



DRAFT MINUTES
Legal Affairs Committee
October 9, 2014
Agency Meeting
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**Legal Affairs Committee/Administration Committee
October 9, 2014**

The Legal Affairs Committee convened at 2:40 pm.

Legal Affairs Committee Members Present:

Karen Feldman, Chair, Arthur Lussi, Richard Booth, Sherman Craig and Bradley Austin (DED)

Administration Committee Members Present:

Leilani Ulrich, Chairwoman, Karen Feldman and Lynn Mahoney (DOS)

Other Members and Designees Present:

William Thomas, Dan Wilt and Robert Stegemann (DEC)

Local Government Review Board:

Frederick Monroe, Executive Director

Agency Staff Present:

Terry Martino, Executive Director, James Townsend, Counsel, Paul Van Cott, Associate Attorney, and Mary Palmer

Approval of September Minutes

On motion of Mr. Lussi, seconded by Mr. Austin, the Board unanimously approved the September Legal Affairs Committee minutes with a minor change from Mr. Booth.

Counsel's Report: Counsel noted the report on Jurisdictional Inquiries and FOIL requests for the month of September. He also noted that October's Legal Affairs Committee meeting is being conducted jointly with the Administration Committee.

Delegation of Variances:

Paul Van Cott updated the Board on the progress of the proposed amendment to the Delegation Resolution. He noted that staff have added to the proposal with suggestions made by the Board at September's Agency meeting.

Karen Feldman, Committee Chair, asked for clarification on the initial review and where it would go from here. Mr. Van Cott said that if the Board reaches consensus on what the language should be the next step will be to get it out to the public for comment. Then it would come back to the Agency in November potentially for action.

Mr. Van Cott explained that there is a reporting requirement in the Delegation Resolution that the Deputy Director must report to the agency every month to discuss significant projects, and this same requirement would pertain to variances delegated for the Deputy's review. He added that if the Board thinks a project is significant and wants to make sure it comes to the Agency they can bring that up during the committee or agency meeting.

Mr. Townsend stated that the suggestion to include the right to call up any variance that shows up on those reports from the Designee from Economic Development has been added to the proposal.

Bradley Austin stated that it is important that the Board, at any time, can request to see an application that is before the staff. He added that it should include not only projects off the high profile report, but anything that has been brought in as a pre-application once it gets to an application perspective.

Richard Booth suggested not using the word "project" because it means a project review jurisdiction and variances are different. Ms. Feldman suggested using "proposal", and all were in agreement. Mr. Booth also suggested using "structures" instead of "projects" for shoreline stabilization. All were in agreement.

Robert Stegemann asked if there is any reference that a permit might be needed from another agency. Mr. Townsend stated that it is not done in the delegation part, but it is the law that people may have to obtain more than one permit. He added that staff do remind applicants during the process of this possibility.

Mr. Booth suggested that item 4, projects with minor impacts, be the last item on the list of variances being given to the Deputy Director. He noted that it sets it apart from the other four as those allow more than just minor impacts. All agreed and that change was made.

Mr. Townsend stated that the Legal and Administration Committees' approval of the drafts, with the direction to staff to obtain public comment, will make it possible for staff to bring it back next month for possible action.

Ms. Feldman asked for a motion from the Legal Committee to move the proposal to the full Board. On motion of Mr. Booth, seconded by Mr. Craig, all were in favor.

Chairwoman Ulrich asked for a motion from the Administration Committee. On motion of Ms. Feldman, seconded by Ms. Mahoney, all were in favor.

Old Business

None

New Business

None

Karen Feldman, Committee Chair adjourned the meeting at 3:05 pm.