

Orchidland Community Association, Inc.
Approved Minutes of the Board of Directors Meeting
April 15, 2014

Call to Order: The meeting was called to order 5:40p.m. by Marti Morishige, President

Members Present: Marti Morishige, President; Nikhil Inman-Narahari, Vice President; Derek Shimizu, Treasurer; Dennis McCartin, Road Chair; Ariel Murphy, Interim Director; Ralph Boyea, Secretary; Bob Arthurs, Interim Director; Bob Dexter, Interim Director; Armon Collman, Interim Director and Sheldon Raiter Interim Director

Lindsey LaLonde – acting as Recording Secretary

Guests: Peter Houle, Ric Wirick, Roger Hawney, Tiffany Edwards Hunt

Guest Input:

Peter Houle, live 36th and Orchidland paid for 6” minus red cinder about 5 years ago, willing to pay for material if OL can roll and grade it; turn right off of OL Drive.

Marti reminded members that road requests should be made at the Road Maintenance Committee meetings. Dennis and the Committee can consider requests in context of the whole subdivision. Dennis will call Peter about this.

Rick Wirick attended the last RMC, thanked them for materials put on 42nd; questioned the prep work that would be done prior to resurfacing OL Drive. Dennis McCartin explained the work that would be done along the chip-seal section of OL Drive prior to the placement of 2” asphalt. Dennis pointed out that the upper, asphalt section, of OL Dr. was done properly and that it is one of our better paved roads.

Minutes:

The minutes of February 18, 2014 were accepted as circulated.

The motions log for the Executive Session of March 7, 2014 was approved as circulated. It was agreed this motion log would be included with the March 18th minutes when they are completed. The Board was asked to assist in the completion of the March 18 Board meeting; the audio file was inadvertently deleted.

Officers' Reports

President: Marti, no report.

Secretary Ralph Boyea reported

Ralph circulated the new Director listing; the information on it is CONFIDENTIAL.

Director's terms – information was circulated to the Board again. Document includes the requirements from our Bylaws and eligibility for election. Only Dennis and Wayne will be continuing on as of July 1st. We need to have members run for office.

Phone messages: about 30 calls: 17 on fees, 2 requests for payment plans, change of address, change of owners, complaints about the web-site being down, road work requests, complaints about alleged squatters, politicians requesting audience with the Board, concerns about late ballots and voting, person volunteering to help out, calls inquiring about the Secretary position and one call from HPP regarding neighborhood watch. [Discussion regarding the need to talk to and work with local politicians.]

Secretary's Report was accepted as presented.

Treasurer's Report was postponed until later in the meeting.

Road Chair Dennis McCartin reported:

Dennis emailed a summary to the Board. If no questions will wait for New Business to make requests.

Hearing no questions, the Road Report was accepted as circulated.

Old Business:

1. Orchidland Trade Center [OTC] update Bob Dexter
Greg Gadd, Robert Arthurs, Ralph Boyea, Bob Dexter and Jeff Darrow, of the Planning Department, met to discuss the OTC requests for changes to their Special Use Permit.
Planning Commission requests 2,5 and 7 were approved; requests 3,4 and 6 were denied.
#2 – 5 year extension approved;
#3 – disapproved request to change the water conditions; must have a water line if it is available; otherwise can have catchment;
4- disapproved the request to eliminate the fire hydrant; if a water line is available they must install a fire hydrant;
5 – approved request regarding the road;
6 – they wanted to get out of paying for the traffic light at the highway, this was disapproved; we did speak to it being unfair to put this on one individual; there was discussion about rezoning the entire area, then they could reconsider who pays for it; Bob Arthurs mentioned the State DOT is considering putting in a traffic light at Kaloli, we were advise to speak to the Governor stating our position;
7 – request to extend the operational hours to 11pm, approved.

Treasurer: Derek Shimizu

Account balances as of March 31, 2014:

Road Maintenance Checking	\$ 89,265.42
Road Maintenance Savings	\$ 16,145.10
Administrative Checking	\$ 12,042.46
Paving Checking	\$ 46,063.32
Paving Savings	\$ 101.11
Community Lot Savings	\$ 6,912.34
Capital Savings	\$ 22,676.14
Legal Savings	\$ 23,610.70
Legal Fund CD	\$ 76,465.00
Chip Seal Account	\$239,289.84

Derek reported that we are overextended on spending on the Admin Fund, don't have a P&L Report, my QuickBooks is down, need to be careful due to payroll increases, extra mail-outs, website bill and outstanding bill for Stewart Oda.

