

Message from the Chair

How to Get the Most Out of Your Section Membership

Dear Colleagues,

I am thrilled that the next installment of *Municipal Lawyer* is finally in your mailboxes. Our Section has many fabulous opportunities for each of our members beyond just attending CLE programs or reading the *Municipal Lawyer* from cover to cover, over and over again, while anxiously awaiting the next “quarterly” issue. The practice areas covered by members of our Section, within the Local and Government Law field, are extremely diverse. We try to cover many different areas during each of our Section meetings, but the way to get the most out of your Section membership is to join the Committee(s) that involve the field(s) of government law in which you practice, or would like to practice.

Our Committees are the lifeblood of our Section and require little time commitment on your part (unless, of course, you want to do more...). They give you an opportunity to get more involved in those aspects of local and state government law that are most important to you, to hear about the latest developments in that field, to make personal contacts and meet colleagues, to reach out to others practicing in the same area for advice or a sounding board, and to influence legislation, upcoming CLE programming, or whatever else you may want to get out of your Section membership. I find the monthly conference call of the Employment Relations Committee to be one of my most concise and useful professional development opportunities each month—in a half hour I get updated on the latest cases and have a chance to speak with colleagues throughout the state about developments in New York labor and employment law.

Information about each of our Committees is included later in this message. Do not hesitate to contact me for help joining a Committee, for an intro to a Committee Chair or another Section member, or just to talk. If you are coming to your first Section meeting, drop me an email or give me a call as I would love to meet you and introduce you to other members.

I want to recognize and thank the many people who have been responsible for our Section’s success over the past year. First and foremost, now happily former chair, Rich Zuckerman, for his tireless efforts in getting things done and leaving me with a very tough



Sharon Berlin

act to follow. As some of you may know, Rich became Chair after Carol Van Scoyoc passed away and as a result had an extra-long term as Section Chair. In his time as Chair, the Carol Van Scoyoc Scholarship Fund was developed, and the Section will be awarding the first scholarship in Carol’s memory during the 2020 Annual Meeting. Several new committees were also established, including Membership and Diversity, Publications, Administrative Law Judges, Public Sector Attorneys and Long Range Planning, and the position of Committee Coordinator was created to assist all of our Committees. Our Section created a Model Pro Bono Policy for local government and local government attorneys, which was adopted by the State Bar Association.

Next, our Ethics Committee and Professionalism Committee prepared comments about proposed amendments to General Municipal Law Article 18, which our Section recently adopted and are being submitted to the comptroller’s office and the state legislature. Special thanks to Committee Co-Chairs Steven Leventhal and Mark Davies (who is also a former Section Chair), and committee members Paul Herzfeld and Chris T. Trapp for their work on these comments.

I also want to thank our Executive Committee members and Committee Co-Chairs, who participate on a monthly conference call with me and our Section’s Officers (First Vice-Chair Mike Kenneally, Second Vice-Chair Lisa Cobb and Secretary Steve Leventhal), and as well run Committees, prepare programming and play many other roles, too numerous to list here.

Special recognition goes to our Publications Committee, consisting of Michael Kenneally, Lisa Cobb and Adam Wekstein, for getting the *Municipal Lawyer* back on a publications schedule with NYSBA. I also want to thank all of the contributors to this issue of the *Municipal Lawyer*, which include James D. Bilik, David J. Cooper, Michael Lewyn, Rebecca J. L. Ruscito and Adam L. Wekstein, as well as our editor Michael Lewyn and student editors Aisha Scholes and Justin Scharff.

We had an extremely successful Spring Forum on April 29, 2019, which was co-chaired by Jeanette Koster and Alyse Terhune. The meeting included ap-

proximately 140 attendees spread across multiple locations including in person attendees at the Bar Center in Albany and webcast attendees in New York City and at various individual locations. The topics included Legislative Updates by Wade Beltramo, State Procurement Laws by Robert C. Vanderbles, and a Freedom of Information Law (FOIL) Update by Robert Freeman.

By the time you receive this edition of *Municipal Lawyer*, the Fall 2019 Meeting will have occurred in Saratoga Springs. Co-Chairs Spencer Fisher and Charles Malcomb planned an exciting program including presentations on “How to Advise New Municipal Officials” by Wade Beltramo, “Alcoholic Beverage Regulation and Local Governments” by Paul Karamanol, “Ethics for Land Use Practitioners” by Patricia E. Salkin and Aisha Scholes, “Updates on Public Sector Labor and Employment Law” by James Bilik and Chris Trapp, “Election Law” by Kwame Akosah and Myrna Perez, “SEQRA and Land Use Case Law” by Charles Malcomb, “Governmental Regulation of Religious Education” by Andrea Fastenberg, “SAPA and Fair Hearings” by Hon. James T. McClymonds, and “SEQRA Basics and Recent Amendment to the SEQRA” by Lawrence Weintraub. Special thanks to NYSBA President Hank Greenberg for his welcoming remarks.

