

MEETING MINUTES
Real Property Law Section – Executive Committee
October 14, 2016
Harvard Club, New York, New York

1. Call to Order: The meeting was called to order by Mindy H. Stern, Chair at 10:00 A.M.

2. Approval of the Executive Committee Meeting Minutes – Thomas J. Hall, Secretary:

A motion was made to approve the Minutes of the previous Executive Committee Meeting with the caveat that Nancy Connery's report of the House of Delegates be amended. A Motion was made, seconded and carried that the Minutes of the July 14, 2016 Meeting be approved.

3. Welcome and Chairman's Remarks – Mindy Stern:

A. Membership Initiatives:

Michelle Wildgrube reported that NYSBA is in the initial states of obtaining information from various sections in order to formulate a strategy to attract new members and retain existing members. Also of interest is increasing the participation of younger attorneys and increasing the diversity of the membership. NYSBA looks at the RPLS as a front runner in membership initiatives given our subsidy of the summer program for first time participants and the mentor/mentee program we're instituting. John Hall raised the issue that after having asked for materials with respect to membership, it was not provided, even though he had the opportunity to attract potential new members to the NYSBA. Harry Meyer had indicated that his experience has been the opposite in that the Bar has been responsive with respect to membership materials. The Chair suggested that we use the brochure that we had put together as a marketing piece. The Chair also suggested that if potential employees/ recent graduates or even attorneys looking to change jobs and we don't have a position available for them, then we should steer them towards Bar Membership as potential marketing opportunity. The Chair mentioned the road show that we do at some of the law schools which is intended to be expanded and has been successful. A suggestion was made to task the Committee Chairs with assisting in recruitment, especially when they are contacted as is often the case by attorneys seeking information on the various substantive areas. Michelle Wildgrube asked that a template be circulated to determine what information would be helpful for them to assist in recruiting. Spencer Compton suggested

that millennials are interested in social issues and a possible attraction could be a project like Habitat for Humanity.

B. Appointments:

The Chair discussed the new opportunities and vacancies and that there would be some candidates she would be calling as potential members.

C. Reimbursement Policy: Ira Goldenberg indicated that the Finance Committee is again reconsidering the increase to \$750 of the reimbursement limit for meetings. No decision has yet been made.

John Christopher reported on Trial Advocacy and The Chair indicated that the Officers had approved supporting a request for a contribution. John Christopher indicated that he is Chair of Trial Advocacy this year and described the Program to the Committee.

4. Meeting Reports:

A. 2017 Annual Meeting: Dinner will be at Spa at Saks Fifth Avenue. Thursday morning CLE will include Zombie Houses, 1031 Exchanges, Cyber Security and Surrogate's Court's Practice. Lunch will be at the 21 Club. The Chair requested comments on pricing for CLE's for Committees holding credited CLE's.

B. July 2017 Meeting: It is scheduled at High Peaks. The dining and activities have been arranged and we are attempting again to draw in some younger members along with the group that usually attends the summer meetings.

5. Finance Report – Spencer Compton:

Spencer Compton reported that as planned we are running a deficit in our budget this year of about \$12,000 which would easily be covered an over \$160,000 surplus that we have. We are trying to spend a portion of the surplus on initiatives, especially new member initiatives. Most of that deficit is attributable to the underwriting of the summer meeting for first time attendees as we have done for the last two years.

The Chair allowed Jerry Antetomaso a moment to discuss the potential of Virginia Beach as an option for the summer meeting in 2018. A number of other

suggestions were also made by various members of the Committee, including Long Beach Island, Hershey Park and Washington, D.C. Other than the issues of distance for a three-day meeting and a question as to whether it was the best use of our surplus to underwrite such a meeting, no definitive consensus was reached.

6. House of Delegates Report:

No HOD Meeting had been held since our last meeting.

7. NYSBA Executive Committee Report – Ira Goldenberg:

Similarly, no NYSBA Executive Committee Meeting has been held since the last RPLS Executive Committee Meeting, but Ira Goldenberg did report that the Executive Director of NYSBA has tendered his resignation effective year end.

8. Section Projects and Issues:

A. Section Calendar – Gerald Goldstein: No Report.

B. Task Force on Draft, Insurance Dept. Regs and Title Insurance: Kevin Kerwin is attempting to schedule a Meeting with DFS to discuss potential changes to the current emergency Regs.

