

Village of Green Trails Trustee Meeting Minutes
May 13, 2009

Time: 7:30 pm

Location: 14611 Laketrails Court, home of Frank Agovino

Attendees: Frank Agovino, Emil DeLuca, Wayne Gottschall, Carl Hermann, Cassie Ward

Absent: Marlene Carey, Irv Zwiebelman

Guest: Bob Neth (BNB Lawn Care)

Meeting Discussion: The meeting is called to order at 7:30 pm by Frank Agovino. The April 1, 2009 and May 4, 2009 meeting minutes were read and approved.

Treasurer's Report: Checking account balance is \$3818.81, money market account is \$41,422.68.

The following invoices were approved:

- Lake Management Services for algae control and 2 gallons of dye \$353.00
- Dewitt Insurance Policy (Commercial Crime Policy): \$500.00
- Colvin Electric: \$400.00
- Post Dispatch (annual meeting advertisement): \$211.94
- BNB Lawn Care and Landscaping: \$3770.00 grass cutting and \$825.00 for entrance clean up.

Landscape Report: Bob Neth with BNB Lawn Care and Landscaping was given payment for the above invoices for pre-approved grass cutting and entrance clean up.

Old Business: The lake is at an appropriate level, MSD has not responded to our letters concerning the lake. The signs placed by an unknown person as well as the floating dock/debris were removed by Trustee Emil DeLuca. The entrance sign will also be sanded and repainted.

A resident at #104 Ladue Glen would like a stump removed from the common area behind his home. There is some question as to the stump being on the common ground vs. the residents property.

New Business: Residents on Augusta Drive continue to have concerns over the noise level, unsightliness and diesel fuel odor from Parkway.

Resident Margaret Bour provided the group with photos of the area behind her home showing the recycling center. There is concern regarding whether or not Parkway is encroaching on subdivision property.

Marlene Carey has resigned as Secretary. A nomination for Cassie Ward was made by Emil DeLuca and seconded by Carl Hermann. The vote was unanimous and accepted by Cassie Ward.

Action Item:

1. Wayne Gottschall will walk the area behind Parkway to assess if a full survey may be indicated regarding the common area.

2. Carl Hermann will contact the resident at 104 Ladue Glen Court regarding the stump, the Village will offer to have the stump removed up to \$50.00.

Next Meeting: June 4, 2009 at 7:30 pm Home of Marlene Carey, 223 Trailtop Court

Meeting adjourned at 9:30 pm
Submitted by Cassie Ward

Village of Green Trails Trustee Meeting Minutes June 4, 2009

Time: 7:30 pm

Location: 223 Trailtop Court (home of Marlene Carey)

Attendees: Frank Agovino, Marlene Carey, Emil DeLuca, Wayne Gottschall, Cassie Ward

Absent: Irv Zwibelman

Guests: Bob Neth (BNB Lawn Care)

Meeting Discussion: The meeting is called to order by Marlene Carey at 7:30 pm. The May meeting minutes will be amended with discussed changes and presented for approval.

Treasurer Report: Carl Hermann reported the current balance of the accounts (checking and money market) \$66,862.07.

The following invoices were approved and paid:

- Lake Management Services \$410.00 for 1 gallon of cutrine ultra, 50 lbs. of aluminum and 2 gallons of dye.
- BNB Lawn Care \$4195.00 for grass cutting from 05/04/2009-05/28/2009. A check was written to BNB for extra work performed on 05/12/2009 and 05/18/2009 in the amount of \$210.00.

Landscape Report: Bob Neth with BNB Lawn Care present and reported removing the stump behind the property at #104 Ladue Glen Court. Emil DeLuca reported some logs in the common area behind his home that need to be removed. Bob will take care of the removal before the next meeting.

Old Business:

- The lake remains at an appropriate level, no further action required at this time.
- Wayne Gottschall walked the common area on Augusta Drive behind Parkway. Parkway does not appear to be encroaching on the Village of Green Trails Property and a full survey is not recommended at this time.

