

VHCA Nov. 4 meeting action sheet

G. Banks made a motion that there be an action sheet or cover sheet on action taken at the meeting, and then secretary's notes serve as an addendum. Chris Bilotft seconded the motion.

Two opposed the motion (K. Puuohau-Pummill and T. Edwards Hunt). Three were in favor: C. Bilotft, V. Mark and G. Banks voted in favor the motion passed.

G. Banks made a motion to accept a report from J. Lehner noting the cost for the new section of road on Waiopae was \$115, 281 for labor and concrete, and the total cost, including legal, permitting, and Portapotties, was \$175,000. K. Puuohau-Pummill seconded the motion. All voted in favor and the motion passed.

C. Bilotft made a motion for \$10,000 in legal fees to be set aside from the waterfront donation fund for SMA permitting issue. G. Banks seconded the motion. All voted in favor.

T. Edwards Hunt made a motion that A. Keeley work with the Roads and ROW Committee to pursue the fiberoptic cable issue. K. Puuohau-Pummill seconded the motion. All voted in favor.

Nov. 4 meeting minutes addendum

Nov. 4 VHCA meeting

Meeting location: Lehner residence at [15-5049 Waiopae Road](#).

The meeting was called to order at 11:02 a.m.

Janus Garramone and Tom Knott were absent. Five board members were present.

Members of the public who were present were: Eileen O'Hara; J. Lehner; Marlene Phillips; Linda Fullmer; Mary Fleming; Greg Braun; Hart Phillips; Alex Keeley; and Betty Oberman.

The Oct. 1 minutes were unanimously approved by the board.

A discussion on the secretary's minutes followed.

J. Lehner noted that we went through Robert's Rules of Order at the last meeting, and he wondered why the minutes are not in accordance with Robert's Rules of Order. He doubted that board members are actually taking the time to wade through the plethora of pages of meeting minutes.

T. Edwards Hunt said it is difficult to write the minutes in accordance with Robert's Rules because the meetings are not structured according to Robert's Rules, and it is very difficult to condense down three-hour meetings into just a couple of pages.

The president noted that there have been errors in the minutes, but the way that they are "formatted" makes them difficult to correct. She acknowledged that the way the minutes are structured has to do with the way the meetings are organized. She took some responsibility for that.

Gary Banks offered that the minutes should be no more than one page. He said the secretary's voluminous notes could serve as addendum to the one-page "action sheet."

E. Ohara offered a point of order, noting a previous before-meeting discussion as to why the meeting minutes weren't being recorded and the secretary stating that she didn't want to sit through another three-hour meeting by listening to the recording and putting together a meeting summary after the fact. Thus, the secretary opts to transcribe the meeting minutes, while the meeting takes place. E. Ohara suggested that the meeting minutes be recorded, and that recording can serve as a reference to anyone who wishes to get clarification on a meeting discussion that is referenced in condensed meeting minutes.

G. Braun added his opinion that the secretary should be condensing the meeting minutes down to a couple of pages.

Kirk Puuohau-Pummill backs up the secretary's assertion that the lengthy discussions are not following Robert's Rules of Order, and that makes it difficult to track the meetings.

B. Oberman thinks the secretary has done a great job. She thinks that the meetings should be recorded. J. Lehner noted he currently has the VHCA recorder, and he will return it to the secretary.

A. Keeley said he just moved here to Vacationland in May. "This has been stimulating so far," he said. He suggested those in attendance with constructive criticism for the secretary and her meeting minutes should be pulling her aside before and after the meeting to offer their suggestion.

Motion

G. Banks made a motion that there be an action sheet or cover sheet on action taken at the meeting, and then secretary's notes will serve as an addendum. Chris Biltoft seconds the motion. Members of the public jokingly suggest there needs to be a half-hour discussion on that.

Two opposed the motion (K. Puuohau-Pummill and T. Edwards Hunt). Three are in favor: C. Biltoft, V. Mark and G. Banks vote in favor the motion passed.

Marlene Phillips recalls her own experience as the secretary, having to spend the whole afternoon trying to put together the minutes based on her notes. She doesn't see anything wrong with what the secretary is doing. She expressed concern that the secretary will resign, as a result. V. Mark noted that the motion passed.

The discussion on the meeting minutes lasted 23 minutes.

Reports from the officers

Treasurer's report — None — T. Knott is absent.

Vice president's report — None.

President offers a report on the Hara property. There was no accompanying motion to the report.

She noted VHCA had a special meeting to review the chronology of this particular issue. She offered that chronology. (minutes/ notes of that meeting, held Oct. 15, 2017 at Banks' house will be posted on VHCA website.)

