

**MINUTES OF KUAU BAYVIEW BOARD OF DIRECTORS MEETING
June 10, 2016**

DIRECTORS PRESENT: Luba Reeves (Pres), Dan Judson (Treasurer & VP), George-ann Kealoha (Sec), Tom Atkins (Director),

DIRECTORS ABSENT: Greg Aguera (in Europe)

OTHERS PRESENT: Owners, babies, & dogs from Lots 7,8,16,19,20,36,53,55,60,62,64,70,79, 90

REASON FOR THE MEETING: Several owners had asked the Board to address the ongoing problem of Karen & Malama Chun (Lot 93) having usurped a strip of Makana Park land for their own exclusive use. Other owners would like to be able to walk along this public land as a shortcut to the park entrance directly from their backyards without being accosted by the Chuns falsely claiming that it is their property. The Chuns were asked by the Board and the Parks Department several times to stop blocking this walkway, in 2003 and again in 2015 and 2016, but they have continued to ignore these requests.

CALL TO ORDER & DETERMINATION OF QUORUM:

President Luba Reeves called the meeting to order at 5:30 pm at Makana Park mauka of Kuau Bayview in Paia. With 4 of the 5 Directors present, a quorum was established for the conduct of Association business.

It was announced that this would be an informal meeting to deal solely with the one issue of access to the strip of park land which runs along the mauka border of Lots 93, 79, and 78. Everyone present indicated that they had viewed the [Park Strip webpage](#) which established via diagrams, plot plans, maps, and photos the following facts...

1. There exists an 8 foot wide County Right of Way running throughout Kuau Bayview along the shoulder of each street that extends from the curb, across the sidewalk and the 42" County planting strip on the inside of the sidewalk, and ending at the property line of the owner Lots. The property pins are located along this line.
2. There exists a 40 foot wide strip of Makana Park that runs east from Lae St along the mauka border of Lots 93, 79, and 78 that lies outside the park fence and was intended as a walking access to the Makana Park entrance for owners east of Lae St.

The group of owners proceeded to Lot 1 on the west side of the park entrance to view with their own eyes the property pin that was clearly marked. A measuring tape was used to prove that the pin was exactly 8 feet from the curb and about 2" mauka of the north end of the rock wall on each side of the park entrance.

The group then proceeded across the road to Lot 93 where the layout was a mirror image of the Lot 1 layout. A measuring tape was used to place an orange rock exactly 8 feet from the curb and 2" mauka of the north end of the rock wall but inside the 8' mark to ensure it was on County property.

There was a token ribbon-cutting ceremony to celebrate the opening of this walkway which had been blocked by the Lot 93 owners since about 2000. The large rocks that were obstructing the gateway and presented a tripping hazard were set aside before everyone walked the full length of the park strip from Lae St alongside Lot 93 and Lot 79 to Lot 78 where the path turned south and followed the Upper Retention Basin fence for about 10 yards before turning left for another 10 yards where it joined with the cane road leading east toward Lot 60. Several owners who are looking forward to using this shorter route to the park offered to keep the cane road and pathway clear of weeds.

The Association has obtained permission from HC&S and A&B Properties for Kuau Bayview owners to use this pathway and the cane road to access the park strip from the east side. A formal licensing agreement with A&B Properties is in the works and the HOA insurance company has confirmed that our existing General Liability Policy will cover owners using this pathway. Owners have every right to use this shortcut to the park whenever they wish, and should ignore anyone who tries to tell them otherwise. East Maui

Parks personnel confirmed this with Board members in December 2015 and in February 2016 sent the Chuns a letter pointing out County ownership of the park strip and demanding that they remove the green waste that they had dumped on this park land. They did.

Owners were excited about the prospect of finally being able to access the Makana Park entrance to go for a run or walk their dogs directly from their backyards by using this walking route instead of having to take a long, roundabout way via Hoe St. They thanked the Board for supporting their cause and acting upon their requests. It was recalled that the Board in 2003 had previously tried to open up this walking access (see the [Oct 20, 2003 Minutes](#)) on behalf of owners but had been personally attacked and harassed by Karen Chun in the same manner as the recent incidents of harassment.

ADJOURNMENT Motion to adjourn the meeting at 7:05 pm. Carried unanimously (Atkins/Judson).

Minutes prepared by:

/s/ George-ann Kealoha

George-ann Kealoha, Secretary

Approved by:

/s/ Luba Reeves

Luba Reeves, President

Date: June 15, 2016

AFTERMATH [additional notes by HOA Manager, D Brothers]

The owners of Lot 93 had been encouraged by the Board back in November 2015 to have a surveyor mark their property boundaries, but to date they have neglected to do so. They continue to insist that their property extends to the sidewalk even though their plot plan and all the County maps indicate otherwise, not to mention the corresponding pin location on Lot 1 (and all the other KB lots) which corroborates the maps. Shortly after the meeting, Malama Chun removed the boundary marker rock & ribbon that had been placed by the Board and moved the large rocks back to block the pathway. The rocks were moved out of the way again on Sunday but were put back within hours. At 8:15am on June 14, 2016 the Maintenance Supervisor of Makana Park, Mahea Kupau, personally hammered a metal marker pin into the ground with an orange survey ribbon saying "Property of Makana Park." Mahea then moved the large rocks out of the way and placed them next to the rock wall on park property. Shortly thereafter, Malama Chun stole the pin from park property and moved the rocks back to where they were blocking the gateway. Malama later admitted in front of several witnesses at Makana Park that he had removed the markers and moved the rocks because he felt that what the Board was doing was "illegal."

Coincidentally, for the first time in 19 years, my property along the park fence was vandalized later that same day. The vandal had been at the Chun's house on June 14, 2016 to buy six paddles. It took many hours to repair the damage and new materials had to be purchased. Then the vandalism occurred a second time on June 21, 2016, and this time the vandal (a friend of the Chuns) was caught in the act. I was able to photograph him when he confronted and threatened me. He admitted that he didn't know me but had "heard all about me" from Karen & Malama Chun who had put him up to the vandalism after convincing him what a terrible person I was and "how much trouble I was causing in the neighborhood." Two police reports were filed accompanied by photos of the vandal, his Toyota Tacoma truck, his license number, and his two dogs. It was firemen who gave me the vandal's name because they had been training at Makana Park that day and had also seen him. The police said they would speak with the vandal, after which the vandalism ceased, but not the terror it caused me. [I have removed the vandal's name because he is not a member of the Association.]