

**Orchidland Community Association
Board of Directors Meeting
Approved Minutes
March 16, 2021**

Call to Order: Vice President Doug Anderson presiding this is the OLCA Board of Directors meeting of March 16, 2021 via Zoom online conferencing the time is 6:36pm.

Board roll call via Zoom: Doug Anderson, Ric Wirick, Hershel Hood, John Erickson, Sky Platt, Tegen Greene, Jeremai Cann, Brian Murphy, Tara Brandon

Absent: Steve (Mongo) Lyon, Brennan Low

Special guests via Zoom: Charles Heaukulani, Phil Di Paolo, Chris Coles-Morales

Motion to approve the Agenda for the OLCA Board of Directors meeting of March 16, 2021 as distributed (via pdf).

Seconded

Call Motion to vote, all in favor 9, Motion approved.

Motion to approve the Minutes for the OLCA Board of Directors meeting of February 16, 2021 as distributed (via pdf).

Seconded

Call Motion to vote, all in favor 8, abstention 1.

Vice President's announcement to board members and special guests:

Aloha and welcome to the March OLCA Board of Director's meeting for fiscal year 2020-21. Our Committee and Board meetings are now being held via Zoom online conferencing due to concerns of the Covid-19 pandemic and the onset of the flu season.

Special guests are welcome by Zoom invitation to attend but are asked to please not interrupt the proceedings and agenda. Special guests will be given the opportunity to speak at the end of meeting.

Summarized Monthly Reports and Motions (full reports as distributed):

Secretary report and Motions by Ric Wirick:

In accordance with the OLCA Bylaws, Vice President, Doug Anderson immediately assumed the office of president when the former president was discharged. Doug Anderson is willing and able to serve as our newly elected OLCA President.

Motion to elect Doug Anderson as the OLCA President.

Seconded

Discussion: since 2016, Doug Anderson has served as the Vice President of OLCA and has fulfilled the leadership role as needed. In accordance with OLCA Bylaws, we are to elect a new president at the OLCA Board meeting.

More discussion, call Motion to vote, all in favor 9, Motion approved.

Motion to elect Tara Brandon as the OLCA Vice President.

Seconded

Discussion: Tara Brandon was elected to the OLCA Board in 2020. She has previous experience working with city council, community services and interacting with public officials. Tara has been willing to step up and take on a number of Orchidland community concerns and has previous leadership experience.

More discussion, call Motion to vote, all in favor 9, Motion approved.

Mahalo to both Doug Anderson and Tara Brandon for stepping up and being elected into these OLCA leadership roles.

Following- up on last month's "threatening letter" to the OLCA Board from a property owner: On February 16th, the OLCA Board was emailed a copy of the letter in question for review and comment. Related documents were also shared with via email.

In accordance with State Statutes, the Board participated in and approved email Motions in order to move forward in a timely manner with legal review and resolution of the "threatening letter" issue:

Motion to hire corporate attorney, Peter Steinberg, to review the "threatening letter" and provide a legal response. Mr. Steinberg legal fees are 2-hours minimum at \$245 per hour.

Seconded

Discussion: after the OLCA Board reviewed the "threatening letter" it is clear that a majority of Board would prefer and recommends a legal review of the letter and a legal response. Also, if and when this type of letter comes up again, OLCA will have a "legal response" on file.

More discussion, call to vote, all in favor 8, opposed 1 – motion approved.

Attorney Peter Steinberg reviewed then drafted letters addressed to the US Postal Inspector, Hawaii State Attorney General and the Federal Bureau of Investigation regarding the "threatening letter" from the property owners living in California. And he also drafted a reply to the authors of the "threatening letter" advising them that the authorities had been notified. Before mailing the letters, the majority of the OLCA Board reviewed and approved the letters drafted by Mr. Steinberg via email, and OLCA was billed for two-hours of service.

Announcement: the 2021 OLCA March Newsletter and Ballot will be going to the printers soon. As Secretary, I will need Semi-Annual reports from all officers and also candidate statements as well.

OLCA March 2021 Ballot proposals include: approval of recommended annual budget, fee schedule(s) MRMA(s) and Board member candidate elections.

For reference to previous March Newsletter reports and candidate statements, please visit www.Orchidland.org , click on Newsletters and March 2019, March 2018...

