

Borough of Washington, Warren County, New Jersey
Recreation Commission Meeting Minutes
July 11, 2018 - 7:00 PM

The Meeting of the Recreation Commission of the Borough of Washington, Warren County, New Jersey was held in the Council Chambers of Borough Hall at 7:00 p.m.

Opening 7:08 p.m.

Flag Salute

Statement of Adequate Notice

- Chairperson Rick Feldman read the following Statement into the Record: “The requirements of the ‘Open Public Meetings Law, 1975, Chapter 231’ have been satisfied in that adequate notice of this meeting has been published in the Star Gazette and posted on the Bulletin Board of Borough Hall stating the time, place and purpose of the meeting as required by law.”

Roll Call

- Present: Daniel Almind, Sean Farrington (7:12), Rick Feldman, Mark Garrison, Craig Geller, Joe Pinto. Also present: Gary Masenior, Recreation Director, Robin Klimko, Council Liaison, and Susan Turner, Recreation Secretary.

Audience Participation

- Dan Almind moved to open the audience participation portion of the meeting. Seconded by Mark Garrison. Ayes: 5 Nays: 0 Absent: 4, Abstain: 0. Motion passed. Audience participation portion opened.
- No audience members wished to address the commission.
- Dan Almind moved to close the audience participation portion. Seconded by Mark Garrison. Ayes: 5 Nays: 0 Absent: 4 Abstain: 0. Motion passed. Audience participation closed.

Minutes of Prior Meetings

- Mark Garrison moved to accept the minutes of the June 6, 2018 meeting. Seconded by Joe Pinto. Ayes: 5, Nays: 0, Absent: 4, Abstain: 0. Motion passed.

New Business:

- Pool – Requests for partial refund or other compensation – Susan has received a few inquiries whether a partial refund or other compensation will be offered to pool members because the pool did not open when originally planned. Susan said that a partial refund would involve hundreds of signed vouchers and processed checks. Rick Feldman figured 9 days out of an 87 day season were missed, about 10%, which would equate to an average of \$20 per family membership. Special visitor passes or a concession stand voucher or a combination of both totaling \$20 could be distributed. Robin Klimko noted there is no guarantee the pool will be able to open on any given day due to weather or other circumstances. The application states the pool can be closed for weather or variable reasons. In this case it did not open for variable reasons (mechanical failures). Rick suggested the commission do nothing at this time. Dan Almind moved to deny any refunds or compensation for the delayed opening of the pool due to variable conditions. Seconded by Mark Garrison. Ayes: 5, Nays: 0 Absent: 3, Abstain: 1. Motion passed.

Old Business:

- Railroad Avenue property – Dan would like to see the original plans for the Railroad Avenue property and work with them to develop a Recreation Center on the property. Dan knows an architect who knows developers who may do the work in order to have their name on it. Dan would like to have a full basketball court, walking track, concession area and other amenities. It could be solar powered to keep costs down. When completed we would not have to pay to use school gyms or fields and we could have softball practice and soccer inside when necessary. Rick says he has a copy of the original plan which included a football field, a football/soccer field, 4 tennis courts, a building, a nature walk around the perimeter and parking up front. Rick suggested a subcommittee work on it. Joe, Mark and Rick will work with Dan who will be in charge of the subcommittee.

- Brew Fest – Craig spoke with a distributor who wants to be paid fully on the day of the event. The situation is since we'd only pay for the beer consumed we won't know the final amount due until the day of the event. Craig will speak with other distributors. He does not think there is time to get the permits and ABC license for an August event date.
- Community Days –tabled.
- Tug-O-War –Gary wants to move the date back to the original October 13. No date has been advertised. All commissioners were in agreement to move the event to October 13.
- Executive Session procedures – Gary is in possession of a memo from the Washington Borough Attorney regarding Executive “closed” Session procedures which must be discussed in Executive Session prior to any public session discussion as it falls under attorney /client privilege. Mark Garrison moved to go into Executive Session. Seconded by Dan Almind. Ayes: 6, Nays: 0, Absent: 3, Abstain: 0. Motion passed.

Dan Almind moved to close Executive Session. Seconded by Craig Geller. Ayes: 6, Nays: 0, Absent: 3, Abstain: 0. Motion passed.

