

**MINUTES of the 2017 KUAU BAYVIEW ANNUAL MEMBERSHIP MEETING
November 16, 2017 [draft]**

5 DIRECTORS PRESENT: Luba Reeves (President), Shems Heartwell (VP), Tom Atkins (Treasurer),
George-ann Kealoha (Sec), Chris Fortescue (Director)

13 LOT OWNERS PRESENT: 1,7,18,19,21,37,55,57,62,64,65,80,92

17 TOTAL IN ATTENDANCE: 17 people including Michelle Almeida from the Wailuku Post Office

INTRODUCTIONS

The President introduced the Directors and welcomed new owner Nicholas Spurgeon of 33 N Laelua Pl (Lot 37). Nicholas is a lifeguard and Food & Beverage Manager with the Pacific Whale Foundation cruises.

DETERMINATION OF QUORUM & CALL TO ORDER

For a quorum we need a minimum of 50% or 46 voting owners represented in person or by proxy. Usually we need 47 but this year one delinquent owner has lost voting rights leaving 46. The quorum requirement has been met with 63 of the 91 Lots (69%) represented, 13 in person and 50 by proxy. 57 of the 60 proxies received (95%) were submitted online. Proxies are negated for owners who attend the meeting.

President Reeves called the 21st Annual Membership Meeting of Kuau Bayview HOA to order on Thursday, November 16th, 2017 at 6:30 pm at the Paia Community Center, 252 Hana Hwy in Paia. Unlike at Board meetings, at Annual Meetings members are allowed to make motions and vote along with the Board members. The meeting was audio recorded and we experimented by having the President read all the committee reports to see if it would save time. [it was determined that the variety of voices and faces is necessary to hold the attention of the audience, so we won't be doing that again]

PROOF OF NOTICE OF MEETING

Secretary George-ann Kealoha confirmed that notice of this Annual Meeting was sent to all owners of record on Oct 25, 2017 with accompanying proxy. A paper notice was mailed to the three snail mail owners on Oct 26, 2017. A copy of this notice is appended below.

APPROVAL OF MINUTES OF 2016 ANNUAL MEETING

MOTION: To approve the minutes of the Annual Meeting dated Nov 17, 2016, as circulated. Seconded and carried unanimously (Tom Atkins / Michael Baskin).

PRESIDENT'S REPORT is appended below.

FINANCIAL REPORT for 2017

Cash assets of the HOA currently total \$85,279. There were no unusual expenses this year so we are able to reduce the fees for 2018. All owners are paid in full except one delinquent owner (Lot 35 Boucher) who owes the HOA \$2,363.

DESIGN COMMITTEE REPORT

The purpose of the Design Committee is to maintain high architectural standards in Kuau Bayview in order to preserve property values and encourage pride of ownership. Approvals included a fence, new siding, new roof shingles, new solar panels, and new paint. Mahalo to all owners who are investing in their properties.

GRIEVANCE COMMITTEE REPORT

- Complaints included a temporary fence, bee-keeping, roosters, unleashed dogs, and flooding. Unfortunately, two owners filed complaints with the County against their neighbors instead of working things out amicably as we would have preferred.
- The ongoing problem with too many cars parking on the street is getting worse. It is against the CC&Rs to park on the street. The offenders seem to be mostly renters. Landlords must inform their tenants that they must park in the garage or the driveway if possible please.
- Owners have been observed throwing poop bags over the southeast park fence into the upper retention basin. You know who you are. Quite a disgusting mess has accumulated there. Please use the trash bins in the park instead.
- Some of the street trees need trimming. The County has changed their policy and now allow the "abutting property owner" with permission from the Director of Parks and Recreation to conduct needed pruning and spraying of street trees.

RETENTION BASIN REPORT

Tom Atkins with occasional help from Dave Ingram are making great progress clearing the basin slopes of haole koa and other invasive plants. The basin is quite beautiful when cared for. A future costly expense was averted (at least for now) when Tom engineered a revetement using haole koa trunks along with large rocks donated by Laurent Guilleman of N Laelua. This successfully halted erosion alongside the driveway. Many mahalos to the volunteers and donors for the huge improvements!

