



# Orchidland Estates Newsletter

Orchidland Community Association, Incorporated  
Voice Mail – (808) 934-7738

P. O. Box 280, Kea`au, Hawaii 96749  
[www.orchidland.org](http://www.orchidland.org)

## PRESIDENT'S MESSAGE

By Glenn Pressel

### DIRECTORS

- PRESIDENT  
GLENN PRESSEL
- VICE PRESIDENT  
STEVEN STARNES
- SECRETARY  
LISA TOSTENSON
- TREASURER  
YEN CHIN
- DIRECTORS  
ANDREW COYNE  
DEAN MONROE  
ROGER HAWNEY  
VALERIE BADON  
DAWN SPURRELL-ROBINSON

### ROAD MAINTENANCE

- ROAD CHAIR  
ANDREW COYNE
- COMMITTEE  
YEN CHIN  
ROGER HAWNEY  
VALERIE BADON

### COMMITTEES

- EMER PHONE TREE  
TRINA PARRY
- PLANNING  
KIRSTIE GOIN
- FUNDRAISING  
SUSIE GARFIELD

### MEETINGS

- BOARD—4<sup>TH</sup> MONDAY  
RMC—2<sup>ND</sup> MONDAY
- 6:30 P.M. EACH MONTH  
AT THE  
AINALOA LONGHOUSE

**EVERYONE IS  
WELCOME**

Aloha to all Orchidland Estates lot owners. There have been some changes that I would like to share with you. The biggest change has been filling several vacancies on the Board of Directors. We now have a full Board and they have jumped in and started working on issues facing us. The main purpose of the Board is the maintenance of the roads. To this end there has been substantial work done on most of the side roads. If you have not paid your road maintenance fees yet, please do so because the coffers are low and work still needs to be done.

Also, by the time you are reading this Orchidland Drive from 39th to 41st should be paved thanks to all of you who have paid the special road paving assessment that was voted on last year by the general membership. The new Board has also worked very hard on a lawsuit. In 2005 the Board of Directors decided to step up collections on delinquent accounts. To that end over \$140,000.00 was collected. Thank you to all who paid your delinquent fees. One lot owner challenged Orchidland Community Association (OLCA) over the mandatory road assessments. The case went to court last fall and in December the judge hearing the case sided with the lot owner and against OLCA. The judge said that because mandatory road fees were not on the lot owner's deed, that the owner was not responsible for them. Since the 1992 class action lawsuit granting OLCA the right to collect mandatory road fees, many deeds now have that included, but it was not included on this lot owner's deed.

Also in December of last year the state appellate court ruled on a very similar case on Maui. In that case the appellate court ruled that when a person buys into a private subdivision there is an 'implied contract' that they are responsible for their fair share of the community's maintenance whether it is on their deed or not.

Due to this higher court's decision, our lawyer filed for a reconsideration of the case by the judge. We have not yet heard whether the judge will reconsider the case. If he does so and rules in OLCA's favor, that would be the end of the court case unless the lot owner appeals the case to the appellate court. If the judge continues to side with the lot owner, then OLCA's Board of Directors will have to decide either to appeal the case to the appellate court or to let it stand. In February the Board held a Special Membership meeting to review the case with the general membership and talk about the options in front of us. The Board hopes to have more information on the reconsideration by the time of the General Membership meeting on April 28.

Speaking of the General Membership meeting, it will be run a little differently than in the past few years. There will be break out sessions to

*[President's Message, cont.'d from page 1]*

work on specific issues facing Orchidland and there will also be a potluck picnic after the meeting. So try to attend, this will be a good time to become involved, meet new and get reacquainted with your neighbors. See the announcement about the General Membership meeting for details.

### **LETTER FROM OUR ROAD CHAIR**

Aloha Neighbors,

I want you to ask yourself a question: What is the purpose of the fees you pay and the Association you hand them to? If the answer is, your \$65.00 is to improve and maintain the roads for better access and prevent vehicle damage, then read on.

Until this year, the method of maintaining the roads was to lay a thin layer of gravel and stretch it with the grader. The roads in the worst condition were repaired first. I tried this method on the unpaved portions of the main roads. They survived a little longer than usual with a repaired roller and a very skilled grader operator, but still they decay.