New Business:

- Irv Zwibelman has resigned as Chairman. We thank Irv for all his hard work and dedication over the years. A motion was made by Emil DeLuca to nominate Frank Agovino as Chairman of the Board. Carl Hermann seconded the motion. The vote was unanimous among the group. Frank Agovino accepted the position as Chairman of the Board of Trustees of the Village of Green Trails.
- Emil DeLuca spoke with ***Glen Copeland on behalf of*** Thomas Montes-De-Oca from MO DOT regarding the 141 and Ladue Road construction project. Emil DeLuca was told a letter was sent to his home address regarding the project and that MO DOT wanted to purchase, not lease the land at the entrance. Emil DeLuca did not receive any correspondence from MODOT at his home address or email prior to the meeting. The board will review the letter as soon as we receive a copy.
- Marlene Carey provided Cassie Ward with all related subdivision records and documentation including meeting minutes from 1965 to present.

Action Items:

1. Frank Agovino will find out what authority we have with regard to the sale of the common land and to whom the proceeds go.
2. The group will follow up regarding whether or a not a Title Report and independent council are needed regarding the Ladue Road/141 project.
3. Marlene Carey will speak with Joe Crutchfield, Attorney at Investors Title regarding our right to execute a deed.
4. Cassie Ward will go through the old records to see if there was any previous discussion about the warranty deed and previous rules and regulations from (1995).
5. Bob with BNB will remove the logs in the common area behind the home of Emil DeLuca.

Next Meeting: August 12, 2009 at 7:30 pm at the home of Emil DeLuca

If necessary, the group agreed on July **15**, 2009 as an interim date.

Meeting Adjourned at 9:30 pm

Submitted by: Cassie Ward

Village of Green Trails Park Trustee Meeting July 15, 2009

Time: 7:30pm

Location: 14072 Deltona Drive

Attendees: Frank Agovino, Marlene Carey, Emil De Luca, Wayne Gotschall, Cassie Ward

Meeting called to order at 7:30 pm

Meeting minutes approved by Emil and Carl from June 22, 2009 meeting

1. Easement versus purchase: Emil presented the plan from the MoDot Website, the area at the current entrance is of concern as we may not want to care for the land at the current site if it is not sold. The question is do we want to own the land at the north and south west corners of Ladue and 141 or do we grant them an easement. Frank is concerned that we will have financial responsibility of the land if we give them the easement and also that if we sell them the land we will have no control over what happens to the land. MoDot was not interested in any of the plans presented at the meeting.

Emil also is concerned about placing our new monument under the power lines. He contacted, Nannette Morton at Ameren UE, she will call Emil back tomorrow regarding the question. We own the right of way in the area. We will need to find out what can be planted etc.

Regarding the condemnation letter from MoDot: The earliest the condemnation letter can be sent is August 8th. The board anticipates the letter will be sent out sooner rather than later. The focus of the discussion tonight is Sale vs. Easement and legal representation.

Options for us at this point:

*Send letters to homeowners

*Involve the media

Action Item: Cassie will call City and Village Tax Office and find out the cost of the mailing the letter to 625 homes. The letter should come with contact information for Mayor Nations, Jane Cunningham, Cole McNary. Our goal is to make the intersection more appropriate, scaled down for a residential area.

Action Item: Marlene will call channel 4 and Emil will call Fox Channel 2 News

The group discussed MoDot doing any further core sampling, we have allowed them to complete it in the open field. We are not going to allow them to cut down any brush.

Frank will tell them if they need to get on the land any further they will need to contact him in advance. Emil has Carl's proxy. We are all in agreement of this.

2. Legal Representation

Emil recommended Coughlin

Harold Tzimberg has been recommended by Marlene

The recommended attorney's should come to the next meeting for an interview. Frank recommends we hire someone with previous experience in dealing with MoDot.

Action Item: Emil will set up a meeting with Coughlin

Frank will set up a meeting with Tzimberg

Emil and Frank will attempt to confirm an interview for July 29th or 30th

Emil has made a motion to go by Montgomery Bank to pick up a corporate resolution and obtain 2 signatures so we may all sign and remove Irv. Marlene seconded the motion all were in favor.

Next Meeting 12th August, 7:30 pm Emil De Luca's home

Bob with BNB Lawn Care will be invited to discuss landscape/land maintenance issues/updates

Village of Green Trails Park Trustee Meeting

Date: August 12, 2009

Location: 149 Trailswest Drive, Chesterfield, MO. 63017 (Emil DeLuca's Home)

Time: 7:30 pm

Attendees: Frank Agovino, Marlene Carey, Emil DeLuca, Wayne Gotschall, Carl Hermann, Cassie Ward, Bob (BNB Landscape and Lawn Care)

The meeting is called to order at 7:30 pm by Frank Agovino, meeting minutes approved for the two July meetings (July 15 and July 29, 2009).

