

## **Minutes of Board of Directors Meeting October 20, 2003**

**DIRECTORS PRESENT:** Ann Pitcaithley (President), George-ann Kealoha (VP), Brian Ross (Secretary & acting Treasurer)  
**DIRECTORS ABSENT:** Nida Goulding  
**OTHERS PRESENT:** Darlene Brothers (bookkeeper), John Dunbar (Lot 61 manager), Mike Gibbons (Lot 26), Karen Chun (Lot 93)

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

The President called the meeting to order at 7:30 pm at 43 S Laelua Place in Paia. With 3 of the 4 Directors present, a quorum was established for the conduct of Association business.

### **APPROVAL OF MINUTES**

**MOTION:** To approve the Minutes of the Aug 4, 2003 Special Board Meeting as amended. Seconded and carried unanimously. (Pitcaithley/Ross)

### **FINANCIAL REPORT**

The current bank balance is \$36,617.66 as compared to \$28,606.02 at this time last year. Expenditures are well below budget. There are 6 owners who are late with their fee payments. Total Accounts Receivable is \$360. The validation of the owner accounts against the actual deposit records is almost complete and several errors have been uncovered.

**MOTION:** To invoice or credit the individual owner accounts that are in error to ensure that all accounts are accurate by the end of 2003. A payment history from Dec 2001 to date will be provided for owner verification. The \$50 escrow error for Lot 17 will be written off as a bad debt as the owner moved away in Jan 03. Motion carried unanimously (Pitcaithley/Ross).

### **DESIGN REVIEW COMMITTEE REPORT**

The President announced on behalf of Ms Haskins that 4 applications from Lots 22, 43, 63 and 84 had been approved. The Design Committee is comprised of Marion Haskins, Gail Burns, & Dave Dalgetty.

### **GRIEVANCE COMMITTEE REPORT**

Ms Pitcaithley reported that there are 3 grievances currently being processed relating to vehicles parked on lawns, a dumpster, and neglected landscaping. Volunteers are needed to help on this Committee.

**MOTION:** To change the Board's previous policy of not acting on anonymous complaints, and to remove that notation from the Grievance Form. Anonymous complaints will now be accepted to encourage reporting of valid problems so that they can be resolved more quickly. Motion carried. (Pitcaithley/Ross, Kealoha opposed).

### **OLD BUSINESS**

#### **1 Easement along Hana Highway**

**MOTION:** To grant the owners of Lots 43 to 49 the right to reclaim the 11 foot easement along Hana Hwy by moving their fences out to the rock wall. The Design Review Committee will oversee the aesthetic design of the area visible from Hana Hwy. Motion carried unanimously (Pitcaithley/Ross).

#### **2 Water Bill**

It was reported that water usage for the common areas is increasing, indicating that owners are once again tapping into the Association water lines.

**MOTION:** To cap the water pipes next to the valves feeding the 6 inactive zones so that there can be no further pilferage of water. Motion carried unanimously (Pitcaithley/Kealoha).

### **3 Trees with Intrusive Roots**

According to the County Arborist's office, many subdivisions' governing documents prohibit the planting of tree species with intrusive roots. Ms Pitcaithley proposed that such a rule should be added to the Kuau Bayview CC&R's. Intrusive roots can damage pipes and cement slabs. Existing trees would be allowed to stay unless there is a specific complaint filed, but new plantings would be disallowed.

**MOTION:** That a list of species of trees with intrusive roots as determined by the County Arborist be compiled so that a vote can be taken at the annual meeting to add this rule to the CC&R's. Motion carried unanimously (Ross/Kealoha).

## **NEW BUSINESS**

### **1 Insurance Agent**

As the Association insurance is coming up for renewal, quotes from various agents have been sought to see if we can get lower premiums and better coverage. Two new agents located in Kahului have been interviewed who both sound promising. The President will speak with them and decide between the two.

**MOTION:** To select a new insurance agent and have the policies reassessed prior to the renewal date. Seconded and carried unanimously (Pitcaithley/Kealoha).

