Government Law Center News

Upcoming Events

• **Friday, November 20th:** 2nd Annual Building in the 21st Century Program
• **Friday, December 4th:** E-FOIL 2009: Issues of Access in the Digital Age

Catch the GLC on the Road

• **October:** GLC staff members @ Union College - UCALL
• **November 17th:** Patricia Salkin @ CAIL Land Use Institute
• **December 4th:** Amy Lavine @ 13th Annual Real Estate Institute - Pennsylvania Bar Institute

Recent Events and GLC Staff News

• Senior Citizens' Law Day/ Handbook Now Available
• President Lincoln's Enduring Legacy of Executive Power
• Mandate Relief
• Staff Attorney Appointed New Co-Editor of ABA Section e-News
• GLC Participates in Senate Select Committee on Budget and Tax Reform Invitational Roundtable

Spotlight on GLC [Student] Research

• Regulating Junk and Junkyards
Recent Publications

- "The Tables Turn: Ethical Checks on the Public" (Ethics in Land Use-2009 Update)
- "Regulating Home Occupations in NY"
- "Renewable Energy and Land Use Regulation"
- "Intersection Between Environmental Justice and Land Use Planning"
- "Getting Past the Prisoners' Dilemma: Transparency and Accountability Reforms to Improve New York's Industrial Development Agencies"

Upcoming Events

2nd Annual Building in the 21st Century Program:
Improving Construction and the Built Environment
Across New York

Together with the American Institute of Architects (AIA) and the City Bar of New York, the Government Law Center will host the 2nd Annual Building in the 21st Century Program: Improving Construction and the Built Environment Across New York. The event is scheduled for Friday, November 20, 2009 at Albany Law School.

Just as a structure or infrastructure project is the product of interdependent design, engineering and construction trade skills, the capital programs of the State, its agencies and its local governments are the product of complex and interdependent statutory schemes. The State’s public budgeting, finance and project procurement statutes govern public projects as they wind...
their way from conception to completion. These statutory schemes were put in place in the last century when projects and the construction of them were much simpler and concern with the negative externalities of construction and the built environment was barely perceptible. This program is designed to examine impediments today and discuss options for reform. Check the GLC website for forthcoming details.

E-Foil 2009: Issues of Access in the Digital Age

Miriam Nisbet, Director of the Office of Government Information Services (OGIS), U.S. National Archives and Records Administration, will be the keynote speaker at a symposium examining the impact of technology on accessing records under the Freedom of Information Law (FOIL) on Friday, December 4, 2009 at Albany Law School.

Speakers will analyze the significant changes in record searches created by recent technological advances, and the impact of these changes on State officials who administer the law and the members of the public who seek access to records. The discussion will also help identify potential reforms to New York’s current public access law. GLC Advisory Board Member Robert Freeman, who is the Executive Director of the NYS Committee on Open Government, is on the Planning Committee. Other Planning Committee members include: Camille Jobin Davis, Esq., Tedra Cobb, William Bruso, Pamela Ko, Bennett Liebman, and Albany Law School student Kyle Christensen ’11. For more information including a list of speakers confirmed to date, click here.

Catch the GLC on the Road
Online
A clearinghouse containing government law and public policy articles, studies, papers and reports written by faculty, staff, and students of Albany Law School.

Racing and Gaming Today
Bennett Liebman
The most complete news source in the Racing and Gaming industry, providing you with recent reports, optional email alerts, and news feeds. You will also find an extensive archive of reports from Bennett Liebman since 2001. Register at racing.albanylaw.edu.

Union College Academy for Lifelong Learning (UCALL)
Every Tuesday from October 6th through November 3rd, UCALL is hosting a course entitled Law and Society IV reviewing many areas of the law. GLC Advisory Board Member Robert J. Coan, Esq. ’58 coordinated this course and a number of GLC staff members have been participating as speakers:

- **October 6th**: Robert Batson, Government Lawyer in Residence at the GLC, spoke on "Casinos in Indian Country."
- **October 13th**: Paul Moore, Clarence D. Rappleyea Government Scholar in Residence at the GLC, spoke on “Property Tax Burden: State initiatives to make local government more efficient vs. mandate reform— can either spell relief?”
- **October 20th**: Rose Mary Bailly, Esq., Special Counsel to the GLC, spoke on "Guardianship for Incapacitated Adults-When is it Necessary?"
- **October 27th**: Patricia E. Salkin, Raymond and Ella Smith Distinguished Professor of Law at Albany Law School, and GLC Staff Attorney Amy Lavine will speak on “Redevelopment and Eminent Domain: Atlantic Yards and Columbia University.”

Click here for more information about UCALL and their programs.

Planning, Zoning and Eminent Domain for Lawyers, Planners and Public Officials
On Tuesday, November 17, 2009, Professor Patricia Salkin will be speaking on ethics in land use and nonconforming uses at The Institute for Local Government Legal Studies’ Center for American and International Law in Plano, Texas. Click here for more information about this program.
On Friday, December 4, 2009, GLC Staff Attorney Amy Lavine will be speaking on Negotiating Community Benefit Agreements during the Pennsylvania Bar Institute's 13th Annual Real Estate Institute in Philadelphia. Click here for more information.