Old Business: Frank stated that the attorneys report we do not have authority to sell/negotiate the property at the entrance. The only way we can do anything with Mo Dot is a court order. We don't really have a basis. The temple achieved a court order because of a necessity to access the Temple. A question was raised regarding if we want to volunteer to represent the homeowners in the transaction. A court appointed trustee might be the best route to take as they will get the most for the homeowners. The only factor is money at this point it seems as though we will not change what Mo Dot will do regarding the project design.

New Business:

Emil mentioned concern over whether or not we will be able to place a sign on our property or will the property be Mo Dot's.

Frank stated an appraisal might be out of line at this point because we really do not have any authority to deal with Mo Dot. The homeowners own the land as tenants in common. Whatever is paid Mo Dot will have to pay out to each homeowner.

Emil believes Mo Dot should pay to move the sign and for the lights. Mo Dot has requested something in writing about the cost of the lights at the entrance. We believe it was around \$20,000. In the overall proposal Mo Dot does have coverage for our sign and lights.

Harvey Rosenberg, the assistant to the mayor has contacted Carl Hermann by email regarding the entrance. He feels MoDot should purchase the first house on Ladue Road at our entrance on the north side of the road. We would then make that area a park to replace the land that was taken.

The Mo Dot plans are again reviewed and the above suggestion is considered. A majority of the board felt demolition of home was not necessary or in good judgment. The board decided to reject the idea from Mr. Rosenberg.

The only signatories on the signature card for the bank account should be the five trustees. We will need a driver's license number and social security number. We will all bring a copy of our driver's license and social security number. Frank Agovino made a motion that only the five present board members are authorized to sign checks for the subdivision in all trustee accounts at the Montgomery Bank. Carl seconds the motion. The motion was unanimously passed.

Landscape Report:

Bob with BNB present, has two bills one for spraying and work at the entrance and regular cuttings.

\$328.50 for applied cutrine aluminum and 3 qts of dye

\$3770.00 for grass cutting

\$240.00 for post emergents, hand weed beds bush trim x 2

Bob will check on the trees encroaching on the car of the women Carl reported on Ladue, Bob is familiar with the resident and will take care of any trees touching the home and or driveway. We have authorized Bob to do the work unless it is more than \$200.00 dollars.

Emil reported the Wednesday night after the Lake Meeting he got a call from Matt Segal to have a meeting with the Mayor at the Governments Center. Emil was to call and select available dates for the meeting (Pam Shelton). The possible dates were two Thursday's in August, the 27th was discussed. She asked how big of a room. Emil told her the room would only hold 75 people. Emil expects 250 people, Pam called him back and said they would hold the meeting a Parkway Central in the theater. Pam told Emil that the mayor was not in favor of a presentation. An email was sent to Emil from the Mayors office stating no presentation may be given and that the Mayor would allow residents to make comments only. The city is not going to advertise the meeting, it will be our responsibility to advertise and let residents know what is going on. Emil thinks we need four signs 4 x 6 one on Ladue Road, one by the Lake and one on the Ladue Woods Property.

Emil brought up that we should have a website where we can display information about the neighborhood and MoDot issues.

Glen Copeland has been calling Emil stating an environmental study is being done about Bats, they would like to come on our property to complete a Bat survey. Emil will talk with Mr. Copeland in the morning and request information on who will be doing the project/survey. Once we find out whom we are happy to give permission.

Update on Eliot Davis, he is going to meet with Hassinger and then call us to allow us to see it before it airs.

Frank will sign the liens and get them back to the city, there are maybe 40-50 homeowners have not paid the assessments. Frank is authorized to sign for the board.

Action Items:

Wayne/Frank: Get a postcard together and out in one week, Wayne will get the adjacent subdivisions with in the next few days. The language for the sign should say: Nations, Segal and Flashbart will be present to discuss the intersection at Laude and 141. The time is 7 pm at Parkway Central Theater Building, August 27, 2009. Frank will put together a post card to send to the City and Village Tax Office and email it tomorrow.