### **2 Payment Fee Poll:**

Results from the initial Fee Poll show a tie between option #1 (annual payments) and option #3 (semi-annual payments with post-dated checks). A reminder will go out to encourage more participants in the poll. Also, printed versions of the poll will be given to the non-email members.

### **3 Bookkeeper/Management Services:**

The Board will look into obtaining additional quotes from Bookkeepers and Management companies.

**MOTION:** To determine by the end of November 2003 the actual costs of hiring an outside Bookkeeper or a Management Company (Kealoha/Ross).

**MOTION:** To re-write the list of duties/contract conditions required of the Bookkeeper/Management Company by the Association. Motion carried unanimously (Kealoha/Ross).

Mr Gibbons offered to prepare a 'request for proposal' document.

### **4 Budget for 2004:**

The Preliminary Draft of the 2004 Budget was circulated for discussion.

**MOTION:** To defer the Budget until a decision is made on the hiring of an outside Bookkeeper or Management Company. Motion carried unanimously (Ross/Kealoha).

### **5 Retention Basin:**

A section of the chain link fence on the west side of the Basin near the Community Center play structure has been torn down. Children 10 to 16 years old were observed entering the basin to play in the deep undergrowth of trees and bushes. The children are apparently from neighboring residences and not Kuau Bayview. Clearing the basin and fixing the fence were discussed.

**MOTION:** To get bids to remove heavy undergrowth in the Retention Basin so there are no hiding places and then get bids to repair the fence. Motion carried unanimously (Ross/Pitcaithley).

### **6 Late Fees:**

The President offered to contact the 6 homeowners who have not yet paid their fees.

**MOTION:** Effective January 2004, to raise the late fee to \$10 per month for any outstanding amount and to include a notice to that effect on future billings to homeowners. Fees must be received by the first of the month; there will be an unadvertised grace period of 10 days and not the current 20 days to encourage people to pay by the due date and not the end of the grace period. Motion carried unanimously (Kealoha/Ross).

## **7 Right-of-Way Area Mauka of Lots 78, 79, 93:**

The Board expressed concern that Ms Chun's recent installation of an irrigation system and trees (along with Lot 79's bougainvilleas) in the easement area adjacent to their Lots would eventually block the right-of-way to the park entrance for homeowners east of the gateway. Ms Chun mistakenly claims that people have to cross the corner of her Lot to access Lae St from the easement. To avoid this, Mr Ross suggested having 3 feet removed from the rock wall along Lae St, but this will not be necessary as public access already exists from the 3.5 foot wide County strip running along the inside of the sidewalk.

**MOTION:** To look into the possibility of designating a 4 foot wide pathway the full length of the easement to preserve the right-of-way for the neighborhood now and in the future, while minimizing disruption to the landscaping efforts of Lots 78, 79, and 93. Motion carried unanimously (Ross/Kealoha).

## **8 Dog feces on the lawns and common areas of the subdivision**

There are still some homeowners who allow their dogs to roam unleashed and uncontrolled in the subdivision. Those who walk their dogs should carry a bag & pick up after their animals as it happens and not leave feces along the sidewalks or on people's lawns. This is unsightly and a health hazard. Ms Kealoha suggested that the Association purchase signs for posting around the neighborhood illustrating a dog squatting with a line through it. Objections were raised that this is an unnecessary expense which would subject the entire neighborhood to constant visual pollution, and, as dogs can't read, it is the offending dog owners who should be addressed directly. If they would obey the law, we wouldn't need signs.

**MOTION:** At the annual homeowners meeting, to vote on adding to the Kuau Bayview CC&R's the County ordinances pertaining to dog violations, and have owners decide if they want signs made available for each street prohibiting dog feces. Motion carried (Kealoha/Ross).

## **ADJOURNMENT**

As the items listed on the meeting agenda had all been addressed, the Secretary, Mr Ross, moved to adjourn the meeting at 9:25 pm. Seconded by Ms Kealoha. Motion carried unanimously.

## **NEXT BOARD MEETING**

The date & time of the next Board of Directors meeting will be announced when it is determined.

Minutes prepared by:

/s/ Brian Ross  
Brian Ross, Secretary

Approved by:

/s/ Ann Pitcaithley  
Ann Pitcaithley, President

Date: Oct 24, 2003