

## **MINUTES of the 2015 KUAU BAYVIEW ANNUAL MEMBERSHIP MEETING**

### **January 7, 2016**

**4 DIRECTORS PRESENT:** Luba Reeves (Pres), George-ann Kealoha (Sec), Greg Aguera (Director), Tom Atkins (Director)

**1 DIRECTOR ABSENT:** Dan Judson (Treasurer)

**18 LOT OWNERS PRESENT:** 1,6,7,8,19,27,37,49,51,55,57,64,67,79,80,82,92,93

**26 TOTAL IN ATTENDANCE:** 26 people

### **DETERMINATION OF QUORUM & CALL TO ORDER**

President Luba Reeves introduced the Directors and welcomed new owners David Ingram of 20 Hoe Place (Lot 27), and Elizabeth Boykin of 40 Laenui Place (Lot 79). The requirement for a quorum had been met with 68 of the 92 Lots (74%) represented, 18 in person and 50 by proxy. This was the second year we were able to submit proxies online and it was a great success with 55 of the 62 proxies (89%) submitted online. Proxies are negated for owners who attend the meeting.

President Reeves called the 19th Annual Membership Meeting of Kuau Bayview HOA to order on Thursday, January 7th, 2016 at 6:30 pm at 65 Hana Hwy in Paia. There was a big round of applause for owner Michael Baskin who generously provided his venue for the meeting, as well as chairs & popcorn. The Paia Community Center, where we usually hold our meetings, was still closed for construction. President Reeves explained the difference between Board meetings and Annual Meetings... at annual membership meetings members are allowed to make motions and vote along with the Board members.

### **PROOF OF NOTICE OF MEETING**

Secretary George-ann Kealoha confirmed that notice of this Annual Meeting was emailed to all Green List owners of record on Dec 6, 2015 with accompanying proxy. The snail mail people were sent a printed notice of the meeting by USPS on Dec 5, 2015. A copy of this notice is appended below.

### **APPROVAL OF MINUTES OF 2014 ANNUAL MEETING & EMAIL MOTIONS**

**MOTION:** To approve the minutes of the Annual Meeting dated Nov 20, 2014, as circulated. Seconded and carried unanimously (Luba Reeves/Alexandre Laudet).

**MOTION:** To approve the minutes of the Board Actions by Unanimous Consent dated Aug 9, 2014 and Oct 31, 2014. Seconded and carried unanimously (Tom Atkins/George-ann Kealoha).

### **PRESIDENT'S REPORT**

Luba Reeves' President's Report is appended below.

### **FINANCIAL REPORT for 2015**

This year we achieved a first with all annual dues paid within the first 3 weeks of January. As of today the HOA is in solid financial shape with \$76,810.09 in the savings account and \$6,837.82 in checking for a total with petty cash of **\$83,816.67**. The irrigation system decided to die of old age in 2015 which caused a series of leaks & required the entire manifold to be replaced; therefore, we had higher than expected water & irrigation expenses. Other than that, there was little out of the ordinary. Between the dues revenue and what we have in savings, we have sufficient to cover our expenses, so annual dues will stay at \$100 for 2016. As Treasurer, Dan Judson always keeps a careful eye on how your HOA dues are being spent.

### **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. We have received & approved several

applications in 2015. Five houses have new roofs & new solar PV systems, one house has a new addition, 2 houses along Hana Hwy have new vinyl privacy fences, and 3 houses have changed hands.

## **GRIEVANCE COMMITTEE REPORT**

One of the functions of the Board is to enforce the rules in order to maintain property values and keep peace in the neighborhood. This is easy when everyone cooperates and takes care not to infringe on anyone else's rights. Unfortunately, in the past year there were 4 firsts for this Board... for the first time (1) we had to employ the Grievance Procedures to bring a Lot into compliance; (2) we had to employ ADAC to collect an overdue account; (3) we had to go to court to defend one of our members from a false claim; and (4) the Design Committee had to have a fence taken down. The good news is that the vast majority of owners are cooperative and any issues are resolved quite amicably. The 2 main grievances were...

**Lot 28:** A fence marking the boundary of Lot 29 somehow ended up 8 feet over the line into Lot 28. The Lot 28 owners were understandably upset and hired a crew to erect a 6' vinyl fence along the property line. The workers made a huge mess. The fence was not level, not plumb, and not even in a straight line. The Design Committee asked that the fence be taken down until the Lot 28 owners return to Maui and can have it properly installed.

