

8/11/2009

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TRAILER ESTATES PARK AND RECREATION DISTRICT  
BOARD OF TRUSTEES MEETING  
AUGUST 3, 2009  
9:30 A.M.  
SMALL HALL  
1903 69<sup>th</sup> AVENUE WEST  
BRADENTON, FL 34207

REGULAR MEETING

INVOCATION AND FLAG SALUTE LED BY JANET JONES.

CALL TO ORDER: Martha Brauer called the meeting to order at 9:30 a.m.

ROLL CALL: Martha Brauer, Pam Cole, Margo Cushman, Fred Hoch, Janet Jones, John Vander Molen.  
Absent, Gail Opper and Joe Salerno.

APPROVAL OF MINUTES:

July 6. Margo moved and John seconded to accept the minutes of July 6. In discussion, Pam stated that she had made the motion for payment of Janet Jones legal fees. The motion was approved as corrected. Motion carried unanimously.

July 13 workshop. See corrections on attached minutes. Pam made the motion to accept, Fred seconded. The motion was approved as corrected. The motion was carried unanimously.

July 13 special meeting: See correction on attached minutes. Janet made the motion to accept, Fred seconded. The motion was approved as corrected. Motion carried unanimously.

July 20 meeting: see attached for corrections. Pam made the motion to accept, Janet seconded. Corrections were made and the motion was approved as corrected. Motion carried unanimously.

CORRESPONDENCE is available to residents in the office.

REPORT OF TREASURER: see attached. The trial balance was clarified. We showed being overdrawn on paper but actually were not overdrawn due to the July 20 meeting being cancelled.

See the attached for revenue and expense performance. There was an increase in accounting expenses due to new state regulations.

Pam and Martha discussed upgrading electronically so that information can be put on the web site. Pam stated

that the trial balance is most asked for.

#### APPROVAL OF BILLS:

Pam moved to pay Kirk Pinkerton's June 26<sup>th</sup> bill of \$20,002.50. John seconded. One bill included in this was not a Litigation expense. Motion carried unanimously.

Pam moved to pay Dickinson and Gibbons mediation charges of \$2,678.57 which is our 5/7<sup>th</sup> of mediation charges. Harry seconded. Motion carried unanimously.

#### INFORMATIONAL REPORTS FROM TRUSTEES:

Janet reported that 14 cards were sent to residents including 4 for deaths.

Harry reported that Mark is measuring the fence and he will meet with DeSears to try to resolve the fence issue.

Fred did not have a report.

John did not have a report.

Margo reported that the park dance would be held August 22 with Two of Us playing. Bingo had 351 players with an average of 39 per night. RSP volunteers need to send in their hours.

Pam presented the amended budget (see attached). Legal fees were increased and the wording was changed from legal to legal/litigation. The amended budget will be brought up at the August 10 workshop. According to chapter 189, a special notice to amend the budget does not have to be published.

Martha reported that she had called AT&T to ask if they can rerate 12 months back. If not, she requested at least since January. She will ask if we have a contract and if so how long it is.

#### REPORTS FROM STANDING COMMITTEES: NONE

#### RESIDENTS' COMMENTS AND QUESTIONS:

KEN MEIERJURGEN, 6521 Connecticut spoke concerning his mother's dog bite. He stated that the dog was still at the home even though the owner is deceased. Martha will investigate this and report back to him.

BEV LEW, 2008 Illinois asked Pam about a state audit. She stated that the expenses for legal fees were grossly underestimated. She questioned the data base. Pam responded to the question concerning office expenses stating that outside printing, mass mailings, legal notices, permits and fees, election costs, county taxes, banking fees and other items were included in this category.

BRUCE SMITH, 2316 New York, spoke on cost savings stating that we need to cut anywhere we can. PDF files are the standard and they cannot be changed. He questioned the cost of the lawsuit versus the real cost. Not all of those costs are to the lawyers. He questioned the trial by jury vs. a non-jury trial.

MARY HUSTON, 1714 Minnesota, questioned why we can't have a non-voting meeting when there is not a quorum. Martha will look into that. She stated that 8 out of 9 trustees were homesteaded which means that they are on vacation when they are away. Shouldn't they pay the costs of the phone bills and travel?

BEV LEW, 2008 Illinois, commended Pam on the budget work. She said that Pam should request an audit for her own protection when she is no longer treasurer.

