

MINUTES of the 2025 KUAU BAYVIEW ANNUAL MEMBERSHIP MEETING
December 4, 2025 [draft]

2 DIRECTORS PRESENT: Darlene Aaron Brothers (President), Tom Atkins (Secretary)

1 DIRECTOR ABSENT: Samantha Spurgeon (Treasurer)

2 OWNERS PRESENT IN PERSON: 7, 55

6 LOT OWNERS PRESENT VIA GOOGLE MEET: 5, 7, 15, 28, 55, 62

INTRODUCTIONS

President Darlene Brothers introduced Secretary Tom Atkins and explained that Treasurer Samantha Spurgeon was in California. New owners since the last meeting (Lots 24, 27) were not present.

DETERMINATION OF QUORUM & CALL TO ORDER

The requirement for a quorum was met with 61 of the 92 Lots (66%) represented, 6 in person or via Google Meet and 55 by proxy. Proxies were negated for owners who attended the meeting.

President Darlene Brothers called the 29th Annual Membership Meeting of Kuau Bayview HOA to order on Thursday, December 4th, 2025 at 6:53 pm at 37 Kaiea Place in Paia. The President pointed out that Membership meetings are more formal as there are a number of mandatory agenda items that are required to satisfy state law pertaining to Kuau Bayview as a non-profit corporation. Also the topics covered are more general in that they affect the entire membership as opposed to specific issues between neighbors. At membership meetings, members can make motions and vote along with the Directors.

PROOF OF NOTICE OF MEETING

Secretary Tom Atkins confirmed that notice of this Annual Meeting was emailed to all Green List owners on Nov 14, 2025 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 2024 ANNUAL MEETING

MOTION: To approve the minutes of the Annual Meeting dated December 5, 2024, as circulated. Seconded and carried unanimously (Lisa Knutson / Greg Mebel).

2025 ANNUAL PRESIDENT'S REPORT [see below and also on website under the Meetings menu at <https://www.kuaubayviewmaui.com/php/annual-presidents-report-2025.php>]

FINANCIAL REPORT for 2025

We are still in very good shape financially. Cash assets of the HOA as of Dec 4, 2025 total **\$82,293.59** which is amazing considering we gave \$12,880 back to the owners over the last five years. The insurance premium has increased \$604.54 in the last two years even though we have never made a claim. I have requested a new quote to see if it can be lowered. Water rates have increased. Even the cost of the backflow test has increased 50%. We'll pay thousands of dollars for the new fence in Jan 2026. All owners are paid in full except one long-delinquent owner. Two houses sold in 2025 so we received two transfer fees. We'll not be raising the annual dues for 2026 and will be reducing the fees for 2027.

DESIGN COMMITTEE REPORT

This year brought our neighborhood 3 new roofs and 3 new fences. For only the second time in KB, a one-story house is adding a 2nd story. Mahalo to all owners who are investing in their homes thereby increasing property values for everyone.

GRIEVANCE COMMITTEE REPORT

- There have been more complaints (from both Parks and KB owners) about **Lot 26's vegetation encroaching 20' into park property**, blocking views, reaching across the 12' shortcut into the Lot 24 front yard, and posing a fire hazard. The owner has been fined.
- There were multiple instances of tenants having **loud parties on Kaiea** waking people up, partygoers sleeping in cars, numerous vehicles lining the streets. This problem will soon be resolved so the proposed rule limiting the number of vehicles allowed for a rental property has been shelved for now.
- After the Holomua Rd Fire in Sept terrified many KB owners, The Fire Prevention Bureau was made aware of the extreme fire danger posed by the **Park Retention Basin** that is filled as far as the eye can see with Haole Koa. Parks began clearing the basin on Nov 12th using equipment that mulches the trees, but I suspect they will grow back again unless this is just the first step. Parks allowed Tom & myself to remove a LOT of trash (tents, bedding, tarps, clothing, tires, cans, 268 golf balls, PVC pipes, etc) before they got shredded. There are some large HKs along the fence behind Lots 93, 79, 78 which the mulcher cannot do. I'll see how these can be addressed because they are a fire hazard very close to the houses.
- There were complaints about two **derelict vehicles** left on Hoe St in October by the Lot 34 tenant, but they are gone now. On Nov 2nd there was a hit&run accident on Lae St that left debris on the road & required the damaged vehicle to be towed away. Be sure to watch the hilarious video on the Crime Log page of the Honda driver trying to get away unnoticed.
- The **Creeping Fig Vine** and overgrown Plumbago at Lot 75-76 broke all of Lot 64's fences and parts of Lot 63's fence. The vine is starting to re-sprout and there is a lot of Haole Koa along the mauka side of Lot 76 that still needs to be removed. There has been huge progress and should be completed in the near future.
- Apparently there is a widespread **dog-barking** problem in KB that has been depriving people of sleep and causing adverse health effects. This page at <https://www.kuaubayviewmaui.com/php/dog-friendly-neighborhood.php> describes the health concerns and how to mitigate the barking.