**Lot 35:** Over the past two years there have been several complaints about overgrowth blocking the east sidewalk at the corner of Hoe St and N Laelua. Treasurer Dan Judson called owner Bruce Boucher and asked him in a neighborly way if he could please make the sidewalk passable. He refused and said he wanted our HOA gardener to do the work. That is not Darlene's job. The Bouchers have 3 gardeners who regularly maintain 45 Hoe St and should have been assigned this task as part of their contract. As the area had become dangerous to pedestrians and an embarrassment to the neighborhood, the Board initiated the Grievance Procedures which had been established in 2003, sending formal notices by email and by USPS giving the owner 30 days to comply. After 30 days with no response, the Board had the HOA gardener do the work and billed the owner. After trying unsuccessfully to have MPD arrest Darlene, the Bouchers then filed a TRO even though Darlene had had no contact with the Bouchers in 5 years. Nine people went to court on Nov 2, 2015 to defend Darlene. The TRO was dismissed with prejudice as vexatious litigation. Then began months of harassment of the Board members by the Bouchers who refused to pay and demanded to meet with the Board. Bouchers could have met with the Board during the 30 day grace period but, after the work was done, there was nothing to discuss. On Dec 16, 2015 the account was handed over to The Rickel Law Firm (ADAC) which is licensed in Hawaii to collect delinquent Community Association assessments.

## **LANDSCAPE & RETENTION BASIN REPORT**

Throughout 2015 Tom Atkins & Darlene Brothers focused mainly on improving the aesthetic appeal & safety of Kuau Bayview...

- From Nov 2014 to Nov 2015 the HOA landscaper, Darlene Brothers, cleared eighteen years of neglected overgrowth from the hillside & easement on the northern boundary of Kuau Bayview along Hana Hwy which had totally hidden the rock wall. Privacy fences were installed by the Lot 47 & 48 owners in July that will help ensure that the easement & hillside never again become such an eyesore.
- The Lae St hillside behind Lot 43 just inside the front entrance was cleared, terraced, and replanted with variegated Hibiscus. The original 4' fence was extended to 6' and a privacy screen installed.
- The vinyl fence above the KB sign was moved back one section allowing more visibility at the corner and restoring HOA access to the storm drain which had been completely blocked for many years.
- The sidewalks and walkways throughout Kuau Bayview were checked to ensure unobstructed passage for pedestrians and any problem areas were immediately corrected after verbal requests to the property owners (except for Lot 35 which escalated into a formal Grievance).
- The entire 20-year-old irrigation manifold was dug up, redesigned, and replaced when one part after another began to fail. We obtained a \$103 adjustment from the Water Department to offset the excess water charges that resulted from the leaks.

- In October we were gifted several large rocks by the workers installing a manhole at the Paia Community Center. The smaller rocks now adorn the rock garden at the front entrance and the huge ones were installed at the end of Hoe St to discourage access to dirt bikes while preserving a walking path to the cane road.
- Tom Atkins continues to keep meticulous records of rainfall and drainage rates in the infiltration basin.
- Tom forever solved the problem of a large thorn tree that had been hanging over the Hana Hwy sidewalk by digging it out by the stump, a Herculean task!
- Tom also put up 'No Trespassing' signs and repaired the west-side Retention Basin fence by repurposing chain link mesh removed from Lot 47.
- Tom continues to clear invasive trees from the hillsides and along the perimeter of the Retention Basin. As a result Lae St is much brighter and now affords a surprisingly pleasant view looking west into the basin.
- We are greatly indebted to Tom & Darlene for their tireless efforts at beautification which save the HOA many thousands of dollars per year. Huge mahalos to Tom & Darlene!
- Mahalo to Dave Ingram (Lot 27), a new member of the Retention Basin Committee, who has voluntarily dedicated a great deal of time and skillful effort in the management of the plant and animal ecology of the Retention Basin. His vigilance and competence in dealing with the occasional unauthorized intruder into the basin is much appreciated, increasing the security of our neighborhood.

