

## FEBRUARY 12, 2014 VILLAGE OF GREEN TRAILS MINUTES

Meeting called to order by Frank Agovino at 7:20 on Feb. 12, 2014

Type of Meeting: Monthly meeting of the Village of Green Trails Trustees

Name of Meeting Facilitator: Frank Agovino

Meeting Minutes recorded by Jo Ann Black

List of Attendees: Frank Agovino, Jo Ann Black, Harvey Rosenberg, David Kaplan, and Sandy Jacobs

Bill Gawlikowski has resigned due to health reasons.

Guests: Richard Coughlin, attorney for Village of Green Trails

### ACTION:

January 8 Minutes and Financial Statement and Budget were approved.

SUMMARY OF DISCUSSION: Current litigation with MCH over access to our common ground

Richard Coughlin stated that MCH was ready to give us an easement to provide access to our common ground. MCH will also correct any drainage issues resulting from water from their property draining onto the common ground.

### ACTION:

Richard will finalize an agreement. He will also work with Jason Saey (MODOT attorney) to assure the access. Richard will copy all the Village Trustees with communications.

SUMMARY OF DISCUSSION: Addition legal concerns addressed to Richard

The Board questioned their liability if someone fell through the ice on the lake.

### ACTION:

Harvey and David will purchase two signs to warn residents to keep off the ice on the lake.

SUMMARY OF DISCUSSION: St. Luke's drainage

St. Luke's may have a culvert that is partially on our common ground. Drainage could be an issue.

### ACTION:

Sandy will contact Don Miller at St. Luke's and investigate this concern.

SUMMARY OF DISCUSSION: Dumping on the common grounds

Residents have been dumping on the common grounds

ACTION:

The homeowners' letter will address this concern. Residents who dump on the common ground and do not clean up will be assessed the cost of the Village having to pay someone to clean up.

SUMMARY OF DISCUSSION: Treasurer's Report

Sandy presented the financial report. The annual assessment for the Village of Green Trails residents will be raised to \$200.00 a year. This increase will help cover future expenses such as major repairs that will be needed on the lake. We have a CPA who handles our accounting needs. We will not use colored paper when printing out the assessments due to the increased cost.

ACTION:

Lake Management services will continue to provide maintenance to the lake for 2014.

SUMMARY OF DISCUSSION: Community Garden

Parkway School District is considering a community garden near Green Trails Elementary School. The garden would be for both the students and the Village residents.

ACTION:

David will continue to communicate our interest in working with Parkway on this project.

SUMMARY OF DISCUSSION: Homeowners whose fence is encroaching on the common ground

A family in the Village has a fence which continues to encroach on the common ground.

ACTION:

Frank will send them a letter outlining what the consequences will be if the fence is not promptly removed.

Meeting adjourned at 9:05.

## MARCH 12, 2014 VILLAGE OF GREEN TRAILS MINUTES

Meeting called to order by Frank Agovino at 7:30 on March 12, 2014

Type of Meeting: Monthly meeting of the Village of Green Trails Trustees

Name of Meeting Facilitator: Frank Agovino

Meeting Minutes recorded by Jo Ann Black

List of Attendees: Frank Agovino, Jo Ann Black, Harvey Rosenberg, David Kaplan, and Sandy Jacobs

Guests: Zac Terrill

### ACTION:

February Minutes and Financial Report were approved.

### ACTION:

Homeowners' letter was approved and will be mailed out by City and Village.

### SUMMARY OF DISCUSSION: Common ground debris and cleanup

Terrill will clean up more debris in the common grounds. Most of this new debris was caused by recent excessive winds. The cost will be approximately \$1000.00, and two men will be needed for at least one day.

There's a big downed tree by the woods in the big field common ground. It will cost \$69.00 to have it cut up and left in the woods.

The Gunston Hall field has 3 trees which need to be cut down and removed. The cost is \$975.00.

Zac needs to do spring cleanup before he mows. He will try to do this around the beginning of April.

Mesh has already been purchased to help with the erosion on the Diplomat field. We are hoping to get free dirt to help with the erosion. If not, dirt may need to be purchased.

### ACTION:

All the above clean up jobs were approved.

### SUMMARY OF DISCUSSION: No dumping signs

Three no dumping signs are needed to be posted in problem dumping areas in the common grounds. The cost will be \$196.50.

ACTION:

Approved

SUMMARY OF DISCUSSION: Ruts in common grounds

Ameren U.E. replaced some poles in the common grounds near Gunston Hall. Ruts were made.

ACTION:

Harvey and David will speak to Ameren about repairing the damage.

SUMMARY OF DISCUSSION: Payment of assessments

May 31 is the deadline to pay assessments.

SUMMARY OF DISCUSSION: Unpaid assessments

Several residents have paid their unpaid assessments plus interest and penalties. There are still other residents in the Village whose assessments are overdue.

ACTION:

The Trustees will enforce procedures in place to collect those assessments plus interest and penalty charges.

SUMMARY OF DISCUSSION: Community Garden

Green Trails Elementary School is building a community garden on their property. It will benefit the students. The Trustees discussed researching a Village of Green Trails community garden to be built in the common ground near the school. The grounds keepers will investigate this possible project.

Meeting adjourned at 9:05.

## APRIL 9, 2014 VILLAGE OF GREEN TRAILS MINUTES

Meeting called to order by Harvey Rosenberg at 7:30 on April 9, 2014.

Type of Meeting: Monthly meeting of the Village of Green Trails Trustees

Name of Meeting Facilitator: Harvey Rosenberg

Meeting Minutes recorded by Jo Ann Black

List of Attendees: Harvey Rosenberg, Jo Ann Black, David Kaplan, and Sandy Jacobs

Absent: Frank Agovino

Guests: Cathy Rosenberg

### ACTION:

March Minutes and Financial Report approved.