The Section’s Annual Meeting will be held on January 30, 2020. Mindy Zoghlin and Adam Wekstein have planned an incredible program, which includes “Municipal Regulation of Cannabis” by Patrick J. Hines, “Local Issues Regarding the Development and Siting of Wind and Solar Energy Projects” by Benjamin Wisniewski, “What’s New in 2020? What You Need to Know About Public Sector Labor and Employment Law” by Richard Zuckerman and Sharon Berlin, “United States Supreme Court Update: Cases of State and Local Interest” by Richard Dearing, “Environmental Justice – Regulations Relating to Lead in Drinking Water” by Bridget O’Toole, and “Ripped from the Headlines – Hypotheticals Regarding Governmental Ethics (or Lack thereof)” by Steven Leventhal and Mark Davies.

Finally, please save the date for the Fall 2020 75th Anniversary Meeting of our Section. This meeting will be held in Philadelphia at La Meridian on October 23-25, 2020. This meeting is being co-chaired by Michael Kenneally, Chris Trapp and Jim Bilik, with assistance on social events from Philadelphia resident and Section member Jacob Zoghlin. We will, among other things, recognize and honor our members and our Section’s former Chairs during a weekend of fun events and outstanding CLE.

Finally, I wanted to thank Lara Nowicki, Dana Alamia and Catherine Carl from NYSBA, who have all been assisting our Section through various staffing changes at NYSBA. Hope to see you at the annual meeting on January 30!

As promised, the list of our Section’s Committees includes:

**The Administrative Law Judiciary Committee
Chair: Hon. James T. McClymonds**

The Committee’s mission involves working for, promoting and advocating the highest professional and ethical standards of state, county, and local administrative adjudication within the State of New York; and fostering the improvement of administrative processes, procedures and tribunals within the state.

**Committee for Attorneys in the Public Sector
Co-Chairs: Spencer Fisher and Michelle Kelson**

This Committee’s purpose is to coordinate and provide activities and services targeted at in-house government attorneys, with a focus on New York State and municipal government offices. Committee members are expected to be Section members who are in-house government attorneys, or representatives of organizations of government attorneys or entities. This Committee has set up a “private” public sector community where in-house government attorneys can communicate with one another.

**Employment Relations
Co-Chairs: Jim Bilik and Chris Trapp**

This Committee focuses on issues and development related to labor and employment law, personnel policies, civil service and collective bargaining in the public sector, and provides a forum for private and in-house practitioners and counsel to exchange ideas, information and experiences.

**Ethics and Professionalism
Co-Chairs: Mark Davies and Steven Leventhal.**

This Committee addresses issues such as statutory conflicts of interest, gifts to public officials, local ethics codes and boards of ethics, appearances of impropriety, lobbying acts, and Rule of Professional Conduct specific to municipal attorneys and practice. The Committee focuses on educating Section members about these various provisions and proposing changes to improve them. It also provides guidance on crafting local ethics laws to assist municipal officials in avoiding actual and perceived conflicts of interest.

**Land Use, Green Development and Environmental
Co-Chairs: Lisa M. Cobb and Daniel A. Spitzer**

This Committee addresses such matters including SEQRA, zoning and planning, federal clean air/clean water acts, and RLUIPA. The Committee also examines ways municipalities can encourage, through legislation or incentives, sustainable design of structures, increased energy efficiency and reduced impact on scarce resource resources.

Legislation Committee

Co-Chairs: Joe Scott and Wade Beltramo

This committee is primarily designed to keep Section members aware of developments in legislation.

Liability and Insurance

Co-Chairs: Mike Kenneally and Kevin Crawford

The mission of this Committee is to increase the understanding of the unique liabilities, risks, rules and immunities that apply to local governments in New York State; to educate our Section members on the fundamental role of insurance in the municipal liability framework, including coverage, risk transfer and the respective roles of local and assigned counsel; and to provide a forum for municipal practitioners, municipal counsel and assigned counsel to share their experiences with each other and the section as a whole.

Membership and Diversity Committee

Co-Chairs: Martha Krisel and Mindy Zoghlin

This committee works to develop the Section's membership, strengthen its diversity, and evaluate and improve the Section's services to its members.

Municipal Counsel

Co-Chairs: Jeannette Koster and Richard Golden

This Committee advocates the interests of attorneys who represent municipal governments as either in house employees or in private practice by: (a) providing a congenial forum and network system sharing strategies, practices and procedures to address common legal and administrative issues, concerns and challenges faced in day to day municipal governance; and (b) coordinating activities and efforts to represent the interests of member municipal attorneys in cases and legislation of Statewide impact. Committee.

State and Federal Constitutional Law

Chair: Adam Wekstein

This committee is primarily designed to keep Section members abreast of developments in State and federal constitutional law.

Taxation, Finance and Economic Development.

Co-Chairs: Kathleen Hodgdon and Lauren Trialonas

This committee addresses issues such as real property taxation, real property assessments and grievances, exemptions and tax cap.

With warmest regards,



Sharon N. Berlin, Chair

Local and State Government Law Section

Request for Articles



If you have written an article you would like considered for publication, or have an idea for one, please contact *Municipal Lawyer's* Editors:

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Articles should be submitted in electronic document format (pdfs are NOT acceptable), along with biographical information.

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