

TRAILER ESTATES PARK AND RECREATION DISTRICT

**BOARD OF TRUSTEES SPECIAL MEETING**

*Thursday, May 28, 2009*

*2:00 p.m.*

**SMALL HALL**

**1903 69<sup>TH</sup> AVENUE WEST**

**BRADENTON, FLORIDA 34207**

**SPECIAL MEETING**

1. Call to order
2. Roll call
3. Approval of minutes
4. Correspondence
5. Report of Treasurer
6. Approval of bills
7. Informational reports from Trustees
8. Report(s) from standing committees
9. Residents' comments and questions
10. Old business  
LITIGATION ASSESSMENT: PRIVATE SESSION WITH DISTRICT COUNSEL
11. New business  
Resolution to Engage in Mediation - (Martha Brauer)  
Mediation Expense - (Martha Brauer)  
Television Contract  
ARC Procedures
12. Reports from clubs and organizations
13. Adjournment

Pursuant to Section 286.0105, Florida Statutes, should any person wish to appeal a decision of the Board with respect to any matter considered at this meeting, he or she will need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

Pursuant to Section 286.26, Florida Statutes, and the Americans With Disabilities Act, any handicapped person desiring to attend this meeting should contact TJ Miller at 756-7177, at least 48 hours in advance of the meeting, to ensure that adequate accommodations are provided for access to the meeting.

BOARD AGENDA Special Meeting.DOC

M B DT DOCS 000670

TRAILER ESTATES PARK AND RECREATION DISTRICT

*LITIGATION ASSESSMENT: PRIVATE  
SESSION WITH DISTRICT COUNSEL*

May 28, 2009

Those in attendance will be:

Martha Brauer  
Pam Cole  
Margo Cushman  
Harry Fitzpatrick  
Fred Hoch  
Janet Jones  
Gail Opper  
Joe Salerno  
John Vander Molen

Mark P. Barnebey, Esq.  
Thomas D. Shults, Esq.

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BOARD AGENDA Special Meeting..DOC

M B DT DOCS 000671

7/11/2009

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BOARD APPROVED JUNE 15, 2009  
TRAILER ESTATES PARK AND RECREATION DISTRICT  
BOARD OF TRUSTEES ***EMERGENCY SPECIAL MEETING***

MAY 28, 2009

2 P.M.

SMALL HALL

1903 69th Avenue West  
BRADENTON, FL 34207

Meeting called to order: Martha Brauer 2:00 p.m.

ROLL CALL: ***MARGO CUSHMAN APPOINTED AS ACTING SECRETARY.***

Present: Martha Brauer, Pam Cole, Margo Cushman, Harry Fitzpatrick, Fred Hoch, John Vander Molen. Mark Barnaby, attorney

Absent: Joe Salerno, Gail Opper, and Janet Jones.

APPROVAL OF MINUTES: No approval of minutes.

CORRESPONDENCE: All correspondence is in the office and available for public viewing.

APPROVAL OF BILLS: Pam Cole

Kirk Pinkerton for \$3,696.13 from March 2 to April 29. -Bill is park business. Only one related to litigation.

Pam Cole made motion to pay the above bill. John Vander Molen 2nd and motion carried unanimously.

Request from Mary Lou McNulty for reimbursement of \$4,500. In order for Pam to issue a check she must have documentation to determine who she makes the check to. Pam Cole made a motion that the park pay the \$4,500 in attorney fees pending proper documentation. Margo Cushman 2nd the motion. Motion carried unanimously.

INFORMATIONAL REPORTS OF TRUSTEES: Martha Brauer asked that reports be moved to June 1 meeting.

REPORTS FROM STANDING COMMITTEES: Martha Brauer asked that reports be moved to June 1 meeting.

RESIDENTS COMMENTS: John Vander Molen in charge of timer.

