

Executive Committee, Real Property Section
Meeting Minutes – Tuesday, December 15, 2009

In attendance: Michael Balent, Brad Begelman, Judy Berkman, Mark DePillis, Alfred Fuscaldo, Cheryl Gaston, Michael Goss, Miriam Jacobson, William Keffer, Christine Paul, Ralph Pinkus, Neil Rubin, Paul Schmidt and Richard Vanderslice.

Chair Christine Paul called the meeting to order.

The minutes for the last meeting were approved.

Treasurer's Report. Cheryl Gaston reviewed the statement ending November 30, 2009. She advised us that, while the revenue for the annual luncheon in the amount of \$3780.00 was included, the expenses were not posted yet. In addition, Chris advised us that there was a large cost for the audio-visual services at the luncheon.

Contributions. Chris commented that the Section has not made its typical funding contributions to VIP, Regional Housing and/or CLS and suggested perhaps a nominal contribution to each would be in order to keep the tradition alive. Ralph Pinkus moved to contribute \$500.00 to each of those organizations. Michael Goss moved to amend to resolution to donate \$250.00 to each of the organizations. Ralph Pinkus was amendable to the amendment and Cheryl Gaston seconded the amended resolution. The amended resolution passed unanimously with the abstention of Michael Balent and Judy Berkman. Michael and Judy have a relationship with one of the organizations.

2010 Meeting Update. Al Fuscaldo, incoming Chair, advised us that the Executive Committee meetings will occur on the second Tuesday of each month. In addition, Al has been working on updating the Section's website to include the excellent minutes from this year and materials concerning the upcoming year.

Zoning Code Commission Update. Ralph Pinkus advised us that the Commission will conduct a civic engagement project in January and February to try to reconcile differences of opinions between community associations and developers. Harold Sokoloff, who is an expert in stakeholder issues, is being engaged by the Commission to try to bridge gaps and to come up with agreeable points. Ralph advises that Peter Kelson recommended that Ralph participate on one of the developer meetings.

Ralph suggested that since there has not been organized attorney involvement, that he thought it would be advantageous to have attorney comments prepared before there is a draft of the law produced. To date, Ralph has been meeting with William Ewing, Thomas Witt and Neil Sklaroff. Ralph raised the question with the Executive Committee whether this working group should continue to operate on their own instead under the rubric of the Real Estate Committee. The consensus of the Committee members in attendance was that this was a good idea. Ralph is going to work with Cheryl Gaston and Mike Pollack, Chairs of the Zoning Subcommittee to continue this effort.

Foreclosure Diversion Program Update. Mike Balent advised us that the program continues to work well and has been receiving a large amount of publicity including numerous awards for Judge Rizzo.

Resolution on LEED Related Bills. Paul Schmidt advises that there is a new version of the LEED bill that would require a Silver LEED rating for City renovations. The bill provides that the planning commission can incorporate standards other than LEEDs and in addition, the bill contains language whereby if LEED certification would increase the "life cycle costs" by more than 10% than the requirement could be waived. There has been no activity on the abatement bill. Paul advised that he thought the Bar Association would only support a limited resolution on a particular bill given some of the challenges that we faced over the year. Paul learned that there may be an appendix to the state building code concerning LEED and sustainability issues whereby the municipalities could adopt the portions of the code that they like. This would eliminate the need for each municipality to develop its own program.

BRT Restructuring. Cheryl Gaston and Judy Berkman advised that the working group has not been active given the large amount of activity that has been occurring with the BRT Restructuring. They informed us that Rich Negrin has been named Interim Director.

New Business:

Philadelphia Bill 090852 has been introduced. This bill links zoning variances to obtaining Revenue Department tax clearances. Ralph Pinkus said that if a strip center landlord has an uncleared tax issue it would cause a problem for any business in the center trying to obtain a variance. Cheryl Gaston advised that there is already a requirement for permits to have the taxes cleared so this bill is redundant. Ralph will follow-up on status and report back to us.

Cheryl Gaston informed us that she is the course planner for a CLE on Border and Fence law issues which will take place on January 28, 2010 between 9:00 – 12:15 at the Pennsylvania Bar Institute. Bill Maffucci and Steve Rothberg will also be participating.

Michael Goss acknowledged the hard work and contributions that Chris has made in her year as Chair and the Executive Committee heartily agreed.

Next meeting is scheduled for Tuesday, January 12, 2010 at 12:00 noon.

The meeting was adjourned.