Emil: Will get quotes on signage to advertise the meeting with the Mayor.

Wayne/Emil: will start gathering information on a website. Wayne will find out more information on website construction/options.

Marlene: call an appraiser in the morning to find out what it would cost to get an appraisal.

Next Meeting: September 16, 2009

Submitted by: Cassie Ward

Meeting Date: October 28, 2009

Location: Home of Marlene Carey

Time: 9:00 am

The following Trustees were in attendance: Frank Agovino, Marlene Carey, Emil DeLuca, Carl Hermann, Cassie Ward

Guest: Wayne Gotschall

The meeting is held today to discuss how the Trustees will proceed in handling the Summons for Condemnation. The hearing date is scheduled for 03-Dec-2009 at 09:30 am, Division 6, St. Louis County Court Building. The nature of the suit is CC Eminent Domain/Condemnation. Plaintiff's/Petitioner's Attorney: Phillip Edward Morgan Jr.

Frank Agovino states there are really two issues at hand:

1. Can we use our money since we do not own the land to represent the homeowners? We do not have the authority to hire an attorney to represent the homeowners who have been served. Frank feels we need to ask Mo Dot to hire an attorney.
2. MoDot has asked us to attend a meeting next Thursday to further discuss alternate plans to address our concerns. We would like them to address our concerns over safety issues at the meeting and we will also ask them to pay for our legal expenses or sue all 600+ homeowners in the subdivision who own the land.

The board has made a decision to wait until our meeting with MoDot next Thursday to decide what our next plan of action will be. If we do receive money for the land it will need to be divided equally as the homeowners own the land as tenants in common.

So far MoDot has served several homeowners boarding the property they will condemn. However, they have served two additional people on Camberra Ct. who are not boarding the land in question.

Emil DeLuca reported an attorney present at the meeting in Riverbend brought up a valid point. There is really no way to say which homeowners are affected more by the take over of the land. It's not the value of the land they are taking, it's based on the amount it will cost to replace it.

Frank Agovino stated the board couldn't afford to bear the cost of the legal fees. We already spent \$4000.00 plus at this point. There is no way we can pay to represent all 600+ homeowners who will be affected. The money awarded for the land would not cover the legal fees associated with such a large number of people.

Emil DeLuca stated: as trustees we can opt out of the class action.

Frank Agovino stated MoDot has to serve all 600 + homeowners or we can represent all 600. He feels we can negotiate up until December 3, 2009, go to the hearing and at that point say we do not agree to be part of the class action. All 600 homeowners should be served. This will be a time delay, as MoDot must have contracts in by April. The problem is that MoDot may not make changes until we put pressure on them.

Emil DeLuca thinks MoDot has not been engaged with any of our suggestions. He feels our position has not been "stumbling Block" we have offered many alternative plans. Emil believes we need to tell them we will not participate in the class action. Also, he thinks we need to tell them to stay off the property in writing, a more formal statement presented to Mr. Hassinger at the meeting next week.

Marlene Carey feels we should wait until December 3, 2009 to tell them what we want to do as this gives them less time.

Wayne Gotschall reports he does not feel MoDot will let the existing road stay in a flood plain (Ladue and 141). At least raise it up out of the flood plain. They cannot justify leaving the intersection in a flood plain. Emil says they (MoDot) will need our land to use to get our of the food plain. Our bridge is out of the flood plane. Wayne feels MoDot could take everything out of the food plain without taking our common ground.

Frank Agovino stated if we wait until December 3, 2009 MoDot will be out of time and take a "do what we have to do approach" to the situation.

Emil DeLuca thinks we may be able to opt out in the first round and that this will delay everything. MoDot will have to bring each of the individual homeowners to court.

Carl Hermann stated the two issues really are:

1. The look of the intersection (grossly over built)
2. Safety issues

Frank Agovino and Wayne Gotschall think MoDot will have major concerns over potentially losing the stimulus money if we wait to tell them until December 3, 2009.

Carl Hermann asked the question, if we approve of their plan what would happen. Frank said if they agree to pay our attorney fees, we would go in with an amount and say we are willing to represent the class action. We would notify the homeowners and give them the opportunity to opt out. There are still questions on how to distribute the funds. Frank thinks they will have to send out 625 checks to all the owners of the land.