October 15<sup>th</sup> the earth moved with a 6-point plus earthquake shaking the Island and our roads loose. October 16<sup>th</sup>, we received 18" of rain in just a few hours, nature's cleansing. There was no material left on any road to grade. The budget allotted only \$36,000.00 for labor and \$33,000.00 for materials, and more than half of this money had already been spent. The grader broke down from being used as a bulldozer for too many years and the roller's injection pump exploded from a contaminated fuel tank. What do I do? How can I do the most good, for the most people?

I knew from emails, phone calls and being stopped on the road that people were very upset over the road conditions, blown out tires, suspension damage and expensive vehicle repairs. Our senior neighbors were very worried about response time and access for emergency services; others are concerned about decline in property values and threatening to sue. Enough is enough.

I recommended and was authorized to rent equipment for one month at a cost of \$8,000.00—now, whose road gets done and whose doesn't? I started at 40<sup>th</sup>, and worked my way down, hitting every side road on the way.

By the time we got part way through 35<sup>th</sup> the bills came in and it was obvious we had run out of money; I ceased immediately.

We had repaired 32½ miles of the 40 we have, or 81.5%. Left hanging is the remainder of 35<sup>th</sup>, 34<sup>th</sup>, 41<sup>st</sup>, 42<sup>nd</sup>, Keala, Napua, Oliana, Pikaki and Pualani.

I have listened and acted and earned the right to ask the following: If you are fortunate and live on a repaired road and would like it to stay that way, we need you to pay this year's road fees; if you are not as fortunate, we need those fees so you can be. For \$65.00 you can avoid much more expensive vehicle repairs. The sooner the funds come in the sooner I can finish and then maintain the roads at a much lesser cost. I've shown I will do it. Help me help you, to help Orchidland.

Thank you,

Your Road Guy Andrew Phone: 966-4518

Email: [heyroadguy@gmail.com](mailto:heyroadguy@gmail.com)

### **NEIGHBORHOOD WATCH**

The Neighborhood Watch program is continuing to address the challenges of making our subdivision free from criminal activity and a clean place for the community. We need the community's help in preventing and reporting criminal activity, trash dumping, and abandoned cars. Please call the police at 935-3311 to report abandoned cars and criminal activity. Contact Orchidland Community Association's voicemail at 934-7738 to report illegal dumping or 966-4518 to report road problems.

We are expanding the Neighborhood Watch to include CERT. Community Emergency Response Team is an effort to assist your family and community in the event of an emergency or natural disaster. During hurricanes, floods, tornadoes, fires and other natural disasters the current 911 service of first responders is sometimes not able to help everyone everywhere. This expansion of the Neighborhood Watch to include CERT needs your help. If you would like to volunteer to be a part of the emergency response team and the Neighborhood Watch, please contact the voicemail at 934-7738 or send in the form from the bottom of page 7 of this newsletter.

Visit the Orchidland website for more info at:

[www.orchidland.org](http://www.orchidland.org)

## TREASURER'S REPORT

Many of you have witnessed a marked improvement of the condition of the side roads in Orchidland. Most of the side streets have gotten a thick layer of base course. Some streets have had base course added, and been rolled and graded for the first time in a decade or more. For this I think we can all be grateful. Unfortunately, these improvements have come at substantial financial cost. In fact, we've spent more money on materials than we should have. The financial statement that accompanies this report gives you some detail about the magnitude of the overspending, and I will highlight the essential information in this report.

A thorough explanation for these expenditures would make for a lengthy reading, so I'll write a short summary and make myself available at General Membership meeting and regular Board of Directors meetings to answer questions.

The money we have spent, we have spent well to rebuild the roads in Orchidland. Now we need your help. Those people who still owe road fees will find a bill included in this newsletter. Please pay it as soon as possible. As of this writing only about half of you have paid this year. Even if you have paid, please consider sending an additional contribution to help us keep the ship afloat.

The financial bottom line tells us that the bank account for road maintenance is essentially empty, and we will have to delay payment of the remainder of what we owe our materials supplier. The contingency fund, which was fattened by the collection efforts the old Board initiated in 2005 is depleted, so we have no financial cushion.

During the past few months the Board has been challenged by an almost complete turnover of members, and both the Treasurer's seat and the Secretary's seat have been vacant for much of that time. I only assumed the role as Treasurer at the January Board meeting and still have much to learn about the workings and responsibilities of the job. While our Road Chair has been on the job for several months, he only recently embarked on the project to restore the roads. