

**Hawaiian Paradise Park Owners Association
APPROVED – Board of Directors Meeting Minutes
January 20, 2016**

I. Call to Order: President, Craig Creilly (District 6) called the Board of Directors meeting to order on January 20, 2016 at 6:07 p.m. Quorum was established. The meeting took place in the HPPOA Hui Activity Center Library.

II. Roll Call:

Board of Directors: Craig Creilly, President (District 6), Dr. Jo Maynard, Vice President (District 5), Janice Ashford, Treasurer (District 7), Ruth Mizuba (District 2), Paul Wheeless, Secretary (District 3), John Rudolf (District 4), Randi Larzalere (District 8)

Absent: BJ Mullenix (District 9), Francis Ganon (District 1)

Guests: Beth Evesong, Bruce Derrick, June Conant, Mr. and Mrs. Steve Crawford, Sandra Collins, Terry Stratton, William & Bridget Haley, David Prager, Mayelin Stillwell, Leiliani Bronson-Creilly, Mr. & Mrs. Bill & Kathy Tilden, Dennis Stockton, Juli Houle, Bob & Shawn Merrill, Bonnie Fithian, Judy Sumter, David Milcer, Don Morris, GM

III. Approve Agenda - Dr. Jo Maynard (District 5) moved to approve the Agenda for January 20, 2016 as amended. Randi Larzalere (District 8) seconded the motion. Discussion: added items **Vote: Yes-7, Unanimous. Motion carried.**

IV. Approve Past Minutes – Randi Larzalere (District 8) moved to approve the December 16, 2015, Board of Director’s Meeting Minutes. Janice Ashford (District 7) seconded the motion. Vote: Yes-7, Unanimous. Motion carried.

Randi Larzalere moved to approve the minutes for the Special BOD Meeting of December 29, 2015 Dr. Jo Maynard seconded the motion. Vote: Yes-7, Unanimous. Motion carried.

V. President’s Report – Craig Creilly – Getting calls from people citing 4-14D bylaws to disagree how things are being done. I’d love to have direct discussions with people to work things out because we are trying to work things out and do our best for the park, but the proper response in the bylaws is to go to arbitration, if we disagree on something like this where members want documents that I’m not clear are to be given out, or people are upset about what they can and can’t have access too, which is all stemming from the Finance Committee removals after a particularly confrontational finance meeting. I’m sorry people don’t think we’re doing what’s right, but even if we tend to disagree, we are trying to follow the bylaws, improve the park, get the dust down because if it’s going to be dry for the next 4 to 5 month, so although we got a lot of flack for buying the water truck at first, that’s an on-going issue, and why we bought that water truck because the dust must be abated. We are trying to improve things, whether some thing so, or not, our goal is to do what’s best for the park/HPP.

VI. Treasurer Report – Janice Ashford – The Committee did not meet this month. The next meeting will be in March.

Server Update: With Terri Stratton’s help, we have figured out that we do not need to replace the server. It was very filthy, filled with lint and dirt inside the cabinet. It has not been service in years. With some updating, cleaning, a new backup which was full, it will be running like a champ, so I would like to Thank Terri for helping with this issue and saving the association a lot of money.

3 Properties in Escrow Update. On Tuesday, January 19, 2016, we received an update from the office of Ted Hong Attorney, regarding the 3 properties purchased back in 2012. She read an email update from Attorney Hong to HPPOA Attorney Liaison, Dr. Jo Maynard (District 5) [BEGIN EMAIL SUMMATION] : with respect to correcting the title issues for the three property cases, stating that the title issues on Property #1 and #2 have been corrected and approved by order of the Court. The delay with #1 and #2 was recording the closing documents with land court. #1, he was asked by Title Guarantee to amend order to comply with land court, same thing had to be done for #2. Then the name change issues