## **SECURITY NETWORK REPORT**

Thankfully there were no break-ins or burglaries reported in Kuau Bayview in 2015; however, the solar light thief struck again stealing three of our solar rope lights at the front entrance while breaking two more trying to steal them. They even stole the blackjack to which they were attached. Some people have no class.

## **ELECTION OF DIRECTORS**

As there were three candidates for three Director positions, the election was by acclamation. We welcome Dan Judson, George-ann Kealoha, and Tom Atkins to two more years on the Board. There will be a brief organizational meeting for all Board members immediately after this meeting to elect officers.

## **HONORS**

- Thank you cards were presented to Darlene Brothers, Tom Atkins, and Shelley Mack amidst applause.
- Owners expressed their appreciation once again to Flatbread in Paia for their donation of five delicious pizzas for our meeting. We are very grateful for their generous contributions to Kuau Bayview and Paia.

## **NEW BUSINESS**

- 1) **MOTION:** To ratify the actions & decisions of the Board of Directors since the last Annual Meeting as listed in the Dec 10, 2015 Minutes (Tom Atkins/George-ann Kealoha). All in favor.
- 2) **MOTION:** To ratify the proposed budget for 2016 which is available on the website for owners' perusal (Greg Aguera/Alexandre Laudet). All in favor.
- 3) **MOTION:** To transfer the responsibility for the landscaping of **Easement 19** to the owners of Lots 43-49. This easement along Hana Hwy has always existed within the survey pins of these seven lots but the owners were legally precluded from entering this area of their backyards. These owners will now be able to remove the 4' chain link fence installed by A&B and erect their own fences inside the rock wall along Hana Hwy (subject to Design Committee approval). The HOA has never maintained this easement due to difficult access. Over the course of eighteen years it had become an overgrown eyesore for the owners as well as the public. Relinquishing this landscaping responsibility from Easement 19 will create a win-win-win situation for the owners, the HOA, and the public. Having an aesthetically pleasing northern border to the subdivision will increase property values for all owners. Easement 19 will remain in favor of the KB Association solely for the purpose of maintaining, repairing, or replacing the rock wall along Hana Highway.

Easement 22 will remain intact and the Lot 43-49 owners have agreed to allow access to the utility companies whenever requested. (George-ann Kealoha/Shelley Mack). All in favor except opposed by Jeff Lackey (Lot 49).

## **OWNERS' FORUM**

- Dave Ingram (Lot 27) asked where in the DCCRs it authorized Transfer Fees. Transfer fees are charged by all managing agents during escrow when a property belonging to an HOA changes hands; the managing agents keep the money for effecting the transfer. Fortunately, our HOA Manager makes these fees payable to Kuau Bayview in order to lower annual dues for all owners. [Transfer fees](#) are described in detail on the website under the Finances menu.
- Dave Ingram asked if the 30' limit on tree heights [ DCCR 10(b)(xxii) ] was enforced. In a small neighborhood where owners are loath to complain, Director Tom Atkins suggested owners take it upon themselves to ensure their trees are not blocking anyone's view rather than wait until enforcement is needed.
- Jeff Lackey (Lot 49) & Kimberley Weaver (Lot 68) suggested that HOA money be spent on hiring a professional lighting company to make the front entrance look much brighter and more like a Wailea property. Feedback from owners indicated a concern for light pollution to nearby lots, and an inappropriate ambiance for our northshore residential community. One new owner mentioned that a key factor influencing their decision to buy in Kuau Bayview was the beauty of the front entrance.

**NOTE:** It must be noted that, during the registration period while owners were enjoying pupus and socializing, Malama & Karen Chun (Lot 93) arrived. Karen began handing out a 2-page flyer (see website under [Issues](#)) urging owners to replace and invalidate the Board etc. Karen left part way through the meeting after it became apparent that there was no support for her agenda. The fact that not one of the homeowners in attendance even mentioned Karen's allegations during the meeting was viewed as a vote of confidence for the present Board of Directors.

**ADJOURNMENT:** The meeting was adjourned by unanimous consent at 8:20 pm (Reeves/Aguera).

## **2015 KUAU BAYVIEW ANNUAL MEMBERSHIP MEETING MINUTES OF BOARD OF DIRECTORS ORGANIZATIONAL MEETING Jan 7, 2016**

**DIRECTORS PRESENT:** Luba Reeves, George-ann Kealoha, Greg Aguera, Tom Atkins

**DIRECTORS ABSENT:** Dan Judson

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 following the 2015 Annual Meeting at 8:20 pm and organized as follows:

President: Luba Reeves  
Treasurer/VP: Dan Judson  
Secretary: George-ann Kealoha  
Directors: Greg Aguera  
Tom Atkins

The DCCA Annual Corporate filing in April 2016 will reflect these changes to the Board.

