

METROPOLITAN SWIMMING, INC.
HOUSE OF DELEGATES MEETING
Saturday, September 26, 2009

1: CALL TO ORDER, WELCOME, and INTRODUCTIONS:

The House of Delegates meeting came to order at 9:21am at the Lehman College APEX in The Bronx, NY. The list of Clubs in attendance is at the Metro office. Bob Vializ welcomed everyone present at the Fall House of Delegates' meeting and reminded all to check in at the back table and get their club's registration packet. Bob asked to observe a moment of silence in memory of Metro members that passed away this year.

2: AWARDS PRESENTATION: Bob Vializ

The following awards were given out at the 2009 USA-Swimming Convention in Chicago.

- Bea Hartigan – Disability Swimming LSC Service Award - Award in recognition of significant contribution by an individual to the inclusion of swimmers with disabilities.
- Philip Scholz – Nominee for the Trisha L. Zorn Award (most decorated Paralympics' athlete) – In recognition of outstanding performance by a swimmer with disabilities within the previous year. Philip, who is legally blind, is a Metro swimmer who swam with the Three Village Swim Club during his age group years. He is now a sophomore at Loyola University in Maryland and he competes in the S11 category at Paralympics competitions (including the Paralympics in Beijing, China). Philip holds all the American Records for the short course events as well as long course American Records in the 200 fly, 1500 free and 800 free. Philip was in attendance to accept his award. Barry Roffer said that Philip is quite an athlete and does such great job training, and it is quite an honor to receive this award.

3: ACCEPTANCE/CORRECTIONS OF MINUTES:

Correction: dates of Senior Mets are February 18-21, 2010. David Ellinghaus made a motion to accept the minutes of the May 13, 2009 House of Delegates meeting. The motion was seconded and accepted by all. Minutes were accepted as corrected.

4: GENERAL CHAIR: Bob Vializ

1. **Pool Measurements: USA Swimming – Pool certifications on file.** *If a fixed wall pool is listed below USA Swimming has a certification "on file". Some of the certification measurements are with touch pads while some pre-date the use of touch pads so measurements on file may not be consistent with current rules. Unless the pool management has contacted USA Swimming, there is no way of knowing if a pool has been remodeled, resurfaced, or decommissioned. If a pool is not listed, USA Swimming does not have a certification on file at this time, or it may have bulkheads. Listings with a * please contact Facilities Development Department via e-mail: mnelson@usaswimming.org for clarification/confirmation.* For a swimming record to be recognized, the racing course must be certified. If the course has a movable bulkhead, the measurements must be taken immediately after the competition and certified by a registered surveyor or registered engineer. A notarized copy of the USA Swimming official certification form must sent along with the application for record. The forms are available on the USA-Swimming Web site. Lehman College now has a laser measuring device that they will be able to use each time a record is broken at the pool.
2. **List of Committees** – was available as a hand out. Add Michael Murray in Technical Planning. Many committees still need athletes and non-athletes to become members. Email the committees chairs if you are interested. 20% athletes are required on each committee!
3. **Club Recognition Program:** The Club Recognition Program offers our club members a working blueprint for developing strong, stable, financially sound and athletically productive organizations. This voluntary program presents four levels of achievement across four component areas deemed critical to long-term club success. The ultimate objective of the program is to strengthen the club system in USA Swimming by guiding clubs through a development process that positions the program and its coaches to better serve athletes. Different levels are available. At this time, Metropolitan Swimming ranks 37th out of 59 LSCs...12 clubs have started Level I; 5 have completed Level I; and 1 club has completed Level III. In the Eastern Zone, 4 LSC's are ahead of Metro.

4. **LSC Evaluation and Performance Program – LEAP:** based on the Club Recognition Program. Three levels. At this time, 15 LSCs (including Metropolitan) took part of the Pilot program. 7 of those have completed LEAP Level I and 3 (including Metropolitan Swimming) are awaiting approval. We expect to be granted Level I within a few weeks.
5. **Build a Pool Conference:** Regional conferences – October 16, 2010 in Cherry Hill, NJ at the Eastern States Clinic. Register for this clinic at USASwimming.org/facilities – also in California (January 2010), in Texas (March 2010), in Orlando (April 2010) and in Chicago (May 2010).

