

**THE SPECIAL MEETING OF THE EMERSON RECREATION COMMISSION WAS HELD ON FRIDAY MARCH 29, 2019, AT 7:30 P.M. IN THE CONFERENCE ROOM OF THE RECREATION CENTER.**

Presiding Officer Afrim Hoxha welcomed everyone and called the Special Meeting of the Recreation Commission to order at 7:30 p.m. on Friday March 29, 2019.

**Roll Call:** Presiding Officer Afrim Hoxha, Councilwoman McGuire, David Cannici, Anthony Gismondi, Paul Coombes, Rich Solimando, Mike Graham, Bob Quinones,

**Apologies:** Eilish Viggiani, Willie Ortiz

**I Field usage without permit March 24, 2019**

Afrim reminded the meeting that it was called to discuss the field usage without a permit and nothing else can be discussed.

Review of the events of Sunday, March 24 at Hillman field

Afrim received a call on March 24, 2019 from Mike Graham who indicated that he had been informed that the Emerson Bandits were using Hillman field without a permit. Afrim contacted Rich who in turn contacted Gerry Falotico who took some pictures. Afrim reached out Rich to contact the police because it was clear that the Emerson bandits had broken the town ordinance and were playing a double header against another for profit team which was not from Emerson. No permit had been pulled or paid for they just went on the field. As Rich was not receiving Afrim's calls he called the police, identified himself by name and that he was the Presiding Officer of the Recreation Commission. He indicated to the police that there were teams on Hillman field that did not have permit to be there and expressed a concern that there may be a liability to the town if anything happened. Sergeant Alasio went to the field from where he called Afrim. Afrim reiterated his concern that there may be a liability to the town. Sergeant Alasio told Afrim that the Emerson bandits had insurance. He again said that the Emerson bandits did not have a permit and he did not know what liability that could open the town up to. Sergeant Alasio asked Afrim if he wanted the teams removing from the field. Afrim said he was not an officer of the police so he could not make that decision. There were several phone calls between Afrim and Sergeant Alasio who was also trying to make contact with Rich and then Jane. There was a concern that there had been a miscommunication with her. Afrim told Sergeant Alasio that if Scott didn't have a confirmatory letter in hand, he didn't pay for a permit and shouldn't have been on the field.

The team that were playing was Scott Messick's team and Scott contacted Afrim to say that he had been in email correspondence with Rich Solimando. This was not relevant to the situation because he had gone on to the field without a permit.

Afrim eventually spoke to Rich who called Sergeant Alasio and told him that Scott had not pulled a permit and therefore should be told to leave the field. Sergeant Alasio asked how coaches get a permit. Afrim explained that they need to fill in a field usage request form, request the time on the field, pay the usage fee and get a confirmation. Afrim told Sergeant Alasio that Scott was aware of the process.

Rich clarified that Gerry Falotico had not called him. Afrim said that the pictures he received were from Gerry Falotico. Rich said he had also received pictures but did not think that they were from Gerry.

It was agreed that whatever the source, there was no dispute that Scott Messick's team were on the field.

#### Review of Process for obtaining a permit and Emerson Bandits adherence to the process

Rich clarified that process for obtaining a permit. The Borough ordinance Chapter 200 Parks, Playgrounds and Recreation Areas: Article 1, Section 200-section 8 Part B Point 2 outlines standards for issuance, and this is corroborated by Chapter 187 Municipal Facilities, Use of: Section 187-4 section C. In summary anyone applying for a permit must provide insurance, reserve the field and pay the fee.

Much of this process is done through Civic Permits. The insurance is sent to the Recreation Secretary who has it approved through the Borough's agent Vozza. Once this is done Rich opens Civic Permits up to see if the days that have been requested are available. At this point a check for \$25 is sent to the Borough Clerk as the fee to pay for the permit. In this case, Rich did not approve the use of the fields because no payment had been made.

If the process had been followed, Civic Permits would have been opened up and if the times and dates requested were available they would have been approved and an invoice would be generated by Civic Permits which would be used for payment.

Prior to March 24 there had not been any follow up from the meeting on February 21 when Scott made his request to have a different arrangement for payment for field usage to the one stated in the ordinance.

Dave Canicci reminded everyone of the outcome of the February 21 meeting when Scott had made his request for a modified fee schedule. Specifically Scott asked if the Recreation Commission would consider a flat fee for his use of the fields or would the Commission adhere to letter of the law of the ordinance. The Recreation Commission stayed after the public session and decided to take no action and abide by the wording of the ordinance and enforce it accordingly. That was the last official interaction with Scott on this matter. Therefore no terms outside of those specified in the ordinance were agreed then or subsequently and Scott knew that.

Rich provided further background on the situation to be certain that the correct procedure had been followed and nothing had been missed. Baseball sent him a list of dates to schedule early in the season. The rule is that teams should not request a block of dates unless they are going to use them. For example, if a team needs a field for four days a week and they book it for five, that's unacceptable because that limits use for other teams or sports that may want to get on to the fields. Scott, who makes all the bookings for rec baseball emailed Rich with the dates that they wanted. Rich approved the majority of the dates requested. Subsequently Rich received another email from Scott asking for him to release specific dates and times which had been booked for rec baseball for use by the Emerson Bandits. Rich did not release the dates because the Bandits had not completed a Field Usage request form or provided insurance at that point. By making this request, it was clear that Scott knew that the dates that he was requesting for the Bandits were already blocked for use by rec baseball and that no other organization would be able to be to book them. It was not clear at the time whether the email sent by Scott requesting the release of those dates was responded to or not. Rich did not give the Bandits permission to use the fields on March 24, 2019.

On that day, it is assumed that Scott had checked with other rec baseball coaches to ensure that they did not need to use the field at those times. Civic Permits showed that there were rec baseball practices scheduled on the field at the time being requested by Scott Messick. It has been reported that Jo Plourde, a rec baseball team coach asked Scott, as the scheduler, if he could use the fields at that time and Scott said no because his team, the Emerson Bandits were using it. The rec team was rescheduled to an earlier time.

In response to a question by Afrim, Dave and Rich confirmed that Scott had pulled permits in the past, although not for the Emerson Bandits and so should have been aware of the process. On the date in question, Scott had insurance but had not submitted a Field Usage form including a verified roster containing all information required by the relevant sections of Chapter 200 and 187 (see earlier), made a payment for the use of the field or received any approvals. There was also a discussion about whether the coaches present at the game had full background checks completed. It was confirmed that at the time of playing this game, the background checks on Scott had not been completed.

Dave summarized discussions by saying that Scott was aware that he did not have the required approvals obtained through the process outlined in the ordinance when he used the field and should not be given Scott the benefit of the doubt.

To the point raised by Scott that he had been trying to contact Rich to secure a permit, Afrim observed that there are nine members of the Recreation committee and he could have contacted any one of them. Not being able to make contact with the Rec Fields coordinator is not a valid reason for going on the field without a permit.

Mike Graham observed that if the request made by Scott at the February 21<sup>st</sup> meeting had been granted that would set a precedent for any club team that wanted to use Emerson

fields to work around the specifications laid out in the relevant ordinances, Chapter 187 and 200.

Dave provided further historical context. Approximately two and a half years ago an outside entity made a request to use the baseball fields. They did not meet the Recreation Commissions requirements and were denied. They went ahead and used the field anyway and were hitting baseballs on a field where young children, who rightfully had the field, were playing soccer. The Recreation Commission voted that the entity would never be able to use the Emerson Fields again even though the team did have some Emerson players on it.

There are two issues with the situation of the Emerson Bandits playing on Hillman field without a permit, firstly there is an outside an entity that didn't follow the ordinance for field usage. Secondly, there is an individual sitting on an Emerson Sports board that has an interest in a private entity who is manipulating the scheduling process for their own interests. The second of these two issues cannot be addressed at this meeting.

Afrim summarized the situation by saying that there were no excuses for what happened. Scott had pulled permits before and new what should have been done and had many avenues to resolve the issue before the game. No one knew about the game prior to it taking place and he acted according to the ordinance. There could have been an issue with insurance as it is not clear whether insurance is valid without a permit. In that situation the town would be liable.

#### Discussion of Action to be taken

Chapter 200, Article 1, Section (5) gives the Recreation Commission the authority to revoke a permit if there is a violation of any rule or regulation or upon good cause shown. However, it was pointed out that organizations using the field have to have a permit before one can be revoked. This clause was interpreted as giving jurisdiction to the Recreation Committee to remove people from the fields if they do not have a permit. In the first instance this would be a request, but if they don't comply then the next step can be taken which is what happened in this incident.

The meeting again reviewed the process for obtaining a permit which in summary is that a copy of the insurance needs to be given to the Recreation Secretary to forward to Vozza to approve. At this point the applicant can access Civic Permits to check if the time that they require is available. They are not able to book it but they can view it. An 'Agreement for Use of Borough Fields & Facilities' needs to be completed and submitted to the Borough Clerk with a check for \$25. The fields administrator then approves usage if the requested time is available, calculates the fee which communicated to the applicant. The check is submitted to the Recreation Secretary. The \$25 is a one-time fee for the permit and a per game/hour fee time the fields are used.

Scott had provided a copy of the insurance for the Emerson Bandits which had been approved by Vozza but on March 24 no payment for field usage had been made and the

‘Agreement for Use of Borough Fields & Facilities’ form had not been completed. Additionally because the baseball fields had been reserved for recreation baseball the time that was being requested was not available. The lack of paperwork and available time on the field meant that the process did not go any further and no permit was issued. As Scott does the scheduling for rec baseball he would have known that the time being requested for the Emerson Bandits game had been scheduled for rec baseball. He did request that time be released but that was not done. Had it been done the times that were released should have been made available to any entity that wanted them and not just the Emerson Bandits.

The Recreation Commission’s authority is limited to granting use of the field. In the past non-Emerson teams that used the fields without a permit were banned from the field for the rest of the season. Having set this precedent, the suggestion was that it should be adhered to and the same penalty should be applied to the same offense. The difference here is that the previous team (the grizzlies) had been denied use of the fields. In this case there was no field time available to deny.

After some discussion it was agreed that some form of penalty should be imposed on the Emerson Bandit organization because Scott knew when he walked onto the field that he did not have a permit.

There then followed a lengthy review of what penalty should be imposed. There was a general agreement that the Emerson Bandits should be banned from Emerson fields but there was much discussion about how long this should be particularly as there are Emerson kids on the team.

The motion was made by Mike Graham, seconded by Paul Coombes to ban the Emerson Bandits Baseball Organization from using Emerson fields for 90 days effective April 1, 2019.

Afrim will email Scott with the result of the meeting informing him of the ban

Motion to adjourn the meeting made by Dave Cannici, seconded by Anthony Gismondi, approved unanimously. Meeting adjourned at 8:38 pm.

Respectfully submitted,

Liz Morris  
Recreation Secretary