Environmental Law Section
Executive Committee Meeting
Marriott Marquis
New York, New York
February 1, 2008

Attendees:

Louis Alexander	Howard Tollin	Barry Kogut
John French	Constantine Sidamon-Eristoff	Kathleen Martens
Walter Mugdan	Miriam Villani	John Lyons
Michael Lesser	Edward Premo	William Fahey
James Periconi	Dean Sommer	Andrew Gershon
Laurie Silberfeld	John Marwell	Philip Dixon
Telisport Putsavage	John Greenthal	Vincent Altieri
David Quist	Jan Kublick	Bill Helmer
Alan Knauf	Michael Naughton	Jeanne Compitello
Glen Bruening	Ginny Robbins	Kevin Healy
Gary Abraham	Jim Sevinsky	Kevin Ryan
Dorothy Miner	Drayton Grant	Jeff Gracer
Janice Dean	Jennifer Hairie	Marla Wieder
Joan Leary Matthews	Ruth Moore	Vernon Rail
Larry Schnapf	Phil Weinberg	George Rusk
Kevin Reilly	Maureen Leary	Daniel Reisel
Luis Martinez	Mike Altieri	Nicholas Robinson
Lisa Bromberg	Jeff Baker	George Rodenhausen
Ragna Henrichs	Kelly Corso	Lisa Bataille
John Hanna, Jr.	Bob McLaughlin	Paul Gallay
Kevin Bernstein	Lou Evans	Jean McCarroll
Gary Bowitch	Jerry Cavaluzzi	Dominic Cordisco
Ed Malley	Bob Kafin	

1. **Call to Order.** Section Chair Louis Alexander called the meeting to order at 3:33 p.m.

2. **Opening Remarks.** Alexander announced two new members-at-large to the Committee since September 2007 (Kathleen Martens and Eileen Millett) and new committee chairs: Agriculture, Ruth Moore; Coastal and Wetlands Resources, James Boglioli; Environmental Business Transactions, Robert Feller; Ethics, Randall Young; Global Climate Change, Virginia Robbins, Eleanor Stein and Vincent Altieri; Land Use, Edward Premo; Legislation, Terresa Bakner; Pollution Prevention, Megan Brillault; Public Participation, Intervention & ADR, Gary Abraham; Water Quality, Janis Fallon; and Membership, Janice Dean. Alexander

also introduced the new NYSBA Executive Committee Liaison to the Section, John Marwell, and noted the new liaison from the Young Lawyers Section, Joseph Castiglione.

On behalf of the Section, Alexander thanked the Program Chairs for the CLE program (Joan Leary Matthews, Dave Freeman, Larry Schnapf and Gail Suchman) and the speakers for the well-received program.

He also thanked Proskauer Rose for hosting the Thursday evening reception and the Minority Fellowship Judges (Jean McCarroll, Luis Martinez, Peter Casper, Chris Fazio and Desiree Gilermann) for their work in selecting this year's fellowship recipients.

Alexander also thanked Jean McCarroll, Luis Martinez and Howard Tollin for representing the Section at the NYSBA Diversity Reception held earlier that week.

Alexander announced that Gail Port has been selected as the Section's representative to the NYCELLI Board for a one-year term (Feb. 1, 2008 – Jan. 31, 2009).

3. **Approval of Minutes.** On motion by Knauf, seconded by Mugdan, the minutes of the October 14, 2007, Executive Committee meeting were unanimously approved.

4. **Treasurer's Report.** Kogut presented a review of the 2007 budget and the budget for calendar year 2008. Kogut indicated that an accumulated surplus of approximately $57,000 was expected for 2007. He also indicated that results of the Section's sponsorship efforts were very good.

5. **Global Climate Change Committee.** Ginny Robbins reported that the presentation on the Bali conference by Nick Robinson was well-attended. She said that the committee would address the issue of developing a proposed resolution on climate change for the NYSBA House of Delegates.

6. **Fall 2007 Meeting Follow-Up.** Alexander noted that the Commissioner's Decision in the Kingwood matter, relating to lead agency status and greenhouse gas issues, as well as material from DEC on SEQRA/parkland alienation, invasive species and urban air pollution, were included in the Executive Committee materials.

7. **Hazardous Waste Site Remediation.** Larry Schnapf reported that the task force had spoken with Val Washington of DEC and Senate and Assembly staff regarding proposed amendments to the Brownfields law, and thanked Ron Kennedy of NYSBA for his assistance in setting those meetings up.

8. **Legislative Forum.** Michael Lesser announced that the Forum has now been scheduled for May 7. Alexander stated that planning for the luncheon was in process and that he was working with Ron Kennedy on a format that would conform to the new ethics rules.