On Oct. 9, Treasurer T. Knott and Secretary T. Edwards Hunt received an email received from Real Estate Agent Robert Williams regarding the Hara property. He stated that he represents Kahi Inc. in their sale of 284 acres in Wai'opae to the County of Hawaii.

"After three years and countless hours by members of your Association, landowners in the Kapoho area, and efforts by the State and County government, it looks like we are close to completing the sale that will make the area adjacent to Vacationland into County public land," he said. "Unfortunately, one last issue has surfaced. The Preliminary Title Report shows that Kahi Inc.'s property is subject to road maintenance fees to the Vacationland Community Association.

The County is stating that they can't use the funds from the Real Property Tax Fund for Open Space to pay road maintenance fees. Therefore, we are being told that the sale cannot consummate unless the Road Maintenance [Fund] (fee) obligation is removed from TMK 3-1-4-002:022."

C. Biltoft showed an 11 x 17 map of the Hara property that is south of Vacationland. Noteworthy is that it includes the shoreline and lava fields. The thing to note, Biltoft said, is there is about 20 acres that is excluded.

G. Braun and K. Puuohau-Pummill asked more clarifying questions about the other easements that belong to Hara. It was reiterated that this agreement between VHCA and Hara and the buyer (County of Hawaii) doesn't affect those properties (the northern "Kumukahi" outlots). This agreement [doesn't relinquish them from] (does not affect) the 20-acre (Lot B mandatory annual property) assessment, if access to Lot B is through any VHCA road. [Hilo side that brings \$500 to VHCA annually.] This agreement pertains [only] (specifically) to Lot C.

G. Banks played devil's advocate and inquired as to what would keep the County of Hawaii from punching a road into Kapoho Kai. G. Braun expresses his doubt. V. Mark noted that all VHCA is concerned about is that the rights-of-way that Hara currently

owns [in Lot C] (in Vacationland) become VHCA's property, and is not transferred to the County in that transaction.

H. Phillips said, "They aren't giving up the public access route." "That's part of what we are asking them to give up," V. Mark said. The end of Waiopae and Ho'olai is a stub out that Hart Phillips suggested they should give up too.

J. Lehner noted that the point is that they would not be able to ingress or egress unless they become a member of VHCA. G.Braun added that they would have to go through a lengthy permitting and subdivision process, if they tried to connect to VHCA.

K. Puuohau-Pummill said the 20 acres (Lot B) behind the mailbox (and along Kapoho Kai, is being retained by the Hara family). are not part of this deal.

V. Mark said she is waiting to hear back from Robert Williams regarding a response suggesting that VHCA will relinquish the fees in exchange for the rights-of-way in Lot C.

B. Oberman said that it is her understanding that whatever is decided is looked over by a lawyer, because "whatever we negotiate ourselves, we end up deeper than a hole."

K. Puuohau-Pummill said met up with Hilo lawyer Peter Kubota who agreed to look over the agreement with the County.

G. Banks also reiterated that VHCA needs a lawyer to look this over.

"Part of what we realized is that we don't know all the public access points," V. Mark said.

A. Keeley said is a lawyer but he is not licensed in Hawaii. He offered to look at associated paperwork. He suggested, since there is no action, the board should move on.

The discussion lasted 20 minutes.

Neighborhood Watch Report

B. Oberman said she doesn't really have much to report. But she did say there are a lot of arguments among landowners in the subdivision regarding dogs. There are owners who allow their dogs to run around at night. It is an issue, just not necessarily the neighborhood watch's issue.

G. Banks described his understanding of a Human Society practice of three strikes before a ticket is issued. He has been waiting for his first notice since he got here, since he has a dog that frequently runs loose.

B. Oberman said that she was called by a resident saying that there was a dog issue between neighbors, which B. Oberman needed to address. Another thing that occurred, still with the dog situation, is that she saw a man and woman walking with their dog. She confronted the people about coming to the neighborhood to walk their dog. He said he is a police officer, and he told her that he knows the laws.

M. Phillips complimented B. Oberman for her work.

J. Lehner noted that the website has a dog tab on it, for those who want more information about dogs in the neighborhood.

The discussion lasted four minutes.

HTA Contract — Chronology of the VHCA charter

In the president's query of the HTA Contract, she has [investigated] [researched] the VHCA charter history. [She then reads the five purposes outlined in the original charter, which is posted on the VHCA website. She pointed out that, at that time, there were no more than three directors. In 1989, the charter was amended. She then reads through those amendments. She also reviewed all the actions the board has taken over the years related to its organization, including in 2003, when it became a non-profit corporation.] (The Charter that is currently posted on VHCA website is the original 1984 Charter. Since then, it has been amended twice, once in 1989 and the last in 2003. It should be noted that the Purposes and Number of Directors have been amended. The amended charters will be posted on the VHCA website.)