Sandy will forward the 2013 end of the year Financial Report to Emil DeLuca to post on the Village website.

### SUMMARY OF DISCUSSION: Common ground maintenance and clean up

Zac is spreading mulch along the perimeter of the power line field where our prairie will be planted.

He will clean out some of the dead and dying locusts around the lake for free, because he has a use for the wood he will haul away. Zac may also cut down some trees near the 14369 Ladue common ground that are in poor condition. They have numerous branches falling. Zac also needs to respread mulch around the pines near Gunston Hall and Ladue.

A railroad tie wall in the yard of a resident on Calcutta has partially fallen into the common ground.

### ACTION:

The Grounds Keepers will alert the homeowner and ask the Calcutta resident to either clean up the ties or we will have them cleaned up and bill him for the charges.

Meeting Adjourned at 8:10.

## MAY 14, 2014 VILLAGE OF GREEN TRAILS MINUTES

Meeting called to order by Frank Agovino at 7:30 on May 14, 2014

Type of Meeting: Monthly meeting of the Village of Green Trails Trustees

Name of Meeting Facilitator: Frank Agovino

Meeting Minutes recorded by Jo Ann Black

List of Attendees: Frank Agovino, Jo Ann Black, Harvey Rosenberg, David Kaplan, and Sandy Jacobs

Guests: Cathy Rosenberg, Bob Williams, Charles and Bertha Gregory, Bob Williamson, Joan Baur, Carrie McCaffrey, Shirley Horel, Mike and Vicky Horton, Arthur Wernle, Ralph and Char Wiemann, Guy Bradley, Leonard Karoll, Warren and Marvella Schuessler, Erv Schmitz, Kathy Borges, John and Beth Birtwistle, Carl Hermann, Steve and Susan Iverson, Marge Williams, Scott Klayman, and Mary and Terry Monachella

### SUMMARY OF DISCUSSION:

The Board introduced itself and asked guests to sign in. The monthly meeting times were announced and guests were told that the financial balance sheets would be posted on our website monthly.

Frank stated that guests would each be given an opportunity to speak. He also summarized our budget and the need for a reserve. Besides expenditures for maintaining the almost 200 acres of common ground, there are other expenses as well. A large amount of money (a minimum of \$250,000) will be needed soon to dredge the lake. It is the Board's plan to pay \$100,000 and take out a loan for the remainder of the amount needed. Erosion problems, drainage issues, and storm cleanups are also common ground issues that need to be addressed.

Frank stated that there are approximately 635 homes in the Village of Green Trails. This includes several businesses. Only 3-4% of the homeowners owe past assessments. We have a procedure in place to put liens on the property of homeowners who do not pay their assessments. City and Village collects the assessments and also is used to collect fines and interest from overdue assessments.

### SUMMARY OF DISCUSSION: Guest speakers

The following guests spoke at the meeting.

Mike Horton: Mike read from a lawyer's opinion that he obtained as a trustee of Ladue Trails. It was the opinion of the attorney he consulted that our assessment could not be raised without a 2/3 vote of the residents.

Charles Gregory: Charles doesn't understand why the Board needs to raise the assessment. He is on a limited income.

Joan Bauer: She feels our expenses should be lower. We don't pay for electricity and haven't purchased a sign. She would also favor a 2/3 vote of the residents in order to increase the assessment.

Marge Williams: Trails West can charge up to 50% of what the Village charges for an assessment. She would like all expenditures to be made public.

Frank Agovino: Frank responded to Marge's concerns. He stated that our expenditures are on our budget balance sheet which is posted on our website. He also explained the need for the ATV because of the vast acreage of common ground. It also is needed to meet insurance requirements for Ameren and MSD. Their men sometimes need to ride in it (with our grounds keepers) when there are problems caused by Ameren, MODOT, or MSD that need to be addressed. Frank also explained the unusual legal expenses we have encountered due to the need to obtain an easement to our common ground. Our access was accidentally taken away when MODOT took some of our common ground by condemnation in order to complete the Ladue/141 intersection.

Sandy Jacobs: Sandy also responded to Marge's concerns and explained our budget.

Scott Klayman: He stated that the homeowners on his street (Augusta) often have to maintain the common ground.

Frank Agovino: Frank responded to Scott's concern. We need to be notified if there is a problem in the common ground. We will then do our best to correct it.

Claude Williamson: Claude expressed concern about the \$50.00 assessment increase.

Mary Monachella: She would like financial statements for residents who do not have email. She consulted Paul Martin and John Nations for their opinions on the assessment increase. She also feels that David and Harvey have not followed through with campaign promises made when they were running for Trustee.

Warren Schuessler: He wanted to know if everyone had voted to increase the assessments. He would like more transparency.

David Kaplan: Responded by asking if anyone felt that the funds were being spent unwisely or unfairly.

Erv Schmitz: He would like a vote instead of spending money on attorney's fees to determine the legality of an assessment raise.

Marvella Schuessler: She would like the grass to grow on the common ground and not mow it.

Steve Iverson: He was a past Trustee on the Board. He stated that the common ground mowing is much better this year. He supports the assessment increase but would like more transparency from the Board. He would like the Board to follow the rules. He feels we may have signed documents with the Montessori Children's House that were not within our authority.

Mike Horton: Wants the Board to lower the assessment to \$150.00

Sandy Jacobs: The Board is trying to do "The right thing".

Harvey Rosenberg: The current Board is trying to repair problems that we inherited from past boards. We have spent money to clean up a garden that was planted years ago on the common ground. We have to pay to clean up garbage, yard waste dumpings, etc. that residents have illegally dumped on our common ground. The ATV was a necessity since MODOT, Ameren, and MSD won't go on our fields unless we meet certain vehicle requirements.

Jo Ann Black: We all want to improve the common ground. All of us are on the same team.

At this point of discussion the guests left the meeting. The time was 9:00.

