



Adirondack Park Agency

SHERMAN CRAIG
Chairman

TERRY MARTINO
Executive Director

DRAFT MINUTES
Legal Affairs Committee
June 8, 2017
Agency Meeting
KF:JTT:mp

Legal Affairs Committee June 8, 2017

The Legal Affairs Committee convened at 3:30 pm.

Legal Affairs Committee Members Present:

Karen Feldman, Chair, Arthur Lussi, John Ernst and Lynne Mahoney (DOS)

Other Members and Designees Present:

Sherman Craig, Chairman, Chad Dawson, Barbara Rice, William Thomas, Dan Wilt, Bradley Austin (ESD) and Robert Stegemann (DEC)

Local Government Review Board:

Frederick Monroe, Executive Director

Agency Staff Present:

Terry Martino, James Townsend, Paul Van Cott, Mary Palmer.

Approval of May 2017 Draft Minutes

By motion of Mr. Ernst, seconded by Mr. Lussi, the draft minutes were unanimously approved with one minor edit of Karyn Richards sitting as DEC Designee, not Robert Stegemann.

Administrative Adjudication Plan

Mr. Van Cott gave an overview of the amended Administrative Adjudication Plan noting that it was presented to the Board in May. He said this will update the Agency's existing plan and comply with Executive Order #131.

Mr. Van Cott said no public comments were received and staff recommend Board approval of the Amended Plan.

Mr. Van Cott said the EO #131 requires the Agency to maintain summaries of its adjudicatory hearing processes and the Legal Division is in the process of finalizing these summaries which will then be made available for the public and posted on the Agency's website. The approved Amended Plan will also be published in the State Register.

Mr. Monroe asked if there was any reference to mediation proceedings. Mr. Van Cott said there is not in EO #131 and it may have pre-dated the thought of alternative dispute resolutions. These alternate services are available through the Office of Hearings and Mediation Services and if that is something that the agency is interested in that would be something to think about in a rule making context.

Mr. Monroe said that if the results of a mediation process are not included as part of the public record it is not an open process. Mr. Van Cott said the subject of scoping for the permit process that was discussed last month has the potential to address some of those issues. Bringing outside comment together early on in the permitting process and identifying issues and working through them is a public process. Mr. Townsend added the requirements of EO #131 are limited to the formal adjudicatory process. It does not require or prohibit the use of alternative dispute resolution.

Ms. Feldman said this is just an ALJ making sure the hearing process is conducted fairly because the ultimate decision rests with the Board. Mr. Townsend said in mediation the Mediator will take a more active role in the process.

Ms. Feldman asked for a motion for approval.

By motion of Mr. Lussi, seconded by Ms. Mahoney, the Board unanimously approved the Amended Administrative Adjudication Plan.

Old Business

None

New Business

None

Karen Feldman, Committee Chair adjourned the meeting at 3:50 pm.