came up when Title was trying to record the closing on #2 and the documents were rejected by land court based on the Association’s name change, previously filed, some time in 2002 .The Associations name change filed in 2002 was for only certain lots. A universal name change had to be done to complete #2. All has been done as needed for #1 & #2. They are waiting for the commissioner to sign-off on a stipulation to extend the date of closing. This was sent to him early last week. Once the Court has entered the stipulation, Title Guarantee will proceed with closing on this sale. As for Property #3, the buyer has withdrawn her bid due to the title issue. Attorney Hong wrote that he has not set aside the Judgments with #3 because he was waiting for the circuit Court’s ruling in #2, same owner, same Title issues. Property #3 is the only case still pending and should be cleared up in three to four months at best, estimated based on Notice Time set by Statute and, or the court. You will have to amend the orders previously entered in this case as well. [END OF EMAIL SUMMATION].

So, technically, at this time, all three properties are still outstanding. The Treasurer stated that she was aware that the Board all received an email from a past Board member, but that now with this letter received by Attorney Hong, yesterday, *now all can see by this email, that these properties were not clear, back in January of last year* so, she’d really appreciate if people would stop sending out bits and pieces of information that they obtain when they don’t have the full story and all the facts. As these proceed, either Dr. Jo Maynard (Vice President, District 5), the appointed liaison or Janice Ashford, (Treasurer, District 7), will continue to keep you informed .

Total checking, Savings, Investments and Bond Reserve:	\$5,160,366.74
Total Accounts Receivables:	\$1,947,623.92
Total cash accounts:	\$5,160,366.74

VII. GM Report – Don Morris – Aloha, thank you for all the road maintenance and safety requests this past month. I do believe that we may have had a record number of request. I know that it’s the most since I’ve been here. Hopefully, the rain has stopped for a while and we can do something other than filling potholes and watering roads.

Once again, to remind, we address the requests in the order as they come in, unless it’s an emergency. It may take up to two or three weeks to get to your request. No one home owner’s request is any more important than any other homeowner’s request, unless it is an emergency, so please be patient.

Equipment –The John Deere tractor should be finished with its repairs around the end of January. The transmission seals in the Volvo Grader are leaking badly. We will be replacing them as soon as the parts arrive. We continue to make repairs on the rest of the equipment, as needed.

As for misinformation about needing a CDL license to drive our water truck in our subdivision – that is totally inaccurate. Per the State Department of Transportation (the entity in charge of issuing CDL licenses), we do not need a CDL licensed driver for our water truck on private roads. The are only interested in county, state and federal roadways.

Keys: We have changed the keys for all of the door locks in the office and Activity Center. The padlocks will be changed in the next few days. If you need keys for an activity, you will have to check them out from the office, Monday through Friday, between 8am and 5pm.

Chip Sealing – We have received the approval of the board of Directors to proceed with the one-mile test for the chip seal project. We should be starting in February.

Mowing – Grasshoppers have started mowing the main roads and cutting back the corners of the side roads. So far, it looks good. They are supposed to cut the roads on the first and third weeks of each month. The HPPOA crew mowed 59 miles of side roads.

Weed eating – 28th and Paradise, 16th and Paradise, 14th and Paradise, 10th and Paradise, 25th and Maku’u, 8th and Maku’u, 5th and Maku’u.

Spraying: 33rd, 32nd. 28th 27th, 13th, Maku’u Drive, Shower Drive, Bus stops, shop.

Dropped & rolled – 28 miles

Gravel, Graded & Rolled – 16 miles

Trees Removed - 3

Trees Cutback – 10th, Maku’u and Paradise

Signs Replaced/New – 1 Stop sign

Rubbish Pickup – 5.07 Tons

Dead Animals Removed – 7 pigs

Resident Complaints – 115 Total Road Maintenance Requests. 114 Resolved. 1 Unresolved.

Safety Report – No Accidents or injuries for the past 18 months. Thank you for your support.

There was a whole truckload of trash dumped on 20th – live gun shells, tables, chairs, all kinds of stuff.

A lot of time is spent watering the roads, but people are still complaining to health department.

