Environmental Law Section
Executive Committee Meeting
State Bar Center
Albany, New York
May 7, 2008

Attendees:

Louis Alexander	Jennifer Hairie	William Fahey
Michael Lesser	Ruth Moore	Andrew Gershon
James Periconi	Maureen Leary	Philip Dixon
Telisport Putsavage	Kelly Corso	Vernon Rail
David Quist	Bob Kafin	Lisa Bataille
Joan Leary Matthews	Janis Fallon	Dominic Cordisco
Kevin Reilly	Randall Young	Tom West
David Freeman	Yvonne Marciano	Gail Port
Terresa Bakner	Jeff Brown	Peter Casper
Edward Premo	Barry Kogut (by phone)	John Parker
Jan Kublick	Alan Knauf (by phone)	
Ginny Robbins	Kathleen Martens	

1. **Call to Order.** Section Chair Louis Alexander called the meeting to order at 2:00 p.m.

   Opening Remarks. Alexander thanked the co-chairs of the Forum – Terresa Bakner and Michael Lesser – for an excellent program. Alexander announced that new members of the Executive Committee include:

   Committee/Task Force Co-chairs:

   John Caffry, Adirondacks, Catskills, Forest Preserve & Natural Resource Management
   Kelly Corso, Environmental Business Transactions
   Janice Dean, Membership
   Yvonne Marciano, Legal Ethics
   Christopher Rizzo, Historic Preservation, Parks & Recreation
   Amy Smith, Adirondacks, Catskills, Forest Preserve & Natural Resource Management
   Peter Trimarchi, Biotechnology, Nanotechnology & the Environment

2. **Approval of Minutes.** On motion by Port, seconded by Lesser, the minutes of the February 1, 2008, Annual Meeting of the Section were unanimously approved.

On motion of Hairie, seconded by Cordisco, the minutes of the February 1, 2008, Executive Committee meeting were unanimously approved.

3. **Reconfirmation of Committee Name.** Alexander reconfirmed that the name of the Biotechnology Committee is now the Biotechnology, Nanotechnology and the Environment Committee.

4. **Section By-Laws.** On motion of Periconi, seconded by Port, the correction of several typographical errors in the Section's By-Laws (as indicated in the written materials provided to the Executive Committee) was unanimously approved.

5. **Treasurer's Report.** Kogut presented a summary of the 2007 budget final figures and reviewed the 2008 budget. Summaries were included in the Committee's written materials. Kogut indicated that there was an accumulated surplus of approximately $57,000 at the end of 2007. Lisa Bataille noted that, with respect to appropriating any of the surplus, this could be done when the Section adopts its budget. Otherwise, specific NYSBA Finance Committee approval is required for such expenditures (except for use in membership initiatives, a use that has been pre-approved).

6. **Environmental Minority Fellowship.** Alexander thanked Peter Casper, Jean McCarroll and Luis Martinez for their work on the Fellowship program, and announced that the ABA Community Trust had agreed to help fund the program for the next two years. Casper reported that all four of the current minority fellowship recipients had been placed with public sector agencies.

7. **Law Student Subsidization Program Task Force.** Alexander indicated that he and Joan Leary Matthews will put together the Task Force, to work with Howard Tollin and Janice Dean, and would report back at the Section's Fall Meeting. A goal will be to use the program as part of an outreach program to law schools.

8. **Global Climate Change Committee.** Ginny Robbins reported that the Committee was planning to present a draft of a global climate change resolution to the Executive Committee in the Fall, for ultimate presentation to the NYSBA House of Delegates. Alexander noted that incoming NYSBA President Bernice Leber was looking for something similar to the resolution adopted by the ABA, with the addition of examining what NYSBA itself could do. Tel Putsavage noted that EPA has a "green law office" program.

9. **Hazardous Waste/Brownfields Reforms.** Alexander thanked Dave Freeman and Larry Schnapf for co-chairing the February 1 brownfields program, and noted that it received positive reviews. Freeman reported that the State Legislature has enacted a moratorium on accepting new applications into the Brownfields Cleanup Program, which DEC has interpreted as also freezing further processing of already accepted applications. He noted that the Legislature and the Governor's Office were looking at "fixes" to areas such as tax credits, and that his

group anticipated coming to the Executive Committee with proposed positions on such legislation for consideration under the Section's Advocacy Policy.