RETENTION BASIN & LANDSCAPING REPORT

On Nov 4/25 Tom & I finished removing ALL the Haole Koa trees from the KB Retention Basin by the roots. It took 5 years! Now we are scrambling to remove all the branches, trunks, and rapidly sprouting keikis. Next is the Guinea Grass. I look forward to giving some much-needed TLC to the front entrance gardens. Last spring we had to remove the monstrous Hau Bush at the corner of Lae St because it had become dangerous as trunks kept falling into the street. We are replacing it with Plumeria. It will need more water to get going. Sorry for the eyesore.

SECURITY REPORT

We had 5 security incidents in 2025. Someone stole two solar spotlights (including the metal stakes) from the KB sign months ago and 2 of the purple fairy lights at the front entrance. I bought new spotlights now that the price has dropped and shall install them soon. Although there have been fewer occurrences this year, there is still a big problem with teenagers from noisy Paia Community Center events entering KB and causing trouble. This year they deliberately vandalized the Hoe PI basketball hoop, set off a huge pipe bomb & aerial fireworks, 15-year-old Noah K. knocked a 12-year-old off his bike, and other mayhem. I have tried to get East Maui Parks to add a clause to the PCC lease agreement that would result in the renters forfeiting their security deposit if their children cause trouble in adjacent neighborhoods, but they refuse and say to call MPD who do nothing. Fireworks could easily start a fire. Their attitude seems to be: Kids will be kids.

MAHALOS: Mahalo to Tom Atkins for his very hard work extracting Haole Koa by the roots & cleaning Lae St. Mahalo to Svetlana Kalinina for removing several dangerous trees. Mahalo to Tim Lambert & Roger Ward for helping clean up the tree trunks & branches. Kudos to Dan Judson & Lisa Daly for continuing to beautify the end of Hoe St. Mahalo to Maria Mebel for neutering more cats. Mahalo to Matt Yakabouski for helping cut Haole Koa on Lot 76. Mahalo plenty to all the owners who have let the HOA use their trash pickup!

ELECTION OF 1 DIRECTOR

As there was one candidate for one Director position, the election was by acclamation. We welcome Tom Atkins (Lot 55) to 2 more years of service on the Board.

OLD BUSINESS

Retention Basin Fence: After unbelievable delays in sending us the survey report and granting the fencing company a Right Of Entry (ROE) Permit just to allow our fencing company to drive their truck into the PCC public parking lot to put the chain link on the posts, finally on Sept 30/25, they emailed me a Licensing Agreement which was so bad we had to refuse.

NEW BUSINESS

- 1) **MOTION:** to ratify the proposed **budget for 2026** which has been available on the website 24/7 for owners' perusal. In 2026 we will need to pay for 245 feet of new fencing along the PCC edge of the Retention Basin. (Erik Rogind / Lisa Knutson). All in favor.
- 2) **MOTION:** to ratify the actions & decisions of the Board since the last Annual Meeting. There was only one action taken on Jan 7, 2025 to correct a minor mistake made by the 2016 Board on 08/22/2016. (Lisa Knutson / Greg Mebel). All in favor.
- 3) **Retention Basin Fencing Repair:** Because of the delays and the absolute torture Tom & I have had to endure with Parks for the past four years, it became clear that replacing the full 245 feet of the west side RB fence at once instead of in two sections will save the HOA money and time for all concerned. We hope to get the Right of Entry Permit soon and have the fence completed in January 2026.
- 4) **Tall Trees:** As several trees in KB have exceeded the 30' limit, we are NOT going to ask owners to top them or cut them down, but we will require these owners to sign a Tall Tree Indemnity Agreement to hold the HOA harmless in case any part of the tree falls and causes damage to another property. I have discussed this with the HOA insurance agent and he thinks it's a good idea. We don't want the HOA to be liable in any way. If a tree fell and caved in someone's roof or killed someone, the HOA could possibly be sued by someone for not enforcing the DCCRs.