VIII. OLD BUSINESS

1. **Annual Update** – being printed as of this morning. It will be folded and ready to mail by Friday to make the correct mailing date by end of month as needed. Thanks to Randi for getting it together.

Old Business

1. **Park Update** – On January 5, 2016, Ruth Mizuba (District 2) and John Rudolf (District 4) attended the council meeting in which the park was okayed to move forward in the next step toward having a park in HPP.
2. **Postal boxes** discussed. Policy regarding giving out addresses back to post office discussed. Sending a mailer out that would allow HPPOA to give out the names of those who want to have a post box. Adding to mailing with newsletter discussed to begin alerting people about this postal box opportunity included in the annual update, with the billing slip, and return envelope, so far. Six sheets is limit so adding a sheet to this mailer is okay and won't add any costs. The mailer will notify stating something to the effect that if you want a mailbox with the post office you'll have to give your permission to HPPOA to give the USPS your physical address and post office box. The Slip will require homeowner's name, address, physical mailing address. **Dr. Jo Maynard (District 5) moved to add a slip to the mailer asking homeowners for their existing PO Box, physical address and permission to give both to the US post office. Paul Wheelless (District 3) seconded the motion. Vote: Yes-7. Unanimous. Motion carried.**

Dr. Jo Maynard (District 5) brought up discussion about selling off lots to purchase lots on main streets for mailbox clustered central locations. Discussion about using the Hui for a post office area rather than purchasing or using other areas of park for mailbox clusters, but it would probably generate too much traffic. One cluster on each main road, and maybe a post office where fire station is also was hoped for during the discussion. Inquiry with billing will be our first step toward getting the release of info to the USPS, so they can really begin to move forward on creating more boxes for HPPOA.

IX. Committee Reports – All Committees must send in their minutes so they can be put on the website for the entire community

1. **Albizia Committee – Judi Houle** – They had another successful workshop on January 16, 2016. They helped two community members. Next February 20th will be skipped for a workshop because they are going to Lava State Park. The next workshop will be March 19, 2016.
Fire Ant workshop – Feb 27th - the last Saturday of February at 9am-11am. Delay was to wait for funding from State. Procedure workshop and subsequent workshops in the field to apply. Probably in the Hui library.
2. **Bylaws Committee** – No report this month.
3. **Emergency Action Committee – Judi Houle** – We finishing painting the Matson supply container and in April we will coordinate our efforts to bring CERT, community volunteers, and Emergency action committee for group disaster plan discussion. April 6th @2p in Hui library.
4. **Community Action Committee – Judy Sumter** – **There will be** one more council meeting, on January 20, in Kona for the bill to pass for funding. It was well received before the council and then they're meeting on the 28th, in private home – contact the office if you'd like to attend and for address of meeting.