LANDSCAPE REPORT

The front entrance is ever-evolving as various overgrowth is cut way back & new plants are introduced. The Winter Starburst is a beautiful addition. Darlene Brothers was thanked for all her hard work in the gardens.

SECURITY REPORT

There have been 5 thefts in the past year, 2 from cars, and 3 from the same front lanai on Laenui. A homeless man was living in Makana Park for a while in October but he seems to be gone now.

ELECTION OF DIRECTORS

As there were two candidates for two Director positions, the election was by acclamation. We welcome Tom Atkins & George-ann Kealoha to two more years on the Board.

MOTION: To ratify the minutes of the Board Actions by Unanimous Consent dated July 27, 2017. Seconded and carried unanimously. (Tom Atkins / Shems Heartwell)

NEW BUSINESS

- Thanks to a quiet year with no legal drama, Annual Dues will decrease from \$175 to **\$130** for the Green List and from \$236 to **\$176** for snail mailers.

1) **MOTION:** To ratify the proposed budget for 2018 which has been available on the website 24/7 for owners' perusal (David Hmeil / Shems Heartwell). All in favor.

2) **MOTION:** To ratify the actions & decisions of the Board of Directors since the last Annual Meeting as listed in the July 2017 Action Minutes (David Hmeil / Chris Fortescue). All in favor.

- Water Dept tests indicate that all of our **water pressure reducers** likely need replacing. Pressure should be about 55 psi; most people have closer to 100 psi, which can cause pipe & water heater leaks. Info will be posted on the website.

- We would like to commend Karen Chun (Lot 93) for her kindness in adopting the **Cane Dog**. This poor dog has wandered the cane fields around Kuau Bayview for at least ten years fending for himself. No one could ever catch him until Karen gave him a home. He is now very old, and he is deaf & half blind. He will probably die within a year. He has had a very hard life and even got hit by a car at one point. It is not possible to put a leash on him, so we want all the park users to know that Cane Dog is totally non-aggressive and will not fight even when another dog is aggressive towards him. He is a big red dog, so if you see him in the park off-leash, you needn't worry. He just lopes along minding his own business. Big mahalo to Karen for loving this sweet dog.
- Unexpected guest, Michelle Almeida of the Wailuku Post Office, gave a presentation regarding USPS' renewed desire for Kuau Bayview to convert to **CBU (Cluster Box Unit) mail delivery**. The main changes from what they told us in 2013 are: (1) they would now be willing to split up the boxes instead of insisting on one central location, (2) the Board can now make the decision on behalf of all owners, (3) the units now last longer as they are made of aluminum instead of rust-able metal, and (4) a 2015 lawsuit USPS v. Maui County ruled that the County must allow CBUs to be located on the County planting strip as postal delivery is consider an "essential service."
- USPS would still pay for the initial CBU installation, but the HOA would be responsible for all subsequent maintenance costs related to vandalism, graffiti, broken locks, lost keys, repainting, and replacement. Pros: USPS considers CBUs to be higher security, cause less wear & tear on postal trucks, delivery is less time-consuming for the postman, reduced chance of children being run over by a postal vehicle. Cons: less convenience for owners, harder for seniors and disabled to access their mail, higher security risk because a thief has to break just one lock to steal everyone's mail at once in mere minutes, CBUs would be a substantial expense added to HOA overhead forever which would require higher annual fees. Michelle said they haven't had any problems with CBUs being broken into, but Luba said her Peahi HOA had their CBUs broken into regularly by a woman driving a Mercedes.
- The best option seems to be individual **locking mailboxes** which provide excellent security without any downside, like the one you can see at 15 S Laelua PI. Until CBUs are mandated by Congress, USPS cannot force us to give up our home delivery. In the 2013 survey of KB owners, only 3 people wanted CBUs, 3 didn't care, and the rest were strongly opposed. A new survey will be conducted online to determine the percentage of owners who currently want CBUs. This newer information will be added to the [CBU page on the KB website](#) where the three informational handouts provided by Michelle will be available as pdfs.
- Michelle commented that she has attended a lot of Association meetings and she found it "wonderful to see a functional Board and homeowners who treat each other with respect."

