

MEETING MINUTES
Real Property Law Section – Executive Committee
January 25, 2017
Hilton Hotel, New York, New York

1. Call to Order: The meeting was called to order by Mindy H. Stern, Chair of the Real Property Law Section at 3:04 P.M.

2. Approval of the Executive Committee Meeting Minutes – Gerard Antetomaso, Secretary: A Motion was made, seconded and carried unanimously approving the Minutes of the July 27, 2017 Meeting subject to correct the spelling of Dan Zinman's name.

3. Welcome and Chairman's Remarks – Mindy H. Stern:
 - A. Section Sponsorships: The Chair spoke about the Trial Advocacy Program Silver Sponsorship that was approved by the officers and had been requested by our liaison from the Young Lawyers Section. The Chair also reported on the Bridge the Gap Co-Sponsorship and the Annual Erie County Bar Association Conference on March 11, 2017.

 - B. Membership Initiatives: Michelle Wildgrube, who Co-Chairs the State membership initiatives, reported that the Bar President has challenged the Committee to increase membership by 2% the first year and by 3% the second year. These goals have been for overall bar membership, as well as section membership. The Committee is looking to the sections to increase, retain and engage their respective memberships. The Committee has challenged section to create a welcoming atmosphere and comradery so as to attract and retain members and to add value to their participation and membership. Some of the other initiatives discussed include having ambassadors at the various meetings, as well as a gathering at a craft beer presentation.

 - C. Past Chair Summit Report: The Chair reported on the Past Chair Summit held after the last Executive Committee Meeting during the luncheon that followed. The Chair reported upon the various ideas raised for enhancing membership participation, interest and value. The Chair asked each member of the Executive Committee to try to bring at least one new member to the section each year. The Chair also suggested we recommend bar membership to any attorney we know who is seeking new employment

D. Appointments: The Chair introduced Alan Knauf as new Co-Chair of Land Use and Environmental. The Chair also indicated that prior to leaving office she will have the vacant position as the 12th District rep filled. Also to be filled are the 1st and 7th Districts as Andy Posil has recently taken a position out of state. Finally, the Chair reported later during the meeting that the Nominating Committee unanimously nominated Ira Goldenberg to be the next Secretary of the Executive Committee and he has accepted the nomination.

E. Young Lawyers Committee: Discussion ensued about the potential of a Young Lawyers Committee. Ultimately, it was determined that the officers will take the various ideas into consideration, most notably whether such Committee is necessary, whether we actually wanted to separate young lawyers from the substantive committees, and finally whether such a committee can serve either as an administrative committee or a task force with a handful of members that would bring to the general Executive Committee issues important to young lawyers. One of the recommendations was also a Junior Track CLE for newly admitted lawyers. Michael Barone, of our liaisons from the young lawyers section, was very supportive of such an undertaking.

4. Meeting Reports:

A. 2017 Annual Meeting: Trish Watkins reported upon the festivities and the next day's CLE program.

B. Summer Meeting: Tom Hall reported on the Summer Meeting to be held on July 27-30, 2017, that he was assembling a panel of speakers for CLE, as well as activities for the program.

C. 2018 Summer Meeting: No report.

5. Finance Report – Spencer Compton:

Spencer gave the finance report indicating there will be a \$49,000 deficit for the immediately past fiscal year. That was anticipated and would be easily offset against our surplus of over \$161,000. He also indicated at the Officer's Meeting it was determined that the subsidies for first time attendees of summer meetings will be reduced from 75% to 50% starting in 2018.

6. House of Delegates Report:

In November 2017 there will be referendum on whether the New York State Constitution will be amended. NYSBA is debating whether they will be supportive of such a referendum and what amendments, if any, might be appropriate. The House of Delegates also discussed the propriety of up to two credit hours of diversity and inclusion training to be a part of the regular CLE requirements. Joel Sachs pointed out how the State of Florida now requires two hours of technology training to be part of its CLE program and Peter Coffey indicated that he believed that diversity training was a “done deal” irrespective of any input from the House of Delegates.

7. NYSBA Executive Committee Report – Ira Goldenberg:

Diversity was an area of substantial discussion at the last Executive Committee Meeting. Ira further reported that the Executive Director, as well as the CLE Director of NYSBA have both resigned.

8. Section Projects and Initiatives:

A. Section Calendar – Gerald Goldstein: Jerry reported that with his new computer he has now entered the 21st century and is eagerly anticipating the various committees sending him information on their upcoming meetings so that he can post them to the calendar.

