

**Environmental Law Section  
Executive Committee Fall Meeting  
Hyatt Regency Long Island  
Hauppauge, New York  
September 28, 2008**

In attendance: Joan Leary Matthews, Chair; Louis Alexander, Vincent Altieri, Megan Brillault, Jeanne Compitello, Kelly Baldwin Corso, Janice Dean, Philip Dixon, Carl Howard, Yale Klat, Alan Knauf, Barry Kogut, Craig Kravit, John Marwell, Jean McCarroll, Walter Mugdan, John Parker, James Periconi, Edward Premo, Kevin Reilly, Virginia Robbins, Peter Ruppert, James Sevinsky, Constantine Sidamon-Eristoff, Howard Tollin, Miriam Villani and Staff Assistant, Kathleen Plog.

1. **Call to Order** – Section Chair Joan Leary Matthews called the meeting to order at 9:30am.

**Opening Remarks** – Matthews thanked the Program Co-Chairs John Shea, Howard M. Tollin, Laurie Silberfeld and Janice Dean for an outstanding program. Matthews introduced New Members of Executive Committee as well as members at large – John Parker, Craig Cravet, and Kit Kennedy, and New Committee Co-chairs.

2. **Approval of Minutes.** The minutes from the May 7, 2008 Executive Committee Meeting were approved after paragraph 16 was amended by Barry Kogut.

3. **Report of Section Chair:**

a. Sponsorships – Barry Kogut, Jim Rigano, Kevin Bernstein, with assistance from John Shea and Howard Tollin, raised \$7,000 for the Fall meeting.

b. Update on Committees:

Co-chair openings: CLE (2) Jim Periconi volunteered to be co-chair for CLE committee leaving one remaining vacancy; Air Quality, Internet Coordinating, Public Participation, Intervention and ADR all have openings. Matthews requested that she be informed if anyone had any ideas on individuals to fill the remaining vacancies.

2008-09 Nominating & Awards Committee: Is composed of Carl Howard, Jim Sevinsky, Ginny Robbins, Miriam Villani. Carl will organize a meeting.

Awards Committee: Is composed of Lou Alexander, Gail Suchman, Phil Weinberg, and Kathleen Martens

c. NYSBA Membership Challenge – Pursuant to this challenge NYSBA asked ELS to increase its membership by 118 members by 2010; as of Sept 28, 2008, we are up by 22

members. Our Executive Committee members have been challenged to each bring in 2 new members.

-NYSBA Membership Program, Albany Law School, 9/8/08 – The Albany Law students were asked to join the section. JM reported that she attended this event and spoke to many students.

d. Update on Section Subsidization Program – The Program was retooled last Jan 2008 due to new ethics laws. Lou Alexander worked on these laws. The Program will cover meeting expenses but probably will not cover travel and hotel expenses. These limitations affect DEC employees but not federal employees. Matthews noted that registration fees approach the maximum reimbursable of \$250 per person, so this may not be that big an issue. \$5,000 is set aside for each meeting for 20 people @ \$250. These concerns were raised by the Public Integrity Commission.

e. Classroom Project – Executive Committee members were asked to compile materials, lesson plans on areas of individual expertise (e.g., global warming, air pollution, etc.) so that those attorneys willing to go into class rooms can utilize such materials. EPA has an Environmental Education program and materials that may be of use.

f. Co-sponsored Programs

g. Journal – Kevin Reily noted the deadline of Oct 15, 2008 for submissions. He raised the possibility of switching to a glossy format. Questions were raised as to the recycled content of the paper; glossy paper can be recycled but it is more difficult than non-glossy paper. Kevin also asked if the legislative update feature should be revived. Joan asked about emailing the Journal and/or putting it on our website. Should we make an “E” (electronic) copy an option? If we offer an online option, will people just print it out? Janice Dean suggested that we make articles ‘searchable’ and findable on line. It was also noted that members of the section get the Journal so perhaps it should not be free on line.

Alan Knauf noted that there was excessive copying of materials for this Fall program, mostly of statutes, and regulations. Power Points do not count as ‘written materials’ for CLE, so we may not want to reproduce these. We could put them on our web site. Should we use less paper and a more comprehensive CD? Is that more work? Printing of program materials is generally done in house. Is it easier to make CDs? The State Bar wants to be Green, are CDs more green than paper copying? Perhaps we should get a brief outline from speakers, and backup materials we could provide electronically, statute and regulations can be put on a disc. These questions require more research.

There were no written materials for Larry Weintraub’s program. Such materials are necessary for CLE credit.

4. **Treasurer’s Report** – Treasurer Dixon reviewed the latest accounting which shows a surplus of \$57,044. Dixon noted that to this figure we should add \$7,000 raised from

sponsorships for the meeting. It was suggested that we use some of the surplus for membership initiatives.

Our dear friend Dorothy Miner is ailing and a card wishing her well was passed around and signed by all.