OWNERS' FORUM There were no questions.

ADJOURNMENT: The meeting was adjourned by unanimous consent at 7:35pm. (Tom Atkins / George-ann Kealoha).

PRESIDENT'S REPORT 2017

I'm sure everyone has heard the phrase, "May you live in interesting times." I always thought it was a blessing, something a friend or family member would wish for you. To my dismay, I learned that it was an old Chinese curse, meant to wish misfortune on someone you dislike.

So how can living in interesting times be negative? Let's see... to be "interesting times" there would have to be events or happenings that were different or new. Sometimes new and different are not always desirable, and living in peaceful times might be preferable, even if somewhat boring. Why am I introducing this old Chinese proverb here? Because for the last year our neighborhood has enjoyed a relatively peaceful time. I consider it a blessing.

So now the great news... since we did not have the anticipated legal expenses in 2017, we are again lowering our annual dues for 2018. I know all of you will like this news. Also, thanks to a tireless volunteer, Tom Atkins, who maintains our retention basis for the love of the basin and love of this neighborhood, he saved us lots of money there too. We used to pay a company Green Team in the past to do a small fraction of what Tom does for nothing. We tried many times to pay Tom, but he would not have it. He loves what he does for us. He is an amazing person. Thank you, Tom, we all appreciate all your effort. [Tom was then given a thank you card]

Because of the experiment we started 5 years ago when this board decided to self-manage, we saved money - money you can spend on yourself & your family or improving your home here.

I would also like to thank Darlene Brothers for all the work she does for this association. She also saves us a ton of money. She works tirelessly for this community, well above what is required of her. And even though she gets a small salary for her efforts, it is a small fraction of what we would pay a management company to do what she does. The website alone, which was entirely created by Darlene, is one of the best I have ever seen. This amazing website has all the information about Kuau Bayview. Few associations have a website like this since it is expensive and time-consuming to design and maintain. Darlene has never been paid a cent for doing that website. Thank you Darlene for all your work. [Darlene was then given a thank you card, and Darlene gave Luba a thank you card]

So I hope all of the owners at Kuau Bayview realize that we are saving money for all of you, because six people at the front of the room here are donating their personal time and energy for the good of the neighborhood. We are all owners just like you with busy lives and other priorities.

Just to see what it would cost if we did hire a management company, we got a quote from Hawaiiiana Management Company. Currently we pay \$208 per month for all the financials, tax filing, fee collection, record keeping, everything. Darlene does the escrows and gives the entire transfer fee to KB. Hawaiiiana would charge \$1032 per month for basic financials and one Annual Meeting plus \$100 per hour for anything else. They keep the escrow transfer fees for themselves. They would also require us to have a CPA. In Kehalani each owner pays \$1032 per year for not much in return, and apparently Mahalani is now suing Hawaiiiana for embezzlement of HOA funds.

I hope that some of you might still remember what it was like here before this Board took over in June 2012. And if you do not remember I can remind you how the front area landscaping was a mess and the last management company and the previous Board were not responding to owners' needs. For that kind of service we were paying three times as much as we are paying now. Valley Isle Management had taken all our money and put it in a bank account in Kihei to which the HOA had no access. We couldn't even find out how much was in the account. It is lucky that we fired them a month early because we got the money back right before they skipped town. Darlene had to threaten to file criminal charges just to get the QuickBooks file back.

Please do not misunderstand us. We are not looking for praise or pats on the back. All we ask from you, the owners, is that you show respect for our time we are donating to all of you by not making it harder for us to do the work of governing this Association. We are asking you to please pay your dues on time and when

we ask you to send proxies to fulfill legal requirements, please do so promptly so that no one has to waste their time to get this done. That's all you have to do. And maybe if you feel so inclined, smile and wave when you see one of us on the street.