B. Task Force on Draft, Insurance Dept. Regs and Title Insurance: Tom Hall reported upon a recent meeting at the Dept. of Financial Services. In attendance were Tom Hall, Jerry Antetomaso, Mindy Stern and Kevin Kerwin. The task force met with chief counsel to the Dept. along with various other representatives. The reception was a bit chilly at first, but warmed substantially as the meeting went on. Several issues were addressed, including the impropriety of reducing fees in situations where attorneys provide title insurance. The last issue that was discussed at the meeting was a request by DFS to delineate what activities must be undertaken by an agent in order to earn their fees. This matter will be taken up at Title and Transfer. A memo was drafted and sent to DFS summarizing our conversation and providing supporting information for the task force’s position.

C. Scholarships: Lorraine Power Tharp Scholarship went to Meghan McGinn and the Mel Mitzner Scholarship went to Joanna Sidiak. They will be announced at the Annual Meeting.

D. Amendment to Power of Attorney Statute: No change or report given. Sam Tilton also stated that there was no new legislation introduced based on the recommendations made by the task force.

E. Zombie Houses Task Force: Leon Sawyko and Joel Sachs reported that Heather Rogers is going to speak at a CLE on Thursday. NYLJ asked the Chair to write an article about the happenings of the RPLS. Mindy wrote about the section's involvement in assisting with the understanding the statute and regs.

F. Supporting NY Bar on Construction Law Issues:

No Report.

9. Reports of District Reps:

A. 1st District: Now vacant as Andy Posil has taken a position out of state.

B. 2nd District (Brooklyn): Lawrence F. DiGiovanna: Larry indicated that each time a new member joins from his District a letter goes out and a follow up in order to create a sense of inclusion. He believes that this has worked relatively well.

C. 3rd District (Albany): Alice M. Breeding - The same response to new members is done as the 2nd District. They also held a holiday party with the Young Lawyers Section. Unfortunately, it happened on a day a snow storm was to hit.

D. 4th District (Schenectady and North): Michelle H. Wildgrube reported that their social events are usually done in conjunction with the 3rd District.

E. 5th District (Syracuse and Central New York): Ann Marie Grath reported that they will be doing a CLE on winery law.

F. 6th District (Binghamton and Southern Tier): John E. Jones reported that he is heavily involved in the local practice guide and asked for input from the various counties.

G. 7th District: Vacant.

H. 8th District (Buffalo and western portion of state): David C. Mineo reported that they held a holiday event on December 2nd at the US Courthouse. David indicated that on March 11th they will be holding their 27th Annual Erie County Seminar on Real Property.

I. 9th District (Westchester, Putnam and Rockland Counties): Lisa M. Stenson Desamours reported that all members of that District were contacted and

encouraged to attend the Annual Meeting. They are also inquiring as to the propriety of starting a Habitat for Humanity project.

J. 10th District (Nassau and Suffolk County): Sanford A. Pomerantz and Daniel J. Baker are co-reps. Sandy reported that they conducted a Toys for Tots event along with the Young Lawyers Section which was well attended.

K. 11th District: Joseph J. Risi and Steven Wimpfheimer - No report.

L. 12th District: Vacant.

M. 13th District (Staten Island): Toni Ann Christine Barone reported that they are in the process of being involved in Mentor Programs and mock trial competitions. She indicated the importance of trying to communicate with younger individuals to let them know that recent internet posts never go away. This is something she brought up in mock trial competitions.

10. Report of Standing Committees:

a. Substantive Committees:

1. Attorney Opinion Letters: Gregory P. Pressman and Charles W. Russell indicated that they had a wonderful discussion at their earlier meeting on opinion letters and several issues were brought there. A discussion was had as to whether a new draft opinion letter created by Josh Stein would be posted, as well as whether a checklist for attorney opinion letters would be posted on the community.

2. Commercial Leasing: Sujata Yalamanchili, Deborah Leigh Goldman, Robert J. Shansky - They are going to hold a meeting in March to explore tax and accounting issues for Leases. There will also be an all-day CLE in April (either the 26th or 27th).

3. Condemnation, Cert. and RE Taxation: Karla M. Corpus and Steven Wimpfheimer – No report.

4. Condominiums and Cooperatives: Dale J. Degenshein and Steven D. Sladkus - No report.

5. Green Real Estate: Nicholas M. Ward-Willis and Joel Binstok – Nick is still looking to grow participation. Joel reiterated that there are local laws that have substantial impact on the real estate practice, especially at the New York City level that should be disseminated.

