



NYSBA

Local and State Government Law Section

Fall Meeting

Embassy Suites by Hilton
Saratoga Springs, New York
October 21-22, 2016

Section Chair

Carol L. Van Scoyoc, Esq.

White Plains Corporation
Counsel's Office
White Plains

Program Co-Chairs

Spencer Fisher, Esq.

New York City Law Department
Division of Legal Counsel
New York City

Bernis Nelson, Esq.

Bernis Nelson, Attorney At Law
Peekskill

Natasha E. Phillip, Esq.

New York State
Department of State
Albany

THIS PROGRAM PROVIDES 7 MCLE CREDIT HOURS
CONSISTING OF 5.5 CREDITS IN PROFESSIONAL
PRACTICE AND 1.5 IN ETHICS.



SCHEDULE OF EVENTS

Friday, October 21

12:00 Noon **Registration** – Foyer

1:00 - 4:30 p.m. **General Session** – Congress Room

Welcoming Remarks: **Carol L. Van Scoyoc, Esq.**
Section Chair

Sharon Stern Gerstman, Esq.
NYSBA President-Elect

Introductions: **Program Co-Chairs**

1:10 - 2:00 p.m. **United States Supreme Court and New York Court of Appeals Update: Evolution Rather than Revolution** (1.0 credits in Professional Practice)

This session will summarize the latest and most interesting decisions of the U.S. Supreme Court and the New York Court of Appeals that impact municipalities, state agencies and those who practice municipal law.

Speaker: **Adam L. Wekstein, Esq.**
Hocherman Tortorella & Wekstein, LLP
White Plains

2:00 - 2:50 p.m. **Zoning for Solar** (1.0 credits in Professional Practice)

This session will review strategies and best practices for developing a clear, comprehensive, and enforceable solar permitting and regulatory framework. The session will present sample provisions for permitted uses, dimensional standards, development standards and definitions. In addition, the NY Model Solar Law and State Unified Solar Permit will be reviewed.

Speaker: **Jessica Bacher, Esq.**
Land Use Law Center
Pace University School Of Law
White Plains

2:50 - 3:00 p.m. **Refreshment Break**

3:00 - 4:15 p.m. **From Smoking to Soda and Back Again: Agency Authority Under the Evolving Boreali Doctrine** (1.5 credits in Professional Practice)

Recent cases have considered challenges to regulatory initiatives of both New York City and New York State. The challenges claim infringement by administrative agencies upon the role of legislative bodies and rely upon *Boreali v. Axelrod*, 71 NY2d 1 (1987). These recent cases include Court of Appeals decisions on sugary drinks, smoking and taxi regulation. This session by attorneys from the City and State will give attendees a primer on the state of the case law and how to approach agency authority in light of these cases.

Speakers: **Andrea Fastenberg, Esq.**
New York City Office of
Corporation Counsel
New York City

Spencer Fisher, Esq.
New York City Law Department
Division of Legal Counsel
New York City

Matthew Grieco, Esq.
New York State Office of the Attorney General
New York City

4:15 - 4:25 p.m. **Closing Remarks**

5:30 - 6:30 p.m. **Cocktail Reception** – Skidmore Room

Dinner is on Your Own This Evening

SCHEDULE OF EVENTS

Saturday, October 22

- 7:00 - 11:00 a.m.** **Complimentary breakfast** – Diamond Club Grill **(breakfast is for overnight guests of the Embassy Suites Hotel only).**
- 8:30 a.m.** **Registration** – Foyer
- 9:00 a.m. - 12:15 p.m.** **General Session** – Congress Room
- Welcoming Remarks:** **Carol L. Van Scoyoc, Esq.**
Section Chair
- Introductions:** **Program Co-Chairs**
- 9:10 - 10:00 a.m.** **Municipal Regulation and the Compassionate Care Act – Preemption or Local Control?** (1.0 credits in Professional Practice)
A number of local governments have started to enact bans on marijuana dispensaries. This session will explore questions of home rule, preemption and local zoning control in connection with the siting and operation of marijuana dispensaries in New York.
- Speakers:** **Dean Patricia Salkin**
Touro College
J. D. Fuchsberg Law Center
Central Islip
- Jessica Vogele**
Touro College
J. D. Fuchsberg Law Center
Central Islip
- 10:00 - 10:10 a.m.** **Refreshment Break**
- 10:10 - 11:25 a.m.** **Annus Stultus: The Year in Ethics** (1.5 credits in Ethics)
This session will review recent developments in state and local government ethics, including the United States Supreme Court decision in *McDonnell v. United States* and noteworthy state court decisions, and New York's legislative response to the recent high profile ethics scandals. The session will include a discussion of hypotheticals to sharpen the skill of attendees in analyzing government ethics issues.
- Speakers:** **Mark Davies, Esq.**
Tarrytown
- Steven G. Leventhal, Esq.**
Leventhal, Cursio, Mullaney
& Blinkoff, LLP
Roslyn
- 11:25 a.m. - 12:15 p.m.** **Legislative Update and Case Law Relating to Municipal Procurement** (1.0 credits in Professional Practice)
This session will provide a discussion of recent statutory amendments and case law relating to General Municipal Law section 103, including a discussion on the use of "best value" and the "piggybacking" exception.
- Speaker:** **Mark Stevens, Esq.**
Local Government Law Unit, Division of Legal Services
Office of the State Comptroller
Albany
- 12:15 - 12:25 p.m.** **Closing Remarks**
- 12:35 - 1:20 p.m.** **Executive Committee Meeting** – Peerless Room