#### SUMMARY OF DISCUSSION:

Sandy needs to upgrade his PDF Software in order to properly calculate the budget. It will cost about \$130.00.

#### ACTION:

David will try to get it for Sandy for less money.

#### ACTION:

Minutes and Financial Report from the last meeting were approved.

#### SUMMARY OF DISCUSSION:

Our Directors and Officers Liability Insurance is up for renewal. Last year we paid \$5400.00. This year it is \$5800.00.

#### ACTION:

We will get a bid from Emil to see if it is less.

#### SUMMARY OF DISCUSSION:

Should we consult an attorney to determine if we need a 2/3 vote in order to raise the assessment.

#### ACTION:

Frank will contact an attorney for a legal opinion. We will also need to notify City and Village not to send out late notices until we have an opinion.



**ACTION:**

The Board approved several bills from Terrill Landscaping. Payments included:

\$125.00 for honeysuckle removal

\$554.00 to cut down and remove 3 dead trees

\$450.00 to remove fallen tree limbs.

Meeting adjourned at 9:25.

## JUNE 11, 2014 VILLAGE OF GREEN TRAILS MINUTES

Meeting called to order by Frank Agovino at 7:30 on June 11, 2014 at Chesterfield City Hall

Type of Meeting: Monthly meeting of the Village of Green Trails Park Board Trustees

Name of Meeting Facilitator: Frank Agovino

Meeting Minutes recorded by Jo Ann Black

List of Attendees: Frank Agovino, Jo Ann Black, Harvey Rosenberg, David Kaplan, Sandy Jacobs

Guests: Cathy Rosenberg, Guy Bradley, Carrie McCaffrey, Kathy Borges, Jim Hoette, Mike Horton, Margaret and Steve Bour, Joe and Mary Catanzaro, Terry and Mary Monachella, Sally and Jack Crowley, Joan Baur, Carrie and John Hank, Darla Gault, Steve and Susan Iverson, Richard Woodcock, and Denise Sherer

### ACTION:

May Minutes and Financial Report were approved

Bill from Terrill Landscape was approved. The \$9,961.00 bill was for normal common ground maintenance for the last 2 months except for \$450.00 which had been preapproved by the Trustees to cut down some dead trees and limbs.

### SUMMARY OF DISCUSSION and ACTIONS: Common ground issues

At the end of Saylesville there is a blocked waterway which is causing flooding in the common ground.

Harvey and David met with a representative from Ameren to discuss the transmission line field where 2 old towers were recently replaced with 2 new ones. Ameren is going to aggressively regrade the common ground to repair the damage they did during this project. There will be 30 foot circular prairies around the bases of both towers which should make the mowing easier and be visually pleasing.

Ameren will also construct a low water bridge near the woods behind Saylesville (near the Sherwood home) and will remove the damaged tie bridge on the same waterway. Ameren will construct a low water bridge at the end of the powerline field behind the Shaw home at the end of Saylesville.

Ameren will plant a prairie (at no cost to us) in the Village common ground mulched area behind MCH.

On June 6 Harvey and David toured the common grounds. Their findings included the following:

There is a very large tree down in the lake. A bid to remove the tree will be requested from Terrill. Also, we will ask what negative repercussions might result if the tree is left in the lake. There is also a large tree down at one end of the lake.

There are numerous vines that are overgrown by the pines on Ladue. This area should be resprayed.

The golf cart bridge remains a problem to be solved.

A homeowner in the Village still has a portion of their fence encroaching on the common ground. Frank will send a letter.

Ameren has cut down trees and has not always cleaned up properly. Harvey and David will contact Ameren to notify them.

#### SUMMARY OF DISCUSSION: Village Indenture change

Frank notified our guests there will be a vote to ask the Village homeowners to modify the Village of Green Trails Indentures to increase the annual assessment to \$200.00. A management company will be hired to properly handle the voting and an attorney will be used to assure proper legal language.

Sandy explained to our guests why we needed to follow this procedure and discussed the need for the assessment increase. A 2/3 vote of the residents is necessary to modify the indentures. This means that 424 homeowners (one vote per home) need to vote "yes" or 212 homeowners need to vote "no".

#### SUMMARY OF DISCUSSION: Guest Speakers

The following guests spoke at the meeting.

Mike Horton: Mike's concerns included dissatisfaction with the procedure the Trustees followed for an assessment increase. He wants the Board to follow the interpretation of the legal advice he sought. Mike feels that this Board and other Boards the past 12 years have violated the indentures numerous times. He also states that there could be a lawsuit if the Board does not agree to the following points. The following is a summary of the points Mike presented:

1. He stated that the legal assessment is the one written in the 1965 indentures which is \$50.00 per year.
2. Some lot owners would like to be reimbursed (with interest) for assessment amounts over \$50.00 that they have paid for the last ten years. Another scenario would be for those owners to not pay any more assessments until this difference has been made up.
3. He believes that some of the Trustees have shown "willful misconduct" by not having the latest assessment increase voted on by the home owners. He also feels willful misconduct has occurred involving the current lawsuit with MCH. He feels that the Trustees should personally pay for expenses involved and that the lawsuit with MCH should be dropped.
4. Mike would like to have the Trustees sell the Polaris. He is concerned with liability issues involving the vehicle and sees no purpose for having such a vehicle.

5. He would like an independent audit of the Village's finances and records.
6. He wants Frank Agovino, Harvey Rosenberg, and David Kaplan to resign as Trustees. Jo Ann Black and Sandy Jacobs would remain until a new Board could be voted in according to the procedures stated in the indentures.

Guy Bradley: Guy wanted to know what happens to people who have already paid their assessments. The Board's response is that the deadline to pay will be extended until after the vote.