Martha closed resident comments and responded to comments.

She will look into the question of a meeting without a quorum. A workshop without a quorum can be held.

Phone bills are an extra expense for SHADE meetings.

Martha was appointed legal representative for the lawsuit. Travel costs are submitted for that, not trustee duties.

The problem with PDF files is that they take up a tremendous amount of space. More investigation is needed.

Martha explained that the lawyer who first dealt with the dog bite situation had left the firm and that she is still waiting for a response. Martha will follow up on this.

The data base was presented in March. Ninety days from May was given to provide the corrected data base. The office has verified the information using two forms and made corrections. Forms have been sent to the plaintiffs. There is still a problem with the computer putting in a 2000 birth year instead of a 1900 year.

All of the exaggerated legal fee amounts presented by some residents appear to be used to scare people. These exaggerated amounts are based on the assumption that the allegations are true. We do not know that at this time.

The cost of a jury trial will be higher. Our attorneys advised that this would be in the best interest of the park.

An audit goes to the state annually by law.

OLD BUSINESS: NONE

NEW BUSINESS:

BYLAW AMENDMENTS. See attached. On July 13 meeting the bylaws were reviewed. The regular board meeting is scheduled for September 7 which is Labor Day and we would have to pay overtime etc. if a meeting was held. Having the regular meeting and public hearing is rescheduled for August 31. If 5 trustees are present, 4 must approve for the motion to pass. If 6 trustees are present, 4 would be needed for motion to pass. Martha will sponsor and Pam will co-sponsor.

PP34 AGENDA ITEM POLICY/FORM: At the July 20 meeting there were changes to coordinate with BYLAW changes. The attorney reviewed this. John made the motion to approve. Janet seconded. Motion carried unanimously.

PP40 TRUSTEES DUTIES: Revision is necessary if the amended bylaws are approved. Motion to approve revision made by Margo and seconded by Pam. In discussion, it was stated that we were getting rid of verbiage concerning administrative committee. Motion carried unanimously.

DISPOSAL OF DISTRICT ITEMS: A motion was made by Fred and seconded by Pam to establish the copy machine is junk and will be disposed of. Motion carried unanimously.

John made the motion to establish a TV as junk and to dispose of it. Margo seconded. Motion carried unanimously.

MANGROVE TRIM: John made the motion to accept the bid from Green Tree Landscaping of \$4,950 for trimming of the mangroves. Harry seconded the motion. Motion carried unanimously.

TERMITE TREAT MAINTENANCE BUILDING: John made the motion to accept the bid from Manatee Best of \$950 to tent the maintenance building. Janet seconded the motion. Motion carried unanimously.

COSTS ASSOCIATED WITH LITIGATION WAS REMOVED FROM AGENDA.

RATIFY RESOLUTION 09.03: Martha made the motion and Harry seconded. John and Janet will fill out the form to respectfully not vote on the resolution where we agreed to pay 5/7<sup>th</sup> the mediation expenses. Voting to ratify were Martha Brauer, Pam Cole, Margo Cushman, Harry Fitzpatrick, and Fred Hoch. Abstaining from the vote were John Vander Molen and Janet Jones.

Martha requested that a new item be added under new business. She spoke with Scott Rudacille and there is no policy on appropriate behavior/civility in the office and we need a procedure in place. She made the following motion:

In order to ensure proper decorum and civility, the Trailer Estates Park and Recreation District adopts the following policy and procedure for the district office area. When disorderly conduct is displayed including, but not limited to, threatening behavior, name calling, profanity, personal attacks or harassment. The following procedure is employed:

The district staff or board will inform the individual that if you continue in this way, we will ask you to refrain from that behavior or if needed, due to intensity of the situation, we will ask you to leave. The TE staff or trustees are authorized to contact either the sheriff's office or to call 911 if necessary. Harry seconded the

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motion. The motion carried unanimously.

REPORTS OF CLUBS AND ORGANIZATIONS: NONE. Martha reminded residents that you have until August 10 to get your notices in the Tribune and Web site.

ADJOURNMENT: Janet Jones moved to adjourn and Fred Hoch seconded. Motion carried unanimously and the meeting was adjourned at 12:00 p.m.

Respectfully submitted,

Margo Cushman, Acting Secretary  
Connie Zack, Recording Secretary