Changes we want to do for the chip-seal repair fund - Bank needs the minutes adding Nikhil to the signature cards and minutes establishing the Chip Seal checking account. Ralph asked Derek to identify the specific minutes needed.

Treasurer's Report was accepted subject to audit.

Old Business:

1. Webpage Update: Derek reported that Larry said the website it will be live tonight. It is not finished yet, but the basic information will be on-line. The ticket system still needs work. Derek will no longer be the liaison. Nikhil accepted the role of "web page liaison."
2. Emergency Relief:
Dennis reported that the County of Hawaii Civil Defense wants Orchidland to have an emergency response plan. All communities are supposed to have one, most don't. Dennis and Armon are willing to work with Civil Defense on this. Primarily for use in disasters when the police, fire and ambulances can't get to the community.

Motion: To create an emergency response plan committee with Armon Collman as the Chairperson. Motion seconded and passed with 9 in favor and 0 opposed.

Ralph noted that the emergency response plan being discussed was far more comprehensive than the current Emergency Relief Policy that needs to be approved. The Emergency Relief Policy is about how to use the \$15,000 we set aside to deal with things like a road collapsing.

Motion: Ralph Boyea moved to table the Emergency Relief Policy discussion until the next meeting. Ariel Murphy seconded. Motion passed with 9 in favor and 0 opposed.

3. Attorney consultation update.

Derek reported on pending items for attorney review: 421J applicability; right to vote if not paid on all amounts owed; fees for consolidated lots; collection on legal defense fund; and the Wes Owens thing; Attorney Hong is working on it now but pointed out that Wes Owens issues can't be included at the flat rate.

Discussion: the Board already decided at an Executive Board meeting on March 7th to send a cease and desist letter to Wes Owens regarding how he was disparaging the Association and miss-informing the members; he adversely affected the community by taking down our website when we had two extremely important road issues that we put out in the newsletter told the members to go to the website for more information, he refused to put it back up after repeated requests; pros and cons were expressed about moving forward with this; most Board members felt it wouldn't do any good; it was reported that Wes sent an email to at least one local reporter, inviting them to look into illegal actions taken by the Board and Board members.

4. Wes Owens and his website:

Motion: Derek Shimizu moved to drop any legal action or proceedings against Wes Owens at this time. Motion passed with 6 in favor and 3 opposed.

Discussion: [continued from above] most Directors expressed their belief that any attempts to deal with Mr. Owens would be fruitless and that we should just move on with our business.

President Morishige recognized Tiffany Edwards Hunt

Tiffany noted that she is running for Hawaii County Council District 5. Willing to work with the community; familiar with the problem and issues of the Puna subdivisions; will be communicative with us and will establish a line of two-way communication. Willing to attend our meetings.

5. Legal Defense Fund Policy and Procedure:

Motion: Derek Shimizu moved to accept the Legal Defense Fund Policy and Procedure as revised by the General Membership on April 25, 2009. Bob Arthurs seconded. Motion passed with 7 in favor, 0 opposed and 2 abstained.

Discussion: Why is it dated April 2009? The policy was brought to the General Membership at that time, the membership made several changes to the policy, it was never finalized and the changes were never acted upon. This omission was found when the Policies and Procedures were reviewed. Ralph noted that when he found this he wrote a report to the Board showing the changes and asking that they verify the changes accurately reflect the action of the membership.

6. Stop Signs:

Dennis – Bob Arthurs was successful in getting 35 stop signs from the County. We are in line for more signs in the future. We will work on getting posts and installing the signs.

7. Collections:

Derek we received about 120 letters requests for payment plans, about 40 lot owners are currently on payment plans. The collection letter needs to be revised and updated. This involves about \$6-8,000 in payments. Nikhil will look into the possibility of making payments via the website.

8. Collections Orchidland Gulison's:

Bob Dexter reported that he and Bob Arthurs met with a representative from Watamull, they offered to pay \$10,000 up front and then \$1,000 per year thereafter. Bob asked that they provide their rationale for why they believe \$1,000 per year is a fair amount.

Motion: Bob Dexter moved that the apportionment of the back dues owed by [Watamull] be apportioned among all of the commercial property owners on Orchidland Drive be used to pay for the repairing of Orchidland Drive from the highway to 34th Ave. Bob Arthurs seconded. Motion failed with 0 in favor and 8 opposed.