Note, the OLCA Board has approved continuing with Zoom online conferencing through the end of the fiscal-year 2020-21, at least until June 30, 2021. Recently some OLCA Board members also attended State Senator, Joy San Buenaventura’s Virtual Town Hall meeting via Zoom. Up to 300 participants could have joined that meeting via Zoom online conferencing.

It has been suggested that we hold OLCA’s Semi-Annual Membership meeting scheduled for Saturday, May 1, 2021 via Zoom online conferencing. Last year’s Semi-Annual Membership meetings in April and November were both cancelled due to the Covid-19 pandemic and social gathering restrictions.

Motion to schedule and hold the OLCA Semi-Annual Membership meeting scheduled for Saturday, May 1, 2021 via Zoom online conferencing.

Seconded

Discussion: Zoom online conferencing has proven to be a viable method to hold monthly meetings as well as larger public meetings. This would allow OLCA membership attendance and participation at Semi-Annual meetings rather than cancellation of the meeting due to the Covid-19 pandemic and social gathering restrictions.

OLCA members would be given notice in the March 2021 Newsletter and on the OLCA website on how to register and attend the upcoming Semi-Annual meeting via Zoom.

More discussion, call Motion to vote, all in favor 9, Motion approved.

That completes Secretary’s report and Motions.

Treasurer report by Hershel Hood, including monthly financials for March 2021 as distributed via PDF.

As reported in the January Treasurer report, the process of finding a possible alternative B&O, liability insurance policy for OLCA is still ongoing. No new information has been provided by the insurance agent.

Lockey Legal has returned the retainer fee. The amount of \$2500.00 has been deposited into the Legal fund by DPSI, our bookkeeper.

The following is a summary of the expenses paid during the month of February 2021.

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| 1. Attorney Peter Steinberg, for services provided and not previously paid.
The billing was from 7-25-2016. Approved by BOD vote. | \$945.00 |
| 2. Landa Web& Graphic design for yearly Web services. Paid thru 4-16-2022. | \$220.52 |
| 3. Patrick Donegan, Board of Directors Zoom meeting moderator. | \$62.55 |
| 4. Ashley T&H, road repairs, labor: Asphalt patching, pot hole filling. | \$4183.24 |
| 5. Attorney Peter Steinberg, for services provided regarding the
“threatening letter”. | \$514.50 |

6. Community Lot property tax payment for 2021.	\$198.40
7. First Insurance funding, March payment.	\$3260.02
8. DPSI, bookkeeper Accounting services for February 2021.	\$2601.74
	Total expenses paid= \$11,985.97

The total amount spent on road repairs, labor, was = \$4183.24

Total amount of administration fees= \$7802.73

Approximately \$160,000.00 has been spent on road maintenance for this fiscal year of 2020-21.

The monthly financial summary is provided by our bookkeeper DPSI and can be reviewed on the included PDF document for further details.
Hershel Hood, your OLCA Treasurer.

RMC report by RMC Chair John Erickson:

Updates on pothole filling:

AT& H ongoing monthly pothole filling on paved roads (asphalt and chip sealed).

With the rainy season over the past months and flooding/ ponding on lower Orchidland Drive -- potholes have developed quickly. During the worst conditions, 2 ½” gravel was used to fill the large potholes until the road dried out and potholes could be filled with cold patch.

Unpaved/ unimproved road maintenance updates: due to the heavy rain storms over the past months, pothole filling is continuing on unpaved/ unimproved roads. AT&H is addressing these pothole repairs, the cost has been about \$1000 per mile, which includes materials (1 ½” to 2 ½” base course or drain rock) and labor. Objective, fill potholes and/ or wash outs to maintain the posted 15-mph speed limit.

Unpaved/ unimproved roads serviced to date: from 40th to 35th Ave. between Pohaku and Orchidland Drive. Plus, cross-streets and dead-end roads in this section.

Service has begun between Orchidland and Auli’i Drive on 34th Ave and will continue up to 41st Ave. Cross-streets and dead-end roads in this section will be serviced as well.

Recently a visual-aid was created to help direct the pothole filing crew, pdf copy has been provided for RMC review.