Joe Cantanzaro: Joe wanted to hear an explanation of the legal fees spent. The Board explained the lawsuit with the Montessori School. MODOT took a portion of our common ground through eminent domain when the new Ladue/141 intersection was created. MODOT unknowingly created a situation where the Village could not access the transmission line common ground behind MCH and Saylesville without crossing the School's property. The School is unwilling to give us an easement to our common ground. We have negotiated in good faith without an attorney for some time. This issue needs to be settled, and the Trustees had no other choice than to hire an attorney.

Joan Bauer: Joan would like to not maintain the common ground field behind the Montessori School and Saylesville. The Board explained that there is an ordinance in Chesterfield that the grass must not be allowed to grow beyond a certain height. Also, it would lower property values in the area if that field is not maintained. There are many houses that back up to that ground, and the Board has a responsibility (as stated in the indentures) to maintain it.

Margaret Bour: Margaret is concerned about the mulch behind MCH. She wanted to know who cut down the bushes and trees in that area. The Board explained that Ameren brought in the mulch (at no cost to us) to make a path. We have not cut down any trees and bushes in that area. Margaret questioned who else was driving the ATV. She was told that the ATV she saw did not belong to the Village. It belonged to Terrill Landscaping and Zac was driving it. Margaret also would like vines removed from the trees in the common ground behind Agusta. Since those trees serve as a buffer between the homes and the Parkway school bus lot, it is important to protect those trees. She also requested that fall cleanup occur later in the season after more of the leaves had fallen.

Scott Klayman: Scott would like to see a projection of future expenses and would like a full comprehensive financial report. He is questioning the need for a \$50.00 assessment increase. He would like a credit given back to each homeowner. He is also concerned about future problems in selling homes in the Village if the Village finances aren't in order.

Mary Monachella: She would like the Board to get a legal opinion on what would happen if the vote doesn't pass.

**ACTION:** Homeowner concerns

The Board will take all the suggestions presented this evening under advisement.

SUMMARY OF DISCUSSION: Format for the change of indenture vote sent to the residents

The Board discussed what information should be included in the cover letter to residents: FAQs, postcards, the color of the paper and the print, etc. were also discussed.

ACTION:

The Board will see what the CMA advises.

Meeting adjourned at 9:20.

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VOTES REPORT

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## JULY 9, 2014 VILLAGE OF GREEN TRAILS MINUTES

Meeting called to order by Frank Agovino at 7:30 on July 9, 2014 at Chesterfield City Hall

Type of Meeting: Monthly meeting of the Village of Green Trails Park Board Trustees

Name of Meeting Facilitator: Frank Agovino

Meeting Minutes recorded by Jo Ann Black

Lit of Attendees: Frank Agovino, Jo Ann Black, Harvey Rosenberg, David Kaplan, and Sandy Jacobs

Guests: Cathy Rosenberg, Mike and Vicky Horton, Terry and Mary Monachella, Steve and Susan Iverson, Darla Gault, Joan Bauer, Jack and Lucy Crowley, Mary Catanzaro, Kurt Kruger, Carrie McCaffrey, and Lee and Nona Fitzmaurice.

### SUMMARY OF DISCUSSION:

Frank opened the meeting by summarizing the agenda for the night. He indicated the Board would respond to emails within the next few months at our meetings as time permits. Right now, the Board is focused on continuing our responsibility to maintain the common ground and amending the indentures, as previously requested. The Board will not respond to emails or requests which in any way are condescending, over-reaching, sarcastic, or based on false or baseless facts and arguments.

Frank noted that our attorney confirmed that the homeowners have no individual ownership rights in the utility vehicle. Our insurance agent confirmed that our liability insurance protects individual homeowners from any liability. Also, our insurance includes a fidelity bond rider which covers all trustees. In addition, City and Village has an insurance bond.

Frank noted that the Board has been consistent with prior Boards in their actions. For example, we have followed similar Board action for at least the last 15 years and installed nominated people in Board positions when unopposed. Prior elections have been in accordance with the Indentures. The same is true with the easement we granted to Montessori. Prior Boards have done similar actions.

Frank noted that the assessment has been previously raised twice, and most if not all homeowners have voluntarily paid the assessment without protest.

### SUMMARY OF DISCUSSION: Guest speakers

The following guests spoke at the meeting.

Mary Monachella: Mary feels that the 2011 and 2013 Trustee elections were legal. She disagrees with some comments that stated there were no protests when the assessment was last raised to \$150.00. She stated that there were complaints to City and Village. She also wants to know what the Board will do if the indenture vote fails.

Mike Horton: Mike referred to several legal documents in his possession and sections of the sub indentures which in his opinion indicate that Frank and Sandy are not legally elected Trustees. He disagrees with the Board's interpretation of the indentures.

Steve Iverson: Steve is not concerned about the assessment increase, but he wants the Board to start observing the rules set forth in the indentures. He stated that he had devoted a lot of time reviewing the indentures. He acknowledged that there were parts of the indentures that should be rewritten. He is concerned about the validity of Sandy's nomination. He feels the Board may have overstepped their rights as are stated in the indentures. He is concerned about the lawsuit against MCH. He is also concerned about the expense involved in dredging the lake.

Darla Gault: Darla stated that she had emailed the Board, quoting sections of the indentures. She feels that the Board doesn't have the authority to make decisions that affect title to the common grounds. She wants to know the Board's legal entity name that taxes are filed under. She also stated that all the homeowners have a right to view and have copies of anything that assessment fees have paid for. This includes the Polaris, insurance bills, etc.

Vicky Horton: Vicky wants to know who legally owns the Polaris. She also wants to know the legal entity name.

Joan Bauer: Joan wanted to know how the power line field common ground was able to be cut if we are not able to access the land without crossing MCH property. She also wants to know who cuts that area of the common ground. She also suggested that the city of Chesterfield could cut that area and send the Village the bill.

