

**MINUTES of the 2018 KUAU BAYVIEW ANNUAL MEMBERSHIP MEETING**  
**November 15, 2018**

**4 DIRECTORS PRESENT:** Chris Fortescue (President), , Tom Atkins (Treasurer), Bonnie McCrystal (Sec),  
George-ann Kealoha (Director)  
**1 DIRECTOR ABSENT:** Shems Heartwell (VP)  
**12 LOT OWNERS PRESENT:** 7,14,15,18,40,47,54,55,62,64,68,70  
**18 TOTAL IN ATTENDANCE:** 18 people

**INTRODUCTIONS**

President Chris Fortescue introduced the Directors and welcomed new owners Bonnie McCrystal of 34 N Laelua Pl (Lot 47) and Matt Jachowski of 40 Hoe St (Lot 70). Bonnie is a realtor who leads a cyber security team at Seabury Hall. Matt is a software developer.

**MPD**

Three Community Police Officers led by Officer Munez answered owner questions about security in Kuau Bayview. They encouraged owners to call MPD at 244-6400 if anyone is observed sleeping in vehicles on our County streets after 6pm and they will send an officer to chase them away. The officers confirmed suspicions that mainland states are sending their homeless to Hawaii. MPD tries to locate relatives and return them, but in many cases they just keep coming back.

**DETERMINATION OF QUORUM & CALL TO ORDER**

The requirement for a quorum was met with 60 of the 92 Lots (66%) represented, 12 in person and 48 by proxy. This was the first year that 100% of the 59 proxies were submitted online. Proxies are negated for owners who attend the meeting.

President Fortescue called the 22nd Annual Membership Meeting of Kuau Bayview HOA to order on Thursday, November 15th, 2018 at 6:45 pm at the Paia Community Center, 252 Hana Hwy in Paia. President Fortescue 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 Bonnie McCrystal confirmed that notice of this Annual Meeting was sent to all Green List owners on Oct 25, 2018 with accompanying proxy. A paper notice was mailed to the three snail mail owners the same day. A copy of this notice is appended below.

**APPROVAL OF MINUTES OF 2017 ANNUAL MEETING**

**MOTION:** To approve the minutes of the Annual Meeting dated November 16, 2017, as circulated.  
Seconded and carried unanimously ( Atkins / Fortescue ).

**ANNUAL REPORT**

Over the course of 2018 Kuau Bayview dealt with the repaving of Hana Hwy, the possibility of having the Paia Bypass use the Poni Place route that would bring it much too close to Kuau Bayview, a car crashing into the front rock garden and taking out a palm tree, a drunk driver knocking over our Lae St stop sign again, and the installation by A&B of cattle fencing along the east and south sides of KB.

**FINANCIAL REPORT for 2018**

Cash assets of the HOA currently total \$84,660. There were no unusual expenses this year thanks to no threats of lawsuits from the usual suspects. There were 7 house sales in 2018, so if things continue like this

throughout 2019, we may be able to reduce the fees slightly for 2020. All owners are paid in full except one delinquent owner.

### **DESIGN COMMITTEE REPORT**

Approvals included an addition, 2 major renovations, 2 rock walls, new roof shingles, new solar panels, new paint, and a few landscaping overhauls. Mahalo to all owners who are investing time and money in their properties and thereby raising property values for all.

### **GRIEVANCE COMMITTEE REPORT**

Complaints included abuse of a tenant by a landlord, a rental property that is suspected of being an illegal couchsurfing.com location, concerns about homeless people sleeping in KB, excess parking on the streets, unleashed dogs in the park, and dogs barking. If anyone must park on the street (which is technically against the DCCRs), please park in front of your own house. Also please slow down when driving in Kuau Bayview for the sake of pets, children, and owners of pets & children who worry when they hear a vehicle approaching. People with no children often don't realize how speeds that seem slow to us may cause others to worry. Let's all be more mindful in the 'hood and slow down, especially near the entrance to the park where there is a blind corner. Mahalo.

### **RETENTION BASIN REPORT**

Volunteers Tom Atkins and Dave Ingram continue clearing the basin slopes of Haole Koa and other invasive plants. They create revetments by arranging the tree trunks in steps across the slopes to mitigate erosion. Routine maintenance of the basin and fence is performed following the guidelines in Tom's Maintenance Policies & Procedures Manual. No expenses were incurred this year.

### **LANDSCAPE REPORT**

The biggest change to the landscaping in 2018 was caused by a driver falling asleep and crashing her car into the Paia-side garden at the front entrance. The car took out a large palm trees and shoved one of the large boulders against the rock wall. The boulder is now back in the original position and the area is being re-landscaped. Trees overhanging the sidewalk to Paia were cut back because the falling Sea Grapes were making the sidewalk dangerous for pedestrians.

### **SECURITY REPORT**

There was one case of vandalism and several instances of homeless, intoxicated people wandering the streets and trespassing in owners' yards, checking for unlocked cars, and siphoning gas. The police were called three times on a woman with dreadlocks who has become a persistent problem in KB.

