

**Hawaiian Paradise Park Owners Association
Approved Minutes of the Board of Directors Meeting
September 8, 2004**

Call to Order: The meeting was called to order at 7:00 p.m. by Frank Annin, President.

Members Present: Frank Annin, President; Gerard Silva, Vice President; Mark Cook, Secretary; Allan Deehr, Treasurer; Bill Carlson, Erhard Atrata, Rick Frazier, and Barbara Kahn-Langer.

Guests Present: Charles Cartwright, Gyomgyi (Momi) Szirom, Robert Rainie, Tom Catton, Bea Austin, Les Pedersen, Paige Miller, Ben Mead, Russ Jobst, Bobbie Alicen, and Ron Phillips.

Owner Input: Momi stated that the accident which occurred Saturday, September 4, on 28th St. was the third in that location in three years. She asked the Board to install speed bumps in the area.

Russ Jobst said that a speed bump at that location is required because the third of the three hills is short, causing fast-moving vehicles to go airborne. He said he tested it; his truck left the ground at 48 mph. The wrecked car took out four clumps of mature arica palms in his front yard.

Tom Catton expressed concern that "subdivisions of lesser value are surpassing" Paradise Park in quality of roads and homes.

Paige Miller asked that lot owners be allowed to offer input interspersed through the meeting as new topics come up instead of only at the beginning. He also suggested that if the Association purchases surveillance cameras, that they be infrared so they work in the absence of light.

Approval of Minutes: Allan Deehr moved to approved the minutes of August 11, 2004, as corrected. Barbara Kahn-Langer seconded; the motion passed unanimously.

Treasurer's Report: The road income for the month of August was \$39,538.33, of which \$26,505.58 was past due 2004 road fees collected presumably as a result of Morgan Sky's letter-writing campaign.

Non-road income totaled \$40,489.58; non-road expenses were \$1,039.42.

Road expenses for August were \$42,330.78. \$4,065.78 was spent on materials.

The road savings account totals \$900,000+, including \$67,000 for capital equipment.

The Activity Center account has approximately \$36,000.

The Frog Squad account has over \$32,000.

The power line and water line reserve accounts total more than \$20,000.

[Exact amounts were unavailable because the office computer crashed this afternoon before the report was printed.]

Special Reports

General Manager's Report: Bobbi said she has received numerous calls regarding the accident on 28th. [This issue was addressed by the Board under New Business.]

Pohaku Circle has an horrendous waterline situation with many branches off the main lines. Ryan has not been mowing in the area; she has asked him to weed-eat instead, since machines might break the water lines, which are very close to the surface.

Bill Carlson said that the County in the past did not allow meters on so-called private roads, so owners connected into the existing lines.

Gerard said that the County claimed that meter readers could not go on private property. When this was challenged in the courts, the County's policy was changed.

Another lot owner who properly buried his water pipes has had an owner place his pipes on top and appears to have damaged the lower water line.

Bobbi stressed that the Association needs to require accountability of the owners to follow HPPOA policies on waterlines located in the easements. She said that when homeowners ask the Water Department for parameters to work within, the County refers them to HPPOA.

Rick said that the Association has a waterline easement form which must be filled out before a new waterline is installed. Bobbi replied that a previous Board put a moratorium on easements for new waterlines in the Park. In the past owners have paid \$500 for the easement.

Mark suggested that the Board should stand behind the homeowners in requesting the County to provide a plan for correcting the problem.

Allan suggested asking the County to set up individual meters on the individual properties.

Frank asked Bobbi to research the history of the problem and present the number of lot owners affected and a recommended course of action at the Board meeting in October.

Barbara also suggested determining if the matter needs to be placed on the agenda of the County Council meeting.

Coqui Squad Report: Frank attended the Frog Squad's meeting to assure its approval of the proposed resolution to establish an independent bank account. Although she was also present at the meeting, Bobbie Alicen declined to present a report.

Unfinished Business

District Improvement Proposal: Gerard reported that the Public Works Department has asked the Association to bring the three main roads up to existing County standards, including widening them to 24 feet with a 3-foot easement on each side, and removing dips and blind spots. Les Pedersen presented an estimate of the additional cost of the project at \$1.4-2 million, which he stated is just an educated guess. The field inspection has been done and will be submitted in writing. He said the project would have to be engineered because it exceeds the limitations of the County grading ordinance.

Gerard said this amount will be added to the previous total and submitted with the resolution to the County Council in September or October.

Barbara asked that as a member of the Road Committee, she be included in all meetings and be given a copy of the seventeen steps required by the County.

Frank said he will send all members a copy of the seventeen-step process.

Barbara also requested details of with whom and how long we have been talking with the County and stated that the next County meeting is September 27, 2004.

2004-2005 Non-Roads Budget: Allan presented a budget proposal, based on previous budgets, allotting \$40,270 for non-roads expenses. The Bylaws authorize transfer of up to 5% of the annual road fees for non-roads expenses. The Treasurer elected to allot 3%, or \$25,687 of the current year's fees. Additional revenues are generated by the Activity Center, land leases, events and bank interest.

