

Kalapana Seaview Estates Community Association  
12-7017 Kalihikai #4537, Pahoa, HI 96778-7842

Board of Directors' Meeting

Monday, September 11th, 2023 at 4pm

**Final Minutes**

1. Welcome and Call to Order: Called to order at 4:05 by Robert Stearns. In attendance were Board Members Robert Stearns, Ursula (Uschi) Snover, Adam Sativas, Laurie Laughlin, Kevin Sulgit, Gary Polinsky (via phone) and Ronaldo Newton (via phone). Also in attendance were residents Jeannie Tilfas, Galen Alpine, Morgan Langham, Aileen Wilkes, John DuBois, Joe Sprinkel, Shawn Meggela, Monday Schact, Ronna Wolff, Jack Nash and Fred Wolff.
2. Additions and Corrections to the Agenda: None
3. Announcements:

Belly Acres Consolidation: Robert gave a list of questions to be answered, each of which was answered by Morgan.

- Why is the consolidation happening: It was recommended for responsibility and liability by the Planning Department.
- How are you going to attempt to alter the Special Uses Permit: To allow the continuation of the school at SPACE, which is a public charter school but that operates as an umbrella for homeschooled children in the area.
- Uschi asked why the incorrect TMK was being used: Morgan answered that it had been corrected.
- John asked if the school was under the Department of Education or received federal funding: They answered that Hawaii Volcano Circus was State and County funding, but not Federal.
- Robert asked if there would be larger performances: Morgan answered that it is not a space for large performances, just recitals for kids.
- Kevin asked if Hawaii Volcano Circus would alter their occupancy permit and they answered that they would like to but that it's a long road. Laurie and Adam voiced that they both believe that SPACE and HVC are positive parts of the community.
- Gary asked if the bathrooms were legal and it was answered that they are legal, commercially permitted.
- Kevin asked Aileen as a resident owner how she felt about the consolidation and she answered that she was fully in support.
- Gary asked if all the structures at SPACE were permitted, Robert reminded Gary that the Board's purview was only the management of the parks.

Robert made an announcement regarding whether the Association could hire owners as contractors. The Board did some research and he stated that the Bylaws are governed by 421J and that if the topic wasn't covered it would be covered by 414D. Robert read a passage from 421J that covers the topic and definitively states that a member can be hired for contracting and the Board supports paying members. John DuBois disagreed and said that he believes it is

a distribution and we cannot pay its members. He also stated that since the contractors weren't bonded that Seaview could be sued and we wouldn't be protected. Kevin pointed out that only the positions which were dangerous did require bonded contractors for those positions.

Joe Sprinkel and Shawn Meggela made an announcement that they believe there is a known car thief casing the neighborhood for cars to steal and that the neighborhood should be aware and alert to anyone suspicious driving around the neighborhood looking at cars. They also mentioned that they thought that there was drug dealing happening by the Free Box and Mailboxes and that there are people hanging around in trucks that don't live here and seem suspicious.

Jack talked about the Lawn on Sundays and stated that it is getting bigger and he feels like the size is out of control and that something needs to be done. Robert suggested that Jack holds a Community Meeting on this topic in order to address the issue.

4. Minutes from August meeting: Adam moved to not read the minutes, Uschi seconded. Passed unanimously. Uschi moved to make a correction to the amount in the bank account to \$58,448.31 and to correct 501 c to non-profit. Uschi moved to accept the Minutes as corrected, Adam seconded, all voted in favor.

5. Treasurer's Report: Laurie gave the report that as of August 31st there was \$45,052.47 in our bank account. The full financial statements will be posted on the KSECA website. Robert stated that in the last month there were large payments out for our insurance policy, coconut trimming, orchard trimming and other one time payments.

#### 6. Board Reports:

a. Taxes and Audit: Laurie texted our accountant twice to see how the taxes were going and has not gotten a response yet. Uschi said that she thinks we need to contact an auditor now since that is the next step. Kevin said he called today and hasn't yet received a response. Uschi asked if we need to have an audit for 2020 and 2022. Kevin and Adam stated that an audit would cover us to present.

b. Dues in arrears letter: Robert stated that there have been letters and emails going out. Uschi sent out emails and Robert & Adam have been sending out the letters. A handful of positive responses have come in. Jack asked since raising the dues the percentage of people paying has gone up or down.

c. Bylaw Review Committee: John DuBois said that there was a meeting of the BRC and that they continued to work on the particulars of some of the Bylaws. He first addressed the phrase "significant material changes" and said that he thinks there is no need for change. He then addressed the terms "notarized documents", "proxy" and "authorized documents". He said that all we need to do is correct the Bylaws to remove the contact information on the "authorized documents" in order for everything to become equal and asked if it should be a correction or an amendment. The Bylaw regarding the AGM Newsletter was also covered and it was decided that would be thought about and discussed further at a later meeting. John stated that it isn't covered by 421J. John also brought up the contractor's question. It was also discussed that currently our Bylaws state that the contractors contract ends when there is a changeover in the

Board at the AGM. The current Board changed the terms of the contractors contracts to expire July 1st instead. The Bylaws will need to be adjusted to reflect this change. The language around "Regular Meeting" meaning an AGM in Article 12, 2.A. The difference between corrections and amendments was also discussed. The next Bylaw Review Committee meeting will be Monday September 18th at 4pm.

There were 3 amendments voted on that were proposed at the last meeting by the Bylaw Review Committee.

The first amendment was regarding Executive Sessions and what they could be held for. Kevin stated that he felt like the Executive Sessions were necessary for the Board to get Seaview matters back in order. Laurie made a motion to accept it, no second. Uschi made a motion to not accept it, no second. It was decided to table it for the next meeting. Robert stated that he felt like the language was too constraining.

The second amendment was that no Board member vote by proxy at Board Meetings. Robert made a motion, Kevin seconded. All voted in favor.

The third amendment was regarding that the minutes of the Board Meetings should note how each Board member voted. Robert moved to accept that amendment, Adam seconded. All voted in favor.

d. Front Park:

- Security Patrol, new Park signs and Seaview entrance sign: Tabled for next meeting.

e. Pavilion Park

- Maintenance Swings/Playground, Ohia posts: Tabled for next meeting.
- Bathroom Reopening Considerations: Tabled for next meeting.

6. Old Business: None.

7. New Business:

a. Update Board Rules: Tabled

b. Kevin asked that the Board move the tabled items be addressed first at the next Board meeting. All agreed to that proposal.

9. Adjourn/Recess: Uschi motioned to adjourn, Adam seconded. All in favor. Meeting adjourned at 6:24pm.

Minutes submitted by Adam Sativas