### **ELECTION OF DIRECTORS**

As there were 3 candidates for 3 Director positions, the election was by acclamation. We welcome Chris Fortescue, Shems Heartwell, and new owner Bonnie McCrystal to two more years on the Board.

There was a short break while owners socialized and the Board elected officers. George-ann Kealoha resigned and the Board appointed Sydney Schneider (Lot 80) to fulfill the remainder of George-ann's term. The officers for 2019 will be: Chris Fortescue (Pres), Shems Heartwell (VP), Tom Atkins (Treas), and Bonnie McCrystal (Sec). Bonnie will be added as signer on the bank account and Luba & George-ann will be removed. We thank these owners for their service to the community.

### **MAHALOS**

George-ann was presented with a small gift and card in gratitude for her 7 years on the Board. Mahalos were expressed to the hardworking volunteers: Tom Atkins, Darlene Brothers, & Dave Ingram.

## **OLD BUSINESS**

At the 2017 Annual Meeting a representative of the Post Office tried to convince KB owners to give up their mailboxes in favor of communal Cluster Box Units (CBUs). It is the Board's opinion that locking mailboxes are the best solution providing better security than CBUs while retaining convenience. You can see the type of locking mailbox we recommend at 15 S Laelua Place. Cost is \$97.98 at Amazon and Lowe's. We'll see if we can get a group discount if there are enough people interested.

## **NEW BUSINESS**

- 1) **MOTION:** To ratify the proposed budget for 2019 which has been available on the website 24/7 for owners' perusal and is not much different from last year's budget ( Kealoha / Fortescue ). All in favor.
- 2) **MOTION:** To ratify the actions & decisions of the Board of Directors since the last Annual Meeting as listed in the Oct 18, 2018 Action Minutes ( Kealoha / Atkins ). All in favor.

## **OWNERS' FORUM**

Owners discussed the possibility of changing the DCCRs to establish view protections that would grandfather existing owners' rights to install a second story but restrict future buyers from raising their rooflines without permission from owners whose views would be impacted. Everyone who replied to the survey was in favor of view protections except three owners, but it would require 66% of owners in favor to change the DCCRs and we were not close to 66%.

**ADJOURNMENT:** The meeting was adjourned by unanimous consent at 8:10pm ( Kealoha / Atkins ).

**2018 KUAU BAYVIEW ANNUAL MEMBERSHIP MEETING  
MINUTES OF BOARD OF DIRECTORS ORGANIZATIONAL MEETING  
Nov 15, 2018**

**DIRECTORS PRESENT:** Chris Fortescue, Tom Atkins, Bonnie McCrystal, George-ann Kealoha

**DIRECTORS ABSENT:** Shems Heartwell (VP)

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 2018 Annual Meeting at 7:15 pm and organized as follows:

President: Chris Fortescue  
Vice President: Shems Heartwell  
Treasurer: Tom Atkins  
Secretary: Bonnie McCrystal  
Director: Sydney Schneider

**MOTION:** To accept the resignation of George-ann Kealoha (Lot 64) and appoint Sydney Schneider (Lot 80) to fulfill the remaining year of George-ann's term. Seconded and carried unanimously ( Bonnie McCrystal / Chris Fortescue )

**MOTION:** To ratify the Board Actions by Unanimous Consent dated October 18, 2018. Seconded and carried unanimously. ( Tom Atkins / Bonnie )

Secretary Bonnie McCrystal will be added as a signer on the bank account. Luba Reeves and George-ann Kealoha will be removed as signers as they are no longer on the Board. The DCCA Annual Corporate filing in April 2019 will reflect these changes to the Board.

**MOTION:** To adjourn the meeting at 7:20 pm. Seconded and carried unanimously. ( Tom Atkins / Chris Fortescue )

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.

*Bonnie McCrystal*

Bonnie McCrystal  
Secretary  
Kuau Bayview at Paia HOA

**Notice of 2018 Annual Meeting  
Kua Bayview at Paia Homeowners' Association**

In accordance with Article III, Section 3(c) of the Association Bylaws, NOTICE IS HEREBY GIVEN that the 2018 Annual Meeting of the Ku'au Bayview at Paia Homeowners' Association will be held **Thursday, November 15, 2018 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 3 Directors to fill the term expirations of Luba Reeves, Chris Fortescue, & Shems Heartwell. Chris Fortescue (Lot 18), Shems Heartwell (Lot 57), and Bonnie McCrystal (Lot 47) are running for re-election. If there are other nominations received by Nov 8th, 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 election for the purpose of electing officers for the coming year.

Dated: Oct 15, 2018

By call of: Chris Fortescue, Secretary

**Agenda for Nov 15, 2018 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 2017 Annual Meeting
5. Annual HOA Status Report
6. Financial Report
7. Design Committee Report
8. Grievance Committee Report
9. Landscape & Retention Basin Report
10. Security/Crime Report
11. Election of 3 Directors
12. Organizational Meeting of Board of Directors
13. Old Business
14. New Business
15. Owners' Forum
16. Adjournment

The complete 2018 Annual Meeting packet is available on the [Kua Bayview website](#).