He also plans to increase income by investing in certificates of deposit.

Security costs for the Activity Center lot will be divided evenly between the roads and non-roads budgets.

The proposed budget allots \$13,180 for Activity Center improvements and \$15,206 for development of other HPPOA properties. Allan suggested that the first step for such development would probably be a survey to locate the pins.

He also presented a resolution establishing the annual compensation to the General Fund at 3% of the 2004 assessed road maintenance funds collected prior to the close of the current fiscal year, excluding interest or lien fees on delinquent accounts.

Allan Deehr moved to adopt the 2004-2005 Non-Roads Budget and passage of the resolution setting the annual compensation to the General Fund at 3% of the 2004 assessed road maintenance funds. Barbara Kahn-Langer seconded; the motion passed unanimously.

Road Debris: Barbara explained that the County has been aware of an existing junkyard on 5th St. since 2000. Mr. Usagawa, the County zoning inspector, has given the property owner strict guidelines as to what he is supposed to do.

Bobbi said the Association has been able to address debris on the easements only, despite the fact that he has moved junk onto other lots without the owners' permission. Last week she received a certified letter from the County stating that he will be fined \$100 per day until he is in compliance with County standards.

The owner has promised Bobbi that by September 13 everything on adjacent lots would be removed, plus road easement items. Morgan has suggested being aware of the nature of the debris, in case it shows up in other parts of the Park.

Barbara said a number of vehicles are on the easement in front of his property.

Bobbi said that when David Day tags a car, the VIN is registered in the office; if it reappears in the Park, it will not be tagged again, but will be removed.

Gerard said the County guidelines state that if a vehicle is missing major parts, it can be towed immediately. If the car is intact, there is a three weeks' waiting period before towing.

Mark asked if HPPOA has the authority to use these guidelines. He suggested that David take pictures of vehicles for documentation. Bobbi said he already does this if he suspects a persistent problem.

David picks up rubbish throughout the Park on Wednesdays; he has contacted people whose names and addresses he finds in the trash.

Lot Consolidation: Lots that are consolidated are required to pay only one road assessment. Allan determined that so few lots are consolidated that the issue is relatively unimportant at this time.

Gerard said that lots can be unconsolidated at a later date.

Coqui Frog Resolution: A motion passed at the May 12 Board meeting required the Frog Squad to establish an independent bank account by mid-September. One concern was that funds were solicited upon occasion in the name of the Park; also, some donations are embedded in payments to HPPOA.

The resolution appoints a Coqui Frog Committee of JoAnne Backman, Diana Radich and John Rozett and changes the name of the account to "Hawaiian Paradise Park Home Owners Association RDS, Coqui Frog Committee." All withdrawals will require two signatures of the appointed committee. The committee will submit monthly account statements to the Treasurer of the Board as long as any funds remain in the account.

Allan Deehr moved to adopt the Coqui Frog Account Resolution, providing that the existing account be placed under the responsibility of the Coqui Frog Committee composed of JoAnne Backman, Diana Radich and John Rozett. Barbara Kahn-Langer seconded; the motion passed unanimously.

New Business

Roads:

30th St.: Gerard discussed the problem of water drainage from the highway onto 30th St. near Kaloli. He asked Les Pedersen to study the area and submit a proposal. Les suggested regrading the road and installing four drywells with a paved six-inch swale to connect the wells. The hope is to catch the water, primarily to keep it from flowing over the intersection where 30th crosses Kaloli, creating hazardous conditions. He estimated the cost at just over \$90,000.

Rick Frazier suggested that a drywell, unless it can handle the water after it gets it, would only delay, not alleviate, the problem.

Erhard suggested ripping the property on both sides of the highway so that the water will be absorbed before it reaches 30th.

Gerard said he has called the State and the County and received no cooperation. He said the State will not allow the property to be ripped, because "they will not interrupt the natural flow."

Mark suggested having an engineer assess the situation.

Gerard said to fix the problem the way it should be fixed would cost millions. He said the Association can only hope to slow down the problem, not eliminate it completely.

Mark suggested developing a policy of engineering reports and acting on these reports, with the goal of fixing rather than band-aiding problems.

Rick said if the Board spends a lot of money and it does not improve the situation, it will be held responsible.

Les said that from a contractor's perspective, an engineer's drawing is always desirable. However, all an engineer can suggest is to catch the water. The proposed drywells are as large as can be dug without being subject to the Environmental Protection Agency's Underground Injection Control Act. He said if four wells is not enough to stop the flow, the only remedy is to dig more wells.

Frank asked Bobbi to contact engineering firms and ask how much an assessment would cost.

Erhard suggested asking lot owners to allow the Association to rip three feet across the front of their lots to absorb water.

Barbara's concern is that after the drywells are installed, Highway 130 will be widened, again increasing the water flow. She asked to see drawings of the existing situation.

Gerard said the flow comes from the culvert under the highway; it will not increase when the road is widened. Also, it will be at least ten years before that section is widened.