Gary read the review of recommendations provided. “June 13th Recreation meeting Executive Session remedy – Council liaison at the beginning of the closed session at the 6/13/18 meeting instructed the commission with completely inaccurate and incorrect information. As a corrective measure the commission should be instructed on the proper protocol and justification for entering a closed session. The Borough Council liaison, member of the Borough Council and other council and commission members should be offered training as well to prevent a recurrence. As such, if an individual were to request the minutes or audio recording of the closed session through Open Public Records Act the Borough would need to produce the recordings and minutes of the entire meeting. Additionally, the Recreation Director should present his report in public and the report should be discussed in public.” Gary proceeded to read the emails he originally presented at the June 13, 2018 Recreation Commission meeting. “The first one from Tuesday, March 27 sent to Susan Turner, Corey which is what comes up for the Rec Director, and the Boro Manager. ‘None of the links to the Sharks swim team work on the website. One of my kids was thinking of joining so I wanted to review their form 990 to see their solvency. As a 501c3 they are required to have an audit I believe every year. I can't find any info on them and no, I'm not going to ask Joe or Rick because I wouldn't trust anything they'd say anyway.’ Sent by Victor Cioni. The next email from Wednesday, March 28 to Susan Turner, Corey and Boro Manager ‘There are no ‘Sharks’ or any swim organization listed online for 07882. So either they are no longer a 501c3 and therefore cannot fundraise or they are listed out of another state by another name. All I know is they always stated that they were a 501c3 and were allowed to fundraise at home swim meets and they've done a November Craft fair in the past (this past November as well) at Borough hall. The fundraising was done to help Rec pay for new equipment and half the coaches salary so I want to know what's in their ‘bank’. As a 501c3 they are obligated by law to get a yearly independent audit of their books. They are tax exempt under a 501c3 and if they are not using a majority of their funds for swim team expenses then they would lose this status. But seeing as I can't find a record of their status it is concerning to say the least.” The third email April 17th sent to me and cc'd the Borough Manager “Swim Team Update? Hi Gary,, I wanted to follow up to see where the investigation is at. If the Sharks are not/have not been a 501c3 then I want to know where they did with their fundraise money for the past three years. If they aren't a 501c3 then the Boroughs should never allowed them to close the pool concession stand during their home swim meets to fundraise as well as using the Borough Fire Hall last November. Knowing that they have fundraised over the past 3 years it would be a criminal case if they were not official in doing so. The fact that I can not find any information about their alleged 501c3 makes me think there has been criminal activity. This town has seen enough of this, if true, which I hope it is not. I think the mayor and council as well as the Borough Attorney should be presented with everything. I think my son may still want to be on the team but we really need information on this matter. Thank you, sir. Vic”.

Gary then read his Director's Report from the June 13, 2018 meeting “On March 27th and March 28th, 2018 I received two emails (Communications) from Victor Cioni, a parent who stated he was interested

in enrolling his son in the swim team program making some strong accusations about the organization. On March 28th I showed the emails to the Chairman and Vice Chairman of the Recreation Commission on my phone before our regularly scheduled meeting. After the meeting the Chairman demanded hard copies of the emails be given to them. On Wednesday April 11th I forwarded the hard copies of both emails to the Chairman and Vice Chairman fully expecting them to share the emails with the Full Commission. To the best of my knowledge, as of this date, this has not happened. Since that point in time I have received a third email from Victor Cioni following up on his request for an investigation. The third email presented issues that need to be addressed by the entire Commission. I am bringing these emails (Communications) to the entire Commission because I believe the Commission members are being asked to make decisions, both logistic and financial, without fully being informed of issues and concerns related to the swim team operation. Although, in my opinion, the tone of the emails are obviously vindictive due to apparent previous issues between the parties involved, the fact remains that the accusations brought to light certain issues that can not be ignored and the validity or non-validity of the accusations need to be addressed and discussed. As a result of my inquiry I have found the following: There is no indication that the Swim Team parents association is/or recently has been a registered 501c3. There is the possibility that around 2004 the process was started to become a 501c3. The process apparently was never completed and/or was completed but allowed to expire. It appears the association does not currently and possibly never has had its own insurance policy for the parents association possibly putting parents at risk. An invalid and/or expired tax ID was apparently presented to the Borough to justify the Association's existence and ability to be allowed to raise fund i.e. food sales at swim meets/ vendor fair. Money was raised and expended for many years. There is no indication that the required yearly audit was ever performed. Money still exists in a swim team checking account that apparently has existed for years but may never been audited. The parent association officers stated that they are currently not a 501c3, do not have insurance or enough money to purchase insurance and currently have money in a checking account."

Joe stated everyone already knew this. He also stated that when shown the first two emails Gary asked them not to say anything, that he would talk to Matt. He said renting the firehall had nothing to do with the commission, it was done independently by the parents association. Joe said Vic knew this (status of the parents association) when he sat there (acted as Recreation Commission Chairperson) and it was never an issue. Joe said Vic has singlehandedly destroyed the entire team, "He's dragged my family name through the mud, my wife, me and my daughter". He said they "have done absolutely nothing wrong but taken care of the swim team and the kids in this town."

Rick stated laws were not followed. "The Swim Team Parent Association was not doing the right thing for years. It went from one parent to another to another. No one's saying anybody did anything with criminal intent. An application from years ago was found that originally was to set up a 501c3 to hold 50/50's. Joe and his family did what they were told by the people before them." Rick stated "we've come up with a plan to correct it and hope to have a solution next year.". The corrective action plan is to get nonprofit status which requires insurance and which requires an audit. Joe and his wife were working on that. The Borough was going to run the team while getting non-profit status but then we lost the coach and the team disbanded. Rick stated the audio recording and minutes from the 6/13/18 meeting will be made available which, along with Gary reading his 6/13/18 Director's Report and having it discussed, will satisfy the attorney's recommendation. Rick asked for a motion to accept the Borough Attorney's recommendations to remedy the OPMA violation. Craig Geller moved to accept the Borough Attorney's recommendations to remedy the OPMA violation. Seconded by Mark Garrison. Ayes: 4, Nays: 2, Absent: 3, Abstain: 0. Motion passed.