5: TREASURER'S REPORT: Mary Fleckenstein

Mary was unable to attend. George Rhein presented the report which was also available at the meeting.

1. Stipend Report: Super Sectionals (\$13,600 to 68 swimmers from 15 teams); Junior nationals (\$7,650 to 17 swimmers from 6 teams); US Open (\$7,200 to 6 swimmers from 4 teams); Nationals (\$6,000 to 10 swimmers from 5 teams). Stipends forms have been revamped and posted on the Metro Web Site. A total of \$34,450 for the long course season.
2. Reminder of eligibility for stipends: a swimmer must be a registered member of Metro, swim in 5 Metro meets – one of which must be Senior Mets. Meets must be in the year prior to the stipend meet. College swimmers, who are registered Metro Swimmers, and swam as an age group swimmer in Metro, must swim in a Senior Mets meet, but are excused from the 4 other meets.
3. Clubs must submit stipend request forms, not individual swimmers. All receipts must be included in the package.
4. Reimbursement/expense form has also been revamped and is posted on the Metro Web Site.
5. All Metro bills are current.

6: FINANCE CHAIR: Corinne Cody

Corinne was unable to attend. George Rhein gave the report.

1. **Budget:** was worked on by the Finance Committee. The proposed budget has been available on the Metro Web Site and was also available as a hand-out at the meeting.
 - a. We are proposing an income of \$260,375 for the next fiscal year
 - b. Expenses – very consistent with what we did last year except for the Zone Meet as the Eastern Zone is increasing participation for 10-Under and 11-12 to 3 swimmers per event instead of 2.
 - c. New line in Budget for the Senior Circuit \$3,000
 - d. Total excess would be \$13,143
 - e. Questions and discussion of the budget followed. Gail Farrell made a motion to accept the Budget as presented. Ted Dowie seconded the motion. All members were in favor. **Motion carries** – budget for 2009-2010 was accepted as presented.
2. **Important Tax Information:**
 - a. All Clubs/teams, including non-profits and coach owned teams, are subject to the **Metropolitan Commuter Transportation Mobility Tax (MTA tax)** on payroll expense and self employment income from March 1, 2009. Please see the guidance posted on the Finance page under Governance on the Web Site for more specific information. The initial filing for this MTA tax is due November 2, 2009.
 - b. Worker misclassification – Please review the **Common Law Test** posted on the Finance page of the Web Site under Governance in order to determine the proper classification of workers on your Club or Team. The Internal Revenue Service and New York State have increased their enforcement of worker misclassification.
 - c. If your Club/Team (even non-profit) sells merchandise to team members or the general public, you may be required to collect and pay sales tax. For more information please see the NYS Taxation and Finance Web Site <http://www.tax.state.ny.us> or call 800-698-2902.

7: ADMINISTRATIVE VICE CHAIR: George Rhein

1. **Meet Reports and Procedures:** Important change made last year: Reports must be received on time, within 14 days after the meet, or the club loses the 20% exemption for their own meet entries' surcharge. We will accept the postmark date! If some clubs can't get the check with their report, they can add an explanation and a voucher.
2. **Meet Directors:** In order to get a sanction and host a meet clubs are required to have a certified meet director. Meet director must be present at the meet. The list of certified meet directors is posted on the web site. Referees must name the meet director on their reports. Certification lasts for 3 years.

3. **Officials:** When you are hosting a meet, you have 14 days in which to contact your local Officials Area Chair and let him/her know that either you have enough officials for your meet, or ask the chairperson to provide officials for your meet.
4. **New Language in Meet Information:** about whether or not your pool has been certified. It must be included in all meet information packets. Please check the USA-Swimming website for more information. We will review the meet templates to make sure it is included.
<http://www.usaswimming.org/usasweb/ViewMiscArticle.aspx?TabId=673&Alias=Rainbow&Lang=en&mid=1563&ItemId=1666>
5. **Metropolitan Club Excellence Program:** As we did last year, we will require the coach of the recipient teams to speak at the Coaches Clinic in the spring. That worked very well last year. Applications should be posted on the metro web site soon.
6. **Officials Clinic:** The Flushing YMCA will be running a New and Renew officials Clinic on October 7th at 7pm.