Jack Crowley: Jack stated that it doesn't make sense for MCH not to want to work out an agreement about the common ground access. He was under the impression that there already was an easement to the land. He feels that for \$30,000 an access could somehow be created. He also said real estate agents representing Greenfield Village are telling clients that portions of our common ground belong to Greenfield Village.

Lee Fitzmaurice: He complained because he has to pay 2 separate assessments. (The Board explained to him this was because he is also responsible for the assessment of the subdivision he resides in) .

ACTION: Homeowner concerns

The Board will take all the concerns and suggestions presented under advisement.

ACTION:

June 11, 2014 Minutes and Treasure's Reports approved

SUMMARY OF DISCUSSION: Common ground maintenance

Harvey and David worked with Ameren to solve some problems in the transmission line field. Ameren installed a new culvert where there were drainage problems. They will also plant a 30 foot prairie around the towers. This new prairie will make mowing around the towers easier.

The mulch pile in the common ground near MCH should have been spread out today. Harvey and David arranged for the mulch and the laying of it to be done at no cost to the Village.

There is a tie wall that has collapsed onto the common ground. A letter will be written to the homeowner to clean it up.

We have free dirt available to us because of work MSD is doing in the area. It will be hauled for free to help correct the erosion problems in the Diplomat field.

Zac will submit a bid for taking care of a tree hanging over the lake.

Margaret Bauer has notified the Board that there had been some firing of guns near her home on Augusta.

ACTION:

The Board would recommend that 911 be called if this occurs again, since this is in violation of Chesterfield Ordinance 2789. Harvey and David will investigate installing some signs in the common ground. The signs will state no hunting or discharging of weapons in the common grounds.

Meeting was adjourned at 8:25.





## AUGUST 13, 2014 VILLAGE OF GREEN TRAILS MINUTES

Meeting called to order by David Kaplan at 7:30 on August 13, 2014 at Chesterfield City Hall

Type of Meeting: Monthly meeting of the Village of Green Trails Park Board Trustees

Name of Meeting Facilitator: David Kaplan

Meeting Minutes recorded by Jo Ann Black

List of Attendees: Frank Agovino, Jo Ann Black, Harvey Rosenberg, David Kaplan, and Sandy Jacobs

Guests: Cathy Rosenberg, Carrie McCaffrey, Shirley Horel, Steve and Margaret Bour, Ellen Daniels, Jack and Sally Crowley, Terry and Mary Monachella, Steve and Susan Iverson, Deanna Stassi, Walter Beisheim, Steve Eisenmayer, Art and Joyce Wernle, Guy Bradley, Jean Baur, Vicky and Mike Horton, and Darla Gault

SUMMARY OF DISCUSSION: Trustee election process

Section 111.6 in our indentures describes the election process. Some homeowners have expressed concerns about whether Frank Agovino and Sandy Jacobs were legally elected Board members. There is also a Board opening due to the death of Board member Bill Gawlikowski. After consulting with our attorney, it was determined that the three remaining Board members could make a resolution to extend Frank's term in order to retain the Board's legal authority. This also gave the Board authority to appoint interim Trustees until the next election.

ACTION:

Jo Ann, David, and Harvey voted to pass a resolution to extend Frank's term until there could be a new election. Three Village residents (Sandy Jacobs, Darla Gault, and Mike Horton) volunteered to fill the two remaining Trustee seats until the next election. After a random drawing by resident Terry Monachella, the Board appointed Sandy Jacobs and Darla Gault to be temporary Trustees until the next election. Darla will take the position of treasurer until the next election

SUMMARY OF DISCUSSION: Elections for new Trustees

The Board discussed the procedures to be followed to elect new Board Members

ACTION:

Sections 111.5 and 111. 6 of the Indentures will be followed in order to elect 3 new Trustees. The election will be held sometime late fall. Jo Ann Black, David Kaplan, and Harvey Rosenberg will remain on the Board until their terms expire. An attorney will be consulted if any questions remain.

**ACTION:**

July Board Minutes and financials were approved.

**SUMMARY OF DISCUSSION:** Guest speakers – statements and questions

The following guests spoke at the meeting.

Walter Beisheim asked the Board to summarize the lawsuit against MCH. It was explained that the lawsuit had been in process for approximately 1½ - 2 years, and that the Board had tried without success to obtain a legal easement to a section of our common ground which is currently landlocked. We are trying to resolve the issue with as little expense as possible, but have needed the services of an attorney. There are also issues with MCH causing water drainage issues and erosion to our common ground. It was explained that MODOT was no longer involved in this property since they had deeded it to MCH. MODOT would allow us to cross under 141 to access our common ground if we had an easement from MCH.

Jack Crowley asked how the common ground was currently being mowed and brush hogging vs regular mowing was discussed.

Mike Horton suggested cutting down trees next to the creek crossing Saylesville and gaining access on that land to the common ground.

Jo Ann Black stated that there was not enough land there, and that the creek bank quickly sloped down.

The subject of the necessity of owning the Polaris was brought up by Mike Horton and Darla Gault. The Board will not take any action on this subject until after elections are held.

Darla Gault objects to the lawsuit against MCH. She feels it exceeds the powers of the Board, and that the Trustees do not have authority to sue.

Ellen Daniels is concerned about MODOT owned property North of Ladue. It is not being maintained by MODOT and is overgrown with weeds. It is not presentable for the entrance to the Village. She questioned the mesh and rocks placed to prevent erosion in the common ground. There are also several dead trees she would like to be replaced.

Darla Gault questioned the attorney's opinion which stated that if the 2/3 vote to change the indentures doesn't pass, that the assessment would be \$150.00. She would like copies of all the sub indentures from the other subdivisions in the Village.

Terry Monachella questioned the Board's authority to place a lien on homes whose owners have not paid the assessment.

Steve Iverson thought that the Board was moving in the right direction and that it was "righting the ship".

Walter Beisheim questioned if one homeowner could sign the voting card. He was told yes.