That's it. Of course, if there is a neighborhood issue you would like us to help you with, just let us know.

So, once again, welcome to our meeting and we plan to keep it short this year so we can get down to the serious business of eating pizza!

Luba Reeves
President

**2017 KUAU BAYVIEW ANNUAL MEMBERSHIP MEETING
MINUTES OF BOARD OF DIRECTORS ORGANIZATIONAL MEETING
Nov 16, 2017**

DIRECTORS PRESENT: Luba Reeves, Shems Heartwell ,Tom Atkins, George-ann Kealoha, Chris Fortescue,

The purpose of the Kuau Bayview at Paia Homeowners' Association domestic non-profit corporation is to provide for the management, maintenance, landscaping, protection, preservation, aesthetic and architectural control and development of the subdivision.

The Board of Directors met during the 2017 Annual Meeting at 7:11 pm and organized as follows:

President: Luba Reeves
Vice President: Shems Heartwell
Treasurer: Tom Atkins
Secretary: Chris Fortescue
Director: George-ann Kealoha

It was decided by the Board to have HOA Manager Darlene Brothers added as a signer on the bank account to save time when paying bills. The DCCA Annual Corporate filing in April 2018 will reflect these changes to the Board.

MOTION: To adjourn the meeting at 7:12 pm. Seconded and carried unanimously. (Reeves/Atkins)

In the capacity stated above and on behalf of the named entity, I certify that the statements and representations made herein as indicated above are true and correct.



Chris Fortescue
Secretary
Kuau Bayview at Paia HOA

Notice of 2017 Annual Meeting Kua'u Bayview at Paia Homeowners' Association

In accordance with Article III, Section 3(c) of the Association Bylaws, NOTICE IS HEREBY GIVEN that the 2017 Annual Meeting of the Ku'au Bayview at Paia Homeowners' Association will be held **Thursday, November 16, 2017 at 6:30 pm** in the smaller Conference Room of the **Paia Community Center** located at 252 Hana Highway in Paia, Maui, Hawaii. **Registration & pupus will begin at 6:00 pm.**

The purpose of this meeting is as follows:

1. To receive the annual reports of Officers, Directors, and Committees of the Association;
2. To elect 2 Directors to fill the term expirations of Treasurer Tom Atkins (Lot 55) & Secretary George-ann Kealoha (Lot 64). Both incumbents are running for re-election. If there are other nominations received by Nov 9th, they will be added to the ballot.
3. To transact other such business as may properly come before the meeting or any adjournment thereof.

In order to conduct the business of the Association, there must be a quorum. Owners representing more than fifty percent (50%) of the total authorized votes (92) must be present either in person or by proxy. In other words, at least 47 Lots must be represented. PLEASE SUBMIT YOUR PROXY EVEN IF YOU PLAN TO ATTEND to ensure the meeting can take place. If you attend, your proxy will be negated. We are once again offering [on-line proxy submission](#) to make the process less time consuming for all.

If you would like to run for the Board, please submit a nomination form. If you are interested in serving on the Design Committee or the Grievance Committee, please contact the Board prior to the meeting, or at the meeting. Light refreshments will be provided by the Association.

There will be a short organizational meeting of the Board of Directors immediately following the meeting for the purpose of electing officers for the coming year.

Dated: Oct 15, 2017

By call of: George-ann Kealoha, Secretary

Agenda for Nov 16, 2017 Annual Homeowners' Meeting

1. Introductions of Directors & New Owners
2. Determination of Quorum & Call to Order
3. Proof of Notice of Meeting
4. Approval of Minutes of 2016 Annual Meeting
5. President's Annual Overview
6. Financial Report
7. Design Committee Report
8. Grievance Committee Report
9. Landscape & Retention Basin Report
10. Security Network/Crime Report
11. Election of 2 Directors
12. New Business
13. Owners' Forum
14. Announcements
15. Adjournment
16. Organizational Meeting of Board of Directors

The complete 2017 Annual Meeting packet is available on the [Kua'u Bayview website](#).