

BOARD APPROVED AS CORRECTED 3/21/11
TRAILER ESTATES PARK & RECREATION DISTRICT
BOARD OF TRUSTEES
CONTINUATION OF MARCH 7, 2011 BOARD MEETING/PUBLIC HEARING
9:30 A.M.
SMALL HALL
1903 69TH AVENUE WEST
BRADENTON, FL 34207

The continuation of the Board Meeting/Public Hearing was called to order at 9:35 a.m. by Chairman Martha Brauer.

ROLL CALL—Martha Brauer, Fred Hoch, Debbie Hutchinson, Jim McIlveen, Gail Opper, Joe Salerno. Absent: Margo Cushman and Harry Fitzpatrick.

Attorney Scott Rudacille shared with the Board that once Gail Opper (Presenter for the District) and Joe Salerno (Bocce President) step down from the Board table, a quorum would not be established. Discussion ensued. Since Harry Fitzpatrick had a medical procedure scheduled, it was decided Margo Cushman should be called and see if she can come to the meeting. Lenora Neal placed the phone call. Since the Board had to wait for Margo to arrive, the public hearing was placed on hold and the regular meeting continued.

NEW BUSINESS

1. **Auditor Selection Committee**

A motion was made by Martha, seconded by Joe, to appoint the following residents to the Auditor Selection Committee: Joe Trinkle, Emma Tuttle, Carol Tuttle, Phyllis Hamblen. Motion passed, 6-0.

2. **Disposal of Surplus Equipment**

Martha passed out PP48 form for disposal of surplus property. After approval of disposal, the item will be offered to the public on Channel 95 and the bulletin board.

Debbie: It is important to put it on the Web site for those up north who might be interested in it.

A motion was made by Fred, seconded by Joe, to approve the disposal of a 1988 Easy Go golf cart. Value: \$700. After discussion, the motion and second were withdrawn because the park may have use for it in regards to recycling.

A motion was made by Fred, seconded by Joe, to approve the disposal of a gas grill on trailer. The grill works great but the bottom is burned out. Value: \$100. Motion passed, 6-0.

A motion was made by Fred, seconded by Debbie, to approve disposal of an audio/video cart. Value: Less than \$150. Motion passed, 6-0.

A motion was made by Fred, seconded by Joe, to approve disposal of a 2004, 32" Sharp TV (tube style) with no remote. Value: \$100. Motion passed, 6-0.

A motion was made by Fred, seconded by Joe, to approve disposal of a 15-year-old Paragon kiln. It needs rewiring. Value: \$30. Motion passed, 6-0.

3. **Dockmaster Duties**

A motion was made by Martha, seconded by Joe, to approve revisions to Dockmaster Duties to coincide with the lease changes approved February 21, 2011. Motion passed, 6-0.

4. **PP54 Office Fees**

Moved to the March 21, 2011, meeting in an effort to gather more information.

REPORTS FROM CLUBS AND ORGANIZATIONS

Sharon Denson, 1613 IL—There will be a meeting of the Let's Talk Club, Thursday, March 10, at 7 p.m. in the Small Hall with a social beginning at 6:30 p.m.

Lenora Neal, 6619 CA—There is a shuffleboard tournament this Thursday and Friday, March 10 and 11. Food will be served. The Illinois/Indiana dinner is March 22. Tickets go on sale today. Cooks Night Out is April 7.

Mary Huston, 1714 MN—The Fire Hall sales barn will be closed March 24.

Bev Lew, 2008 IL—Do card groups need to file reservation forms for next year?

Joe: Yes. Reservations are due April 1.

Harry Splett, 2104 OH—The Canada group will meet tomorrow in the Small Hall.

Joe—The US/Canada Bocce Tournament had a great day. The U.S. team won. There will be a members' tournament March 18. Sign up by March 14.

(Margo Cushman arrived at 10:20 a.m.)

PUBLIC HEARING CONTINUED

1. At this point, Gail Opper temporarily relinquished her seat as secretary to Lenora Neal so Gail can present the penalty phase of the violation on behalf of the Board and Joe Salerno also moved from the Board table into the audience.

1. Public comments resumed

The following residents spoke in support of Sunsetters: Laura Wood (6615 WA), Bruce Smith (2316 NY), Judy Riedel (2215 NY), Mary Lou Smith (6907 Tarpon Lane), Sharon Denson (1613 IL), John Riedel.