Jack Crowley asked how many homeowners in the Village lived adjacent to one of the common ground areas. A rough estimate is possibly a third.

SUMMARY OF DISCUSSION: Ways that the utilities are helping the Village and saving us money

Harvey spoke about ways the utilities have helped the Village with common ground projects - often at no cost. The utilities have also damaged areas of common ground when they have had to travel across these areas or have needed to do work in them.

1. MSD has helped solve some of our drainage issues or has subcontracted out to help correct problems.
2. The big field has pipes used for storm water drains. They're worn out and erosion has occurred. We hope to get help from MSD.
3. Ameren needs to repair ruts that their trucks and equipment have made. They also need to clean up the areas where they replaced power towers.
4. There is damage in the Diplomat field that we hope to get MSD to fix.
5. There is a sink hole in the Augusta field that is on MSD's storm water repair list.
6. There is erosion in the Diplomat field. Ameren will provide free dirt to correct this problem.
7. There are numerous other erosion problems in the common ground areas.

SUMMARY OF DISCUSSION: Procedure to notify residents who wish to be nominated for Trustee

There appears to be nothing in the indentures that describes the procedure to notify Village residents who wish to run for Trustee.

ACTION:

The Trustees will send out a post card through CMA. This card will notify residents of an upcoming election and Board vacancies. The Village website will also be utilized. Details will be worked out by the Board.

Meeting adjourned at 9:12.



## SEPTEMBER 10, 2014 VILLAGE OF GREEN TRAILS MINUTES

Meeting called to order by Frank Agovino at 7:30 on September 10, 2014 at Chesterfield City Hall

Type of Meeting: Monthly meeting of the Village of Green Trails Park Board Trustees

Name of Meeting Facilitator: David Kaplan

Meeting Minutes recorded by Jo Ann Black

List of Attendees: Frank Agovino, Jo Ann Black, David Kaplan, Harvey Rosenberg, Sandy Jacobs, and Darla Gault

Guests: Cathy Rosenberg, Carrie McCaffrey, Shirley Horel, Terry and Mary Monachella, Joan Baur, Gary Heitz, Margaret Bour, Steve Iverson, and Mike and Vicky Horton

### ACTION:

August Meeting Minutes and Financial Statements were approved.

The Board will reimburse Cathy Rosenberg for her fee payment of \$276.10 to the website "Go Daddy". This is for two years and includes the domain name. Cathy is our website administrator, and Go Daddy is the website used by the Board.

### SUMMARY OF DISCUSSION: Terrill Landscape proposals

Harvey presented the Board with a 13 page handout detailing proposals by Terrill for work to be completed in the common ground. Proposals included estimates for cleaning up and removing numerous fallen trees, limbs, and debris removal, cutting back, spraying, and removing poison ivy and other vines, and erosion repair.

### ACTION:

The Board approved the majority of the proposals. Several were put on hold to be considered for a later date.

### SUMMARY OF DISCUSSION:

Margaret Bour was helpful in having MSD use a different access to repair a broken waste line behind Camberra. MSD put down wood planks and seeded and strawed the area after the work was completed.

Terry Monachella has concerns about vines on Trailtop. He would like this problem to be addressed and suggested that it would be easier to get rid of the vines during the winter. There would be fewer leaves to clean up.

**ACTION:**

The Board will investigate getting bids on an hourly basis to clean up vines. The cleanup can start in one location, and the Board can then determine what this will entail.

**SUMMARY OF DISCUSSION: Additional expenses**

Frank prepaid a bill for \$40.00 to get various copies of documents to our accountant. CMA charged us approximately \$1800.00 to handle the printing and mailing of ballots for the indenture change. (This cost had previously been approved by the Board).

**SUMMARY OF DISCUSSION: Nomination and election process for the 2013 Trustees**

Procedures that follow the rules set up in the indentures were discussed.

**ACTION:**

The election will be held on Dec. 1, 2014. An ad will be placed in the paper between 10-60 days before the election. Nominations will be due no later than Sept. 29<sup>th</sup>. Forms will be on our website or can be obtained from Jo Ann Black.

**SUMMARY OF DISCUSSION: Election procedures, validity of the Trustees elected in 2013, and assessment increase**

Mike Horton questioned the legality of the 2013 election, since no notice had been placed in a publication such as a newspaper.

Terry and Mary Monachella stated that they had consulted an attorney, Martin Green. In his opinion, indenture contracts are more liberal and that mailing ballots was a personal notification which trumped a general notification (from a newspaper). Terry also stated that we need to look at what's best for the Homeowners.

The "no harm, no foul" rule was discussed.

According to the legal opinion of the Board's attorney (Jon Sanner), the Board can extend the terms of the Trustees and then have an election. In his opinion the fact that over 2/3 of the Homeowners have paid the \$150.00 assessment in the past sets a precedent.

Steve Iverson spoke of inadvertence because there was no notice placed in the newspaper before the 2013 election. He also stated that the indentures need to be changed.

Mike Horton felt that the Village could not adequately maintain the common grounds if the assessment went back to the 1965 rate of \$50.00 a year. In his opinion the sub indentures have precedent over our indentures, so the sub indentures may have to be changed.

Vicky Horton stated that a \$200.00 assessment was dishonest.

Frank Agovino explained that the attorney from our liability insurance will meet with each Board member separately and render his opinion about the assessment. Our insurance company will pay for the attorney.

Darla Gault asked who Jon Sanner has a fiduciary responsibility to. It was explained that Jon was hired to help us follow the intent of the indentures and have a legal election.

Terry Monachella suggested that people go door to door to ask homeowners to support the \$200.00 assessment.

**ACTION:**

A mailer is going out to inform residents of the election. Hopefully there will be a legal opinion from the attorney before the election. If he says that the 2013 election was legal, then we won't need to have another election. If the 2013 election was not legal, then we will have another election.