C. Scholarships: Applications have been prepared and disseminated to all law schools in New York State.

D. Amendment to Power of Attorney Statute: Nothing new to report.

E. Zombie Houses Task Force: Leon Sawyko reported that a Zombie Housing Statute passed at the 11th hour with regulations having been issued thereafter. It was asked whether the regulations would pre-empt any local efforts, such as in Monroe County, where the County Clerk established a Task Force on zombie houses, and Leon indicated that in many instances local attempts to address the issue will be pre-empted. The issue was raised of posting information on the Zombie Housing Task Force on one of the communities and Leon was going to follow up to have that happen if one of the Chairs would draft the post.

F. Supporting NY Bar on Construction Law Issues:

A Meeting will be held during the Annual Meeting and a spring CLE will be scheduled.

9. Reports of District Reps:

A. 1st District: Andy Posel: Targeting the first quarter of 2017 for meeting with new members and Young Lawyers Section.

B. 2nd District: Lawrence F. DiGiovanna: Lawrence suggested allowing even non-members access to the various communities. He also mentioned the usefulness of the practice guide that John Jones is helping to create.

C. 3rd and 4th District : Michelle Wildgrube reported for the 3rd and 4th Districts indicating that they intend to plan an event with the young lawyers section.

D. 5th District: No Report.

E. 6th District: John Jones spoke about the local practice guide. He has spoken to Amy about the format for the practice guide.

F. 7th District: Vacant.

G. 8th District: David Mineo indicated that they will be having a December event at the new Federal Court Building.

G. 9th District: Lisa Stenson Desamours will survey what section members are interested in doing and will encourage members to attend the Annual Meeting in January.

H. 10th District: Sandy Pomarantz indicated that they are planning a holiday party to benefit Toys for Tots.

I. 11th District: No report.

J. 12th District: Vacant.

K. 13th District: Toni Ann Barone indicated that she wanted to do a personal outreach to all district members to encourage them to participate, as well as, attend the summer meeting. Toni Ann also invited everyone to the Richmond County CLE that is being held in Las Vegas.

10. Report of Standing Committees: The Chair thanked all of the members for indulging her in the listening tour that she conducted. She tried to speak to all of the Committee Chairs to determine what they were doing and get their ideas for standardizing their functions in meetings. She encouraged the Committee Members to have more interaction with their Committee Members in addition to CLE Meetings.

a. Substantive Committees:

1. Attorney Opinion Letters: There was no report.

2. Commercial Leasing: Bob Shansky reported that in October they will have a CLE Program on Landlord/Tenant issues and drafting and negotiating commercial leases.

3. Condemnation, Cert. and RE Taxation: Carla indicated that she was going to attempt discuss attempting to increase membership with Steve, but had no further report.

4. Condominiums and Cooperatives: No report.

5. Green Real Estate: They are having difficulty getting their membership involved even though their CLE's have been successful. They asked the Committee whether they had any specific questions or what they thought about energy issues relative to how they impact real estate practice. Joel Binstok indicated that New York City had changed rules and regulations regarding reporting lighting requirements and a number of other subjects, including the changes in sub-metering with respect to the size of a demised premises. The Chair suggested speaking to John Christopher who is the Young Lawyers Section Liaison to our Section. Joel discussed recent reports regarding a potential carbon tax. Joel asked whether anyone had contacts in the government with respect to energy policy and any energy or environmental lawyers who might be familiar with the tax concept. A suggestion was made to list the new regulations in the City on the communities as a benefit to members. This might also be a way of attracting new members to the Committee. It would be especially beneficial to small firms as large firms have the ability to monitor what City Council is doing while smaller firms might not. This can be applied across the board to any of the substantive committees and areas.

6. Land Use and Environmental Law: Linda Margolin indicated that the Committee has not been active recently, but she is in need of an upstate Co-Chair. She did reach out to determine what issues were of interest to the Committee Members, but only 5 of the 69 members responded. Linda is looking for some clarification of exactly what the Committee's objectives should be. The

Chair has asked Leon Sawyko to review the membership roster of Land Use and Environmental to determine if there is a potential upstate Co-Chair on that list.

7. Landlord and Tenant Proceedings: There are a number of topics of discussion for the Landlord/Tenant Meeting, including self-help evictions and relocation agreements.

8. Low Income and Affordable Housing: Richard Singer indicated that for downstate practitioners there is a weekly email blast available from City Council to update those on current practice issues affecting the City. The Chair requested him to post that information on the communities. Richard suggested that the Committees do a presentation on the topics they cover and maybe some overview on the law in that area to get new members interested. He also indicated that he would like to prepare a booklet on affordable housing development fund corporations as he gets many inquiries from around the State. Further, he indicated that many of the challenges being faced upstate now were being faced downstate nearly 10 years ago and a dialogue across the State would be helpful in educating the membership.

