

**NYSBA ENVIRONMENTAL LAW SECTION  
EXECUTIVE COMMITTEE MEETING**

**Gideon Putnam Hotel, Saratoga Springs, New York  
October 23, 2011  
9:00 a.m.**

**In attendance:** Lisa Bataille, Mike Lesser, Dean Sommer, Jeff Baker, Bob Tyson, Glen Bruening, Laurie Silberfeld, Terresa Bakner, David Quist, Michael Zarin, Kevin g Ryan, Barry Kogut, Kevin A. Reilly, Kevin Healy, Carl Howard, John Greenthal, Dominic Cordisco, Randall Young, Andrew Wilson, Walter Mugdan, Pete Trimarchi, Miriam Villain, Jason Kaplan, Telisport Putsavge, George Rodenhausen, Joan Leary Mathews, Wendy March, John Caffry, Edward Premo, Rosemary Nichols, Jan Kublick, Alan Knauf and Phil Dixon

1. Call to Order/Opening Remarks by Chair Phil Dixon. Phil thanked Kevin Ryan and Ginny Robbins for the excellent programs for the fall meeting, in turn Kevin and Ginny thanked the speakers who were present.
2. Approval of the Minutes from May 18, 2011. Terresa Bakner presented the minutes, a number of corrections were noted and Jan Kublick moved the adoption of the minutes which were unanimously approved.
3. Treasurer's Report. Kevin Reilly reviewed the statement of the Sections current finances. He commented that the amount of funds budgeted and the amount expended through this portion of the year balances with a cushion of approximately \$7700. The meeting expenditures to date are less than anticipated in the budget. In light of the funds available Miriam Villani requested that the Executive Committee consider awarding money prizes to those essay contest participants placing 2<sup>nd</sup> and 3<sup>rd</sup>. Miriam made this motion and it was seconded by Walter Mugdan and was unanimously approved.
4. Diversity Initiatives. Phil discussed NYSBA President Doyle's diversity challenge and thanked Joan Matthews for updating the diversity plan. Joan was appointed a liaison to the cabinet on diversity issues. John Greenthal will also assist Joan in this role. Jason Kaplan and Robert Stout will continue as the co-chairs of the membership committee to have the responsibility for implementing the diversity plan and for participating in the challenge. The Committee appreciates their work on this issue. The revised diversity plan (see attachment) was presented to the Executive Committee for adoption and was moved by Rosemary Nichols and seconded by Laurie Silberfeld, and was adopted unanimously by the Committee. In the discussion of the plan the importance of ensuring speaker diversity at programs was stressed and the importance of providing our guidelines to other sections when a program is being co-sponsored was also stressed. Any additional ideas for the diversity plan are very welcome. Rosemary had a question about the money dedicated for the minority fellowship program and it was confirmed that there will be two minority fellows for the summer of 2012.

5. Membership report. A report was given by Co-Chair Jason Kaplan on the efforts by the committee to increase participation by law students and new lawyers in Section meetings. These efforts included many visits to law schools and participating in NYSBA efforts to reach out to law students and environmental law societies at law schools. This weekend three law students from Albany law school attended the CLE and the reception and dinner. Two new lawyers were also present at the events. While 10 law students were approved to participate at this meeting. The committee would like to see that number increased to 20 law students for the annual meeting in New York City due to the number of law schools present. Phil commended Jason and Rob on the great job they are doing as head of the membership committee. A suggestion was made to send a letter to the speakers at the dinner thanking them for their presentations, especially the Olympiad/student who spoke. Miriam Villani will be publishing the essay papers in the Journal. Phil thanked Miriam and the judges for the hard work on the essay contest.
  
6. Brownfields Task Force Legislative Proposal. Proposal was circulated prior to the meeting in accordance with the requirements of the Advocacy Policy. The Proposal is posted on the website and is incorporated by reference into these minutes. The proposal was presented by Michael Lesser, Allan Knauf, and Peter Trimarchi. There was general agreement concerning all of the suggestions and Larry Schnaf and Dave Freeman were commended for their hard work in co-chairing the task force and for their ability to coordinate this review in the short time available to the task force. The importance of providing input to NYSDEC prior to the NYSDEC completing their legislative proposals for 2012 was stressed. The need and ability to make recommendations in a timely fashion on the existing brownfields bill introduced in the Senate by Senator Grisanti was also stressed. The overall goal of this effort is to preserve and enhance the program which to date has been underutilized. Alan mentioned the oil spill committee meeting and the desire to address some collateral issues with the Oil Spill Unit and the Comptroller's office to bring the sites involving Petroleum contamination more easily into the voluntary cleanup program. The committee hopes to present a proposal at the annual meeting. Publication of the taskforce's report in the Journal was also discussed and Miriam will address this. Andrew Wilson expressed his willingness to assist in packaging the proposal for the Legislature. Dean Sommer, Kevin Healey and Walter Mugdan made suggestions for improving the taskforce recommendation. The motion was made to adopt the taskforce's recommendation with the following revisions or additions: one, that ongoing enforcement actions other than summary abatement would be stayed upon execution of a BCP agreement; and two, that The report reflect that the Section urges the Department to develop and implement a new Voluntary Cleanup Program similar to the Expedited Remediation Program for Minimally Contaminated Sites recommended by the Section in case that program is not legislatively enacted. The task force report with the modifications was moved by Mike Lesser and seconded by Dominic Cordisco, all were in favor with the following abstentions: Dean Sommer, Randy Young, Joan Matthews and David Quist.
  
7. Report of the Section Chair. Phil Dixon reported that continuing efforts were going to be made to reduce the size of course materials and to have future meetings with the Municipal Law Section since there is considerable overlap in the two Sections

membership. Carl Howard and Michael Lesser are going to be program chairs for the annual meeting in January. Last year's format having the meeting and the reception Thursday night will be followed. The speaker to be invited for the luncheon on Friday is Joe Martens. The nominating committee will be Terresa Bakner, Louis Alexander, Howard Tollin and Gail Port. Phil updated everyone on the status of the subsidization program, still waiting for an opportunity to get a ruling on the program. Joan Matthews and Terresa Bakner will work on a proposal for approval of the program by the new State Ethics Board and will present it to the Executive Committee at the Annual Meeting for approval so that it can start through the NYSBA processes. The new ethics board is likely to be up and running in the Spring.

8. NYCELLI. Walter Mugdan indicated that NYCELLI is in its 6<sup>th</sup> year and would like our continued support. Last year there were 17 or 18 participants. They have plans to enhance their website, adjust their curriculum and develop primers. Walter recommended that we continue supporting NYCELLI at a level of \$1500 for 2012. This was moved by Walter and seconded by Terresa Bakner, it was approved unanimously.
9. The House of NYSBA delegates report was provided by Howard Tollin in writing and it is included in the record.
10. Committee Reports (other than Membership which is covered above): Jan Kublick and Rosemary Nicols reminded the committee that they chaired a task force that commented on the draft GEIS published by DEC on Marcellus Shale Hydrofracking. They proposed to reactivate the taskforce to comment on the new revised SGEIS and the regulations that have also been published. Their goal is to have comments circulated by November 27 in order to implement the advocacy policy and to comment within the time frame specified by NYSDEC.
11. Fall meeting for 2012 which is chaired by Carl Howard is set for October 12-14 in Lake Placid at the Crowne Plaza Hotel.
12. The meeting adjourned at 11:20 a.m.