



**NEW  
ENGLAND  
SWIMMING**

## **BOARD OF DIRECTORS MEETING**

Tuesday, June 2, 2020, 5:00pm

*Minutes approved at the June 16, 2020 Board of Directors Meeting*

Remote Meeting via Zoom

**MISSION:** To provide opportunities for all to achieve their highest potential in competitive swimming.

**VISION:** Inspired. United. Fast.

---

### **ATTENDANCE:**

***Board Members Present:*** (19) Matt Soska (UN), Brian Crawford (ESC), Bill Glass (BGSC), Bob Menck (UN), Kely White (CRIM), Betsy Russell (UN), Anne Kaufman (UN), Ken Galica (UN), Lisa Black Sholudko (UN), Rick Osterberg (UN), Malicia Policard (CS), Todd Bohannon (ex-officio, PHX), Meghan Feran (SOLO), Janet Harty (YNS), Erik Linseisen (UN), Jake Eastman (SOLO), Isabelle Hiller (UVAC), Ellie Soska (CRIM), Aaron Zhu (SOLO)

***Board Members Absent:*** (1) Chris Sheppard (CS)

***Guests:*** (10) Carol Healey (UN), Moriah Tyrrell (UN), Gretchen Turner (USC), Patrick Hunter (UN), Alessandro Ramos (YNS), Scott Ellis (UVAC), Nadine Jesionek-Johnson (UN), Mei Han (MTSC), Annette Robertson (MWYS), Chris Payson (SSC)

---

## **MINUTES**

### **1. Welcome**

The meeting was called to order by General Chair Matt Soska at 5:02pm.

### **2. Consent Agenda**

The Consent Agenda is included below. The Coaches' Committee Report was pulled:

#### **Coaches' Committee Report:**

There was a discussion about the Coaches' Town Hall being planned. The Coaches' Committee is working on a formal agenda for the Town Hall and are sending out a survey to coaches to help drive content for the agenda. The plan is to host the Town Hall sometime over the next two weeks in the evening hours post-practice time.

The remainder of the consent agenda was accepted by general consent.

### **3. State of the LSC**

Ten clubs from the New England LSC received funding from Round One of the USA Swimming Grant Program.

Pool practices began in some facilities in New Hampshire and Vermont starting on June 1<sup>st</sup>. Preparations for those practices back in the pool involved creating dedicated entries and exits to the facilities, lane guidelines and restrictions around locker rooms (either closed completely or open for bathroom use only).

### **4. USA Swimming Leadership Call Update**

On June 15<sup>th</sup>, USA Swimming Leadership will make a decision on whether or not they will issue any July sanctions.

USA Swimming Leadership continued to share their philosophy for the return to pools of "crawl, walk, swim." They want everyone across the country to maintain their focus on slowly and cautiously getting athletes back to practice.



Almost all LSCs on the Leadership Call have written letters to their Governors about reopening pool use for competitive swimming.

## **5. Finance Committee – Budget Scenario Review**

The Finance Committee met to work on a revised 2021 Proposed Operating Budget from the version previously accepted by the BOD to be brought to the HOD meeting for approval in light of COVID-19 impacts. After conducting an in-depth review of historical finances, collecting input at the last BOD meeting as well as coach input during the last Finance Committee meeting, the Finance Committee set forward with the following primary assumptions to guide their revisions to the 2021 Proposed Operating Budget:

- Membership metrics will be down -- most likely full paying memberships
- Meet activity at the beginning of the fiscal year will be less than prior years
  - A key assumption is there will be a return to normalcy and NOT a 'round 2' of shut-downs.
  - The impacts will be reversed in their timing from what we saw in 2019/20 -- anticipating an impaired Short Course season, but full Long Course season.
- With a full long course and greater offering of National Meets, our program support for those higher-level events and our Championship events will remain as originally budgeted -- thus a greater overall decrease to budgeted revenues vs budgeted expenses.

After outlining the primary assumptions guiding the revisions, a revised 2021 Proposed Operating Budget was presented to the BOD. Having been moved and seconded, the revised 2021 Proposed Operating Budget was then brought to the floor for discussion. After no discussion was warranted, the Board of Directors unanimously accepted the revised 2021 Proposed Operating Budget as presented, which will now go to the Annual Meeting on June 28<sup>th</sup> for discussion and approval by the House of Delegates.