5. **HR Committee - David Prager** – They are working on the employee handbook right now. A committee member’s mom died, so Terri Stratton is filling in for her in the office, and fixed several machines that were broken down. Our bookkeeper loves what she does and gives a lot of time. New road crew guy is also a really good mechanic.
6. **Paths Committee** – No report tonight. They are actively working on the Paths and Volunteers always appreciated!
7. **Road Assessment Committee – Paul Wheelless** - Road assessment committee met on January 4, 2016. It was held at the HPPOA Activity Center and all committee members were present. The meeting started at 4:17pm. The Committee was formed to assess the feasibility of increasing the road fees on Business’ in the park. The businesses identified were as follows: 1. The business’ that would be affected are those with large to oversized trucks, and heavy equipment using the HPPOA main and side roads. This would include water trucks, dump trucks, tractor trailers (heavy earth moving equipment). 2. Any school that would have vehicle transport that would drop off and pick up student’s either school owned or privately owned. This to include parents dropping and picking up students, school bus. 3. Any business’ that would attract any vehicle traffic that is unusually heavier than normal traffic on the main and side roads to include bus, tour bus, heavy auto and parking. Next, they will go about identifying how many businesses of these types are in the park and how many people are using the business, such as schools and tour companies. They will also next formulate a percentage of rise in road fees. Committee request to start at 25% as a projected minimum. Findings of the committee are to continue research. Next meeting on January 18, 2016 at 4pm is cancelled due to illness, but the next meeting will be February 8, 2016 at 4pm.
8. **Playground Committee – Judi Houle** – On December 30, 2015, the playground equipment was purchased. It consists of a play set and swing set slated to arrive here in two weeks. Handouts given to board showing progress spread sheet for phase two fencing for safety. A fence with two gates. One for people , one for maintenance. They hope to have a power point presentation for the community meeting. They have the word out for volunteers to install the playground equipment and they have a professional fencing company who are willing to install the fencing at half price. The committee requested a motion to approve the location. **Dr. Jo Maynard (District 5) moved on behalf of the playground committee to approve the placement location and fencing for the playground equipment based on the diagram provided. John Rudolf (District 3) seconded the motion.** Discussion: Heavy-duty posts would be best for fencing because of the people and equipment that run into them. **Vote: Yes-7. Unanimous. Motion carried.**
9. **Nominating Committee – Leilani Bronson-Crelly** – On January 7, 2016, the nominating committee voted to present the Board with three request which require passage by motion. The committee felt it needed Board support to ensure the logistics of “getting out the word” is met so that good candidates are available in the upcoming election.
Recommended Motion 1: “Move to approve mailing invitations (in the form of the Nominating committee’s flyer and candidate submission form) to all East Hawaii lot owners to encourage them to consider becoming a board candidate.” Rationale: A lot owner who resides outside of HPP, anywhere in East Hawaii, such as Hilo, could drive out for monthly meetings without problem.
Motion 2: “Move to direct general manager and, or office staff, to print the flyer and candidate submission forms, prepare mailing labels, envelopes and stamps or the East Hawaii lot owners.”
Rationale: By printing the flyers and the candidate submission forms in-house, we should save money on having to pay a professional printing company. Staff also needs to provide the mailing labels.
Motion 3: “Move to allow Nominating Committee to stuff flyers into labeled-envelopes and take to the post office to mail.”
Rationale: Nominating Committee members will help to stuff the envelopes, if staff is otherwise burdened by the annual billing cycle. D
Miscellaneous: The committee asked the general manager to hang two large banners over a month ago – one fronting the office on Maku’u Drive (between the palm trees) and the other in the activity center over the pull-down door, near the kitchen. That still needs to be done.
Dr. Jo Maynard (District 5) moved to support the three actions recommended by Leilani Bronson-Crelly for the

Nominating committee. Randi Larzalere (District 8) seconded the motion. Discussion: They are hoping to get to lot owners from Hamakua to Volcano, in hopes of finding a candidate volunteer for the Board who could attend the once a month meetings because it has been done before and worth the attempt. **Vote: Yes-7. Unanimous. Motion carried.**

X. New Business:

1. **Annual Update – [See above report]**
2. **HPP Authority on Road Use** – Ruth Mizuba (District 2) shared that a district member contacted her that ATV's on her road were speeding, tracking dirt on road. They contacted police numerous times and they say they have to see it to pursue. What is the responsibility of the park to control the behavior of this manner? The residents are tenants not homeowners and are disruptive and ruining the road. This has happened in the past and a Homeowner letter was created to have them deal with the issue. The Homeowner will be instructed to connect with GM for him to send a letter to the homeowner to take care of their tenants. This is a letter requesting corrective notice. Pictures are to be attached. The complainants need to make a written complaint with pictures, evidence, names of people, address, their police reports and all that information will be sent to homeowner. HPPOA informs, but cannot enforce, that's for police
3. **Preferential Voting** - Paul Wheelless will follow-up with a sheet regarding preferential voting and the three ways it can be done. To satisfy that request from last month. The first one was recommended as being easiest turned out to not be a preferential voting model, so more research will be done for next meeting. They were asked to look at it and choose one to give to nominating committee. **Paul Wheelless (District 3) moved to vote on one of the three preferential voting methods. Craig Crelly (District 6) seconded the motion.** Discussion: It would have to go into the voting mailer. Only if three people run will this be used. Each was briefly discussed of the three choices. 1st is single elimination. Whoever gets the most votes, but it was considered as plurality. 2nd was a double elimination, then another vote occurs a second time 3rd done six times. Twice for each person, to eliminate to the number one and two person and really should be computer done. Motion died, because first choice turned out to be plurality. So they will research further and return with more info. **Paul rescinded his motion. Craig rescinded his second.**

