

Executive Committee, Real Property Section
Meeting Minutes – Monday, May 18, 2009

In attendance: Michael Balent, Brad Begelman, Judy Berkman, Alfred Fuscaldo, Cheryl Gaston, Michael Goss, Miriam Jacobson, Ralph Pinkus, Steven Rothberg, Neil Rubin, Paul Schmidt, Richard Vanderslice, Dean Weisgold and Walter Zimolong. Denise Smyler and David Hyman were guests.

Vice-Chair Alfred Fuscaldo called the meeting to order.

Denise Smyler and David Hyman, the Bar Association's local government relations consultants gave a presentation. Denise Smyler began the presentation by providing her background and informing us that their service was at the initiative of former Chancellor Michael Pratt. While the structure of their working relationship with the Bar Association is still evolving, they have been involved with Philadelphia's budget and Family Court issues to date. David Hyman then gave his background. Al Fuscaldo asked if there was any chance of a legislative report similar to what the Bar Association receives at the state level. Denise and David said that they would like to do that type of report but the challenge is that there are a lot of unusual bills introduced that have no realistic chance of final passage. One of the options Denise mentioned was waiting until bills are out of committee; but then we would not have an opportunity to provide testimony on the bill. Judy Berkman discussed the Section's efforts with regard to LEED certification. Denise said the Bill was unlikely to be passed before the fall and that they have offered the Bar Association's expertise to current council persons and generally this was warmly received. However, no council person has called to request assistance. With respect to the LEED issue, David Hyman suggested that we seek to engage other constituencies, such as the Building Industry Association on issues of mutual concern. Cheryl Gaston advised us that currently the Philadelphia Law Department approves legislation as to form leaving open assistance as to substance.

The Minutes for the last meeting were approved.

Treasurer's Report. The treasurer's report was approved. There was a discussion as to whether membership in the Real Property Section and/or the Bar Association has dropped off. Cheryl Gaston volunteered to check on the Section's membership.

Spring Social. Rick Vanderslice reported that we are still scheduled for Davio's on Thursday June 4, 2009. Rick continues to try to negotiate a better price for the event.

Zoning Report. Ralph Pinkus reported that the last Zoning Commission meeting resulted in 6 pages of minutes. The consultant has determined that present Code is not readable and suggests a more simplistic map similar to Chicago or San Diego. The agenda for the next meeting will be to review proposals for a consultant to draft a new Code. Proposals are coming in now. Ralph and Cheryl Gaston discussed whether City Council would relinquish control for a new system to operate.

Foreclosure Diversion Program. Mike Balent reported that the May 6, 2009 training was well attended and the program is functioning well.

Section Chair Meeting. Al Fuscaldo reported that a lawyer's transition page has been added to the Bar Association's website. In addition, some Sections are discounting and/or subsidizing CLE programs. There are courses for sole practitioners. The Professional Responsibilities Section is looking for co-sponsors for events.

Listserv. Al Fuscaldo discussed the possibility of setting up a separate bulletin board or other mechanism so that there might only be one email to the listserv concerning practice questions and people could opt in. Miriam Jacobson said that she thought it was one extra step and would be detrimental to the effort. She feels that the challenges are people not having as much experience with Listservs. Ralph Pinkus suggested a separate Listserv. Wally Zimolong reported that Linked-In provides an option where you can opt into a discussion. Miriam agreed to develop and update the Section on netiquette rules.

Eminent Domain Appraisal Sub-Committee. Al Fuscaldo reported that Marjorie Stern Jacobs is working with Judge Dembe for a separate court similar to commerce court. Marjorie will attend our next meeting to discuss this.

Act 135 – Conservatorship Law. Judy Berkman asked for volunteers for the subcommittee. She would like to have lender for profit and title people represented. Steve Rothberg offered to assist with the title work.

Old Business:

Resolution on LEED Bill. Paul Schmidt informed us that the Section's resolution was not initially well received by the Bar Association's Executive Board. Some members of the Board were focused on whether tax abatements should be granted without doing any work. In addition, the Executive Board did not appreciate that the LEED certification system was not perfect. The Executive Board did request more LEED information. Judy Berkman reminded us that we did not go to other Sections for support and the Cabinet based upon what we thought was the timeline for passage the LEED Bill. Since David Hyman and Judy believes we can get additional support, take the resolution back to the cabinet and, hopefully, have more success. Ralph Pinkus and Michael Goss though we should continue to push the resolution. Cheryl Gaston noted that there is a political aspect of tying green development to the abatement. The consensus was to leave the matter tabled and try to work with Ken Shear for consensus.

New Business:

Members of the Tax Section would like to discuss with us the BRT and representatives will be coming to an upcoming meeting.

Proposed Resolution PAHB-1351. Judy Berkman informed us of the potential expansion in this Bill of liens for medical assistance. This is the result of a federal law that requires

some level of cost recovery. Judy presented a resolution drafted by the Public Interest Section against this proposed resolution. There was discussion concerning the challenges on title that this legislation would likely cause combined with a limited potential of recovery. There was a unanimous vote to support, but not co-sponsor the legislation.

Next meeting will be held June 15, 2009 at 12:00 noon.

The meeting was adjourned.