OWNERS' FORUM Some owners had requested in advance that the following items be added to the agenda. All owners are welcome to submit agenda items before a meeting or during the Owners' Forum.

- **Gates:** Shawn Ewing (Lot 28) was reassured when I told him I can re-install the cedar gate now that the former Lot 27 owner has moved away and also lock the metal gate behind Lot 29.
- There was discussion about the 30' limit on tree heights, one wanting it enforced and another wanting it abolished.
- **Dog-Friendly Neighborhood:** Robert Lindan (Lot 31) would like to bring the dog-barking issue to everyone's attention and propose ways to mitigate the stressful health effects as described on this page at <https://www.kuaubayviewmaui.com/php/dog-friendly-neighborhood.php>.
- **PCC Sunset Curfew:** Ken Garee (Lot 20) would like to enlist the help of Kuau Bayview members in requesting the County lock the PCC after sunset to prevent further incidents such as were mentioned in the security report above. Possible ways to help are filing a complaint using the seeclickfix.com application, a petition, or calling the East Maui Parks office at 808-572-8122. Parks rejected my request 2 years ago to add a clause to their lease agreement which would forfeit security deposits if renters allowed their children to cause trouble in adjacent neighborhoods.
- **CBUs:** Marcy Martin (Lot 21) would like us to re-poll the neighborhood regarding whether Kuau Bayview would prefer to give up our end-of-driveway-mailboxes in favor of Cluster Box Units (CBUs) at the front entrance. Apparently the mailperson has been leaving parcels at the bottom of her driveway where they are vulnerable to theft. USPS tried to convert KB to CBUs in 2013 and again in 2017, but we refused.

Has anyone changed their mind? You can read all about KB's history with CBUs on this page at <https://www.kuaubayviewmaui.com/php/cbu-mailboxes>.

- **Street Parking:** One owner would like to discourage owners from parking on the street by placing flyers on such cars and possibly having them towed at the owner's expense. "Street parking is a big issue in the neighborhood. It would be nice for residents to understand the impact it has on property values, trash pick up, mail delivery, emergency vehicle access, houseless, abandoned vehicles, and street cleaning. Especially if the County of Maui is willing to come through with street sweepers. Cars parked in the streets impede the sweepers. The houseless sleeping in cars overnight in the neighborhood is a big issue. Also safety issues as we saw when the vehicle was hit&run on Lae St this past month." The Board has misgivings about this idea because of the dissension caused in 2001 over the 2001 Board's Proposed Parking Rules available at this page: <https://www.kuaubayviewmaui.com/php/2001-parking-rules.php>

ADJOURNMENT: The meeting was adjourned at 8:49pm when Google Meet timed out..

Google Meet: The free version of this software has a 60 minute time limit. It takes less than a minute to start a second meeting and invite the owners from the first meeting. Scheduled meetings seem to give bad links so next year we'll start an instant meeting at 6:20pm and email that link to all owners as well as post the link on the meeting page so we won't have to deal with Google Calendar links.

2025 ANNUAL PRESIDENT'S REPORT

The HOA's main priorities in 2025 concerned fire prevention and repairing the Retention Basin fence along the PCC.

FIRE PREVENTION: Recently, the Fire Prevention Bureau adopted new fire codes that require large landowners and Wildland Urban Interface (WUI) owners to clear wildfire fuel or be subject to \$2500 per day fines. Haole Koa is considered one of the world's worst invasive species, and on Maui it is judged as one of the worst fire hazards with its prolific seed pods. I have been working for the past 5 years and Tom Atkins for the past 3 years removing HK from the Retention Basin. I am happy to announce that on Nov 4th/25 we removed the last HK from the RB! Of course there will be years of pulling out keikis as the seeds sprout, but that will be so much easier.

The Holomua Rd fire (Sept 23-Oct 1) scared KB residents so much that the Fire Prevention Bureau was asked to pressure Parks into clearing the HK out of the Park Retention Basin. This clearing started Nov 12th. DPW is using an excavator-mounted tunneler that grinds and mulches the trees. While I am hoping for the best, I think the HK will be re-sprouting before the clearing is finished. Tom & I were allowed by Parks (after signing a waiver) to work inside that basin to remove trash before it got shredded. It was alarming to discover how many homeless people had been living in there over the years. We also gathered and piled up thousands of rocks so the equipment would not break down so often. There are still some large Haole Koas along the fence close to the KB houses that need to be removed which cannot be done by the mulching machine. After the AGM, I'll discuss this with Parks.