**5. Environmental Minority Fellowship Program** - Jean McCarroll discussed the Environmental Justice Committee report. She noted that there are 4 Environmental minority fellows, 2 of which went to EPA, 1 to DEC Region 1, and 1 to the AG's office. Regarding the NY Community Trust, a grant was stretched to 4 years. Lou Alexander noted the need to follow up and try to keep these fellows involved in the section, to offer help with costs and complimentary program materials. Minority fellowship is a promising route into AG's office.

**6. 2008 Essay Contest Recipients** – Miriam Villani reported that the judges found this year's essays to be quite good. The judges were Jim Periconi, Laurie Silberfeld, Carl Howard, Phil Dixon, William Fahey, and Gail Port.

**7. Global Climate Change Committee** – Vince Alteiri reported that this Committee was working on guidelines and a climate change resolution and he mentioned the web site "abanet.org."

-Marci Kahn, Supreme Court Justice, member, liaison to OCA, mentioned a Green Justice Initiative which includes green filing, conference calling, modified energy use, fleet procurement, specialized parts, and noted additional areas to address include disposal of fluorescent bulbs and computer monitors.

-Ginny Robbins reported work on a resolution for submission to NYSBA House of Delegates. A report will accompany the resolution and a task force was created and funding made available. Mike Gerard, Chair, Columbia law students doing research, various law school professors participating. Section will be named as co-sponsor of the report.

-The new NYSBA President is interested in global climate change issues. Our section can play a significant role here. A resolution ("Recommendation") was approved. This Recommendation concerns global climate change and our section has resolved to serve as a model to the NYSBA and to others in doing all that we can to promote policies and practices to combat global climate change. Mudgan proposed, and Jim Periconi seconded the motion to adopt this Recommendation.

**8. Annual Meeting** - Jan 30, at Marriot, last year we will be there. \$5,500 approved for cocktail reception, most of the money likely will be covered by sponsors. The program will be on Greening NYS, and Alan Knauf will chair it.

#### **9. Update on Advocacy Issues**

-Brownfields Initiatives – our comments were submitted last minute. This is an issue for cabinet; namely, numerous bills were circulating and we couldn't go through everything with the Executive Committee. Comments consistent w/ our over-all position were forwarded, but for new issues that had not been discussed w/ the section, no comments

were submitted. Our Executive Committee can't move as rapidly as necessary for rapidly emerging bills. Legislation Committee prepares a report on the bills but we don't have a paid representative to react to all the bills.

-Connie Sidamon-Eristoff – suggested that we check with Audubon, and the League of Conservation Voters, and work with other groups as well. Matthews stated that we are trying to bring in representatives of other environmental groups. Mugdan stated that there are groups that convene and discuss legislation, etc., with whom we do not interact. But we might consider doing more with them. Matthews said that we are not always welcome, for example, our Brownfields position is at odds with theirs. DEC members abstain from voting and full participation in NYSBA meetings so our position tends to represent the private bar. Mugdan thought that DEC employees are being excessively cautious. Members can vote as individuals regarding NYSBA taking a position on a matter. One can and should leave one's clients behind when entering NYSBA meetings.

Regarding the Bottle Bill, the Pollution Prevention, Solid Waste and Legislation Committees need to generate a report (15 pages). Information is readily available from other active groups. Mugdan volunteered to assist in this effort.

#### **11. CLE Report**

**12. NYSBA House of Delegates** – John Greenthal circulated a memo.

#### **13. Committee Reports:**

-Howard Tollin and Janice Dean reported on membership. They suggested that we waive the fee (\$17.50) for first year members. This will raise our membership numbers. A Motion was passed on waiving this fee (Mugdan proposed, Tollin seconded.) Bar associations are competitive, but maybe future cooperative efforts could be pursued.

-Craig Kraut proposed a new committee on Investigations. Matthews suggested that it be incorporated into an existing committee. A CLE program was proposed on investigations. Alan Knauf: addressed petroleum spills and spill fund claims.

-Toxic Torts: CLE possibly in the Spring.

**14. 2009 Fall Meeting** – Alan Knauf will Chair, it may be joint w/ Municipal Law Section, in the Finger Lakes area.

**15. Update of White Paper on Oil Spill** – Mugdan asked what did DEC members say and why did DEC take the position it did? Matthews said she will look into it.

**16. Old Business/New Business:** Mugdan raised some new business; he suggested that we give \$1,000 to NYSLI, we have given this money in the past, the effort has enjoyed positive feedback, and this will be its 3d year upcoming. Gail Port is liaison for our section; a few NYSLI members have also joined our section; we could waive our section dues for them if they joined the Bar and our section. Motion: Walter proposed, Janice Dean seconded regarding the \$1,000; 2d motion proposed by Barry K: M. Villani seconded, waive section fee for 1 year if they sign up for NYSLI program

- Matthews reported that Alice Kryzan won her primary and that G. Port, and J. Sachs aided her.
- Peter thought that Larry Weintraub's DEC update was great and thought we should make it a regular feature of our meetings.
- Barry suggested that maybe at the January meeting we could have a similar EPA update.
- Maho Bay, VI, dive trip? DOI trying to preserve this eco-lodge.

## **17. Adjourn**