The board does not feel a suitable sample of homeowners has been served, several homeowners on Saylesville and Augusta were not served and these people will be directly impacted by the over construction that will take place.

Cassie Ward feels we need to send all the homeowners a letter to let them know what is happening with the condemnation. After the board meets on November 11, 2009 we will have a better idea of exactly where we stand. At that time Frank Agovino will draft a letter to be sent to all homeowners updating them on the status of the situation.

Emil DeLuca would like to send a certified letter to Ed Hassinger and Phil Morgan (attorney for MoDot) telling them to stay off the property. The letter will be drafted by Frank Agovino and Emil will hand deliver a copy at the meeting next Thursday.

If MoDot has not made any changes we will make the final decision on our plan. Frank Agovino will notify Phil Morgan the following day after

our meeting of what we are going to do (November 12, 2009). The board is meeting on November 11, 2009.

Carl Hermann has concern over how much we will accept (changes to the plans and money for the land).

Emil DeLuca feels MoDot needs to come up with an alternative plan. What we really want is “no access to Ladue Road from 141.”. This would allow us to keep our park ground. The second best option would be for MoDot to agree to “Option X.”. We are aware option X does have access to Ladue, however this is still better than the current plan.

Old Business:

1. Carl Hermann wrote a check for the itemized bill from the attorney through the end of September. Frank is going to tell them to hold services until we make a decision.
2. Carl Hermann reported the tree at the homeowner off Woodsmill that may soon fall on the barn will cost \$380.00 to remove. The board is in agreement to have it removed before it causes damage to the property owner.
3. The date for the holiday party was changed to December 9, 2009 at 6:00 pm.

Action Items:

1. November 5, 2009, we will present Ed Hassinger and Phil Morgan the letter to stay off the property.
2. November 11, 2009, the board will meet to discuss what direction we will go after weighing our options. Frank will then call Phil Morgan the following day.
3. The homeowner who has been served will receive a call from the board to let them know our plan.
4. Frank will call the City and Village to obtain a list of homeowners who have not paid the assessment.

Minutes submitted by: Cassie Ward
Next Meeting November 11, 2009 (Frank's home)

Village of Green Trails Trustee Meeting

Meeting Date: November 11, 2009

Location: Frank Agovino's home

The following Trustee's were present: Frank Agovino, Marlene Carey, Emil DeLuca, Carl Hermann and Cassie Ward

The following were guests at the meeting: Matt Segal, Barry Flashbart, Harvey Rosenberg, Wayne Gotschall and Bob Neth

The meeting is called to order by Frank Agovino at 7:30 pm.

Meeting Minutes:

Matt, Harvey and Barry are present to offer a confidential suggestion on one option for the entrance of the subdivision.

Matt Segal states this information is confidential. The concept that they are bringing forth is that... **because the concept brought forth was tabled as**

outside of our authority and because it was presented in confidence the minutes have been redacted

Emil says the whole problem is that this is conjecture and we don't know how this is all going to go. Emil has not had one conversation with MODOT's attorney. MoDot in September just found out we could not sign warranty deeds. We told MoDot in March we could not sign. Emil says the real issue here is that if this is really that messed up this project will get ugly; we know MoDot is going to extend this one way or another. 141 is going to go up the hill either way. We have been telling them since March 15.

Harvey asks what the optimum situation for us is.

Emil says with having Chi's help we have offered no less than six alternatives. We have tried to show MoDot numerous alternatives, they always have a reason they cannot accept any of these. The real problem is now that they let all this time go at the very least their design will move traffic. We have concerns over safety issues and have addressed these with Hassinger's group. MoDot is stuck; we have said all along we are not engineers but come up with something different. The first time they have brought up cost, our plan cost too much was the last "option X."

Frank says we didn't propose the plans as cast in stone; we wanted them to look at alternatives. Emil stood in front of the highway commission and they did not change.

Harvey says he is between because he wants a beautiful entrance to Green Trails. He wants to know if there is any plan in mind for what the plan is going to look like.

Emil explains to Harvey what the proposed plan may look like. Emil explains that this is a mess. The sale of the Aisha Hatorah house is not the main problem.

Old Business

The meeting minutes from the October 13 and October 31 meetings are approved.

