

MINUTES OF BOARD OF DIRECTORS SPECIAL MEETING
August 4, 2003

DIRECTORS PRESENT: Ann Pitcaithley (President), George-ann Kealoha (VP), Darlene Brothers

(Treasurer), Brian Ross (Secretary), Lynn Wellner

DIRECTORS ABSENT: Nida Goulding, Michael Ebeling

PURPOSE: This Special Meeting was called by the President and the Secretary to discuss Karen Chun's (Lot 93) apparently deliberate efforts to waste the Board's time with unrelenting demands for documents which had already been made available to her, daily abusive emails attacking the Directors personally, and repeated threats of "legal action against each so-called Director as an individual" (quoted from one of her 46 emails).

CALL TO ORDER & DETERMINATION OF QUORUM:

The President called the meeting to order at 7:30 pm at 43 S Laelua Place in Paia.

With 4 of the 5 Directors present, a quorum was established for the conduct of Association business.

APPROVAL OF MINUTES

MOTION: To approve the Minutes of the July 7/03 Special Meeting of the Board as circulated. Seconded and carried unanimously. (Ross/Brothers)

TREASURER'S REPORT

Ms Brothers reported that the current bank balance is \$34,802.01 as compared to \$25,514.44 at this time last year. Expenditures are way under budget and there is only one owner who is late with their fee payment and two owners who owe late fees. Total Accounts Receivable is \$75 (not counting the Lot 50 escrow check which was paid by the owner but intercepted - see below).

DESIGN REVIEW COMMITTEE REPORT:

There were two applications for review since the last report. Both were approved.

GRIEVANCE COMMITTEE REPORT:

There is one grievance currently being processed. The problem is not totally resolved and as of Aug 12/03 fines will have accumulated to a total of \$512.17.

NEW BUSINESS

1 MOTION: To seek volunteers for the Grievance Committee from the community. Until volunteers are found, the Board will serve as the Grievance Committee. Seconded and carried unanimously. (Kealoha/Brothers).

2 MOTION: To reduce the fine for noise violation by Lot 8 to \$300.00 considering the house has been sold. (Pitcaithley/Wellner). Objections were made that this deviated from the accepted procedures for enforcement considering the fine had not been paid, nor had the violation been corrected. Three in favor, two opposed (Kealoha/Brothers).

3 MOTION: To seek legal counsel regarding how best to achieve restitution from the former bookkeeper, and how to deal with ongoing threats and harassment of Board members by two owners, Karen Chun and Mike Gibbons. Cap on legal expenses set at \$1000. (Wellner/Ross) All in favor.

4 MOTION: Whereas Karen Chun (Lot 93) has threatened to sue if the Board does not provide her with a copy of the homeowners' address list, and whereas several owners have specifically requested that their address not be made available to this woman, in accordance with state law, the Board will require Ms Chun "to furnish the association with an affidavit stating that the homeowners' address list is requested in good faith for the protection of the interests of the association, its members, or both" (Statute 421J-7c) and will not be used for anything other than Association business. (Ross/Kealoha) All in favor.

5 Letter to Former Bookkeeper: A draft of the letter demanding the return of all unauthorized funds was presented and discussed. Suggestions were made regarding the wording. A revised version would be emailed to Board members when ready.

6 Lot 73 Areca Hedge: A grievance regarding some arecas that had grown to 12' and were blocking another owner's view was discussed. The Design Rules state that hedges-used-as-fences cannot exceed 6' in height. As there were other Lots in the view-line with arecas over 6', Lyn Wellner said she would talk to everyone involved and try to devise a solution.

7 Lot 50 Escrow Check: It was reported that Fidelity National would put a stop-payment on the \$195 escrow check made payable to the former bookkeeper, Lyn Erickson, which contained the owner's maintenance fee payment of \$95 and reissue it to Kuau Bayview as soon as they could determine if it had been cashed. The Postmaster in Makawao indicated that the check had been forwarded to the bookkeeper's home address in early June after she had put a forwarding request on the Association PO Box. There was concern about what other mail was being diverted from the Association.

8 Easement along Hana Hwy: Ms Brothers proposed that the owners of Lots 43-49 be allowed to move their fences out to the rock wall along Hana Hwy effectively reclaiming the 11' easement as part of their back yards. This would provide an ongoing benefit to these owners while reducing the liability to the Association, improving an eyesore, and reducing the area the Association is responsible for landscaping & watering. The owners would have to receive Design Committee approval of the landscaping that would be visible from Hana Hwy.

ADJOURNMENT

As there was no further business, it was moved by Brian Ross and seconded by Lynn Wellner to adjourn the meeting at 9:30pm. Carried unanimously.

NEXT BOARD MEETING

The next meeting will be held on August 11th, 2003 at 7:30 pm at 43 S Laelua Place in Paia.

Minutes prepared by:

/s/ George-ann Kealoha
George-ann Kealoha, VP

Approved by:

/s/ Ann Pitcaithley
Ann Pitcaithley, President

Date: August 10, 2003