

HAWAIIAN ACRES ROAD CORPORATION

Meeting Minutes

July 25, 2013

1. Meeting called to order at 6:10 pm.

A. Greetings extended by Bill Hammond, President. Recognized Barbara Lively (legislative assistant to Z. Kern) in attendance as Zendo Kern called out at last minute and unable to attend our meeting.

B. Board Members present: Bill Hammond, Bill Kelly, Melinda Alsabrook, Thomas Raye, Geoffrey Wells

C. Guests: Andrea, Pam, Trish, Paul Shrift, Susan Tita, Glenda, Paul Booth, Tom

2. Approval of June 27, 2013 minutes. Motion for approval by Bill Hammond, Second by Melinda Alsabrook.

**Susan Tita:** raised her hand and wanted to have correction in June 27, 2013 minutes regarding remarks during Office Managers report, prior to meeting being adjourned. She wants it corrected to say she had raised her hand prior to her giving remarks and that Clayton called her a bad name. She feels the HARC board is not objective and minutes not accurate. **Melinda:** meeting minutes are not written word for word and that foul language was used to describe comment made which is accurate. **Noted:** Susan Tita requests notation that she raised her hand, no change to term "foul language" as descriptive. **Bill Hammond** that meeting minutes are not verbatim and that Melinda does a good job in recording minutes, redirection of discussion and Susan speaks to Bill Hammond as below.

**Susan Tita:** states she had requested to be placed on agenda by dropping off letter in the metal box. **Bill Hammond:** he had not received request and she can mail him a letter to be placed on agenda.

**Susan Tita** appealed to Bill Kelly to be placed on agenda. **Bill Kelly** asked what she wanted to say but discussion moved on without Susan speaking. **Tomas Raye:** spoke to Susan Tita and said she is not a paid member that comes in and tries to run the HARC meeting and it has become selfish on her part. Susan Tita offered to pay dues by check but not at this time. Barbara Lively asks where we are in the agenda--Discussion redirected by Bill Hammond to minutes being approved.

**Glenda:** request correction regarding ambulance access- the person needing the ambulance said they would meet the ambulance out on the main road/entrance and it was not an access issue. Noted.

**Paul Shrift** requested copy audio of previous meeting minutes. **Bill Hammond:** request denied unless he has a subpoena. He has not paid dues since 2008.

**Motion to approve minutes** after above comments by Bill Hammond, second by Melinda Alsabrook

3. President report and announcements. None at this time, I want to allow for Barbara Lively to speak

and for guest questions.

#### 4. Members and guests comments/questions

**Barbara** Lively: greetings & introduced herself. **Susan Tita** asked if she worked for Zendo Kern and for her title. Ms. Lively stated she was his Legislative assistant and described type of work she is responsible for.

**Bill Kelly:** asked about HARC obtaining some of the reclaim material for roads. **Barbara** said the state reuses the material for area roads “recycle”, she could see about it being sold or given away but other subdivisions would also want material. Bill Kelly said that would be fine for everyone to get some just divide it up. **Glenda** mentioned that we pay gas tax, property tax, state tax so we should be able to have access to the reclaim. **Barbara** said she had looked into it previously and state is using for road maintenance. If we give it to you others will want some too.

**Bill Hammond:** asked about our roads being private vs public. Issues that police have said private road but have also said they can give someone a ticket for riding a 4 wheeler without license. **Barbara:** 8RD is a county road as there was an agreement with the subdivision for pavement and maintenance. Police can enforce posted traffic laws and criminal offences within our roadways. There are no true private or gated communities anymore.

**Glenda:** Knows of two islands that county does maintenance on private roads as the public has access and mentions concern for accidents or damage to people/vehicles driving on roads not maintained and possibility of land owners that do not pay dues could be sued in court for damages. Informs Barbara that dues are not mandatory which can affect ability of HARC to maintain roads. **Barbara** states she thinks Glenda is hinting of county funds being used for private road maintenance and there may be a process but she will have to research it. HARC understandable has a problem when dues are not mandatory and should consider starting the long process to change that. The HARC could consider the county taking over all road maintenance and assessing each lot owner for the work being done.