10. **Environmental Impact Committee.** Alexander presented the Committee's report. The Committee has been reviewing the SEQRA statute of limitations issues.

11. **Section Journal.** Kevin Reilly noted that the deadline for submissions for the Summer 2008 issue is June 1. He also raised the issue of whether the legislative update, which had been a feature of the Journal in the past, should be revived. Cordisco suggested providing a law student with a stipend for providing the update. Alexander said that the Law Student Subsidization Task Force would take a look at the concept.

12. **Membership Issues.** Alexander circulated the membership post card that had recently been mailed to non-Section member attorneys, and reported that Howard Tollin and Janice Dean were working on a number of initiatives regarding younger attorneys.

13. **Upcoming Meetings.** Matthews reported that the June 3 EPA Region II program, of which she is the Section contact, will focus on energy and climate change issues and will include the Commissioners of DEC and New Jersey DEP and the EPA Regional Administrator. She reported that the Fall 2008 Section meeting would be at the Hyatt Regency in Hauppauge from September 26 to 28. The program themes will be land preservation and waterfront development. Planning chairs are John Shea, Howard Tollin and Laurie Silberfeld. They are exploring a concurrent CLE program geared specifically for young lawyers.

14. **CLE.** Alexander noted that there was a need for two additional co-chairs of the CLE Committee to assist Maureen Leary and Jim Rigano, whom he thanked for the most recent CLE program, which received good reviews. He noted that the Section was looking at the possibility of having NYSBA tape the Section's CLE programs. Leary said that the Manhattan location was specifically being looked at as a taping venue. She said the Committee was especially seeking co-chairs from the central and western New York area. Leary said the Committee hoped to hold a practical skills program sometime after January 2009. Alexander noted that NYSBA, which used to resist half-day programs, had softened its stance, and that such programs might be more attractive to substantive committees wishing to develop a CLE program.

15. **House of Delegates.** Alexander reported for John Greenthal that NYSBA's membership initiative had a goal of a 10 percent increase by the end of 2010. As of March 31, the Section had a membership of 1,240 (with approximately 100 "drops" for non-renewal in April). The House had also reviewed the work of the committee on balanced lives and diversity in leadership. NYSBA currently has 31 percent female members and 11 percent minorities.

16. **Sponsorship Guidelines.** Robbins reported for the Task Force (Kogut, Greenthal, Alexander and her), and noted that a written report prepared by Kogut was in the Committee's materials. The Task Force will prepare a memorandum recommending the following: (1) a focus on the Fall Meeting, with the Section Chair deciding whether to also have sponsors for the Annual Meeting; (2) a monetary target for sponsorships, set by the Section Chair, based on the costs/revenues anticipated for each meeting; (3) "tiered" sponsorships with levels of recognition tied to monetary thresholds and (4) possibly offering a sponsorship that, for one sum, would cover both the Fall and Annual Meetings. She noted that Greenthal had learned through the House of Delegates that many other sections had similar programs but that they generally provided more opportunities for recognition than our Section had done. With respect to the Thursday evening reception at Proskauer, it was recommended that that continue with flat fee contributions from law firms. Robbins said that the Committee's memorandum would recommend that the First or Second Vice Chair (subject to recusal of government employees) be in charge of the sponsorship program.

17. **DEC Oil Spill Waiver Policy.** Bob Feller indicated that the comments received on the prior draft of the "white paper" had been reflected in the new version that was included in the Committee's written materials. He said that DEC had not provided any formal input. Leary expressed concern that the white paper articulated a presumed position by DEC in the absence of such input. Cordisco proposed amending the document to make clear that DEC had not articulated a rationale for its policy. Feller suggested that the reference to DEC's position could be deleted. Alexander said he would follow up with the task force regarding final changes to the memorandum. It will then be circulated by e-mail to the Executive Committee for a vote. If the document is approved, a group (task force members and Cabinet members) will meet with DEC to walk the agency through the memorandum, rather than sending the document to the agency "cold."

18. **Other Business.**

Insurance. Alexander reported that NYSBA's insurance may not cover Section activities such as field trips. He noted that a draft release covering such activities was included in the Committee's written materials and that releases will be used for certain Section activities in the future.

Int 650-B. Alexander noted that material on New York City's proposed regulation of environmental monitoring devices was included in the written materials.

19. **Adjournment.** On motion by Cordisco, seconded by West, the meeting was adjourned at 3:26 p.m.