8: ATHLETES REPRESENTATIVES: Zach Coleman/Erik Heinemann

1. The athletes' representatives held a meeting with the athletes in attendance.
 - a. At Zones, a lot of swimmers did not get to room with the swimmers they had requested.
 - b. At JO's the athletes did not like having to push off the wall for the relays in the shallow end. This affected records.
 - c. Senior Mets was too crowded. Athletes suggested that they stay in the gym or another room instead of the pool deck.
 - d. They also complained that too many "older" swimmers were taking the spots in the finals!
 - e. They would also prefer to have a longer break between prelims and finals.
2. Bob suggested that the athletes contact the Age Group Committee chairs (for Zones and JO's) and the Senior Committee chair (for Senior Mets).

9: SENIOR VICE CHAIR: Brian Brown

1. **World Championship Trials, US Open and Junior Nationals:** a recap of Metro swimmers accomplishments during the long course season was available at the meeting. At Nationals/World Championship Team Trials: 4 Metro records; at US Open: 3 Metro records; at Junior Nationals: 11 Metro Records.
2. **Reimbursement levels for athletes:** were adjusted after the 2007 summer season (i.e. no more coach, no relay-only, and no out-of Sectional reimbursements for swimmers slower than the Eastern Zone North standards). Annual expenditure in 2007 was approximately \$90,000 and about half of that in 2008. In 2009 it was again approximately \$90,000. So either "raising the bar" has worked, or the suits really were that good...
3. **Senior Circuit:** Smaller meets for senior level swimmers. One day, one session, Senior Mets and above standards. Will be held at Lehman College on Sunday, October 18th (this date was later changed to Saturday, October 17th) and on Sunday, November 15th. These will be run short course. In addition we will have long course meets on January 31st, February 28th, probably April 25th, May 23rd and June 20th or 27th. All these meets will be held on Sundays. Swimmers would be allowed to swim 3 to 4 events – timed finals. In developing the Senior Circuit, we will be providing great competition for our higher end athletes. A surcharge per swimmer may also be applied.
4. **Stipend process:** discussion on the way stipends are allocated, especially for Metro swimmers that swim in college and come back during the summer months to compete in Metro. What are the requirements for those athletes to receive a stipend? What is the definition of a "historical" Metro swimmer? Dave Ferris made a motion to define ***"historical swimmer" as any swimmer who has resided in the geographic area of the Metropolitan Swimming LSC for three years prior to the age of 18, and any swimmer who has competed for a Metro Team for three years, and has competed in individual events in at least 5 Metro sanctioned meets each year.*** Bob Carlucci seconded the motion. A long discussion followed on this subject. Dave Ferris added that Historical Metro Swimmers should have this provision waved only during the years that they are resigning in school. It was decided to send this back to Technical Planning and the Senior Committee and **table the vote on this motion until January 2010.** After more discussion Dave Ferris made another motion to change the 5 Metro sanctioned meets a year to 5 Metro sanctioned meets within a two-year period prior to the competition or camp, and that at least one meet per year shall have been a Senior Metropolitan Championship. Don Wagner seconded this motion. Suggestion: go back to the Senior Committee for more discussion. **Motion is also tabled until January.** In addition the schedule and timeline for getting the stipend forms back to the office is

becoming very difficult as many of the National Championships now go to mid-August. Dave made a motion to submit the stipend forms within 30 days of the spring meets and 30-45 days of the summer meets for which the stipends are requested. Would this be a budget issue? The problem would also be that this would hold up paying the stipends for everyone as we need to know how many swimmers to divide the stipend amount by (or then decide on a set amount for each stipend which would be much better). Bea Hartigan seconded the motion. **This motion will be tabled as well.**

5. **Additional achievement:** Omission from the recap submitted by Brian: Tommy Luchsinger of TVSC placed 11th in the 200 fly at the World Championships.

10: TECHNICAL PLANNING: David Ellinghaus

1. **Zone Qualifier meet of 2010:** Conflict because the ZQ meet falls at the same time as the Boys NY State Championships.
 - a) Proposal #1: move the Badgers IMX meet to February 27-28 and the ZQ Meet to February 12-13-14. David made a motion to accept this proposal. Eric Hertenstein seconded the motion. Discussion: Section 9 does have their championship that weekend.
 - b) Proposal #2: that the 13-14 and 15-18 boys would not participate in the ZA weekend but would submit times achieved between January 1st and the Zone Qual. weekend. Eric Hertenstein seconded this second motion. Athletes would have to submit an application if they want to attend Zones. Those swimmers not attending States would still be allowed to swim at ZQ meet to get a time but they will still have to submit their applications.