XI. Owner's Input -- *NOTE***: (PER THE HPPOA Guidelines for the Recording Secretary): Statements made by owners during the owner input section of the meetings are also summarized as is to be done for all the minutes. Minutes are meant to be a legal record of what was done, not what was said. "Owner Input" during Board of Director Meetings is a courtesy to the Community so that the Board can hear members, but it is not a required section per HPPOA Non-profit Minutes filing needs. It is a BOARD Meeting. Frequently an owner will have a written statement to accompany their 3-minute oral statement and that may be given to the Recording Secretary for use to assist in the summary of their statement.**

June Conant – She read an email from January and stated that in regards to one of the three properties awaiting sale due to title issues, in August of 2014, they were informed they got clear title, but in January of last year, Attorney Ted Hong emailed Dr. Jo Maynard that they had a buyer and needed the documentation to file with Court, he didn't get any response from office. He had been waiting for HPPOA office. Janice Ashford said it was back in January. June state that when she sent out the information, that was what she had.

Kathy Crawford –She was upset because she went to the office for a copy of the audit 2014-15, which, she stated that in the past she had always received a copy free of charge every year since living here. She asked to see it, but was told that she could only view her own personal file. She stated that per 4-14d it is her right to obtain a copy. She went on to insult the Board, their intelligence, the Minutes as they are prepared, further stating that she didn't want to pay \$34 for copies that she felt should be generated for her for free and that it wasn't a reasonable charge per her estimation, so she shouldn't have to pay that or wait five business days, moreover, she vehemently continued her complaint that the office now had a morgue atmosphere. When asked who the people were in the office that offended her by not doing what she demanded of them, she wouldn't give names of the people she felt had done her wrong. Lividly continuing on, she

ignored the 3-minute time limit while insisting that all rules should be followed for everyone; so therefore, her husband's petition for arbitration had better be heard.

Steve Crawford: Demanded arbitration as is he and the petitioner's "responsibility as a grieved people." He gave the Board copies of his petition which he said was prepared by someone in park of alleged high legal authority and another unnamed person said to be an attorney knowledgeable of HPP bylaws, but both of whom wished to remain anonymous. Stated that if his demand of arbitration isn't started by January 31, 2016, then he said that per HPPOA bylaws when the Board gets this documentation they have to participate and can't ignore his petition because otherwise, it will be a Court issue; therefore, he continued, since "the Board is gonna [sic] lose anyway" he concluded that this was their way of "respectfully demanding" that the Board sit down and talk to the petitioners; otherwise, he stated, "we plan to cost the park a whole bunch of money."

David Prager – Stated that he wanted to bring up fact that there are members in this Park who think that they are direct personal bosses of our employees, and they are not. The employees work for the Park members, but, "you have no personal right to call or go in to the office and yell, scream or literally threaten our employees, no matter what! It is not acceptable behavior from anyone!" This was upsetting to him because he stated that the HR committee worked very hard to get good people and he didn't want to lose these people as HPPOA employees or prevent other possible future employees from coming to work here.

Mayelin Stillwell – Stated that she wanted to comment on Beth Evesong's account of what happened on her road, between Deborah Hillman and RTSC which, in her view, was inaccurate and that she wasn't present at incident. She went on to ask about chip seal and if it's being done in-house or is a contractor being considered for this, where is the test road, and how long will it be in existence? She noted that a driveway has been proceeding, that has rock columns and ready to go. She wrote about it two to three months ago. Now, the Tongan church is now using their driveway. She stated that's what happens here and it becomes a "monkey see-monkey do situation" and wants to know what is going to be done about that. She also asked for them to please update on chip seal.