No changes were made to the signers on the checking account..

**MOTION:** To adjourn the meeting at 8:22 pm. Seconded and carried unanimously. (Reeves/Aguera)

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.

George-ann Kealoha  
*/s/ George-ann Kealoha*  
Secretary  
Kuau Bayview at Paia HOA

### **PRESIDENT LUBA REEVES' ANNUAL REPORT 2015**

The other day my daughter, Leah, asked me a question... "Mom, why do you bother getting involved with this association? And on top of it you are the President. Why, I do not understand why you are doing it." You know that is a valid question not only from my daughter but from any owners here. Why are there five individuals here working for no money, little appreciation, and sometimes getting the wrath of some owners? I had to think about this for a minute before I gave her my answer.

Well, it's true, I am not doing it for financial reward; as you know we don't get paid. True, I am a volunteer here just like the rest of the board. Then why are we here standing in front of you, the owners, and being exposed sometimes to criticism or even worse, being sued, or harassed?

My answer is this.... I feel that lots of times people get short-changed by politicians who are selfish and doing public good just for themselves, or for the glory of it. Good people are normally too busy with their own lives to volunteer for others. Well, I am now semi-retired and I thought that maybe I could give some of myself back to the community where our family lives. Having been in business most of my life and focused on making money, I now feel that I can take some of my life experience and business experience and share it in a positive way with people who are too busy, or really do not want to be involved.

I am very grateful for having a great team of directors on the board here, who are amazing and dedicated individuals. I am most grateful to have Darlene Brothers on our team, without whom we would have to either spend lots more money or a lot more effort. Our website is the envy of every other association out there. Not only is it informative, but also beautiful. Thank you, Darlene.

So again, why are we doing this?

I would also have to add that there is an inner satisfaction. Satisfaction in being able to get the job done better than the previous team, and satisfaction that we are able to save homeowners lots of money every year. To date about \$650 was saved for each and every owner in Kuau Bayview. Because the neighborhood looks better than it ever has, we were told by real estate agents that homes here are now more valuable. So we are all winners here right now.

We appreciate all the positive feedback we have received from owners over the past four years. Your support and encouragement is essential as we continue to refine policies & procedures that will serve the best interests of our community now and in the future. So the next time you see any of us on the street and say, "Thank you, I do appreciate what you are doing for us," please know how greatly we value this sentiment, since it is often our only reward. Mahalo!

Sincerely,  
Luba Reeves  
President  
Kuau Bayview at Paia HOA

**Notice of 2015 Annual Meeting  
Kuau Bayview at Paia Homeowners' Association**

In accordance with Article III, Section 3(c) of the Association Bylaws, NOTICE IS HEREBY GIVEN that the 2015 Annual Meeting of the Ku'au Bayview at Paia Homeowners' Association will be held **Thursday, January 7, 2016 at 6:30 pm** at 65 Hana Hwy (where Johnny B's used to be) in Paia, Maui, Hawaii (or at the Paia Community Center if construction is completed in time). **Registration & pupus will begin at 6:00pm.**

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 3 Directors to fill the term expirations of Treasurer Dan Judson (Lot 53), Secretary George-ann Kealoha (Lot 64), and Director Tom Atkins (Lot 55). All three incumbents are running for re-election. If there are other nominations received by Dec 31st, 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: Dec 6, 2015

By call of: George-ann Kealoha, Secretary

***Agenda for Jan 7, 2016 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 2014 Annual Meeting
5. President's Annual Overview
6. Financial Report
7. Design Committee Report
8. Grievance Committee Report
9. Retention Basin Report
10. Landscape Committee Report
11. Security Network/Crime Report
12. Election of 3 Directors
13. Old Business
14. New Business
15. Owners' Forum
16. Announcements
17. Adjournment
18. Organizational Meeting of Board of Directors

The complete 2015 Annual Meeting packet is available on the [Kuau Bayview website](#).