

Executive Committee, Real Property Section
Meeting Minutes – Monday, March 16, 2009

In attendance: Michael Balent, Brad Begelman, Judy Berkman, Mark DePillis, Alfred Fuscaldo, Cheryl Gaston, Michael Goss, Miriam Jacobson, Christine Paul, Ralph Pinkus, Neil Rubin, Dina Schlossberg, Paul Schmidt, Richard Vanderslice, Wally Zimolong, Sam Dalton (Section Member) and Rachel Gallegos (Judge Rizzo's law clerk).

Chairperson Christine Paul called the meeting to order.

The Minutes for the February 17, 2009 meeting were approved.

Rachel Gallegos gave us an update on the mortgage foreclosure program and their need for more specialized attorneys, specifically real estate attorneys. She asked us to once again ask our colleagues to volunteer. She advised us that sometimes the litigators, although well-meaning, do not have sufficient understanding of the documents involved in the process to be the most effective advocates. We agreed to advertise the program at the April CLE.

Treasurer's Report. The treasurer's report was approved.

Zoning Report. Ralph Pinkus reported the zoning consultants interim report is close to final. Some of the conclusions included that there are too many zoning classifications and too much minutiae in the current zoning code. The Zoning Commission is putting out an RFP for the phase 2 of the consulting work. Cheryl Gaston provided her input on the current zoning code and how it is used as an enforcement mechanism and not a planning mechanism.

Construction Loan Update. Wally Zimolong advised us about a proposed amendment to the Pennsylvania Mechanics' Lien Law in Senate Bill #563. Wally stated that the proposed amendment was more favorable to owners. The committee then discussed the history of our involvement with the Mechanics' Lien Law. Michael Goss recalled that there was a committee to globally resolve outstanding issues. Judy Berkman reported that Tony Crisci, the Bar Association's lobbyist said that the amendment included an agreed upon and needed definition of "real property". In addition, Judy is going to ask Tony for a report back on the status of the amendment so the committee can decide how to proceed further.

Spring Social. Rick Vanderslice confirmed that the event will be at Del Frisco's on June 4th.

Workout Committee CLE. Dina Schlossberg reported that the CLE will be held on April 20th at Noon at the Philadelphia Bar Association. The presenters will be Claudia Springer of Reed Smith and Sam Becker of Blank Rome.

Second CLE. Christine Paul and Al Fuscaldo reported that it will be a zoning CLE organized through the Zoning Subcommittee, chaired by Cheryl Gaston and Steve Pollack. Judy Berkman has also stressed the potential of having another CLE on new conservatorship law.

Legislative Update. Cheryl Gaston reported on Philadelphia Council Bill 080952 concern accessory uses which would require any change in accessory use where the ZBA granted a zoning change would have to be approved by the ZBA. Additionally, applicants would have to specify any accessory use for the use to be allowable. Cheryl then discussed Philadelphia Council Bill 090167 concerning a proposed amendment to Philadelphia's tax abatement law that would require LEED certification for projects in order to obtain tax abatement introduced by Councilman Jones.

The Committee then discussed our involvement with ongoing legislation in City Council and we decided to invite David Hyman and Denise Smiley to one of our meetings. Ralph Pinkus suggested that the Environmental and Tax Sections join us in potentially doing the resolution concerning this bill.

The meeting was adjourned.

The next meeting will be April 14, 2009 at 12:00 p.m.

-Minutes revised April 14, 2009