

DRAFT July 29 VHCA meeting minutes

The VHCA board held a regular board meeting on Saturday, July 29, 2017 at the home of the Lehnrs, 14-5049 Wai'ōpae Road.

CALL TO ORDER

The meeting was called to order at 9:30 a.m.

Present (Board): V. Mark, G. Banks, T. Edwards Hunt, T. Knott, K. Puuhau Pummill, C. Biloft.
J. Garramone

Community: Puna Councilwoman Eileen O'Hara, Bill Parecki, Betty Oberman, Magdalene Phillips, Hartley Phillips, Jeff Ownbey, Mary Fleming, Harry Pomerleau, Greg Braun, Stephan Kang, Mitchell Miyatake

Minutes: T. Edwards Hunt reads through four pages of meeting minutes from the May 6 meeting. J. Garramone makes a motion to accept minutes, T. Knott seconds. Unanimously in favor.

Reports of officers:

1. President. V. Mark has nothing to report at this point in time. She seeks to limit reports from committees to 7 minutes. She is trying to keep the meeting concise.
2. Vice President. G. Banks has nothing to report as v.p.

3. Secretary. T. Edwards Hunt makes a motion to prepare testimony to the Hawaii County Council Committee on Public Works and Parks and Recreation regarding Bill 57, the establishment of a no parking zone on Wai'ōpae Road, to be taken up Tuesday, Aug. 1. T. Knott seconds. Councilwoman Eileen O'Hara then offers background on the bill. She says that, at the annual meeting, Community Policing Officer Davy Kamalii noted that police have difficulty giving out tickets in Vacationland. Councilwoman O'Hara discovered in discussion with the officer after the meeting that the reason for the difficulty in issuing citations is the fact that there aren't state-endorsed stickers on the back of the signs. The bottom line, every sign needs to be codified and this results in the tickets being thrown out in court, so police look for the stickers on the back of signs in order to avoid their tickets being thrown out by the Judiciary. A lot needs to change and the County of Hawaii traffic engineer (Ron Thiel) has a good fix for this, which will take a while to pursue. Chapter 11, the private road code, has very few of the roads codified, including the signage on VHCA roads. In simple form, there is need for codifying the two no parking signs on Wai'ōpae Road.

Separately, K. Puuhau Pummill seeks Councilwoman O'Hara's information because he leads the signage committee and will need information on the signage.

Back to Bill 57, S. Lang inquires as to whether the sign needs to be codified before towing. Councilwoman O'Hara suggests that it could be contested in court. B. Parecki thinks it is still possible to tow without sign codification. Nevertheless, Councilwoman O'Hara seeks VHCA support for the codification of the two no-parking signs on Wai'ōpae Road. She notes how the Planning Director misread the bill and thought that the councilwoman was seeking no parking at the new parking lot. That is not the case at

all. G. Banks says there has been a police discussion for months related to increasing the signage in the subdivision. In Bill 57, he would not want to quantify the number of signs to be codified. Councilwoman O'Hara cautions against going into too much detail in the code. V. Mark reads the bill noting that it is for the two existing signs on Wai'ōpae Road. T. Edwards Hunt suggests that if we are going to ask for a lot of changes to the bill we can effectively kill the bill, because Councilwoman O'Hara's fellow council members want to see a community buy-in to the bill. If we generally support the concept of Bill 57, we should support O'Hara's efforts, T. Edwards Hunt says. Councilwoman O'Hara says that T. Edwards Hunt nails it, and that the bill should pass out of committee level and then details can be amended before the bill passes out of council level. G. Braun suggests that we have a board member present at the meeting. G. Banks will attend the Council meeting. The vote is unanimous for T. Edwards Hunt to write on behalf of VHCA a letter of support for Bill 57.

4. Treasurer Report. \$135,369.24, FHB checking; roads funds (HS) \$48,736.25, (FL) \$22,872.86, (Waterfront donations) \$56,299.82; (mailboxes) \$7,460.31; (unpaid liened accounts (24) \$69,349.50, (waterfront donations deposited) \$100,358.25; and 7 property transfers for the year as of June 30. J. Garramone makes a motion to approve the treasurer's report, K. Puuhau Pummill seconds the motion, and then it was determined that the board does not need to make such a motion on the treasurer's report.

Reports of the standing committees

Farm Lots:

J. Garramone says the committee now consists of G. Braun, M. Lewis and J. Garramone. G. Braun is going to serve as the chair. J. Garramone wants to present to the board a \$900 check that the board received from Thomas Walker toward his assessment. He thought he owed board \$882. He wasn't sure of the exact amount. He wrote me a check and J. Garramone happily took it. She had an extensive discussion with him and his issues with his road. G. Banks makes a motion for the treasurer to write a receipt and a reconciliation of the amount T. Walker owes to date. T. Edwards Hunt seconds the motion. G. Braun offers a synopsis of T. Walker and his long history in Kapoho. He is willing to pay his assessments. J. Garramone says T. Walker prefers a graded road, not a cinder road. G. Braun broadens the discussion regarding the Farm Lots report, however T. Edwards Hunt asks for the motion re: the letter to T. Walker be voted upon first. The vote is unanimous in favor.