RMC Chair, John Erickson, is in the process of locating road maintenance contractors that will work with him to address the opening of natural drainages along roads to help prevent ponding and reduce water flow down the roads. Opening these natural drainages will help reduce road damage and maintenance costs. He is also in the process of getting bids for road side mowing and the reduction of shrubs and trees that are encroaching and/ or overhanging the roads.

New business:

RMC Chair John Erickson has met with Justin, owner of Backyard Monkeys, and will be requesting a bid to address these road side issues on the Main Access Roads of Pohaku, Laniuma, Orchidland, Auli'i and Illima Drives. Justin has specialized equipment like an articulating arm with mower/ grinder on end to reach vegetation, shrubs and trees that standard tractor mowers cannot. As well as a boom truck and chipper. This bid will be reviewed by the RMC before this work is completed.

Last month the following Motion was approved by the RMC and BOD:

Motion to approve the drafting of the 2021 Paving Plan and submission in the OLCA March 2021 Newsletter and Ballot for membership review and vote.

The RMC determined that it was best to remain with the 1998 Paving Plan yet utilize the following clause if and when needed:

For historical reference, a copy of the 1998 Paving Plan has been included as a pdf attachment.

As stated, it is considered a "living document", referencing page 2, third paragraph:

"...This Plan should be considered a living document. By that it is meant that it should not be considered as a rigid document to be followed regardless of the circumstances. Identified improvements in execution, changing circumstances, establishment of a Financial Improvement District and other political developments may lead to the desirability of making well thought out changes to the Plan..."

Some considerations include: OLCA working with the County, State and Federal governments to improve, pave and install 25-mph speed humps on designated "emergency by-pass" roads. These roads to include: Pohaku Drive to 40th Ave to County road Ola'a Drive. This "emergency by-pass" connects State Hwy 130 to Hwy 11.

In addition, Illima Drive to 37th Ave to County road Ainaloa Blvd. This "emergency by-pass connects State Hwy 130 to County road Ainaloa Blvd.

Additional proposed routes, in 1992, the County designated 37th Ave from Pohaku Drive to County road, Ainaloa Blvd as an "emergency by-pass".

And finally, the reconstruction and paving of lower Orchidland Drive, the County and State approved "commercial district," from State Hwy 130 to 34th Ave.

Possibly, paving to proceed on the failing intersections of 35th and 36th Ave on Pohaku Drive. As well as the paving of the failing intersections on 34th and 35th Ave on Auli'i Drive. In addition, allow for paved aprons at all roads intersecting the Main Access Roads (Pohaku, Laniuma, Orchidland, Auli'i and Illima Drives) as well as side streets 40th Ave. This intersection and apron paving will improve road safety and reduce road maintenance.

Old Business:

The following Motions were already approved by the RMC and Board and will be placed on the 2021-22 Ballot and sent out for membership approval in the OLCA March 2021 Newsletter:

Motion to approve the OLCA MRMA (Mandatory Road Maintenance Assessment) fee of \$200 for fiscal year 2021-22, of which at least \$50 will go towards asphalt paving.

Discussion: The OLCA RMC and BOD has suggested to keep the annual MRMA at \$200 to encourage more participation by Orchidland residents. More participation, more payments of the MRMA by more Orchidland property owners will allow for more road maintenance and road improvements to be completed in fiscal-year 2021-22.

Motion to approve the Commercial MRMA fee schedule for businesses and the church on lower Orchidland Drive for fiscal-year 2021-22 as \$2000.

Discussion: the commercial business and church traffic on lower Orchidland Drive, plus flooding issues and a deteriorating roadway have led to annual repair and maintenance costs of over \$10,000 per year. Since there are currently five separate commercial property owners (including the church) on lower Orchidland Drive from Hwy 130 to 34th. If we simply divide \$10,000 in repair costs by 5 = \$2000.

Every year, the RMC would look at the previous year's repair and maintenance costs for this section of lower Orchidland Drive, divide it by 5, and recommend a commercial MRMA. Once the OLCA commercial MRMA fee schedule is approved by the RMC, it will be taken to the OLCA Board for approval -- and finally taken to the OLCA membership for approval in March Newsletter and Ballot.

Additional New Business regarding the Commercial MRMA:

The 2006 Commercial MRMA, which will likely be replaced with the 2021 Commercial MRMA, also addressed small businesses that require additional traffic to and from their locations in Orchidland Estates. To our best knowledge and understanding since 2006 -- other than the commercial businesses and church located on lower Orchidland Drive -- these additional small businesses in Orchidland Estates were not identified, nor the volume of vehicles monitored, nor the businesses charged addition road fees.

Some members of the RMC have suggested including a Motion/ ballot proposal in the March 2021 Newsletter to include a flat fee of double the standard MRMA for these small businesses that require additional traffic to and from their locations in Orchidland Estates. These RMC/ Board members suggesting this "flat fee" have agreed to help locate and document small businesses in Orchidland Estates. This research and documentation will be required prior to the OLCA billing for fiscal-year 2021-22 that is prepared in June and mailed out by July 1, 2021.

**The following Motion has been suggested by some RMC members for Board approval:

Motion to increase the Mandatory Road Maintenance Assessment (MRMA) for small businesses that require additional traffic to and from their locations within Orchidland Estates. This small business MRMA will be double the standard resident MRMA. For instance, standard residential MRMA \$200 x 2 = \$400 small business MRMA

Seconded

Discussion: additional traffic on OLCA private roads requires additional road service and maintenance. This increase, double the standard MRMA fee will help offset these costs. Small businesses would include B&B's, service providers, etc.

More Discussion, call Motion to vote, all in favor 9, Motion approved

Additional Old Business:

Utilizing asphalt hot patching for other paved road repairs in fiscal-year 2020-21:

The RMC has some areas on paved roads that could use asphalt "hot patching" rather than cold-patching. Plus, Horkori Construction has informed the RMC, that occasionally during State Hwy Road Construction in the area, overburden materials (more ordered than they can use) can become available, and if the hot pavement is not used it is dumped for recycle.

The RMC and BOD has approved this affordable and effective repair and maintenance service when "overburden" materials become available. RMC Chair John Erickson will contact Horkori Construction and discuss the specific details.

OLCA Roads being considered:

- A) Pohaku Drive at intersections of 35th and 36th Ave.
- B) Corner of 35th Ave and Laniuma Drive.
- C) Auli'i Drive at intersections of 34th and 35th Ave.
- D) Illima Drive where needed from 35th to 36th Ave.

Still tabled for consideration at next month's RMC meeting.

Motion tabled: to approve the asphalt pavement repair, crack sealing on Auli'i Drive from 36th to 40th where needed. Clean, and seal cracks where needed.

Waiting for additional bids.

Motion tabled: to approve the asphalt pavement repair on Laniuma Drive between 38th and 39th Ave. Repair dozer track damage in the inbound lane, closer to 38th Ave. Clean, tack coat, asphalt fill and compact over existing roadway to match up with existing roadway or slightly higher by an inch or less.

Waiting for additional bids.

Additional RMC updates:

Abandoned Vehicles (AVs) on OLCA roads and/ or in the right-of-way:

Location: 39th Ave just uphill of Pohaku Drive. RMC Chair John Erickson called in the report of these multiple vehicles in the OLCA right-of-way, called the HPD non-emergency number. The HPD has contacted the property owner and tagged some of the vehicles for removal. The property owner has also agreed to move the other vehicles off of the right-of-way.

Abandoned vehicles and the arson of abandoned vehicles in Orchidland Estates has been on rise over the past years. One major reason is that vehicle recycle centers stopped paying for metal recycling and now charge a fee. Technically, dumping vehicles is a criminal littering offense, up to \$1000 fine and 200 hours of community service.

If an abandoned vehicle (AV) is dumped on an Orchidland road or in the right of way, and it is reported to the HPD and they follow-up with an incident report. The AV should be towed or removed by the County within a week or two. If not, follow-up with the HPD on a weekly basis until the vehicle is removed.

The process is to call the HPD non-emergency number at 808-935-3311

Report an abandoned vehicle: provide the HPD with the date of incident, location, type vehicle and be sure to get an incident number and HPD officer contact name.

That completes the RMC reports and updates.

