

**THE SPECIAL MEETING OF THE EMERSON RECREATION COMMISSION WAS HELD ON WEDNESDAY DECEMBER 11, 2019, AT 8:00 P.M. IN THE CONFERENCE ROOM OF THE RECREATION CENTER.**

**I Call to Order**

Presiding Officer Bob Quinones thanked everyone for attending and called the Special Meeting of the Recreation Commission to order at 8:00 p.m. on Wednesday December 11, 2019.

**Roll Call**

Anthony Gismondi, Paul Coombes, Phil Gianatasio, Bob Quinones, Eilish Viggiani, Willie Ortiz

Apologies: Steve Paino, Mike Graham, Councilwoman McGuire

**II Suspend Article V: Section 1 of the Emerson Recreation Commission by-laws**

The meeting discussed the suspension of Article V: Section 1 of the Emerson Recreation Commission. The reason for the need to change the by-laws was reviewed by Presiding Officer Bob Quinones who said that the Mayor and Council had stated that starting in 2020 all Commissions are required to hold their meetings in the Council Chambers to ensure that reproducible audio records were maintained (Note: This would not include the Sports Boards). Because this means that the time, date and location of the Recreation Commission meetings will change, Article V: Section 1 of the Recreation Commission by-laws needs to be amended to reflect this. To allow sufficient time to read and approve these amendments the Borough Attorney suggested to Councilwoman McGuire that this section should be temporarily suspended until the by-laws had been amended and approved so that the currently approved meeting schedule for 2020 could be maintained.

The Recreation Secretary read Article V: Section 1 to the meeting.

**ARTICLE V: MEETINGS**

***Section 1.*** *Regular meetings shall be held on the first and third Thursday of each month in the conference room of the Recreation Building, with the exception of the months of July and August and the third Thursday in December, when the Commission may choose to hold no meeting. The schedule of meetings shall be approved by the Commission at the first meeting in January and shall be provided to the Borough Clerk for publication in accordance with the Open Public Meetings Act.*

Commissioner Willie Ortiz stated that, in his view, the suspension of the by-laws suggested by the Borough Attorney was not backed by law or researched fully. He further stated that a suspension of the by-laws could only take place if there was an emergent reason. His view was that the desire of the Mayor and Council to mandate that all Commission meetings should be held in the Council Chambers was not an emergent reason. He suggested that the Borough Attorney should back his opinion up with law and provide that information to the Recreation Commission. He was concerned that suspending the by-laws for what in his view was a non-emergent reason would mean that by-laws could be suspended at any time for non-emergent reasons. He further stated that the Recreation Commission did not have the authority to suspend the by-laws and to do so would be irresponsible.

There was a discussion about the reason the Mayor and Council took the decision to request all meetings of commissions be held in the Council Chambers. In summary, the view was that this was to ensure that the recording of all meetings is reproducible in the event that there are any OPRA requests for audio recordings of any Commission meetings. On a previous occasion the only available recording of a meeting was not able to satisfy this requirement and that prompted the decision to hold all meetings in the Council Chambers.

Commissioner Willie Ortiz reiterated his view that no opinion based in law had been given to support the suspension of the by-laws and the Borough Attorney's recommendation was not acceptable. The Recreation Commission Secretary read the email from Councilwoman McGuire which reflected the conversation that she had had with the Borough Attorney. Commissioner Ortiz still considered the suspension of the by-laws to set a bad precedent and be of questionable legality and further that the Recreation Commission should continue to hold its meetings in accordance with the existing by-laws. He added that the by-laws could be amended to reflect a new time/date/location.

If the motion to suspend the by-laws is not approved, the next meeting of the Recreation would be in accordance with the by-laws and would take place on the first Thursday of January in the Recreation Center. The first Thursday is January 2. At this meeting the Commission could vote to change the time and place of subsequent meetings. During these meetings the by-laws could be revised in accordance with the request of the Mayor and Council and the new time/date/location incorporated into by-laws.

Commissioner Ortiz made a motion to **not** suspend Article V: Section 1 of the by-laws and be consistent with the by-laws until they are properly and legally changed. Paul Coombes seconded

Roll Call: Willie Ortiz Yes, Anthony Gismondi Yes, Paul Coombes Yes,  
Bob Quinones Yes.

Motion passed

**III Open Session (Public)**

Motion to open the public comment was made by Willie Ortiz seconded by Paul Coombes Passed unanimously

There being no public comment a motion to close the open the public session was made by Willie Ortiz seconded by Paul Coombes Passed unanimously

**IV Adjournment**

Motion to adjourn the meeting made by Paul Coombes, seconded by Willie Ortiz. Approved unanimously. Meeting adjourned at 8:15 pm.

Respectfully submitted,

Liz Morris  
Recreation Secretary