G. Braun notes that in the last couple of years the board is meeting less frequently and that has presented an issue with the allocation of funds. There was an impression that the farm lots committee was able to spend its funds available, based on the discussion in the annual meeting. G. Braun seeks a speedier way to access the funds for gravel etc. Equipment is here to do the last stretch of Iolani Road. M. Lewis is overseeing that. He has road and maintenance experience. The last section of Iolani will be paved. They will fill in the low spots of Iolani. They will do grading in front of T. Walker's. Hopefully they will have the material needed to put gravel down on Kikiao Street headed to Beach Lots. M. Lewis and P. Kelly have a tractor with the mowing and will do that but it's irregular and high at times. They actually found someone to do it. M. Lewis said in an email that he would like to see it down every five weeks. They did it ten times a year, historically. If weather is really dry we can move it back a little. They budgeted \$2,500 for that. That also includes brush clearing,

but that is a big issue in farm lots. There are some big trees and there are some issues dealing with the trees, including Ironwoods. But they need to find an arborist or someone and they will need continuing funds. But every summer is when they can utilize Triple K. They are the only chip and seal in the area. Farm lots road committee members are catching them while they are moving their equipment from Paradise Park to Ocean View. It doesn't affect House Lots too much unless we want them to come in and do sealing on the asphalt.

S. Kang wants to see the roads in House Lots sealed. M. Phillips suggests that the board director has to be the chair of the committee. V. Mark clarifies that the board director merely has to serve on the board. G. Braun seeks a motion that the committee can spend up to a \$1,000 for road repair. T. Edwards Hunt motions. G. Banks asks if that will do it. J. Garramone says she would like to see more. T. Edwards Hunt withdraws the motion and then makes a motion for the farm lots road committee to utilize up to \$2,000 subject to availability for road repair with committee approval only. G. Banks seconds. J. Garramone notes that the committee has a five-year plan. G. Braun expresses concern for the fact that there is an ongoing budget for mowing. Motion on road repair passes unanimously.

Next there is a discussion regarding Farm Lots mowing. G. Braun inquires about the cost. It's approximately \$300 - \$350. He seeks a motion to allow up to \$500 per mowing cycle with Farm Lot road committee approval. T. Knott seconds the motion. G. Braun notes that this streamlining cycle. The motion passes unanimously.

T. Knott wonders if this is the last big expense per the year, with the \$12,000. G. Braun says there may be some issues related to tree removal and brush cutting. V. Mark says that when there is an emergency or money is needed right away, it causes a problem. We can do it by

email but we cannot relay a lot of information. Board members don't all check their emails. The approval, as stated in the bylaws, is that we get at least four members saying yes. M. Phillips says that it has to be unanimous. G. Braun says it is 100 percent response. That is the procedure. It just takes a little bit of time to respond.

We could schedule a special board meeting too, V. Mark said. G. Braun says it is running more smoothly now. There are some pretty big depressions in there and now the cost of cinder has gotten exponentially expensive, so it's easier to go with crushed gravel to fill in the pukas (holes).

B. Oberman noted that last year there was a tree emergency in which the tree fell on Kapoho Kai and she was able to get it immediately approved, and G. Braun notes that there was board approval for that.

G. Banks admittedly "dropped the ball" on the rock. He said there were so many contradictory opinions on the rock he wanted to get the board opinion on that. Tree Works is now trimming all the way up to Red Road, up to 246 trees. He has bid and adjusted down, roughly \$20 per tree to completely prune them. G. Banks made a motion to spend \$5,000 to trim up to 246 trees on Kapoho Kai Road. T. Edwards Hunt seconded. H. Phillips doesn't see the need to spend that amount of money trimming all of those trees. G. Braun agrees with that. B. Oberman notes that people swerve to miss the palm fronds. J. Garramone inquires whether those trees are set back. V. Mark wants to know if he plans to trim all the trees and B. Banks responds affirmatively. T. Edwards Hunt asks those in the community if they think we should spend \$5,000 to trim up to 246 trees on Kapoho Kai Road. Only three community members respond affirmatively. It is noted that the work has already begun. M.

Phillips wonders if we are talking about trees going all the way down to Wai'opae. T. Knott noted that Adan Saurez, as part of the \$4,000 already budgeted, has offered to trim all the trees in House Lots. H. Phillips suggests that the main liability is in the parking lot. He thinks we should focus on coconut tree removal rather than trimming trees that haven't started producing coconuts. G. Banks notes the cost savings with going with Tree Works. J. Garramone wonders if it will be an annual expenditure.