When this revised 2021 Proposed Operating Budget is presented to the HOD, an acknowledgment will be made that this budget is a roadmap in an environment of great unknowns during the COVID-19 pandemic.

## **6. House of Delegates Meeting – Virtual Session Planning**

An Amendment to the New England Swimming Bylaws to hold a remote HOD meeting was written by the Governance Committee with input from outside legal counsel. The proposed language of the Amendment was sent to the Rules and Regulations Committee of USA Swimming (Clark Hammond, Chair) and was accepted.

The proposed Amendment is as follows:

### **REMOTE HOD MEETING BYLAWS AMENDMENT #1**

Background: Amend the Bylaws of New England Swimming, Inc. to permit a remote/electronic House of Delegates Meeting when an in-person meeting cannot take place due to restrictions on physical gatherings. This action is recommended by New England Swimming's external legal counsel, and is approved by the USA Swimming Rules and Regulations Committee. If adopted by the Board of Directors, this amendment must be ratified by the House of Delegates at its first meeting.



*Amend the New England Swimming, Inc. Bylaws as follows:*

4.8 MEETING LOCATION AND TIME - All meetings of the House of Delegates shall take place at a site within the Territory. The House of Delegates or the Board of Directors shall determine the location and time of all meetings of the House of Delegates. **If temporary federal, state, or local law, policy, or regulation prohibits physical gathering sufficient to conduct a House of Delegates meeting within the Territory, a House of Delegates meeting may be conducted through conference equipment by means of which all persons participating in the meeting can hear each other at the same time. In that circumstance, participation by such means shall constitute presence at that meeting.**

*This amendment will take effect immediately for the purpose of convening a House of Delegates meeting, but must be ratified by the House of Delegates to be fully effective.*

Governance Chair Rick Osterberg moved to adopt the amendment, which was seconded. The Board of Directors unanimously approved the Amendment to the New England Swimming Bylaws, which took effect immediately.

This Amendment must now be ratified by the House of Delegates at the HOD Annual Meeting by a 2/3 vote to be fully effective. If the Amendment is not ratified by the House of Delegates, the HOD Annual Meeting must be immediately adjourned without conducting any business.

The BOD discussed possible dates for the remote HOD Annual Meeting that would satisfy the twenty-days' notice requirement. A suggestion was made to conduct the HOD Annual Meeting on Sunday, June 28<sup>th</sup> at 9am, which was approved by the BOD.

## 7. Other Business

The bid deadline for 2020/2021 short course meets has been extended to August 1<sup>st</sup>, 2020.

There were seven total webinars in the Athlete Webinar Series, with the last one concluding on Saturday, May 30<sup>th</sup>. The webinars were all very well received, and provided a nice opportunity for athletes to connect with one another during quarantine. The Athlete Representatives will now consider whether or not to continue with the series over the summer with pools coming back online.

A letter was drafted to send to Governor Baker and the two Co-Chairs of his Reopening Advisory Board (Lt. Governor Karyn Polito and Housing and Economic Development Secretary Mike Kennealy) to educate the government in the Commonwealth on the distinction between competitive swimming and recreational swimming (*attachment: New England Swimming Letter to Governor Baker (06-01-2020).pdf*). Having been moved and seconded, the letter was then brought to the floor for discussion. There was a discussion on concerns about sending the letter, and the intentions behind the letter. After further discussion about the letter being intended as educational (competitive swimming vs. recreational swimming) and not intended as pressure for the government to take action ahead of their reopening timeline, the Board of Directors voted unanimously (with one abstention and no opposition) in support of sending the letter.

The next Board of Directors meeting will be on Tuesday, June 16<sup>th</sup> at 7:00pm.



**NEW  
ENGLAND  
SWIMMING**

**8. Adjournment**

Having been moved and seconded, the meeting was adjourned at 6:52pm.

Respectfully submitted,

Kelty White  
Secretary



**CONSENT AGENDA FOR JUNE 2, 2020 BOARD OF DIRECTORS MEETING**

**Secretary’s Report (submitted by Kelty White)**

- The draft minutes from the May 19, 2020 Board of Directors meeting have been provided as an attachment in an email to the BOD dated June 1, 2020 with the agenda and meeting call-in details for the June 2, 2020 meeting.