Joe asked if the Borough was going to seek criminal charges against him or his family. Mayor David Higgins said from a Borough standpoint and from a personal standpoint there was no legal action. There is no swim team no parent association and no issue. But he stressed he is not an attorney. Rick asked about who conducted the investigation and Dave said he (Rick) was part of it, his meeting with Matt. Dave suggested they request the results of the investigation in writing from the Borough Manager.

Recreation Director's Report

- Gary read a line from the last paragraph of Borough Manager Matthew Hall's June 5, 2018 email "With regard to the Sharks, the team is now completely of, by, and for the Borough since the organization's 501c3 status had lapsed and it had become defunct." . The swim team is a Recreation program totally run by Washington Borough Recreation until a 501c3 is set up. The swim team program was never officially cancelled but we've been issuing refunds. Gary stated both Warren County Health inspections, pool and concession stand, were conducted. There were zero discrepancies. Operating Licenses were received. 3 pool water tests have been submitted and passed. Only 1/4" of water has been lost from the pool which is most likely due to carry out and evaporation. Swim lessons have started with 57 participants in Session 1 and 36 so far in Session 2. There is a limited number of lifeguards. NJ State bathing code states it is no longer mandatory to post a lifeguard at the wading pool. A "responsible adult" can work as an attendant because signs are posted that all children in the wading pool/splash pad area must be accompanied by an adult. We've only had an attendant there 2 times.

Council Liaison's Report

- No report.

Recreation Secretary's Report

- Susan received 2 requests for a free financial needs pool membership, one family and one individual. Each provided requested financial information and qualified for free membership. Sean Farrington moved to issue the two free pool memberships. Seconded by Craig Geller. Ayes: 5, Nays: 0, Absent: 3, Abstain: 1. Motion passed.

Sports Programs

- Easter Egg Hunt — (all commissioners) – No report
- 5k – (commission) –The race will be held the Saturday before Halloween with a Halloween theme. Dan, Sean and Mark will work as a race subcommittee and get started on advertising
- Youth Soccer – (James Sawyer) – (Absent) – Rick cited a recent email from James which presented opportunities and possible problems with regards to paying referees. As per the email, the Borough Manager is working on it.
- Street Hockey – (Adam Zimmer) – No report.
- Youth Basketball – (James Sawyer/Bill Lyons) – No report (Absent).
- Lil' Hoopsters – (Craig Geller) –No report.
- Youth Baseball – (Adam Zimmer) - No report.
- Girls Softball – (Mark Garrison) – No report.
- Adult (Men's) Softball – (Adam Zimmer) – No report.
- Karate – (Sean Farrington) –
- Swim Team – (Rick Feldman) – Mark Garrison moved to cancel the 2018 Swim Team program. Seconded by Dan Almind. Ayes: 6, Nays: 0, Absent: 3, Abstain: 0. Motion passed
- Swim Lessons (Rick Feldman) – No report.
- Pool – (Rick Feldman) – Discussed during Recreation Director's report.
- Tennis Clinic – (Joe Pinto) – The High School is refinishing the tennis courts and will not be done until the middle of next week, halfway through the clinic. The Tennis coach lives in Fairway Estates where there are tennis courts available. The clinic could be started at these courts or it could be held the following week. Susan will call the tennis coach to confirm use of the Fairway Estates' courts.
- Zumba – Rick asked if the pool sound system will be used by the Aqua Zumba instructor. Gary said he was able to buy 2 systems for less than was budgeted for one new system. One will be dedicated to the pool, the other to the Aqua Zumba classes.

Executive Session

- Executive Session was called earlier in the meeting.

Facebook page

- Traffic on the site has shot up in the last few months. The boost helped. Dan needs an email address to set up the Instagram account. He can set up a random gmail account or use a Borough email address. This will be discussed with the Borough Manager.

Recap

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Commissioner Comments

- Dan Almind – No comments
- Mark Garrison – Hypodermic needles were found at the Taylor Street Park field. He will talk with the Police Department and ask them to keep an eye on the field.
- Craig Geller –No comments
- Sean Farrington– No comments
- Rick Feldman – No comments
- Bill Lyons –Absent.
- Joe Pinto – No comments
- James Sawyer –Absent.
- Adam Zimmer –Absent.
- Gary Masenior – No comments

Adjournment

- Mark Garrison moved to adjourn the meeting at 9:12 pm. Seconded by Joe Pinto. Ayes: 6 Nays: 0 Absent: 3, Abstain: 0. Motion passed.
Adjourn **9:12 PM**