9. Not for Profit Entities and Concerns: Ann Copps gave the Committee Report for Not for Profit Entities and Concerns. They will be having a CLE in January co-sponsored by other Sections which is usually very well attended, even by non-members of the Committee. They are having some difficulty in getting other Committee Members involved, even though she and Susan Goldman are quite active.

10. Professionalism: Nancy Connery indicated that a recent opinion has been issued holding an attorney who acted as attorney and broker in the same transaction has a conflict of interest.

11. Public Interests: Maria DeGennaro reported that they have three student members of their Committee. They have been working on the new legislation and DSF Regulations.

12. Construction Law: They are considering putting together a meeting where an architect can be invited to instruct attorneys on how to read construction drawings and specifications. This was done upstate and was well received.

13. Real Estate Financing: Richard Fries thanked the Chair for the listening tour and the help that it provided. They are going to reach out to membership to have the individual members of the Committees become more involved, as opposed to simply the Chairs doing the work. Richard believes real estate financing has a good model for the Committees given the significant interest of

their Committee's membership. Richard did comment on being disappointed that the policy has changed which now requires any Committee CLE attendees to also sign up for the general CLE for the Section. Finally, he commented on a substantive area of law. Richard indicated that High Volatility Commercial Real Estate loans regulation will substantially change the practice of commercial lending throughout the state. Specifically, Richard indicated that this having a substantial impact on construction financing in New York City and likely throughout the state. He will continue to monitor and report back. Heather in November will be providing training for OCA on the expedited foreclosure process. Heather indicated that their group would be sending out a monthly email blast with the Committee activities, as well as the potential substantive issues. The Chair pointed out that in order to get CLE, anyone attending the Committee Meetings that have CLE components have to register for the General Meeting. They can still attend the Meeting without receiving the CLE credit. The issue is that the administration of the CLE credits costs time and money and this is a way of recouping some of that expense.

14. Real Estate Workouts and Bankruptcy: Daniel Zinmann reported upon an increased participation and attendance, as well as student membership.

15. Title and Transfer: Toni Ann Barone indicated that she would be doing a presentation during the General CLE regarding the impact of Surrogate's Court practice on real estate law. The Title and Transfer Committee Meeting will be Thursday, 3:00-5:00 p.m. during the Annual Meeting. As part of Toni's District Report, she recommended distributing scholarship applications to the various County Bar Associations to increase participation and the number of applications ultimately submitted.

b. Administrative Committees:

1. Awards: Peter Coffey indicated that there have been a number of nominations.

2. CLE: There are three CLE's planned through the winter months. There is nothing scheduled for spring yet, but the Committee asked for suggestions.

3. Legislation: Sam Tilton asked whether email blasts can go out to Committee Members as there many that seldom participate in committee activities. Amy suggested that a blast email go out asking if individuals wish to continue thier membership in the various Committees so that each Committee will have a better idea of how to encourage more participation. Sam also indicated that although they track all legislation, there usually isn't a report

filed on a specific bill unless it has real traction. Many never get beyond introduction. Sam indicated that the practice in the past has been to post the legislative chart to the community and leave it to the individual Co-Chairs to follow up to determine the propriety of follow up. Sam suggested that maybe the report should be circulated to the Committee Chairs directly.

4. Membership: Harry Meyer reported that there is a meeting on Monday at the Annual Meeting addressing diversity of membership. That meeting tends not to be well attended because it is so early on in the Annual Meeting Program. There is also a Lawyers in Transition Meeting on that same day. Harry urged members of the Executive Committee to attend those meetings on the 22nd to attempt to recruit members.

5. Publications: Matt Leeds solicited articles for the Real Property Law Journal. The Chair also reminded the Committee of the propriety of student involvement with that particular Committee.

6. Student Affairs: There are a dozen firms acting as host and about 8 schools participating and they are looking to augment that number.

7. Website and Electronic Communications Committee- Susan Scharbach spoke about taking baby steps in terms of social media outreach and encouraged the members of the substantive Committees to post on the communities.

11. No old business.

12. No new business.

13. Past Chair Summit: The Chair reported that at lunch the past chairs were going to have lunch with the Executive Committee to discuss ideas for enhancing membership and bettering the experience of our section members.

14. The Meeting was adjourned at noon.

Respectfully Submitted,

Gerard G. Antetomaso, Secretary