**Treasurer’s Report (submitted by Carol Healey)**

	<i>March 2, 2020</i>	<i>April 29, 2020</i>	<i>May 19, 2020</i>	<i>May 28, 2020</i>	<i>Change</i>
<b>Checking Account #1:</b>	\$49,662.22	\$5,028.96	\$20,123.00	\$20,123.00	\$ -
<b>Checking Account #2:</b>	\$62,414.77	\$40,782.84	\$33,301.24	\$32,801.24	<b>\$(500.00)</b>
<b>Priscilla Fund:</b>	\$8,060.00	\$10,332.95	\$10,332.95	\$10,832.95	\$500.00
<b>Savings:</b>	\$516,238.37	\$391,273.35	\$391,305.02	\$391,305.02	\$ -
<b>First Western Invest.:</b>	\$421,280.75	\$404,992.55	\$407,210.82	\$412,012.35	\$4,801.53
<b>TOTAL:</b>	\$1,057,656.11	\$852,410.65	\$862,273.03	\$867,074.56	\$4,801.53

**Governance Committee Report (submitted by Rick Osterberg)**

- On Tuesday, May 26, 2020, Rick Osterberg had a telephone conversation with New England Swimming's external legal counsel to discuss limitations imposed by the Bylaws and Robert's Rules of Order on the ability to conduct a remote/electronic House of Delegates meeting. The restrictions include:
  - The Bylaws are silent regarding the ability to conduct a remote/electronic House of Delegates (HOD) meeting. (Remote/electronic meetings are specifically permitted for Board of Directors meetings, and for Committee meetings.)
  - The Bylaws specify Robert's Rules of Order Newly Revised (RRONR) as the parliamentary authority.
  - RRONR requires the Bylaws to specifically permit a remote/electronic meeting format. Unless specifically permitted, remote/electronic meetings are disallowed by default.
  - The Commonwealth of Massachusetts (the legal domicile for New England Swimming, Inc.) has no restriction that would otherwise prohibit remote/electronic meetings for not-for-profit organizations.
  - The Bylaws permit the Board of Directors to act on behalf of the House of Delegates between meetings of the HOD, subject to ratification of relevant actions by the HOD.
  - The Bylaws specifically prohibit the Board of Directors from amending the Bylaws.
  - The Bylaws require the Annual HOD meeting to take place "in the spring."

After analysis of the matter with another legal associate, the advice of our legal counsel is:

- Robert's Rules also provide that they govern “only if there are no contrary provisions in federal, state, or other law....”
- At the present time, each of the four states in the New England Swimming territory has strict restrictions on physical gatherings, thus preventing us from holding our required Annual HOD meeting.



- It would be within the spirit of the law and of Robert's Rules for the Board of Directors to pass a very narrow amendment to the Bylaws to permit a remote/electronic HOD meeting to take place in the specific narrow condition that a physical meeting is not possible within the territory due to public restrictions.
- Such an amendment would necessarily be ratified by the House of Delegates at the first HOD meeting that is scheduled.
- Given this legal advice, we intend to introduce a narrow Bylaws amendment for consideration by the Board of Directors, as soon as the June 2, 2020 meeting. As of the time of this consent agenda submission, draft language is being considered by the USA Swimming Rules and Regulations Committee, and we expect feedback before the June 2, 2020 Board of Directors meeting. Further, we are quickly working on broad communication about this plan to members of the New England Swimming House of Delegates and the broader NE Swimming community so that any and all concerned parties have a full opportunity to share input before the amendment is considered by the Board of Directors.

### **Development and Performance Report (submitted by Chris Sheppard)**

#### • Age Group Committee:

- Friday, May 22<sup>nd</sup> – Gretchen had a Zoom call with the 2020 Regional Meet hosts to hear thoughts/experiences from the Regional meets (Format, order of events, entry process)
  - Unanimous agreement to request the Calendar Committee think about pushing off July 1st bid due date to August 1st.
- Saturday, May 23<sup>rd</sup> – Committee meeting. Discussed meet hosts thoughts in length, as well as our own regional meet experiences. Pro/con discussion around having set order of events. Entry process and number of sites were discussed as well.
  - In conclusion, it was agreed that the set events list should be listed for meet hosts to offer at each site, but the order and session grouping should be left up to the host to layout to offer the best meet format for their location. Also, continue to allow for seven sites to bid on Regional Meet. (Note: in current Covid-19 circumstances, we do not know what regulations on number of occupants will be and so we concluded to leave seven sites)
  - Some preliminary talks started around how to ensure the championship age group meets are exciting and well received by the athletes (walkouts, music, awards, atmosphere).
  - It was also agreed that we are in alignment with the meet hosts to request the bid due date be pushed to August 1, and an email would go to the Calendar Committee stating this.
- Next Steps:
  - Regional meet – bonus and exhibition structure
  - Work on Championship meet announcement language (structured guidelines)

