

Kalapana Seaview Estates Community Association  
R.R. 2, Box 4537, Pahoa, HI 96778

**KSECA Board of Directors Meeting**  
**Monday, August 28th, 2017, 4:00 P.M. at the Pavilion**  
**Draft**

1. Call to Order: At 4:012 PM by Hazen Komraus, President

Board members present: John D., Jean H., Sean M., Stone O., Alex E., Hazen K.

Members present: Uschi Snover, Linda Willaby, John Bernier, Dave Cuthebert, Michael Becker, David Hoffeld, William Montalvo, Tim Sullivan, Alohilani (?), Kristin Lowery, Jacob Tuft, Jefferey Wise, Ruli Metz, Kevin Horton, Faith O'Neill, Jacob Turner, Archer, Todd Wolla, Bob Kirk, James McRae, Blake Watson, Kathleen Dragon, Rose Jeranium, Jaimie Valiere, Brada Peleihilani, Marshall Schmit, Phillip Kissinger, Ian Renaud-Kim, David Ream

A. Opening Statement – read by Jean H.

B. Additions/Corrections to Agenda

-Stone adds “Remove a Board Member” to the Agenda under New Business

-Resident Concerns is moved to after New Business

C. Announcements

-Hazen made a statement about the recent death of beloved resident Ernest Jackson and that Maura Starr is running a food drive for the family and Kevin Horton has started an online gofundme donations page.

2. Treasurer's Report

A. July Report Read by Alex, Jean made a motion to accept the report as read, seconded by Hazen. Vote to accept is unanimous; motion passes.

3. Minutes July 2017 BOD Meeting

A. Hazen read the minutes of last month's Board meeting John asked that the minutes be changed from saying that the 2017 AGM letter went out with “doctored” language to read that “the 2017 AGM Newsletter had language that was changed without Board consensus”. Jean made a motion to accept the minutes as corrected, seconded by Sean. 5 Ayes, Stone Abstains; motion passes.

B. Jean asks John about corrections to the Feb reconvening minutes that have not been submitted.

4. Clerk's Report

A. Mailboxes- no boxes are available. 12 Residents and 5 people building homes are on the wait list.

## 5. Board Committee Reports

A. Pavilion Park Perimeter Project- Jean reads an update from Scott Stone as to the state of the project. The project is about 2/3 done. John asks about monies being spent and work not conforming to the approved plan, he is told by Alex that all receipts, plans, and hours are available for him to examine. Hazen will contact Scott about a possible work party.

### B. Parks.

- John re-affirmed that the AGM voted to keep the parks open during the day and closed at night.

1. Horsemats for playground, Dave Hoffeld confirmed their placement and successful use. He will trim corners on a few mats.

2. Lawn Parking Issues -Tabled

3. Helipad grass – Tabled

4. Freebox – Hazen reports that double security screen doors to close the freebox at night would cost about \$800

5. Hose Bib -Hazen reported that he fixed hosebib on pavilion catchment, item to be struck from future agendas.

### C. Mailbox Center

-Jean reported that the SMA is being reviewed by the County, Bob Kirk added that we are awaiting County approval, he has resubmitted for the fourth time a letter the County had sent us that they then requested be sent back. He has also resubmitted a drawing including the gravel around the mailbox center as per the County's request.

### D. Website

-Faith O'Neill would like the BRC Minutes removed from the website.

## 6. Old Business

### A. Contracts

-Jean reports all contracts are up to date.

### B. Dues in Arrears, Audit, and Budgetary Issues:

-Dues in Arrears tabled, Audit: John suggest we perform another audit as this is an audit year. Previous Treasurer Phil Hartman has researched which firm the board will use for the audit.

### C. Legal Matters, 421(J), and Attorney

-Hazen reports that a letter was received by KSECA from Gary Zamber (Attorney) saying that some residents had concerns as to KSECA activities and that he was investigating. Hazen reported that he has talked to Mr. Zamber several times, furnished him with all public documents and minutes and that Mr. Zamber reported that he was unsure as to whether or not said residents would be retaining his services or not. He was referred to previous legal opinions we had solicited.

-John notes that the 2017 AGM Bylaw Changes voted on at the AGM were required to have a rationale included in their wording in the Newsletter, and that, that was not done. Alex notes that an attorney's opinion was to include a correction in the next Newsletter, or if there was contention to revert to the previous Bylaws and issue a statement in the next newsletter.

- Alex motions to include the rationales as a correction in the 2018 Newsletter, Jean seconds. Motion rescinded.

-John motions that the Bylaws revert back to the previous version, that we republish the proposed bylaw changes with rationales that passed at the last AGM and revote them again. Ayes: Alex, Sean, and John, Nays: Jean, Abstentions: Hazen and Stone; motion passes.

- Alex proposes we use Ekimoto as our new attorney going forward as they specialize in association law.

#### D. Bylaw Review Committee

- John reports that the BRC had a 3<sup>rd</sup> meeting with 9 new members, they replaced Jean as Chair with Faith O'Neill. Jean motions that her motion to convene the BRC be rescinded. Motion seconded by John, vote unanimous; motion passes. The BRC as-is, is dissolved.

-Alex motions to remove all BRC minutes from the KSECA website per Faith O'Neill's request, John seconds. Motion passes.

E. Work Parties – Tabled

F. Board Best Practices -Tabled

G. Board Rules - Tabled

### 7. New Business

-John motions that we need an AGM Newsletter Editor. He nominates Faith O'Neill, no second. Kristin Lowery also volunteers. No further debate.

#### A. Removal of a Board Member.

-Stone calls for the removal of John D. from the Board. A resident asks for justification from each board member. Board members cite allegations of obstructionism, aggressive behavior, sharing of Association information with non-members, and collusion with members and non-members to bring about legal action against the association; a consistent intent against the best interests of the community. After much debate and John speaking for himself he calls for the vote. Ayes 3, Nays Alex, Abstention Sean. Motions Fails.

#### 8. Resident Concerns

- Jaime asks when Pavilion Park mowing happens, Dave Hoffeld replied every other Tuesday as needed.

- Faith O'Neill asks if any Board Members are involved in any lawsuits. All reply "no". She then said she wants to call a special meeting in October to remove the current Board, then decides November 1<sup>st</sup> on John's suggestion. John motions that a special membership meeting be held in the first week of November to allow land owners to discuss concerns and that the association pay for all relevant costs Faith might incur. No second.

-Faith cites concerns of zoning changes, permitting changes, AirBnB rentals, and other concerns. She is informed none of that has anything to do with the Board or is occurring as far as the Board is aware.

-Kathleen asks if the tents selling things in the front park have permission, Hazen replies no, and that Kukana "Eve" Susan Dominquez has been asked to stop repeatedly. The Board encourages the members to discourage commercial activities in the parks, because without a special use permit it is a violation of County law.

#### 9. Adjourn & Announcement of Date of Next BOD Meeting

Stone moves to adjourn sometime around 7:30. Alex Seconds. Unanimous; motion passes.

Next Meeting is Sept. 11<sup>th</sup> at 4pm in the Pavilion.