Leilani Bronson Creilly –Regarding the motion made to insert a slip into mailing of billing, asking people to provide their name and address; she looked at bylaws regarding protecting our HPPOA records from outside, but reminded all that in 2010, HPPOA kind of accidentally stymied the State Department of Transportation, when they tried to ask us for records, which they could have gotten publicly; so, she wanted "to tread on" the being aware of difference between maintaining our privacy, which is always important and required to maintain, but also reflect upon what information would be kept from the USPS that they can get anyway, that has to be looked at, as well. With regards to the Road Assessment committee, she noted the extreme import that with road assessments, it has to be completely defensible because if you say the church is exempt but a nursery gets full price, your methodology must be strong. That's why it has come and gone, in passed. Who gets charged what is only best done by Trip generation and is the only rational methodology to go about doing what that committee is about to do. **REPLY: That is what the Road Assessment committee plans to use – Trip generation methodology.

Sandra Collins: Reported that she has a sixty foot long, ten feet wide, and ten feet deep hole with quick sand in it that you would sink up to your eyeballs, literally. It's right in front of her land for a month, caused by a water diversion. The GM got a letter out to the landowner across street and she has now replied that HPPOA can't divert anything from her land, but they can restore the flow of water through her land. So, she's wanted to make sure it is getting done. **REPLY: The GM received the letter from landowner yesterday regarding restoring the flow of water, so it is moving forward now.

Beth Evesong: Thanked the Board for their volunteering. Wanted to add to what Ruth Mizuba (District 2) said about the testimony at the County Council meeting regarding the donation by HPPOA of 20 acres for a county park. There were seven community members who testified, which was touching, so she wanted them named for the record because they show how there are other parts of this community that are devoted to developing this park. The following seven people were so kind to attend and their testimony was moving and appreciated: John Rudolf, Ruth Mizuba, Leonard Allen, June Conant, Judi Houle, Leilani Bronson-Creilly, David Prager. She noted that if the master plan for the park isn't started within two years, then the property will revert back to HPPOA. Regarding the Finance Committee, she believed that the Board is responsible for the decisions about the overall betterment of this community and the bylaws clearly state that

members are elected at the June membership meeting for the Finance Committee or by the Membership Committee within the confines of that committee. She stated she was a bit nervous speaking, but noted that because the bylaws are clear as to when people are to be elected to Finance Committee, she just wanted to ask the Board to please go ahead and make a decision, which the community should accept, so we can move forward as a community.

Judy Sumter: Wanted to know when HPPOA is going to repaint the sides of the roads because it's a safety issue and it's dark and scary now, so people have gone off the road, further would like HPPOA to replace the center reflectors because when weather is bad it's dangerous and they're so helpful.

**REPLY: Paint machine will be used – striping roads is a safety issue and will be addressed There's so much that needs to be done by the road crew, so it was thought that perhaps contracting that out would be more expedient.

Ruth Mizuba (District 2) moved for the Board to investigate the cost of painting the four main road centerlines, sidelines and reflectors. Janice Ashford (District 7) seconded the motion. GM will get bids. We have machine, so it may be labor costs instead only and will be part of the investigating. **Vote: Yes-7. Unanimous. Motion carried.**

XII. Announcements

- 1. Next Board of Directors Meeting: February 17, 2016 at 6 pm.
- 2. Next General Membership Meeting is Sunday, February 28, 2015 at 3 pm.

XIII. Adjournment to Executive Session

Ruth Mizuba (District 2) moved to adjourn the meeting to Executive Session. Janice Ashford (District 7) seconded the motion. Vote: Yes-7, Unanimous. Motion carried. Meeting adjourned at 8:10 pm.

Respectfully Submitted and Approved:

Susan Bambara, Recording Secretary

Paul Wheelless, Secretary

Date

Date

BOD Motions Log 1-20-16

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