RETENTION BASIN FENCE: As you may be aware, Tom & I have had to spend an immense amount of time trying to get the Parks Department to let us repair the security fence along the Paia Community Center. We could find no fence company willing to work on that steep slope until I asked Kulolio Ranch who built their cattle fence. Thank god for Miranda Fencing. Their machine can sit on the flat area at the top of the hill and pound the posts into the ground on the slope. Unfortunately, the top of the hill is owned by Parks because A&B had to give KB's Lot 25 to the County in 1995 in order to get approval for the subdivision.

The Retention Basin fence is by far the most expensive asset which the HOA must maintain. Every Board since 1996 has always imagined that one day we would have to replace the entire 1020 feet of fencing at once. The Reserve Fund we have in the bank is almost entirely to cover this expense. In 2004 the replacement cost was estimated at \$25,000 assuming that only the chain link fabric would have to be replaced onto the existing posts. What we have learned over time is that some sections of the fence are still in good shape while others have fallen apart. Some areas have been damaged by trees growing through the chain link, some areas have rusted, and ALL the posts along the PCC have corroded at the base and have to be replaced. The corrosion was caused by the Department of Public Works bulldozing dirt toward the basin and burying the posts. Not one post on any of the other 3 sides is corroded. Nevertheless, the County refuses to accept any responsibility. We resigned ourselves to the HOA paying 100% years ago but Parks have been withholding the Right Of Entry Permit for 8 months already. They won't allow the fencers' truck to drive into the public parking lot (KB's Lot 25) even though Miranda has 3rd party insurance. On Sept 30/25 Parks sent me a Licensing Agreement. It was an offer so bad I had to refuse. They accepted my counter-offer so we hope to complete the fence in January 2026.

The original fence is 11 gauge green-vinyl-coated steel. We are replacing the 11 gauge with 9 gauge (thicker than 11 gauge) hot-dip zinc-coated steel. This will be much stronger and last longer.

Tom & I have been running a race since Covid to protect KB from fire by removing HK before the Fire Marshall could fine the HOA for harboring wildfire fuel. We ask each owner to please check your property for any Haole Koa trees as our goal is to have KB 100% free of Haole Koa. I look forward to being able to spend more time on the front gardens now that the Haole Koa is no longer a crisis situation. I'll be installing new solar spotlights for the Kuau Bayview sign soon. Thank you for your patience.

**2025 KUAU BAYVIEW ANNUAL MEMBERSHIP MEETING
MINUTES OF BOARD OF DIRECTORS ORGANIZATIONAL MEETING
Dec 4, 2025**

DIRECTORS PRESENT: Darlene Brothers, Tom Atkins

DIRECTORS ABSENT: Samantha Spurgeon

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 2025 Annual Meeting at 8:49pm and organized as follows:

President: Darlene Brothers

Secretary: Tom Atkins

Treasurer: Samantha Spurgeon

MOTION: to ratify the action by unanimous consent that corrected a minor mistake made by the 2016 Board in an action on Aug 22,2016. (Darlene Brothers / Tom 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.

/s/ Tom Atkins

Tom Atkins

Secretary

Kuau Bayview at Paia HOA

**Notice of 2024 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 2024 Annual Meeting of the Kuau Bayview at Paia Homeowners' Association will be held **Thursday, December 5, 2024 at 6:30 pm** via Google Meet. This will be a purely virtual meeting. **Registration will begin at 6:20 pm.** The invitation to the Google Meet meeting will be emailed to owners on Dec 5th with instructions on how to attend.

The purpose of this meeting is as follows:

1. To receive the annual reports of Officers, Directors, and Committees of the Association; please read these reports which are posted on the website under the Meetings tab prior to the meeting.
2. To elect two Director to fill the term expirations of Darlene Aaron Brothers (Lot 7) and Samantha Spurgeon (Lot 37). Both are running for re-election. If there are other nominations received by Nov 28th, 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.

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

Dated: Nov 5, 2024

By call of: Tom Atkins, Secretary

Agenda for Dec 5, 2024 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 2023 Annual Meeting
5. Annual President's Report
6. Financial Report
7. Design Committee Report
8. Grievance Committee Report
9. Landscape & Retention Basin Report
10. Security Network/Crime Report
11. Election of two Directors
12. Old Business
13. New Business
14. Owners' Forum
15. Adjournment
16. Organizational Meeting of Board of Directors

The complete 2024 Annual Meeting packet is available on the [Kuau Bayview website](#).