9. **Fall 2008 Program.** Joan Leary Matthews announced that the Fall 2008 meeting would be held at the Hyatt Regency in Hauppauge, New York from September 26 – September 28.

10. **Wetlands Committee.** Drayton Grant indicated that the committee felt that a new, updated bill on wetlands jurisdictional size was needed. The committee was charged with developing such a proposal for Executive Committee consideration.

11. **New York Bar Foundation.** Carla Palumbo presented an overview of the many activities that the Bar Foundation has undertaken and supported. The Executive Committee expressed its thanks to the Foundation for the support that it has given to the Minority Fellowship Program.

12. **Advocacy Issues.** Joan Leary Matthews reported that proposed legislation on wetlands jurisdiction and SEQRA standing were both stuck in the State Senate, and that the bottle bill language in the Governor's budget bill will require a slight retooling of the Section's previous memo on the subject. Kevin Ryan reported that his committee planned a series of conference calls on three SEQRA advocacy issues (statute of limitations, parkland alienation and climate change).

13. **DEC Policy on Waiver of Rights Against Spill Fund.** Gary Bowitch presented the report of the Committee on Enforcement and Compliance/Task Force on Petroleum Spills and the draft position paper authored by Bob Feller, which was included in the Executive Committee's materials. After a discussion of DEC's policy and the position paper, upon motion of Grant, seconded by Baker, a straw vote was taken on the general conclusions of the position paper. There were 38 ayes, no nays, and 10 abstentions: Mugdan, Lesser, Dean, Martens, Matthews, Alexander, Leary, Silberfeld, Quist and Gershon. It was decided that Executive Committee members would have three weeks to comment on the draft position paper, after which the position paper would proceed in accordance with the Section's advocacy policy.

14. **Membership Issues.** Howard Tollin reported that the membership survey netted 115 responses. He said follow-up activities included a post card (circulated at the meeting), and outreach to the Young Lawyers Section, environmental attorneys who are not NYSBA members and attorneys who have left the Section. Alexander reported that membership increased by 12 in the two weeks before the meeting and now stood at 1,225.

15. **Section Bylaws.** Lisa Bataille reported that the revised bylaws were approved by NYSBA's Executive Committee on January 31, and were now in effect.

Alexander reminded the Executive Committee about the attendance requirements in the bylaws, specifically that committee and task force co-chairs and members at large must attend at least one Executive Committee meeting per year.

16. **Section Journal.** Kevin Reilly urged Committee chairs to submit items on their committees' work for publication in the Journal.

17. **CLE Committee.** Maureen Leary reported that the November 2007 CLE program went well and that the Committee was planning another program for Fall 2008, covering a range of topics (SEQRA, regulatory compliance, Article 78s, DEC procedures). The Committee also sought to focus on programs for new attorneys.

18. **House of Delegates.** John Greenthal reported that, at its November 3, 2007, meeting, the House approved the final part of the proposed new Model Rules for attorney conduct. The Task Force on Minorities in the Profession has recommended that the Office of Court Administration's biennial registration forms seek information on the race and sexual orientation of registrants. The Task Force on Town and Village Courts has recommended that all new town and village justices be required to be attorneys. The Eminent Domain Task Force's report is still before the House.

19. **Governmental Personnel Restrictions.** Alexander reviewed the new restrictions applicable to government personnel. The Section is no longer able to offer travel or lodging reimbursement for State or local government employees speaking at Section events.

20. **Cosponsored Programs.** Alexander reported that Sections are now prohibited from co-sponsoring programs with non-NYSBA entities unless the prior approval of NYSBA Executive Director Pat Bucklin is received. On motion of Mugdan, seconded by Leary, the Committee unanimously voted to express its displeasure at the policy as being unduly restrictive.

21. **Confidentiality.** Alexander noted that it was Section policy that communications to or among Executive Committee members were to be treated as confidential, unless otherwise indicated.

22. **EPA Region II Program.** Alexander noted that the Section had received NYSBA approval to co-sponsor the annual EPA Region II program on June 3, 2008 at Fordham Law School in Manhattan. Mike Gerrard will be the conference chair, and Joan Leary Matthews is the Section contact.

23. **Pollution Prevention Committee.** The Committee would be requested to take a look at ways to make the NYSBA headquarters more environmentally friendly.

24. **Task Force on Cosponsorships.** Alexander announced that he was setting up a task force to review the Section's efforts to obtain cosponsorships from consulting firms, law firms and other associations to help defray the costs of Section events. The task force will be looking at ways to standardize the requirements for cosponsorship, as well as what is offered in return (publicity, registration, etc.).

25. **Task Force on Law Student Subsidization.** Alexander also announced that a task force would be established to consider a subsidization program for law students at Section events.

26. **Adjournment.** On motion by Mugdan, seconded by Knauf, the meeting was adjourned at 4:58 p.m.