#### • Coaches' Committee:

- Coaches' Call 5/27:
  - Updates on Reopening Phases in New England States:
    - NH - Reservation Only basis is stated in Reopening 2.0, but no specific guidelines have been released.
    - MA - Outdoor & Community Recreation pools can open in Phase 2 beginning no earlier than June 8th. Indoor pools can open in Phase 3 at the discretion of facilities.
    - VT - No update
    - RI - No update



- Many teams are dealing with organizations and schools that are forced to prioritize more important things, and pool rentals are being pushed down the list. Unfortunately, this does not help our teams and sport, and puts many teams at risk.
- We have discussed next steps in organizing a Coaches’ Town Hall, but would like to create a specific agenda in order to keep talking points. We are planning a Coaches’ meeting next Wednesday in order to finalize this agenda.
- The committee believes a Coaches’ Town Hall late next week at 8:00pm would be best.

**Safe Sport Committee Report (submitted by Anne Kaufman)**

- Congratulations to Crimson Aquatics, newest NES club to achieve SSRP. I expect that, depending on the processing speed of the national Safe Sport office, the Current will have completed the process by the time we meet as well.
- I reached out again this week to the other clubs who have started the process. We have, I believe, only one club represented on the Board that hasn’t yet begun the process. This is progress! There’s still a long way to go LSC-wide, however.
- Ellie Soska has agreed to join the Safe Sport committee - welcome! Hoping Alden White is also joining us. Still seeking members who can be active participants in the work once we open up again.
- Updates from virtual Safe Sport workshop (5.30.2020):
  - Bob Vincent’s goal: all clubs SSRP recognized by the end of 2021. (Maryland has only 9 more clubs to achieve 100% of their LSC.)
  - Technology improvements will allow coaches to designate someone to have access via the TeamUnify portal to the SSRP process and nothing else.
  - Financial (and other) incentive plan rolling out in approximately two weeks - will be applicable to teams already certified.
  - Promotional video and paper copy of family resource guide for all registered families available September 2020.
  - Things other LSCs are doing to continue to motivate participation:
    - List SSRP clubs first on website and then all other clubs follow alphabetically.
    - Include check box on meet bids - is your club Safe Sport Recognized? If so, those clubs get priority.
    - LSC boards in discussion about whether all meet hosts ought to be Safe Sport Recognized.
    - Any form of club grant requires SSRP.

**Office Report (submitted by Carol Healey and Moriah Tyrrell)**

- YOY Registration Comparison:

	2019	2020
March	80	76
April	216	6
May	336	3
June	202	

- Four club transfers were processed in May.



- Beginning on June 1<sup>st</sup>, we will register any NEW non-athletes for the 2021 registration year. All renewals, athlete and non-athlete, will begin on September 1, 2020 as in previous years.
- The Club Grant Policy was left unchanged with the LCM options still in place in case there are swimmers with some LCM achievements. The language was updated and clarified on when the level 1 requirement would be achieved.
- I have requested photos of all graduating seniors to be used in whatever ceremony that we plan to do.
- I am rewriting, updating and reformatting the Policy and Procedures to include all of the items removed from the previous set of bylaws and to add any policies that we have practiced that were not included before.
- I plan to contact t-shirt vendors to work on a Top Ten Tee Shirt that we can sell in absence of an Awards Banquet. If anyone uses one that they like, please give me their name!

#### **Communications Committee Report (submitted by Carol Healey)**

- A Family Newsletter was sent on May 29<sup>th</sup> which advertised the last planned webinar, Class of 2020 information and an athlete recipe.
- A decision will need to be made on whether to continue the webinars throughout the summer.

#### **Athletes Committee Report**

- No report.

#### **Calendar Committee Report**

- No report.

#### **Officials Committee Report**

- No report.

#### **Technical Committee Report**

- No report.

#### **Inclusion Committee Report**

- No report.

#### **Safety Committee Report**

- No report.