Discussion points included: how would “apportionment” be calculated; would we be renegotiating previously determined amounts; can we act contrary to a collection policy passed and approved by the membership; can we retroactively add additional charges on to properties that were not assessed the higher rates; the County charges higher rates for commercial use; the Planning Commission required that the Haggerty project would have to pave and maintain their portion of 37th Ave; we have billed Gulison, they need to pay what they owe; major benefit to them is if they pay now, we can offer to repair their end of OL Drive with that money when we do the upper portion, otherwise we can't use chip-seal funds for that repair.

Motion: Derek Shimizu moved to allow Bob Arthurs and Bob Dexter to negotiate with the Watamulls to get Orchidland Drive paved from the highway to 34th Avenue. Seconded by Nikhil Inman-Narahari. Motion passed with 6 in favor and 1 opposed.

Discussion: [See the above discussion.]

Motion: Bob Arthurs moved that property owners who are more than 2 years in arrears be posted in the newspaper or on the internet. Ariel Murphy seconded. Motion failed with 2 in favor and 5 opposed.

Discussion: most Board members were opposed to this idea; Sheldon pointed out that we need to review applicable laws before doing anything like this.

New Business

1. Community Center:

Motion: Bob Arthurs moved to put the Orchidland Community Center on the front burner, which requires the appointment of an Educational Committee Chair. Derek Shimizu seconded. Motion passed with 7 in favor, 0 opposed and 1 abstention.

Discussion: to be a 501C-3, it has to be open to use by everyone, not just the OL Community; this could be established as a separate entity, donations would be tax deductible, would have to have separate bank accounts, funds could not be comingled; Armon questioned how many committees we have and who is on them, also what committees are active; this should be discussed with the General Membership, after the background work is done; Armon will consider spearheading this committee after doing some research on it.

2. General Membership meeting:

It was agreed that the GM meeting would be held at this location [Connection Point Church] on April 26, 2014. Be here at 8:00 a.m. to set up
Bob Dexter agreed to work on power point slides for the Board presentations.
Agenda was discussed and accepted.

3. New work on 35th Avenue

Motion: Derek Shimizu moved to approve up to \$4,000 for 2 loads of base course and cold patch for repair on 35th Avenue between Pohaku Place and Laniuma. Sheldon Raiter seconded. Motion passed with 7 in favor and 1 opposed.

Discussion: Dennis requests, were made at the RMC for base course; Ralph asked if this is for the same area that we approved \$25,000 for repair, after much discussion the answer was it is not for the same section.

4. Ballot count for June Newsletter:

Motion: Derek Shimizu moved to have the League of Women Voters count the ballots for new Directors and for the vote on the \$185 road maintenance fee proposal. Ralph Boyea seconded. Motion passed with 8 in favor and 0 opposed.

Discussion: problems with getting the last ballot count; previous use of Friends of Puna; use of Neighborhood Place; and mail pick up and delivery by Karen for those ballots that come to the OL address;

Motion: Derek Shimizu moved to accept all ballots received up to the day of the ballot count as being eligible to be counted. Bob Arthurs seconded.

Motion passed with 6 in favor, 0 opposed, and 1 abstention.

Discussion: setting a post-mark return date can create unnecessary problems for lot owners who receive their mail late, concerns were raised about this for the last ballot; having a “received by” date is more realistic.

5. New work on Laniuma between 39th and 40th:

Motion: Dennis McCartin moved to purchase up to \$5,000 of gravel to fill the “lakes” on Laniuma between 39th and 40th. Bob Arthurs seconded. Motion passed with 7 in favor and 0 opposed.

6. Treasurer:

Derek reported that he will no longer be Treasurer as of the end of this month. Sheldon agreed to accept the Treasurer position.

7. Meeting places:

Motion: Ralph Boyea moved to make a donation of \$100 to the Connection Point Church for each of the General Membership meetings held at that site. Seconded by Bob Arthurs. Motion passed with 7 in favor and 0 opposed.

Discussion: Marti noted that she will no longer be on the Board as of July 1st. We are getting this meeting location as a favor to her. She is looking for a new meeting location for future Board meetings.

Adjournment

Meeting adjourned at 8:50 p.m.

Submitted by:

Ralph Boyea, Corporate Secretary

Temporary Recording Secretary Lindsey LaLonde was unable to complete the minutes.

Motions Log 4-15-14

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