[Her] A chronology of VHCA's (Charter and property assessment) history took 8 minutes and is expected to be posted on the VHCA website.

E. O'Hara attended the meeting, but had to leave at noon. She was primarily interested in discussing the SMA permit issue, which had not been taken up when she had to leave the meeting. She understands the community has concerns about his lack of response since his Oct. 16 walk-through the community, with regard to SMA permitting issue. O'Hara noted that she saw in the minutes that there are members of the community who are concerned about Bill 57 related to no-parking signage. She assured those community members that Bill 57 has been pulled and is not returning to the County Council agenda, until VHCA decides it would like to address the no-parking signs issue. (E. O'Hara noted that she is having a Town Hall Meeting on Tuesday, Nov. 7 in Pahoa. The planning director is expected to attend. He had promised Pahoa a master plan, which he is yet to release. She has several requests in front of him that he has not answered.)

ROADS and ROW report

J. Lehner noted that the estimate for the new road was \$99,000. The final number was \$115,281 for labor and concrete. VHCA had additional fees related to legal, permitting and Portapotties, bringing the cost up to \$175,000. VHCA allowed assessments to pay up to \$250,000 for the road.

Motion to accept the report. G. Banks makes the motion and K. Puuohau-Pummill seconds. All approve.

The discussion lasted two minutes.

FARM LOTS report

G. Braun noted that they mowed in September. The Farm Lots Road Committee has scheduled another mowing for this month. G. Braun just purchased three bags of cold patch, for Pua O Kaphoo mainly, but also a couple of other little spots. We may put in a request for gravel, he said.

G. Banks suggested that they collaborate on the gravel purchase.

The discussion lasted a couple minutes.

HOUSE LOTS report

Currently, they are working with the rocking sides of WaiOpae as approved by the board. Approximately \$2,200 spent, so far, of \$5,000 allotted. Large rocks have been placed in Kaheka stub-out.

According to his written report to the board, G. Banks stated that trees on upper Kapoho Kai are scheduled to be finished by mid November.

His reports states that G. Banks has discussed the problem of a few trees that are not "up to snuff" and they will be fixed. There are trees on lower Kapoho Kai are scheduled to be trimmed.

House Lots trimming will continue as required, according to G. Banks' report.

The committees' future plans is, before any action on cull de sacs, they are checking with KKKWA for pipe and meter placements, G. Banks' report states.

According to the report, the priorities are:

#1 Place gravel rock (1 1/2 inch minus), and roll if cost is reasonable, all three cull de sacs (Kahi'INA, Kahi'Koa, Kahi'Loli)

#2 Next year, depending on funding, black top all three cul de sacs to 10 feet wide plus 40 feet

#3 Repair lower Kaopho Kai where cracking. May take digging out and raising approximately 6" to alleviate flooding.

H. Phillips offered an update, saying the road and ROW committee has received a bid from "Kyle" for \$55,000 for all the cul de sacs. Drainpipe Plumbing, which also was asked to bid, has not come back with a bid yet.

G. Banks said he expects to have another committee meeting in the next couple of weeks. H. Phillips suggested they need to have a meeting sooner, in order to decide what the group wants, as far as the bid specifications, in order to get an accurate bid from

"Kyle" and Drainpipe Plumbing, since both apparently didn't get a complete picture of the work desired when they were initially approached.

B. Oberman said that it is her understanding as the past secretary of the water board that "we stubbed every cul de sac." H. Phillips noted there are some properties that don't have stub outs; there are not pipes going to every parcel, he said. The road and ROW committee has identified each parcel that is need of service. B. Oberman said that some folks have said they don't want the cul de sacs paved. M. Phillips asked who. B. Oberman provided names. J. Lehner noted that this is a discussion that should occur at committee level.

G. Banks pointed out that it is an ongoing, slow process, but they are getting the rock in on the mauka Waiopae shoulder.

The discussion on the Road and ROW Committee report lasted 11 minutes.

Waterfront Report

C. Biltoft noted that, for the SMA permit status he would defer to J. Lehner. J. Lehner recalled a special committee on the SMA permit issue met on Oct. 7, and he wrote out minutes of that meeting. As a result of that special meeting, (E. Ohara extended an invitation [they invited] to) the planning director to visit the subdivision on "a good weather weekday," to see "the amount of parked cars in our lot, and the amount of illegal drop offs at the intersection of Kapoho Kai and Waiopae." [Five] (Six) people participated in that Oct. 16 walk through with the planning director, including (E' O'Hara) V. Mark, J. Lehner and 2 planning department represents. J. Lehner said he didn't get a good impression that the Planning Director is going to work with the community to make the SMA permit more amendable for VHCA.