The tree has been removed from the property on 141 as discussed at the last meeting.

Bob is present to pick up a check for lawn care/landscape issues over the past.

New Business

Frank talked to Vince today to get an estimate of what it would cost to oppose the class action. Another firm Frank is familiar with he talked to about options for us. There is so much up in the air.

Either there will or won't be a class action. If the judge certifies the class they will deal with the

homeowners as a class. Members will then be able to opt out. If the class is not certified, Phil Morgan said there are 1200 different homeowners/co-owners; these will all have to be served. They also must serve the mortgage holders of the properties. If renters are present they may have interest in this as well. The situation is very complicated.

Carl feels this is MODOT's problem and we should not spend a dime, Frank asked MoDot to pay for our attorney's fees. They cannot do that.

Frank says the question is what we do about this class action we have been served on.

1. Do nothing: don't show up let a judge and MoDot figure it out. We could opt out and force MoDot to sue us personally.
2. Hire someone to attend the hearing and try to convince the judge that there should not be a class action. Numbers have been in the \$5000-10,000 dollar range. This is just a minimum. The Sandberg Phoenix firm said 10,000-25,000 to do that.
3. If the class does get certified we think you should opt out of the class and let MoDot sue you independently and you can have your day in court, you would not have to show up in court. This may postpone the plan all together.

Emil states we should tell MoDot we are opting out, if MoDot can find a way to pay our attorney fees and to change the plan then we would consider.

Frank asked Phil Morgan why Montessori was not a part of the suite; Mr. Morgan does not have an answer to that.

1. The proposal is that the Trustees would opt out of the class action as Trustees.
2. The meeting on November 24 we will suggest that the homeowners opt out as well. This will mean they have to sue us individually it postpones and delays things. Frank will attend the hearing on the 3rd of December and present to the judge our concerns about the class action. We will evaluate after that. After the meeting on the 24th we will contact MoDot on the 25 and let MoDot know we are opting out.

The board has voted and the decision is unanimous that this is how the Board will proceed.

The meeting is adjourned at 9:30 pm.

The next meeting is at 6:00pm on December 9, 2009.

Meeting Minutes Submitted by: Cassie Ward

Approved

Village of Green Trails Trustee Meeting

Meeting Date: December 9, 2009

Time: 6:00 pm

Location: Ya Ya's Restaurant

The following were present: Frank Agovino, Emil DeLuca, Marlene Carey, Carl Hermann, Wayne Gotschall, Cassie Ward (spouses were present as well as this is the annual Holiday Party)

The meeting is called to order at 6:00 pm.

Each year the Trustee's attend a holiday party. They forfeit the money allowed all year as established in the Indentures (\$20.00 per Trustee per meeting).

Emil presented the budget for 2008, 2009 and projected for 2010. He has constructed a spreadsheet separating all expenses associated with the Village over the years. Emil made a motion to raise the assessment fee to \$150.00. Carl seconded the motion. All were in favor. The 2010 budget is approved.

Frank reported liens have been filed against those residents who have not paid their assessment fees.

MoDot

Frank reports MoDot wants us (the Trustee's to represent the class). As a group we discussed our goals related to the project:

1. We would like to make sure we are compensated monetarily for the loss of the land, our sign/entrance and lights.
2. No easements, we want MoDot to take all nine acres so we are not stuck with maintenance costs over the years.
3. We would like MoDot to pay our legal fee's associated with the project.

Frank reported all of the homeowners would get a standard notice decided on by the judge, after that a condemnation hearing will occur.

Regarding MoDot, Marlene and Cassie feel we should ask MoDot for the following. We feel the loss of the entrance and 9 acres will have a dramatic impact on the subdivision. We will not be able to replace the loss of land, therefore we would like MoDot to assist with beautification of the neighborhood including the following:

1. Lake Repairs
2. Walking Trails on the common ground areas so residents can use the land.
3. A new monument/entrance at both ends of Ladue Road.
4. Numerous trees/landscape to shield residents on Augusta and Saylesville from the new highway (decrease noise and visibility). Replace lost forestry.

5. Replace our lights that will be moved off the current bridge at the entrance

Next meeting will be on January 13, 2010 at Franks home, 7:30 pm, the meeting is adjourned at 9:30 pm.

Submitted by: Cassie Ward