The meeting was adjourned at 9:15.



## OCTOBER 8, 2014 VILLAGE OF GREEN TRAILS MINUTES

Meeting Called to order by David Kaplan at 7:30 on October 8, 2014 at Chesterfield City Hall

Type of Meeting: Monthly meeting of the Village of Green Trails Park Board Trustees

Name of Meeting Facilitator: David Kaplan

Meeting Minutes recorded by Jo Ann Black

List of Attendees: David Kaplan, Jo Ann Black, Frank Agovino, Harvey Rosenberg, Sandy Jacobs, and Darla Gault

Guests: Mike and Vicky Horton, Kurt and Donna Kruger, and Scott Clayman

### ACTION:

September Minutes and Financial Report were approved

### SUMMARY OF DISCUSSION: Vine overgrowth

Several homeowners have voiced concerns about the overgrowth of vines in the common ground. Zac Terrill gave us a bid to begin the process of vine removal. The bid for one day of work was \$720.00 for labor, \$75.00 for fuel and \$100.00 for Roundup (may not be needed). This is the time of year when vine removal is the most effective.

### ACTION:

The Board gave Zac approval to work one day to remove vines. Areas behind Augusta and Trailtop appear to be particularly troublesome. The Board will then evaluate the progress made and determine if Zac should proceed further.

### SUMMARY OF DISCUSSION: Upcoming Trustee Election

Our Attorney, Jon Sanner, has communicated with the Trustees and CMA as to how to best proceed with the election process.

### ACTION:

The Board approved an additional \$25.00 needed for the cost of the Trustee election notice to be placed in the Post-Dispatch. (\$400.00 for the notice had previously been approved). Frank will be responsible for the placement of the notice and will email the Trustees so they can check the wording before the election.

SUMMARY OF DISCUSSION: Lawyer payment

David asked who was responsible for paying Jon Sanner for his time when he communicated with Don O'Keefe (the attorney representing us through our insurance company).

ACTION:

Frank will check on this. It is hoped that the insurance company will cover these fees.

SUMMARY OF DISCUSSION: Erosion issues

Tom Kurtz (living on Bramblewood Ct.), contacted the Board concerning erosion issues and sink holes that are partially on his property and partially on the common ground adjacent to his property. He would like permission for his contractor to cross the common ground in order to determine how to best correct the issue.

ACTION:

The Board approved the request. They asked to have a copy of the contractor's estimate and a detailed description of what needs to be done to correct the problem. The Board will then determine how to proceed.

SUMMARY OF DISCUSSION: Infringement on common ground

It has been brought to the Board's attention that a homeowner on Bramblewood Ct. has installed a sprinkler system which may be partially on the common ground. The homeowner is also mowing well into the common ground adjacent to his property.

ACTION:

Frank will write the homeowner a letter stating that we have received a survey from his next door neighbor showing that his actions may be infringing on the common ground.

SUMMARY OF DISCUSSION:

Homeowner, Ann Bueller, contacted Peggy at Ameren with concerns about unkempt growth and weeds surrounding a tower near the intersection of Woodsmill Road and Ladue. This is near the Village entrance and gives a poor appearance. Our Board thought this property was owned by MODOT, but after further investigation, it appears that a small pie shaped section (including the tower), may be common ground owned by the Village.

ACTION:

We will contact MODOT to verify that this property is part of our common ground. We are hoping that if the property belongs to the Village, that MODOT can help with the cleanup. We will also discuss with Ameren moving some trees that are too close to the power lines in that area. The Board approved up to \$300.00 to replant these trees behind Augusta to replace some dead trees.

SUMMARY OF DISCUSSION: Drainage and other issues in the power line field

ACTION:

The Board will discuss the drainage issues with Zac and consider possible solutions.

Zac will leave the natural growth on the banks of the creek crossing Saylesville. He will only trim if it starts infringing on the property of the homeowners siding onto the creek or the growth starts to get completely out of hand.

Zac will also clean up the area around the golf cart bridge in the common ground.

SUMMARY OF DISCUSSION: Village liability

Scott Clayman questioned Village liability if homeowners mow into the common ground adjacent to their property. Frank said that our liability insurance does cover this.

ACTION:

David and Harvey will send letters to those homeowners requesting that they not mow the common ground behind their homes.

SUMMARY OF DISCUSSION: Grounds behind Augusta

The noise and pollution from the Parkway School buses is a major concern to the residents on Augusta whose properties back up to Parkway property. The natural sound buffer of trees has decreased since Parkway cut down many of those trees. The Village Board is very sympathetic to these concerns.

SUMMARY OF DISCUSSION: Trustee Elections

Frank Agovino, Sandy Jacobs, and Darla Gault are currently running for the 3 seats. A green postcard will be sent out. CMA will handle the election which will be on Dec. 1<sup>st</sup>. We need a legal opinion about write in votes and also if ballots can be mailed in. There will be one vote per residential lot, but since there will be 3 candidates, there will be 3 votes. Mike Horton questioned our mailer and suggested that we hold the election at Chesterfield City Hall instead of CMA. He was told that CMA would not charge us to hold the election at their location.

SUMMARY OF DISCUSSION: Amendment to the indentures

At this time, the amendment to the indentures does not have enough votes to pass. There are still many homeowners who have not voted. While homeowners get one vote per residence, the commercial properties in the Village get one vote per \$10,000 of assessed valuation. This can greatly impact the outcome of the election. Mike Horton stated his opinion that even if the vote passes, the sub indentures would have to pass it as well. There was then a discussion about the relationship between the indentures and sub indentures. There were varying opinions about the relationship.

SUMMARY OF DISCUSSION: CIA Seminar

Harvey asked for the Board to approve \$15.00 for him to attend a CIA seminar in Nov. This is a seminar for Trustees.