**Recent Events and GLC Staff News**

**Senior Citizens' Law Day**

On Saturday, October 3rd, The Government Law Center's Aging Law & Policy Program hosted the 16th Annual Senior Citizens’ Law Day at Albany Law School. The program was a great success and provided area seniors and their families with workshops on wills, health care proxies, Medicaid, Medicare, protecting assets, housing options, and other relevant topics. This year’s Nancy M. Sills ’76 Memorial Lecture featured a panel of three Albany Law School professors, Beverly Cohen, Dale L. Moore, and Alicia Ouellette, who discussed current initiatives for health care reform. There was also a Pro Bono Senior Clinic, offered in partnership with the State Bar Association Elder Law Section, where attendees consulted with a practicing elder law attorney.
The New York State Unified Court System, a sponsor of this year’s event, once again provided Law Day guidebooks for free to event attendees. There are still many copies of the publication available. If you are interested in receiving a copy, contact Trish Blanco at (518)445-3287 or tblan@albanylaw.edu. The book is free, but there is a $5 shipping & handling fee.

Click here to view and print the handbook from this year’s Senior Citizens’ Law Day.

For more information on the Center's Aging Law & Policy Program, click here.

President Lincoln's Enduring Legacy of Executive Power

The Government Law Center co-sponsored The 3rd Annual Albany Government Law Review Symposium on September 30-October 1, at Albany Law School. The program examined President Lincoln’s use of executive power in a historical context. The papers presented offered an analysis of modern trends in the use and abuse of executive power, and the legal implications of an expanded executive role in a number of substantive areas that are relevant to the world we live in today.

If you missed any of the panels and would like to check them out, the podcast is available here.

Click here for more information.

Mandate Relief
Over the past four months since his appointment as the Clarence D. Rappleyea Government Scholar in Residence at the GLC, Paul Moore has authored two articles and spoken to two groups as part of a systematic review of the issue of state mandates on local governments. The publications were done in collaboration with student assistant Elizabeth Lyons, a second year law student at Albany Law School, and included initial results from a survey of the 50 states aimed at identifying mandate reimbursement programs. The first article appeared in the Empire Page; the second will appear in the forthcoming issue of the Government Finance Officers Association's Newsletter.

**GLC Staff Attorney Amy Lavine Appointed Co-Editor of the ABA Section of the State and Local Government Law's Monthly e-News**

Amy Lavine, GLC Staff Attorney, was recently appointed by the ABA Section of State and Local Government Law as Co-Editor of the Section's monthly e-News. This popular publication provides quick and timely information on new cases, statutes and regulations of interest to attorneys who represent or practice before governments. For more information, click here.
GLC Participates in Senate Select Committee on Budget and Tax Reform Invitational Roundtable

At the invitation of NYS Senator Liz Kruger, GLC Director Patricia Salkin participated in an invitational roundtable on October 13, 2009 for the Senate Select Committee on Budget and Tax Reform. The focus of the roundtable was on evaluating the needs for, and costs of, New York State property tax exemptions. About two dozen people participated in this session including representatives from statewide municipal associations, the non-profit community, faith-based organizations, a property rights group, think tanks, and the NYS Office of Real Property Services.

Spotlight on GLC [Student] Research

During the Fall '09 semester, three students chose to participate in the Law School's field placement program, each spending approximately 15 hours per week on a substantive project. What follows is a description of their work to date.

Research on Regulating Junk and Junkyards

As a Professional Land Surveyor and former Cobleskill Town Board member, Albany Law School student Joanne Crum '10 brings a unique perspective to her work at the GLC. This semester she is working on an article on municipal control of junkyards, a current topic of interest in the field of planning and municipal enforcement of unlicensed junkyards. She has done extensive research compiling various New York State
statutes and regulations as they apply to junk and junkyards and has reviewed many local statutes for stand alone junkyard laws as part of a zoning component.

**Columbia University Expansion**

Columbia University has recently proposed a major expansion project into the West Harlem neighborhood of Manhattanville. This has presented many legal issues from the use of eminent domain for a private university, to land use, environmental and other community development concerns. In preparation for an article evaluating the project from a sustainability perspective, Matthew Waite has been focusing on community benefits agreement (CBA) associated with this project.

He has been examining Columbia’s negotiation of a $150 million community benefits agreement and the role that the CBA is playing in harmonizing urban university expansion with sustainable development. Community engagement and public participation have been of particular interest.

**Issues in Legislative Organization/Functioning**

Adriana S. de Armas '11 has been researching legal issues associated with the June 8, 2009 Senate coup as part of a forthcoming GLC publication. She has been examining the roles of the Governor, Lieutenant-Governor, Attorney General, Comptroller,
and the various leadership positions within the Senate. Existing laws affecting New York leadership and leadership within the Senate, such as the New York State Constitution, the Public Officers Law, Executive Law, and the Senate Rules are being explored and compared to similar provisions in other states. Options for reform are also discussed.

Recent Publications

"The Tables Turn: Ethical Checks on the Public"
(Ethics in Land Use-2009 Update)
Patricia E. Salkin
Zoning and Planning Law Report, Vol. 32/No. 8

"Regulating Home Occupations in NY"
Robin Wheeler, GLC Research Assistant
New York Zoning and Planning Law Report
(Forthcoming November/December)

“Renewable Energy and Land Use Regulation”
Patricia Salkin
Presented at the 2009 ALI-ABA Land Use Institute, this article has been selected for publication in ALI-ABA’s Business Law Course Materials Journal (forthcoming 2009).

"Intersection Between Environmental Justice and Land Use Planning"
Patricia Salkin
58 Planning and Environmental Law 3 (May 2006)

Click here for more information.
"Getting Past the Prisoners' Dilemma: Transparency and Accountability Reforms to Improve New York's Industrial Development Agencies"

Amy Lavine

See the forthcoming issue (January 2010) of the Government Law and Policy Journal for this article.

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To keep up-to-date on all upcoming events hosted or co-sponsored by the Government Law Center, check in with us at our webpage: www.albanylaw.edu/glc. Feel free to contact us at any time by calling (518) 445-2329 or emailing tblan@albanylaw.edu. Thanks, as always, to our readers!