executive Director Terry Martino commented that through efficiency discussions with DEC this process is going after those areas where DEC and the Agency may have concurrent review. As the Agency simplifies and streamlines its services, the Agency will look for opportunities to use this information and then communicate back to the other Agencies.

Paul Van Cott gave his presentation on the Consensus Rule-making explaining that this is essentially a technical clean-up of our regulatory framework. (attached)

Richard Booth cautioned that by doing this kind of clean-up it does not create any interpretation problems.

Mr. Booth also commented that several places in the regulations refer to documents. He asked if there is a problem by incorporating by reference other documents, saying that this is what is called the incorporation by reference problem, and how do we get around that?

James Townsend said we don't, we live with it.

Mr. Van Cott said we can look at it further. If you file the document at the same time it then becomes a regulatory change.

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Mr. Townsend stated that with these proposed revisions, the regulations are referring to the updated versions but recognizing that this regulatory revision proposal does not have the precise answer.

Chairwoman Ulrich asked if this consensus document shows what currently exists followed by underlined of what you are proposing.

Mr. Van Cott said that the document is written in legislative form and what is proposed to be deleted is in brackets, and everything new is underlined.

A motion was made to table the minutes from the April meeting to reflect comments Mr. Booth made on the transfer of development rights portion of Legislative Proposal #01-13.

On motion of Mr. Craig, seconded by Mr. Mezzano, all were in favor.

Adjournment: The Committee adjourned at 9:55 a.m.

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Attachment