There have been discussions via email and at the special meeting on Oct. 7 about getting an attorney to aid VHCA in this process. J. Lehner said VHCA needs a legal evaluation on the ability of the planning department to impose SMA permit requirements; on whether the County can impose any other public vehicle access requirements in a private community; and on whether something like an ADA parking space is initiated will it open the door to other things. "If you start doing this stuff, there is something called the Striping Act," Lehner said. "You have to be very careful what you call something." K. Puuohau-Pummill said that his daughter, a lawyer, can do pro bono work for VHCA in January and maybe as soon as December. Per K. Puuohau-Pummill's informal consolation with local attorney P. Kubota, Puuohau-Pummill believes that the County Planning Department may be "trying to get us to do stuff we are not required to do." G. Braun recalled the legal competency of the late Sandra Song, in representing VHCA previously. The problem is, many lawyers don't want to represent subdivisions. G. Braun noted that "we are angels compared to some subdivisions." K. Puuohau-Pummill said he has experience with disability parking with resorts. "If you look at Federal and State guidelines, dangerous shorelines and cliffs keep you from providing ADA parking," he said. "If we had a beach with easy access and we provided public access, we would be required to." J. Lehner noted, "That is why we need to stay

out of this stuff." K. Puuohau-Pummill stressed that shoreline access has to be 24 hours, period. It's a federal law.

"If the board would allow us to start investigating this, we need to have our stuff in order, in case downtown comes back to us," J. Lehner said, asking for V. Mark and him to meet with an attorney and for money to be set aside for that. He would like to earmark legal fees from the donation fund.

C. Biltoft made a motion for \$10,000 in legal fees to be set aside from the waterfront donation fund for this matter. G. Banks seconded the motion.

In the discussion, G. Banks pointed to a(n Oct 31, 2017 HTH) Nancy Cook Lauer story regarding environmentalists and attorneys objecting to special management area (permitting) rule changes. The article is entitled, "Naked Power Grab."

B. Oberman urged the board to amend the motion to state that there would be \$10,000 in reserve from the waterfront donation fund. She doesn't like the word earmark.

G. Braun recalled a luxury development that was proposed in the 287 acres that is now proposing to be a PONC purchase. He noted the comment on the record from the County of Hawaii was that the area was a subsidence area that couldn't be developed. He believes that comment was significant, particularly in relation to the current issue with the County of Hawaii regarding the SMA Permit.

All board members ultimately voted in favor of the motion to set aside legal fees amounting to \$10,000, with regard to the SMA permit issue.

The discussion lasted 12 minutes.

H. Phillips added that this didn't fit in to that discussion that well, but he wondered if we should create a "cheap" disabled parking spot at the end of our subdivision. People collectively started shaking their head no. G. Braun noted that there should be signage warning people of the dangers of the shoreline. J. Lehner reminded people that this would be better suited for a committee discussion.

Waterfront Cleanup Report

C. Biltoft noted that in a recent community cleanup, they found a large fishing net that T. Knott took to the landfill and was, in turn, charged for disposal. The VHCA reimbursed him for that. He has since learned that, in the future, there is a marine debris organization that can be called to help aid them with disposal.

Bill 57

C. Biltoft noted that E. O'Hara said that bill was pulled and they are awaiting SMA permit issue.

Vending Issue

C. Biltoft noted that there should be no vending in the right of way. If people want to sell snorkel equipment out of their houses, that is fine, he maintained. We will not permit parking (for this activity) on the right-of-way, he added. J. Lehner suggested there

should be no commercial activities in the subdivision. T. Edwards Hunt noted that this discussion should occur at committee level because this is a "hornet" that involves not only addressing commercial activity in the subdivision, but also the "residential" and "commercial" assessments that VHCA imposes on its landowners.

The discussion on the Waterfront Committee report lasted 20 minutes.

Internet Connectivity

A. Keeley discussed the internet connectivity issue. He has been looking into how to improve his internet at his home in Vacationland. He proposed that VHCA talk to Hawaiian Tel and express an interest in fiber optic cable being laid here, and essentially negotiate with Hawaiian Tel.

J. Lehner recalled that five years ago they formed a collective among House Lots and Beach Lots and attempted a similar negotiation, but they were denied by Hawaiian Tel.

G. Braun recalled that there was a time when you couldn't get a DSL port. Just a year ago, though, Hawaiian Tel added more ports. He cited specific instances of injustice that has occurred with Hawaiian Tel and its customers in rural areas.

A. Keeley noted that DSL is copper wire, and fiber optic cable is a different thing.