28th St.: Rick said that speed bumps tend to move, not solve, the problem. Tall, narrow speed bumps cannot be navigated by low-riding vehicles. He said the only effective deterrent to speeding is very heavy enforcement.

Les estimated the cost of two speed bumps at \$11,050.

Allan suggested the better solution might be to remove the hill. He said the County Council must set the speed limit on the road before the police will enforce it.

Bobbi said the lot owners in the area suggest one speed bump approaching the hill.

Mark said the problem of speed-related accidents is not limited to this street. He suggested hiring an enforcement officer who documents violations and submits them for prosecution, putting responsibility on the police department.

Gerard said to get the police to enforce the speed limits requires placing the roads under Chapter 24 of the County code. He offered to bring this information to the next meeting.

Barbara Kahn-Langer moved to authorize Bobbi Stutsman to query residents on 28th Street between Paradise and Kaloli and report to the Board at the next meeting with suggestions for action. Rick Frazier seconded; the motion passed unanimously.

Erhard Autrata moved to install an appropriate road sign designating the dangerous hill on 28th Street. Allan Deehr seconded; the motion passed unanimously.

Allan Deehr moved to request Les Pedersen to submit a bid for the removal of the hill on 28th Street. Barbara Kahn-Langer seconded; the motion passed unanimously.

Adjournment: The meeting was adjourned at 9:05 p.m.

Respectfully submitted by:



Kirstie Goin, Recording Secretary



Mark Cook, Corporate Secretary

Motions Log 9-8-04

Approval of Minutes: Allan Deehr moved to approved the minutes of August 11, 2004, as corrected. Barbara Kahn-Langer seconded; the motion passed unanimously.

Allan Deehr moved to adopt the 2004-2005 Non-Roads Budget and passage of the resolution setting the annual compensation to the General Fund at 3% of the 2004 assessed road maintenance funds. Barbara Kahn-Langer seconded; the motion passed unanimously.

Allan Deehr moved to adopt the Coqui Frog Account Resolution, providing that the existing account be placed under the responsibility of the Coqui Frog Committee composed of JoAnne Backman, Diana Radich and John Rozett. Barbara Kahn-Langer seconded; the motion passed unanimously.

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GENERAL FUND COMPENSATION**RESOLUTION**

WHEREAS, the Amended and Restated Bylaws of the Hawaiian Paradise Park Owners Association directs that the Board of Directors annually determine an amount of compensation payable to the Association General Fund for use of non-road assets; and


WHEREAS, the Bylaws restrict the annual amount of compensation to an amount not to exceed five percent (5%) of road maintenance funds collected in any given year;

THEREFORE, BE IT RESOLVED THAT:

1. The Board of Directors, having adopted a Non-Roads Budget for fiscal year 2004-2005, determine a need to set the annual compensation to the General Fund at 3% of the 2004 assessed road maintenance funds collected prior to the close of the current fiscal year; and
2. No interest or lien fees collected on delinquent accounts shall be deemed part of the 3% payment authorized by this resolution.

Adopted this 8th day of Sept, 2004.


Frank Annin, President


Mark Cook, Secretary

COQUI FROG ACCOUNT

RESOLUTION

WHEREAS, monies in First Hawaiian bank account # 20-091835 which in their entirety are denominated Coqui Frog funds are neither fees or assessments levied by the Association, and have been donated by Association lot owners for the specific purpose of eradication of coqui frogs; and


WHEREAS, there is a group of Association lot owners known as the Coqui Frog Squad who after research and study have become the leading and knowledgeable proponents within the Association for the eradication effort, and who are working with the U.S. Department of Agriculture on the current eradication effort;

THEREFORE, BE IT RESOLVED THAT:


1. The Board of Directors appoint a Coqui Frog Committee comprised of JoAnne Backman, Diana Radich and John Rozett;
2. The name of account # 20-091835 at First Hawaiian Bank, in which only donated funds have been deposited for the eradication of the coqui frog, be changed to Hawaiian Paradise Park Home Owners Association RDS, Coqui Frog Committee.
3. The Coqui Frog Committee be authorized to deposit into and withdraw funds from First Hawaiian bank account # 20-091835 for the sole and restricted purpose of eradication of coqui frogs within Hawaiian Paradise Park;
3. The bank account remain at First Hawaiian Bank, with all checks or withdrawals requiring two signatures of the appointed Coqui Frog Committee;
4. The Coqui Frog Committee will submit monthly reconciled account statements to the treasurer of the Board of Directors as long as any funds remain in the account;

5. Any funds received by the office of the Hawaiian Paradise Park Owners Association designated for the eradication of the coqui frog shall be turned over to the Coqui Frog Committee for deposit in account # 20-091835; and
6. This resolution may be rescinded at a regularly scheduled meeting or noticed special meeting of the Board of Directors.

This resolution was passed by the Board of Directors of the Hawaiian Paradise Park Home Owners Association on Sept. 8, 2004.



Frank Annin, President



Mark Cook, Secretary