K. Puuhau Pummill wonders if the palm fronds from all the trees impede mowing. Board practice has been ensuring that we push the fronds behind the mower. T. Edwards Hunt says she likes our row of palm trees along Kapoho Kai and doesn't want to see any of them removed. What she is more concerned about is the handshake deal that G. Banks did with Tree Works to do the work before board approval. G. Banks says that the \$4,000 he was authorized to spend would go toward the first part of Tree Works work. V. Mark clarified that the \$4,000 was for filling in the shoulder of the new road. G. Banks acknowledges he has been sufficiently chastised. S. Lang notes that the \$5,000 is for one trimming and that the coconuts will need to continually be trimmed and that would be more of an expense. S. Kang would like to see us clean up the area that needs to be mowed, rather than focus on every tree down the line. B. Oberman raises the issue of the rocks on the side of the newly completed road and how Civil Defense has advised against it. The board gets back to palm trees discussion. T. Edwards Hunt amends the motion so that the \$5,000 for the tree trimming be paid for with the waterfront donations account. C. Biltoft seconds the motion. V. Mark inquires whether or not that money is earmarked. Tom doesn't know how to access funds. The board doesn't want to use the funds they do not know how to spend. T. Edwards Hunt withdraws the amendment motion. Discussion continues. J. Garramone notes another

right of way in farm lots that has a row of coconut trees. T. Knott starts to amend the motion, suggesting that the board broaden the coconut tree trimming motion. T. Knott decides against the amendment. Ultimately, on the Kapoho Kai tree trimming motion, four vote in favor, with T. Edwards Hunt voting *kanalua* x 2, meaning yes, with reservations. J. Garramone says she feels the same way, yes, with reservations. C. Biltoft voted no.

G. Braun, before leaving the meeting, points out his concern that there have been major break-ins and thefts along the roadway.

G. Banks notes that Tree Works has offered to trim other trees in the subdivisions. T. Edwards Hunt suggests G. Banks comes back to the board with tree removal and tree trimming plan.

G. Banks makes a motion to spend \$4,000 to trim and cut back all the trees in House Lots up to three feet back. T. Edwards Hunt seconds. T. Edwards Hunt asks if any of the money has been spent. G. Banks says no. However, A. Saurez has worked for two days trimming trees back. H. Phillips believes that we need to cease discussion and maybe just broaden the allocation of the previous \$4,000. But then G. Banks notes that the rock project cannot be complete if that \$4,000 is allocated for tree trimming and cutbacks. V. Mark suggests that the right-of-way – road committee all meet and come up with a plan for tree trimming and cutback. G. Banks is willing to amend his motion to lessen the amount to pay for the work A. Saurez has already done.

M. Phillips says a previous meeting discussion involved three different rock ideas and wonders why that previous meeting discussion hasn't been revisited. The board returns to discussing the motion to allocate \$4,000 for tree trimming and cutbacks. G. Banks feels like

the board is micro-managing and the historic practice with the board has been to allow board members to spend funds on tree trimming and cutbacks and road maintenance. T. Edwards Hunt notes that the motions need to be made more broadly if the board members don't want to feel micro-managed. At the last meeting, the motion that passed involved \$4,000 for rocks and boulders along the section of newly completed road, not for tree trimming and cutbacks.

G. Banks withdraws his motion and makes a motion to spend \$4,000 on right of way maintenance. C. Biltoft seconds. All vote unanimously in favor.

B. Oberman says that the subdivision members having been trying to put together the total cost of the road, and the rock situation is part of the final figure. Various board members note how the final cost of the road is far lower than anticipated at \$99,000. B. Oberman also notes that, in years past, volunteers cleaned up right-of-ways. Now we have got to the point where we have people like A. Saurez who take care of mostly vacant lot areas.

Waterfront Committee

C. Biltoft has been gone. Things have happened in his absence, including a sign has been erected for MLC. He would also like a sign further out in the breakers, but that is for future development. S. Kang notes that it takes two signs to make a line. V. Mark notes that there is a sign on her property. But C. Biltoft is talking about a sign further out in the water. C. Biltoft would really like to see some large boulders at the Kaheka stub-out to discourage parking there. He wants to control that with large boulders. That will be further discussed at committee level. He has problem with the gravel driveway at Kaheka stub-out and that also will be discussed at committee level. In Waterfront area, like in front of G. Banks, we have had some thieves, C. Biltoft notes.