IMPORTANT INFORMATION

The New York State Bar Association's Meetings Department has been certified by the NYS Continuing Legal Education Board as an accredited provider.

Under New York's MCLE rule, this program has been approved for a total of 7 MCLE credit hours; 1.5 hours in ethics and 5.5 hours in professional practice.

Discounts and Scholarships: New York State Bar Association members and non-members may receive financial aid to attend this program. This discount applies to the educational portion of the program only. Under this policy, any member of our Association or non-member who has a genuine basis for his/her hardship, if approved, can receive a discount or scholarship, depending on the circumstances. To apply for a discount or scholarship, please send your request in writing to: Lori Nicoll, New York State Bar Association, One Elk Street, Albany, New York 12207.

Accommodations for Persons with Disabilities:

NYSBA welcomes participation by individuals with disabilities. NYSBA is committed to complying with all applicable laws that prohibit discrimination against individuals on the basis of disability in the full and equal enjoyment of its goods, services, programs, activities, facilities, privileges, advantages, or accommodations. To request auxiliary aids or services or if you have any questions regarding accessibility, please contact Lori Nicoll at 518.487.5563 or lnicoll@nysba.org.

AFTERNOON ACTIVITIES

National Museum of Dance & Hall of Fame

99 South Broadway, 518.584.2225. Only museum in the country devoted to American Professional Dance. www.dancemuseum.org

Saratoga Automobile Museum

110 Avenue of the Pines, Saratoga Spa State Park, 518.587.1935. Located in a historic bottling plant, The Saratoga Automobile Museum preserves, interprets and exhibits automobiles and automotive artifacts. The museum offers education to the general public, students and enthusiasts regarding the role of the automobile in the past, present, and future. www.saratogaautomuseum.org

Saratoga Battlefield National Historical Park

648 Route 32, Stillwater, 518.664.9821 ext. 224. In the autumn of 1777 American forces met, defeated and forced a major British army to surrender. The Battle of Saratoga was a crucial American victory that renewed patriots' hopes for independence and secured essential foreign recognition and support. www.nps.gov/sara

Roosevelt Baths and Spa

37-39 Roosevelt Drive, 518.226.4790. Stroll across the park from the Gideon Putnam to the spa to enjoy the luxury of Saratoga's naturally effervescent waters, with soothing baths and wonderfully relaxing spa treatments. Open 9 am to 7 pm. Appointments are recommended. Please call 800.452.7275 ext. 4. www.gideonputnam.com

Tang Teaching Museum and Art Gallery

Skidmore College, 815 N. Broadway, 518.580.8080. One of the first interdisciplinary museums of its kind in the country, the Tang develops exhibitions and programs that combine a variety of subjects such as antique maps, scientific artifacts and Shaker furniture together with new works of international, contemporary art. Artist talks, curator tours, films, music on the roof, and children's activities bring everyone together to explore art in new ways.

<http://tang.skidmore.edu>

Tennis Courts at Spa State Park

Saratoga Spa State Park, Four hard top and four clay courts are available to Spa State Park visitors on a first come, first serve basis.

Yaddo Artists' Community

Union Ave. at Henning Road, 518.584.0746. Yaddo offers residencies to professional creative artists from all nations and backgrounds working in a variety of media. One hour *Ghosts in the Yaddo Gardens Tours* offered Friday and Sunday at 5 pm through October. \$10 Fee. Call for info. The Gardens are the only part of the Yaddo estate open to the public. www.yaddo.org



NEW YORK STATE BAR ASSOCIATION
SECTION AND MEETING SERVICES DEPARTMENT

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