Bev Lew, 2008 Illinois: States that she likes Fred doing the timer, he's much nicer. How much will it cost in [trailerestatesparkreccdist.org/.../20090...](http://trailerestatesparkreccdist.org/.../20090...)

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attorney fees? Where in the agreement does it say that paying legal bills retroactively is legal?

Martha Brauer replied that the attorney **INFORMED DISTRICT REGARDING POLICY.**

Tony Gaeta, 6618 Marina Dr.: Thanked Pam Cole for answering her question. It was the first time in 19 years that a board member has answered a question that she presented. Board chairperson is responsible for checking. Did Harry ever carry through on the DeSears fence situation? She was away and might have missed the response. She would like to meet with Martha Brauer and Ruth Schneider concerning comments made by Ruth Schneider at a previous meeting. She resented the comments as she is chairperson of the Sunsetter Club.

#### OLD BUSINESS:

Mark Barnaby, attorney, addressed Gail Opper's request to take part with the SHADE meeting via conference call. The Attorney General says this may be done if a quorum has been met and if there is a good reason for that **PERSON'S** absence. Everyone at the meeting must be able to hear both sides. The board needs to consider this. Martha Brauer read the letter from Gail Opper stating that this SHADE meeting is very important to her and that circumstances prevent her from being here. Gail is Martha's alternate when she is unable to be at **LITIGATION EVENTS**. Martha checked the phone system and this can be done. John Vander Molen made the motion that due to extraordinary conditions Gail Opper may be present by phone for this special meeting. Fred Hoch seconded. Motion carried unanimously. Martha read the names to be at the shade meeting (see attached), she stated Gail by telephone.

#### LITIGATION ASSESSMENT: PRIVATE SESSION WITH DISTRICT COUNSEL.

Recessed Meeting 2:18 p.m for the SHADE meeting with attorneys.

MEETING RECONVENED 4:04 P.M.

#### NEW BUSINESS:

Janet Jones in attendance after the SHADE meeting. Motion to amend the order **OF NEW BUSINESS.** Margo Cushman made the motion, John Vander Molen seconded. Motion unanimously carried.

TV CONTRACT: Pam Cole moved to continue with Bright house as stated in **CONTRACT, EXTENSION OF 3 YEARS.** Fred Hoch seconded. Motion carried unanimously.

RESOLUTION TO ENGAGE 09-02 IN MEDIATION: Janet Jones moved to adopt Resolution 09-02 to engage in mediation. Pam Cole seconds. Motion carried unanimously.

TO ADOPT RESOLUTION 09-03 TO PAY FOR MEDIATION: Motion made by Pam Cole. Seconded by Fred Hoch. John Vander Molen and Janet Jones advised not to vote on this motion. **MOTION PASSED 5-0.**

2/7th of the mediation costs will be paid by Mary Lou Smith and Sharon Denson. 5/7th of the mediation costs will be paid by district since there are 5 defendants. This is based on the number of parties. Stipulations attached. Margo as acting secretary will sign resolutions and authorize Kirk Pinkerton to take the above to other attorney.

#### ARC PROCEDURES:

Martha made the motion to approve revised version of ARC PP 7. Margo seconded. Motion carried unanimously.

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CLUBS AND ORGANIZATIONS:

Pam announced that the last SHARE pick up will be May 30. A couple of the workers will be retiring. Is it worth continuing with SHARE when there is a small participation. There is a pick up point at the church on corner of 26th and Bayshore. She has the dates posted. Check channel 95 to see the dates for ordering. Bev Lew announced that the Red Cross team and CERT are up and active. A reminder to residents who need help in an evacuation need to fill out a "help" form available in the office. She is concerned about all the concrete blocks left in driveways and other loose *ITEMS* that could be a safety hazard in a hurricane.

MOTION TO ADJOURN made by John Vander Molen, 2nd by Fred Hoch.

Meeting adjourned at 4:40 p.m.

Respectfully submitted,

***MARGO CUSHMAN, ACTING SECRETARY***

Connie Zack, Recording Secretary