

Executive Committee, Real Property Section
Meeting Minutes – Monday, September 14, 2009

In attendance: Michael Balent, Brad Begelman, Judy Berkman, Mark DePillis, Alfred Fuscaldo, Cheryl Gaston, Susan Kupersmith, Christine Paul (via telephone), Ralph Pinkus, Neil Rubin, Dina Schlossberg, Paul Schmidt and Dean Weisgold. Marjorie Stern-Jacobs attended as guest.

Vice-Chair Alfred Fuscaldo called the meeting to order.

Eminent Domain and Appraisals Committee. Marjorie Stern-Jacobs advised that the present electronic filing system for the Court of Common Pleas does not work for eminent domain cases. Her Committee has formed a taskforce to work on these issues consisting of Andy Chirls, Herb Bass, Nick Scafidi, Larry Rosenwald and Lee Silverman of Penndot. The taskforce is working on driving changes to the electronic filing system and obtaining more judicial focus on the eminent domain process. The taskforce met with John Murphy from the court system at the suggestion of Judge Tereshko. They also met with Judge Dembe. One other recommendation is to raise the \$4,000 limit on attorneys' fees for the condemnees in condemnation cases so the condemnees can recover their actual attorneys' fees. The Committee will be presenting a continuing legal education presentation at the Real Estate PBI in December. Marjorie agreed to return periodically to update the Executive Committee.

The minutes for the last meeting were approved.

Treasurer's Report. We first discussed the annual luncheon and Cheryl Gaston advised us that we would need approximately 120 people to break even on the event. We discussed delaying charitable contributions until the end of the year after we saw the revenue obtained from the luncheon. Chris Paul is working on paring down the guest list. The Treasurer's report was approved.

CLE. Al Fuscaldo reported that the ABCs of the ZBA was presented by Cheryl Gaston and himself on September 11, 2009. The two hour CLE was very well received. Chris Paul extended her appreciation to Al and Cheryl for this effort.

Annual Luncheon. The Annual Luncheon will take place on November 19, 2009. Chris advised that Bill Dunkelberg is not available to be the speaker. We discussed several names that had been suggested previously, including Gary Block from Kordish, Kevin Gillen and John Westrum. Kevin Gillen was selected and it was agreed that Chris Paul should approach him.

Zoning Commission Update. Ralph Pinkus reported that the zoning consultant's survey indicated inconsistency in responses in the criteria most important for new Code. These criteria included providing a clear, fair efficient process involving the public and protecting existing neighborhoods from impact. Another target for the new Code is the reduction from 55 to 32 special districts. Eva Gladstein has asked for an opportunity to

speak with our Section as a part of the Commission's mandate to update the public. The Committee agreed that Ralph should set up a Section-wide meeting with Ms. Gladstein and representatives of the Executive Committee.

Foreclosure Diversion Program Update. Mike Balent reports that the program is working well.

Act 135 Task Force Update. Judy Berkman reported on the informal working group that has been meeting with Domenic Rossi. Sample conservatorship pleadings and notices have been drafted, and the manual is almost completed.

Resolution of LEED Related Bills. Paul Schmidt reported that some of the old bills have been reintroduced and new bills have been introduced. Examples include requiring green design for parking lots and garages and the Barnes Foundation. We will revisit our green building resolution with other relevant Committees and Sections. Chris, Paul and Judy informed us that they had a call to the bar lobbyist to discuss this issue.

BRT Restructuring. Judy Berkman reported that she and Cheryl Gaston have met with Stuart Weintraub and Joe Bright and anticipate that there will be a follow up.

Nominating Committee. Chris Paul announced the results of the nominating committee which including nominating the following individuals to new 3 year terms on the Executive Committee - Markita Morris-Louis, Harper Dimmerman, Sherman Toppin, Kathy Keyser. Rachel Friedman was nominated to complete the final year of a three year term. The Young Lawyers Division liaison will be Rachel Gallegeos. Richard Vanderslice was nominated to be the Secretary of the Section. The Executive Committee ratified the selections by the nominating committee.

New Business:

Adverse Possession – Judy Berkman advised that there was currently a state bill (HB1322) to modify the period for adverse possession from 21 years to 10 years for occupied single family houses in Pennsylvania. In addition, the bill provides the ability to correct a mistake on a deed after three years.

Judy advised that the PA legislature amended the First Class City's Act. Judy discussed the recent PA Supreme Court decision, Spahn v. ZBA, which upheld the recent change to the First Class City's Act which tightened the requirements to appeal a zoning decision to a resident with direct impact and has repealed taxpayer standing.

Old Business:

Landlord Tenant Mandatory Mediation for Appeals to CP Court – Susan Kupersmith advised the Executive Committee that she was not in favor of the process. She believes it will result in unnecessary delays and additional expense to landlords and does not believe it should be mandatory.

Next meeting is scheduled for October 13, 2009 at 12:00 noon.

The meeting was adjourned.