Vote took place. Majority of the delegates present voted for b) proposal #2. All age groups will participate in the Zone Qual. meet but the 13-14 boys and 15-18 boys qualifiers will be selected based on their submitted applications and not based on their eventual finish at the ZQ meet.

11: REGISTRATION COORDINATOR: Barry Roffer

1. **Packets:** No applications in the packet. Please download them from the Metro website. Club dues are \$150 – All Athletes and Non-Athletes are \$56 each and transfers are \$5. No personal checks. Club checks only. Separate checks for: Club – Athletes – Non Athletes and Transfers. All is due to the office no later than December 1st. All registrations, whether for 1 swimmer or 200 swimmers, must be done through Team Manager Export file. Athletes must be registered to swim in a meet!
2. **Coaches Certifications:** please send your updated certifications and credentials to Barry in order to receive your updated coach's card. Coaches who take the life saving course must take the 25 questions test online each time they update life savings. If you take Coaches Safety then you don't have to take the test. The database list of coaches has been revamped on the Web site. Very to see when certifications will expire or are expired. This is updated every day. Coaches should give Barry their email addresses as well.
3. **Reminder:** Some teams still owe money for Zones and Senior Mets. Please submit asap.
4. **Contact Barry:** best way is to email Barry if you need to contact him.

12: OPEN WATER CHAIR: Bea Hartigan

1. Open Water Championships Report: We had a successful championship this past summer. Good turnout but not so good for Age Group swimmers - TVSC was once again a great supporter of this Metro Championship. Other teams should start participating as well.
2. Contact Bea if you have any question.

13: SWIM-A-THON: Richie Finkelstein

1. **Swim-A-Thon:** Reminder that all "Swimathons" must be registered with USS. One unregistered swimathon was reported to USS this summer. Top fundraisers for 2008 in our LSC: Club: 92nd Street Y \$17,403.06. Individual: Alexandra Mitchell (92nd street Y) \$3,000.

14: SAFETY CHAIR: Jeff Chu

1. Thanks to Mickey Wender (West Point) and John Collins (Badgers) who offered their facilities for recertification courses. Thanks also to Marty Zwiren of the Lehman College APEX for allowing us to run a recertification class immediately after this meeting.
2. Reminder to all coaches to review the documents on teaching racing starts. Certification must be done.
3. Teams hosting meets must submit the injury reports to Jeff. The same applies for injuries during practice.

15: NATIONAL TIMES VERIFICATION: Monique Grayson/Mary Ann Senecal

1. **Note to all Meet Directors:** The official name of a meet is as follows:
"2009" "LSC" "Team Code" "Name of meet". For example: 2009 MR BGNW Fall Meet. If a meet is approved, include "AP" after the LSC code. If a meet is observed, include "OB". The Meet Location is the name of the city/town/village where the meet is being held not the name of the pool or the school – example: Bronx, NY (not Lehman College).

Relays: at all meets make sure that you enter the relay names in the order of swim. Relays without swimmers are deleted and will not be uploaded. The same applies if a unattached or unregistered swimmer swims in a relay.

It is recommended to enter the watches' times (in backup 2 and backup 3) when there is a problem in a heat (yellow or blue line in the run menu). This will help the meet director to correct the time. This will also help Mary Ann and I when we review the meet before uploading it to SWIMS.

Reminder: Please email the complete meet backup as soon as possible after a meet and no later than 24 hours after the last session. Meets held in NY City and metro North go to Monique (mggrayson@aol.com) and Meets held in Queens and Long Island go to Mary Ann Senecal (msenecal@optonline.net). Meet backup file looks like this:

Meets from Meet Manager 2: Swmm2Bkup 2009 MR BGNW Fall Season Starter

Meets from Meet Manager 3: Swmm3Bkup 2009 MR BGNW Fall Season Starter

Backups of Meets held in MM3 will not restore in MM2 – You may download the MM3 Demo in order to open those meets and view the content.

