

**BROOKTRAILS TOWNSHIP COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS
Tuesday, September 23, 2008**

The Board of Directors of Brooktrails Township Community Services District met in regular session on September 23, 2008 at 7:00 p.m. at the Brooktrails Community Center.

A. PLEDGE OF ALLEGIANCE

B. ROLL CALL

Roll call showed the following directors present: Williams, Ziady, Orth, Horrnick and Skezas. Also present were General Manager Chapman and District Counsel Neary.

REPORT ON CLOSED SESSION

District Counsel Neary reported the Board met with counsel on two matters of anticipated litigation; received information and gave direction. The Board also conducted the General Manager's annual evaluation and renewed the General Manager's contract.

C. ADDITIONS/ADJUSTMENTS TO THE AGENDA

None.

D. MINUTES OF PREVIOUS MEETINGS

1. September 9, 2008. Director Orth moved to approve the minutes as amended; Director Horrnick seconded. Directors Orth and Williams abstained, and the motion carried.

E. SPECIAL PRESENTATION

None.

F. PUBLIC HEARINGS

None.

G. PUBLIC COMMENTS

Bob Houtz of Harrah Place congratulated crew for clearing the brush at the parking lot exit. He suggested that when the Second Access is done, we cut the hill down by the District complex and make it safer (Brooktrails and Sherwood). He noted that the going rate for propane now, under the Brooktrails plan with an unnamed vendor, totaled \$2.28/gallon including fees.

H. CONSENT CALENDAR

2. Review of Accounts Payable report and authorization to issue checks. Director Orth moved to approve the payment of the outstanding invoices, and Director Horrnick seconded. The motion carried unanimously.

I. ACTION AGENDA

3. Discussion of public nuisance/trash removal – 24926 Brooktrails Drive. General Manager Chapman said he has never had more complaints against any property owner than for this particular property. We have issued a number of Code 85 citations, but the cycle repeats itself. The County Environmental Health Department has issued an Order-to-Abate with five days to comply; after that fines will commence at \$80.50/day. Mr. Chapman said the question was whether we should be doing our process at the same time as the County. Beyond the trash there have been many complaints about the daily use of the small generator, obscenities being overheard by golfers, etc. Bob Houtz and other citizens said they were worried that rodents from this property would include the next-door neighbor's property.

Responding to a question about community rights versus violator's rights, District Counsel Neary made a comment when something amounts to a nuisance — that's where the public's rights begin and end; the property owner has the right to due process. They must be provided an opportunity to respond to the allegations. Mr. Neary said if we decided that we're not going to permit it any more and follow our process all the way through, and then undertake the expense to clean it up, our ordinance allows us to bill the property owner. He said with the generator, we may not have standards for this. Mr. Chapman said the Specific Plan general plan noise guideline is 55 decibels daytime, 45 at night. Director Ziady asked if we've gotten any less use of the generator; Mr. Chapman said no.

Director Orth said we should put this kind of problem on our list for the Specific Plan Update, maybe requiring mandatory trash pickup for people who have received a certain number of notices. He said there should be a higher level of government response to people with repeat violations. Director Williams asked if we would have the same kind of lien as the County. Mr. Chapman said seven years ago we used the Teeter Plan with the County to collect in most cases, but failed on several of them and had to write off about \$700.00 to bad debt.

President Skezas asked what to do, since the County has started their own process. Mr. Chapman said he was looking for further direction from the Board. Mr. Neary said he didn't see why you couldn't do it simultaneously. Mr. Chapman said we will bring a resolution to the October 14th meeting, then, unless it's abated before then. Director Williams asked if the County ever comes in and clears; Mr. Chapman said he didn't know. Director Williams noted the County's order said if not abated within five days it could be cleared by County employees.

Diana Mann, a friend to the neighbor to the complained-about property, said she hoped that the District would follow through on this horrible situation which was getting worse. Discussion followed regarding children present at the property and whether they might be in foster care there, and what the generator was used for. Ms. Massey commented about a grow operation visible in the front yard, but believed the generator was on because their electricity was shut off. She said the residents run the generator from 1:00 to 2:00 in the morning. She questioned the safety of the electrical system being used and whether it was professionally installed. Director Horrick asked about electrical codes being enforced by the Building Department. Director Williams said if there were kids there, that was a Child Protective Service issue. More discussion followed about the various issues and potential agencies involved.

J. ADDITIONS TO FUTURE AGENDAS

None.

K. SPECIAL REPORTS

From Directors: None.

From District Counsel: None.

From General Manager: Mr. Chapman described the status of the Rubber Spillway project construction.

L. PUBLIC COMMENTS

None.

M. ADJOURNMENT

Director Horrick moved to adjourn the meeting; President Skezas declared the meeting of September 23, 2008 adjourned at 7:27 p.m.

GEORGE SKEZAS, President

ATTEST:

MICHAEL V. CHAPMAN