RMC and Special guest input:

Input from Steve (Mongo) Lyon:

1. Dead tree on Kehaulani - (Remove tree, replace paper box) John knows location.
2. Stop signs missing at Auli'i and 35th.
3. Cold patching on Auli'i (suggest tear-outs, roll over 4 to 6 feet cross road ribbon of chip-seal, similar to Puka patch).

Tara Brandon has updates on the roadside abandoned vehicles (AV) and trash dumping issues on Illima Drive. All 3 abandoned vehicles were reported to the HPD, tagged and were removed. Some trash had dumped out of the vehicles when they were removed, that trash is still an issue. It was noted that the abandoned vehicles and trash were dumped by residents from within Orchidland Estates.

Justin from Backyard Monkeys is attended the RMC meeting to give the RMC an overview of their services and who they would be able to assist us regarding road and roadside maintenance.

Farmers Market Committee (FMC) Report: no communication from the FMC and no announcements on the OLCA Facebook group page. December 2020, January, February, March 2021 first Saturday OLCA Markets were cancelled. The monthly sign is still in place, but it will be removed until further notice.

Community Lot Development Committee (CLDC) Report by Secretary Wirick:

OLCA is the acronym for Orchidland Community Association. So yes, we are the same group of individuals but wearing two hats with common goals. The CLDC represents our community nonprofit (501c4) and ACC representing a 501c3 non-profit able to receive tax deductible donations for the Community Center (Agri-Cultural Center).

The CLDC and OLCA Board approved a Motion to hire a civil engineer to complete the following requirements for the OLCA Community Center site plan and building plan applications:

Topographic Survey: \$600.00

Civil Construction Drawings (Site Plan, Grading Plan and Utility Plan): \$3,750.00

Drainage Plan: \$500

Septic design: \$1,100

The Topographic Survey and Drainage Plan has been completed and submitted to the County Public Works Dept for review and approval. A pdf copy of the civil engineer's drainage plan is attached for review.

The CLDC oversees the management of the OLCA Community lot, similar to the way the RMC oversees the management of the OLCA roads. Since August 2020 the CLDC has encouraged the OLCA Farmers Market Committee (FMC) to get the proper County and State permits in place and to follow the protocol for a sanctioned Farmers Market in order to operate as an essential business during the Covid-19 pandemic. To date, this has not occurred.

Last month, OLCA received a letter from County Planning regarding the OLCA Farmers Market. OLCA Board and CLDC member, Brian Murphy, over the past months has been following up on the necessary requirements for a County and State approved community Farmers Market. Brian has attempted to contact the OLCA Farmers Market Committee chair, Norman Kauahi with the updates, but to date, no reply has been received.

That concludes the CLDC report and updates.

OLCA Agri-Cultural Center (ACC/ 501c3) Board report and updates by Secretary Wirick:

Doug Anderson serves as Vice President and chair of the ACC Board, Ric Wirick Secretary and Directors: Sky Platt, Brian Murphy and Tara Brandon

The OLCA ACC is now moving forward with applications for grant proposals and fundraising for the OLCA Board approved 40' x 120' pavilion, to be constructed at the OLCA community lot.

That completes the OLCA reports and motions.

Additional Board input:

Tara Brandon reported that there have been some concerns/ complaints on OLCA's social media/ Facebook page that calls to the OLCA phone are not being answered. We are in process of recovering the phone from Steve (Mongo) Lyon. Tara agreed to assist with the calls, once the OLCA phone is recovered.

Jeremai Cann reported flooding during the past months of rain storms, the heavy floods washed down his fence. Jeremai lives near a primary flood zone on upper Pohaku Drive.

Special guest comments and input:

Phil Di Paolo, joined tonight's Zoom conference from Arizona. He thanked the Board for their service and asked to be included in upcoming Board meetings as a special guest.

Chris Coles-Morales, lives on a cross-street in Orchidland Estates, and asked the RMC to include the cross streets in the road maintenance rotation.

Final announcement: OLCA Officers and Candidates please get your reports and candidate statements to Secretary Wirick as soon as possible. The March 2021 Newsletter and Ballot will be printed soon and mailed by the end of the month.

That concludes the OLCA BOD meeting for March 16, 2021, motion to adjourn, call to vote, all in favor 8, the time is 7:50pm.

Submitted by:

Frederic Wirick, Secretary

Date