The following residents spoke in support of Bocce: Dymphna Brown (6521 WA) (Martha asked the Board for an extension of Dymphna's time. The Board agreed), Barb Durrin (6517 WA), Bev Salerno (6604 CA), Les Salomon (1704 OH), Oay Salomon (1704 OH), Joe Gordon (1817 OH).

The following residents spoke in support of both Bocce and Sunsetters—Barb Chase (1605 Wisconsin), Mary Huston (1714 MN)

Closed public comment.

Martha stated that as part of the agenda of Monday afternoon's Workshop, the Board had discussed policy and procedure as well as rules and regulations that should be considered by Attorney Jennifer Cowan in regards to whether the hearing should or should not proceed.

After conferring with her clients, Attorney Cowan stated the proceedings should move forward.

Gail Opper then spoke about specific rules broken by the Sunsetters and her recommendations regarding additional penalties, if appropriate: Nothing, if the Board wants problems to continue; two months with no use of the facilities and/or fine.

Attorney Scott Rudacille made recommendations to the Board as to the violation procedure. He stated that no monetary penalty can be made.

Attorney Jennifer Cowan gave her closing arguments.

BOARD DELIBERATION.

Martha spoke on her knowledge of the Pavilion usage regarding both the Sunsetters Club and the Bocce Club. She said there were no problems until January when the Board made a policy that during the season, beginning March 1, clubs could only reserve the Pavilion one Friday a month. She stated she personally believes the incidents are a direct retaliation for the action the Board took. She believes some of this has been deliberate.

The implied intent is that you would not encroach on a scheduled event. The Tribune helps inform people of what's going on, but it is not the official record of the District. The Tribune has errors and it is difficult to make it accurate. There is a space issue. We have tried to get it accurate.

Fred said the Tribune is not a good source. If you use that as a guideline, I feel sorry for you. To wave that as being an official document, that is not true.

Martha stated mistakes are made both by us and Teledrex. Scott (Rudacille) has asked us to look at: Have violations occurred?

Fred said he has read some letters Opper has gotten from these people. It is fine for them to "suggest" but these "tell."

Martha—We need to determine whether or not we feel a violation has occurred. Is there a due process issue since Gail gave a penalty before this hearing?

Scott—You should not do that in the future. That is not an issue now. There should be a determination if violations occurred.

Martha—Jennifer Cowan mentioned a liability for the Board over the due process issue.

Scott—Now is not the time to discuss this.

Martha—I believe a violation has occurred in both circumstances. First time they violated the schedule; but the second time when they told Bocce to leave, is more a pushing the other group out.

Scott—This section of the rules was put in when they never thought the rules would need to be used. If the Board wants to enforce schedules, I recommend the Board clarify this.

Debbie—Since the lawsuit, there must be a paper trail. Sunsetters should be more aware of the reservation. Watch who you pick as leaders. Do they have an agenda?

Margo—No one should have the Pavilion every Friday.

Jim—I believe the Jan. 28 incident is definitely a violation. I am not sure of the Feb. 25 violation. I wish there was some way this could be worked out so there was no problem between the two. There is always someone who can cause some problem on both sides. There also has been a problem with China Painting twice. Battles have to stop. There are deep-rooted problems in this park.

Martha—I am appalled by what happened in February. I am appalled by the individuals. I believe the Bocce Club was violated with disrespect and retaliation. Although the club pushed the other club out, they didn't use the Pavilion. Though that violated Bocce, it was not a violation.

A motion was made by Martha, seconded by Debbie, that a violation of TE Rules and Regulations occurred on Jan. 28, 2011, by the Sunsetters Club at the Beach Pavilion when the Sunsetters intruded on Bocce's reservation. Voice vote: Debbie, yes; Fred, yes; Margo, yes; Jim, yes; Martha, yes.

A motion was made by Martha, seconded by Jim, that a violation by the Sunsetters Club in regards to Bocce's reservation did not occur on Feb. 25. Voice vote: Debbie, yes; Fred, no; Margo, yes; Jim, yes; Martha, yes.

Martha stated there would be no additional penalty based on the fact that a second violation of TE Rules and Regulations did not occur.

Margo—This is a park for 55 and older. We should behave that way.

Jim—61 people died in our park last year. Why put stress on people?

Debbie—Be neighborly.

Martha—I do not wish to rehash this. We will revise the policies.

Jim—One violation has been found. A second violation does draw a penalty. I hope a problem does not occur. Events must have a reservation. This is uncalled for. This is costing me money and it's costing you money.

Martha closed the public hearing.

The meeting was adjourned at 12:18 p.m.

Respectfully submitted,

Gail Opper, Secretary