ACTION:

Approved

Summary of Discussion: Amended June Minutes

The Board approved the amended June Minutes to correct Margaret Bour's statements.

Meeting Adjourned at 8:55

## NOVEMBER 12, 2014 VILLAGE OF GREEN TRAILS MINUTES

Meeting called to order by David Kaplan at 7:30 on Nov. 12, 2014 at Chesterfield City Hall

Type of Meeting: Monthly meeting of the Village of Green Trails Park Board Trustees

Name of Meeting Facilitator: David Kaplan

Meeting Minutes recorded by Jo Ann Black

List of Attendees: David Kaplan, Jo Ann Black, Harvey Rosenberg, Sandy Jacobs, and Darla Gault

Absent: Frank Agovino

Guests: Cathy Rosenberg, Carrie McCaffrey, Shirley Horel, Margaret and Steve Bour, Steve Iverson, Mike and Vicky Horton, and Scott Clayman

### SUMMARY OF DISCUSSION: Budget

This month \$400.00 in assessment fees was collected, and a \$40.00 service fee was paid to City and Village.

The Board has spent about \$59,000 this year. The budget for legal fees was \$2,500 for 2013 and \$15,000 for 2014. In 2013 the Board budgeted about \$84,000, and \$89,000 was actually spent.

### ACTION: Minutes and Budget

Both the Oct. Minutes and the Budget report were approved.

### SUMMARY OF DISCUSSION: Voting procedures

Voting procedures for the Dec. 1<sup>st</sup> Trustee election were discussed. Every home will get just one ballot, but there will be 3 candidates (Frank Agovino, Sandy Jacobs, and Darla Gault) for 3 positions on the ballot. Homeowners will be able to vote for all 3 candidates but cannot cast all 3 votes for one candidate. A Homeowner may also choose not to cast all 3 votes but only vote for some of the candidates on the ballot.

### SUMMARY OF DISCUSSION: New bids and payment

### ACTION:

Bid # 2014-357 of \$1215 for cleanup of limbs was not approved.

Bid # 2014-353 for \$2130 for work on the Gunston Hall field including clearing a downed tree and 3 dying trees was approved pending one week to allow Trustees to view the work site prior to authorizing the work.

A dead tree near the lake was taken down and cleared away. Bill # 2014-355 for \$520 to complete the work was approved.

Another tree in the lake was supposed to be removed, under Bid # 2014-293, but because it was caught on something, Zac could only remove some of the branches. Mike Horton questioned if the Board should have paid for the prior estimate of \$796.00 since Zac wasn't able to remove the entire tree. The Board felt because of the time and labor spent, the entire amount bid should be paid even though the tree was not successfully removed. The Board has not yet been billed for this last service.

The Board approved putting up several signs near the lake stating that ice skating was not allowed. It is hoped that this will help protect the Board against future liability.

The Board approved Bid # 2014-356 for \$970 bid to use rock to regrade an area on the Diplomat Field. This problem will eventually be addressed by MSD. This is not a permanent solution, but will help with erosion and also help prevent injuries for persons walking in that area. Approval will be withheld for one week to allow Trustees to view the work site prior to authorizing the work.

#### SUMMARY OF DISCUSSION

Darla stated that she would like the opportunity to view the site of new common ground projects before approving any expenditures. The Board agreed to allow a one week period one a proposal is presented at a Board Meeting to allow Trustees to view the work site prior to authorizing the work.

SUMMARY OF DISCUSSION: Ameren U.E.

Ameren sent a letter asking the Board to approve the repairs they made in the transmission line field.

#### ACTION:

The Board will not approve the repairs at this time. There are still areas that need to be reseeded from the damage down by Ameren's large vehicles. This seeding cannot be done until the spring.

SUMMARY OF DISCUSSION: Additional common ground issues

#### ACTION:

The Board approved Bid # 2014-317 of \$895.00 for vine removal in three areas. This will cover one day of work. The Board will assess the progress made and then decide if removal should continue.

David and Harvey will call Michael Korein and ask him to take down the old soccer goals that are on our common ground. If he doesn't take them down, the Board will pay to have it done and bill him.

SUMMARY OF DISCUSSION: Additional issues concerning CMA, attorney's fees, etc.

The Board received a bill for \$395.75 from the CMA (Community Management Associates) for a second mailing about the elections. This bill will not be paid until the Board is certain exactly what the expenses cover.

Invoice # 57434 was received from Jon Sanner for services during the month of September. Darla mentioned that at the prior meeting a statement was made that there would be no further attorney fees from our Board attorney (Jon Sanner), since the D&O insurance carried had appointed an attorney to represent the Trustees. USLI appointed an attorney on 8/29/14. However, this invoice does not appear to be related to USLI issues.

Margaret Bour distributed a list of Trustee responsibilities that she compiled. The Board thanked her for her efforts and will review the list.

There was a discussion about the Board communicating more effectively with the homeowners.

Steve Iverson and Scott Clayman both complimented the Board on how much better the common grounds have looked the last few years.

Scott suggested making some signs to notify residents where access points to the common ground are so residents can more easily gain access. The Board will consider the suggestion.

Mike Horton wanted to know how much money was left in the Village account. There is about \$100,000 at this point, with approximately \$20,000 to be spent by the end of the year.

Mike also asked the Board how they planned to proceed since the amendment to the indentures failed to pass. The Board responded that decisions would be made after the Dec. 1<sup>st</sup> elections.

**SUMMARY OF DISCUSSION:** Eagle Scout project

A Boy Scout wishes to proceed with a project that will likely be partially on our common ground. He wishes to clean up an area by Green Trails School and make a mulch path. While the school and Parkway have both approved the project, our Board is concerned about liability. A decision to allow the Scout to proceed will be postponed until next spring.

**ACTION:**

Sandy will contact the Boy Scout and communicate our concerns.

Meeting adjourned at 9:15.