2. High School Championships:

Reminder to all sections running season culminating high school championships in November and February: Requests for banquet observation must be received at least 2 weeks prior to the actual start of the meet (form "B" is available on the Metropolitan Swimming Website). Only swims of swimmers with an ID registration number and birth date will be included in the upload to SWIMS. Coaches are asked to make sure that the meet manager operator has the registration numbers.

- For Championships held in NY City and North: submit requests to Monique Grayson at mggrayson@aol.com (I no longer have a fax number – please scan and email the forms)
- For Championships held in Long Island: submit requests to Mary Ann Senecal at msenecal@optonline.net

17: OLD BUSINESS:

None at this time.

18: NEW BUSINESS:

1. Central Queens Y reported that her team was never invited to some Invitationals. Bob suggested that she contact the host team.
2. The coach of ABBE would like to organize a travel meet in Egypt at the end of March for New York and Egyptian teams.
3. Dave Holmes of Team Rockland is asking that all coaches and teams review the Metropolitan and USA Swimming Policies on Recruiting. We were notified that there were problems at this summer LC Zones regarding coaches that were not there as designated coaches of Metropolitan Swimming. Apparently, there were no credentials available for coaches on deck so some "non-official" Metro Coaches were on deck, even though they should not have been allowed on deck. Bob read the following:
4. **Metropolitan Swimming - Policy on Recruiting**
 - a. Recruiting is forbidden.
 - b. Recruiting is defined as any contact by a "Representative of Club Interests" with a United States Swimming registered swimmer affiliated with a member organization.
 - c. "Representative of Club Interests" is any coach, swimmer, parent of a swimmer, or any individual employed by or associated with a member club.
 - d. Any unattached swimmer, in the process of transferring to a member club, is deemed a member of said organization.
 - e. A "Representative of Club Interests" may utilize the media in advertising the club's program; advertise notices of tryouts and information regarding the team to the public at

large in schools, municipalities and at any Non-United States Swimming events; respond to inquiries concerning its organization when such inquiries were initiated by the inquirer.

- f. Any violation of this recruiting rule shall subject the INDIVIDUAL to censure, suspension for a definite or indefinite period of time, expulsion or a fine or any combination of the proceeding.
- g. Any violation to the recruiting rule by any "Representative of Club Interests" shall subject THE CLUB to censure, suspension for a definite or indefinite period of time, expulsion or a fine or any combination of the proceeding.
- h. Any violation of the recruiting rule by a "Representative of Club Interests" may subject THE COACH to censure, suspension for a definite or indefinite period of time, expulsion or a fine or any combination of the proceeding, if it is shown that the coach either knew or should have known of the activities of the "Representative of Club Interests"

5. **USA-SWIMMING: Policy on Recruiting** - 2009 rulebook page 91: article 304.3.13

"Action, other than through general advertising, by a coach, owner, officer, volunteer, representative, or employee of a swim club, or a USA Swimming or LSC employee, either through direct contact with an athlete or the encouragement of others, to recruit or otherwise encourage an athlete who is already a member of a USA Swimming member swim club to leave that club, unless the acting party receives prior written approval to recruit or encourage the athlete to change affiliation from the designated club representative of the athlete's existing USA Swimming-member swim club or contact is initiated by the athlete, the athlete's parent or authorized representative. General advertising includes any information that is:

- a. Distributed to an identifiable general population where there is a reasonable expectation that the majority of that population are not current members of USA Swimming, or
- b. Placed in or on any item that is sold.

In the event of a violation of this section, a sanction may be imposed against any coach, owner, officer, volunteer, representative or employee of a swim club, or against any such club, or any combination thereof, as appropriate.

Soliciting swimmers from another club to your club is illegal

6. Marty Zwiren (Lehman College APEX) said that they have purchased a laser device that will measure each lane for short course and long course, which will certify the pool in case of records setting performances at Lehman.
7. Bob Carlucci announced that the Felix Festa pool was also certified.

House of Delegates Meetings 2009-2010:

- **Wednesday, January 13, 2010 – 7:00pm at TBA – LC 2010 Bid meeting**
- **Wednesday, May 12, 2010 - 7:00pm at TBA – SC 2010-11 Bid meeting & Elections.**

A motion to adjourn was made, seconded and approved by all. Meeting adjourned at 11:10am.

Submitted by Monique G. Grayson
October 9, 2009