6. Land Use and Environmental Law: Alan Knauf and Linda U. Margolin – Alan promised a substantial report the next time he attended. Linda indicated that with the folding of the Municipal Law Section, the Land Use Committee would become of greater importance on the community.

7. Landlord and Tenant Proceedings: Paul Gruber and Peter A. Kolodny – Paul indicated that at the next meeting he will have a speaker on the new tenant protection unit based on new regulations. He asked if anybody knows anybody at any governmental agency tasked with implementing the regulations to speak at a seminar.

8. Low Income and Affordable Housing: Richard C. Singer – No formal report.

9. Not for Profit Entities and Concerns: Anne Reynolds Copps and Susan E. Golden – Anne indicated that there will be a CLE during the Annual Meeting.

10. Professionalism: Patricia E. Watkins and Nancy A. Connery – Two synopsis of ethics opinions will be circulated. One addresses lawyers dealing with public entities and a second as to whether an attorney can take a mortgage to secure legal fees.

11. Public Interests: Maria DeGennaro and Daniel Webster – No report.

12. Real Estate Construction Committee: Gavin Lankford and Brian G. Lustbader – There has been outreach to committee members to enhance attendance. Still working on CLE's and maybe doing a work group for architects to speak to attorneys on how to read plans.

13. Real Estate Financing: Richard S. Fries and Heather C.M. Rogers – Richard spoke about champerty and zombie housing.

14. Real Estate Workouts and Bankruptcy: Garry M. Graber, Daniel M. Zinman and Gino Tonetti – Dan spoke about the Jeva case. There is no decision yet. The case addressed whether priorities given to to secured or priority claims must be strictly adhered to.

15. Title and Transfer: Toni Ann Barone and Gilbert M. Hoffman – A meeting will be held the day after the Executive Committee Meeting to discuss Federal estate tax liens, what work needs to be done for a title agent to earn a fee, the uniform marketable record title act and Karl will be talking about his golf ball cases.

b. Administrative Committees:

1. Awards: Peter Coffey indicated that Anne Copps will be presented with the Professionalism Award at the Section luncheon.

2. CLE: David J. Zinberg and Scott Sydelnik – Scott reported that they are conducting a statewide CLE on purchases and sales. David indicated that there will be a CLE on commercial leasing in April and on basic purchases and sales for condos and co-ops.

3. Legislation: Samuel O. Tilton and Richard A. Nardi - Sam reported on some of the new laws introduced. First he indicated that there was a proposal for settlement conferences on reverse mortgages. He also reported on a bill that would require real estate transfer tax to be paid on a transfer of a 10% or greater interest in an entity holding title to real property so that it comes more in line with transfers of fractional interest such as tenants in common. There is also legislation to close the transfer tax loophole where contracts are split between land and improvements so as to avoid the mansion tax.

There is also a proposal to reduce interest to market rate as opposed to 9% on judgments against New York State. Finally, Sam indicated that bills of interest will be sent to the various substantive committees that may have interest so that appropriate action may be taken.

4. Membership: Jaime Lathrop and Harry G. Meyer – Harry thanked the district reps for all the work that they did. He reported on contacts with law schools in New York State. He also thanked Michelle Wildgrube for work being done to enhance membership.

5. Publications: Marvin N. Bagwell, Matthew Leeds, Vincent DiLorenzo and William P. Johnson – No report other than Matt's stirring request for articles for publication.

6. Student Affairs: Ariel Weinstock, Shelby D. Green and David Berkey – It has been the practice not to pay law students for internships that they are doing and conversely firms are not able to charge for their time. Some law schools want their students now to be paid and allow the firms to charge for time. No definitive decision has been made on this, but it is still being considered. Solicitations for internships for the fall of 2017 will be taken in February of this year. No road shows are currently planned, but some will be sought out.

7. Website and Electronic Communications Committee- Susan Scharbach and Michael P. Stevens – There has been over 5700 posts on our various communities. We are also examining entering the twitterverse. Michael has

indicated that they are looking for membership assistants and the Chair pointed out that that is the perfect committee for the student members.

11. Old business: None

12. New business: Suffolk County raised recording fees and is now charging \$200 per tax lot for certifications. At times, properties are comprised of several different lots and now there is a fee in Suffolk County where it will cost \$200 for each lot included. This applies to filing, such as Notice of Pendency's and the like.

13. The Meeting was adjourned at 5:07 p.m.

Respectfully Submitted,

Gerard G. Antetomaso, Secretary

Attachments:

- I. Attendance
- II. Letter from Chair