**Geoffrey:** explained to Barbara about some residents encroaching on roadway by placing plants and rocks which interferes with road access and maintenance. There have been threats of violence against neighbors if they attempt to move plants/rocks. There are questions with Issue of public versus private roads and enforcement of easement rights. **Barbara:** Enforcement of our roads come from HARC by-laws, public laws and county laws. Again, there are no private roads as open to public access and no gated communities. HARC can ask for county to take over roads and there can be enforcement of county laws regarding 60 feet easement restrictions or it can be adjusted to reflect the current 40 feet easement that was established by HARC. **Paul Shrift** commented that a 60 foot easement would cause problems for residents moving plants, fences, gates and Barbara mentioned as above regarding an amendment to go by HARC current easement. **Susan Tita:** asked if it would require whole area to be surveyed. **Barbara** said no, as did other in audience.

**Paul Shrift** asked about speed bumps on 8RD; maintenance of brush along 8RD. Concerns about recent robberies on 4rd, 6rd. **Barbara** said there was an agreement by the county to maintain 8RD along with the brush/grass maintenance. She is not sure what “kind” of road it is so not sure of speed limit and speed bumps would have to be approved by the community. Prior to any road improvements HARC would have to review agreement they have with the county and decide what improvements are needed. She will check regarding agreement. **Susan Tita** said there should be a copy of the agreement in the office. Previously Aniola had been locked by county. **Bill Kelly** states he may have a copy of the agreement at home. **Bill Hammond**: county purchased twq lots so have interest in maintenance and not locking access thru Aniola. **Paul Booth** easement tenants in-common regarding 8RD an Aniola

Discussion by all regarding county agreement to provide lighting on road 8, bike path etc but specifics need to be reviewed and need to locate agreement first. All agree.

**Barbara Lively’s opinion**: She envisions the county eventually working with local subdivisions to enforce and help with improvements of roads. Helping and assisting those willing to do assessments of areas.

5. Secretary’s report: see previous comments above and board meeting minutes.

6. Treasurer’s report: We have received dues from 622.5 lot owners (\$37,350.00) since January 1<sup>st</sup>. We have received \$2250.00 in transfer fees. Our office expenses total \$7396.44 since the first of the year. The GE taxes have been paid (\$84.00). **Barbara** asks HARC status of 501 and Glenda tells her we are a 501C-4 and pay taxes on all transfer fees.

**Paul Shrift**: requested copy of financial paperwork showing where the money goes. Bill Hammond: request is denied, access to statement given in minutes sufficient.

7. Unfinished or new road business.

A. D rd has two PO’s.

B. C rd request for grading by Sheldon.

C. E rd change to PO to request 2.5’ rock instead of all ac-reject, grading PO still open. Bill Hammond to assist as Mathew James working nights and unavailable.

D. G rd issues with asphalt degrading. Geoffrey says his phone number may be given out to people requesting for rep of G rd.

**Paul Shrift** states he wants to volunteer to assist on roads and that he has friends with equipment to assist. He says they will offer cut-rate for services. He requests Thomas Raye’s phone number so he can work with him regarding roads. Thomas Raye agrees to provide his number.

8. Office manager report. **Glenda**

a. Receiving numerous calls(mainland only) regarding anonymous letter sent to mainland lot owners (only) describing poor road conditions and picture of road 10 to reflect this. We do not take care of road 10. This is a misleading anonymous letter causing lots owners that do not live here to be angry and concerned about paying road dues or saying they will not pay because of this. A returned dues card with comments by lot owner read to audience by Glenda. A Copy of the anonymous letter was given to Barbara Lively.

b. I am still completing the multiply lot owners due cards(over 500) and updating address changes as they come in. Charles, real estate agent, has been helpful in obtaining addresses for those owners we do not have on file. **Paul Shrift** asks if Charles had access to our computer files to do this? Glenda responded with no he did not use our office computer or files to get the addresses. **Bill Hammond** redirected discussion to stay on agenda and not misuse Barbara Lively's time.

c. Police officer William Brown has been assigned to our community and we will address easement issues with him.

9. New Business: none.

Barbara Lively thanks everyone, says she will follow up on issues with Zendo Kern and if we have additional questions to contact her at the office. Board and guests extend their thanks for her attending the meeting.

MEETING ADJOURM: 7:20pm