As for MLCD Protection (signage), K. Puuhau Pummill will table discussion of signage because he wants to work with the County of Hawaii to ensure signs follow County guidelines. He is looking into the information board at the entrance to the subdivision including the recently produced video of Wai'opae. C. Biltoft notes that there has been an effort via Hawaii Tourism Authority to replace the late Nadean Rutledge, who served as the area's public information officer. V. Mark offers a grant report, saying people were thinking about how the grant looked in 2011. This was the last time the community received one. Debi Sigetic had already started writing the body of the grant, before determining 1. they could not complete the paperwork by the due date (Aug. 5) 2. they would need 501 © 3 status or another 501 © 3 to umbrella them. V. Mark, D. Sigetic and T. Knott discussed the possibility of the association applying for a 501 © 3, since that is required to apply for the grant. Malama O Puna was going to charge \$15,000 as an administrative fee to use their 501 © 3 to receive the grant. The accountant says that it will not be a problem for the board to apply for a 501 © 3, but the cost for accountant will increase because the bookkeeping is different.

T. Edwards Hunt makes a motion for VHCA to approve 501 © 3 status. T. Knott seconds. It will approximately \$900 for the form to be filed and \$700 per year. Annual expense of \$700. H. Phillips notes that that expense may be avoidable because that cost would reflect accountant fee. 501 © 3 is a charitable organization. K. Puuhau Pummill notes that under the 501 © 3 we can receive donations in order to protect the tidepools. C. Biltoft notes that the Cape Kumakahi Foundation is already a 501 © 3 and wonders why we cannot work with that organization. There was apparently a problem with the board. S. Kang suggested that Cape Kumakahi Foundation might be more appropriate. S. Kang notes that VHCA is a road association. T. Knott notes that the 501 © 3 would be separate from VHCA. T. Edwards Hunt amends the motion for VHCA

Waterfront Committee to explore the possibility of establishing a 501 © 3 organization for MLCD protection. T. Knott seconded. All unanimously in favor.

Mailbox committee

On June 2, 2016 USPS installed new locks on 10 vacated boxes @ \$50 each. The money is recovered when boxes are rented for \$120. B. Oberman notes that there is an issue in farm lots with a misunderstanding on the mailbox transfer. Separately, T. Edwards Hunt reads an email inquiry from a realtor re: mailboxes inquiring as to whether mailboxes can be transferred. They cannot. New property owners need to fill out applications for mailbox assignments.

Neighborhood watch

People are stealing people's keys on the reef and then walking through the area clicking on the keys to find the cars. Harry Pomerleau tells the story about a car theft that occurred with his visitors parked outside his home. He says the police did not properly vet all the leads that he personally had with the case. Separately, J. Garramone says police refused to come to Vacationland to take a report on a recent car break-in. Apparently, VHCA had cameras but they broke. G. Banks knows someone who is willing to help him get a camera installed on his roof and that camera would point out toward the reef.

B. Oberman is suggesting that we get some cameras for the subdivision. V. Mark suggests that Neighborhood Watch prepare a comprehensive plan for cameras in the neighborhood. J. Ownbey suggests that cameras will not change the poor police response. T. Edwards Hunt adds that, as a shop owner who has had a shoplifting problem, the cameras are used to publicly shame thieves, not necessarily to help police solve crimes. She suggests, in addition to the camera plan, the neighborhood watch explore getting a security guard for the area.

T. Edwards Hunt makes a motion for neighborhood watch to pursue a camera plan and security guard plan and present those plans to the board by the Nov. 4. Regular meeting. G. Banks seconds. The board votes unanimously in favor.

T. Edwards Hunt makes a motion that VHCA write a letter to the police chief and the mayor regarding the poor police response to a car theft investigation and a lack of response to a car break-in. G. Banks seconds.

B. Oberman notes specific instances in which she has been in contact with the police department. S. Kang notes that it is after lunch and people are hungry. T. Edwards Hunt asks B. Oberman to share those emails, so that they can be included as notations in the letter. B. Oberman agrees to do so. K. Puuohau-Pummill makes a motion to amend T. Edwards Hunt's motion to also include the police commission in the letter being written. G. Banks seconds. All vote unanimously in favor of the letter to the mayor, police chief and police commission.

S. Kang suggests big rocks be interlaced on the side of the road to protect roadway and waterline. He doesn't think that we can put down mortar between the rocks. He notes we are all set up to do that. He doesn't want any hazards on the roadway. We have to have shoulders, he said. We don't want to have big rocks every six feet. It is just not good maintenance or management to put hazards in the right of way, S. Kang says.

J. Garramone says she posted notices of the meeting in farm lots and they were all removed. She put new notices out and they too were removed. Also, in reviewing the website, she found errors in street names. She needs to point those out to Sheri Lehner, who manages the website, when Sheri returns to the island.

V. Mark calls for adjournment of the meeting at 12:23 p.m.

The next meeting date is Nov. 4, at 9:30 a.m. at the Lehner's residence.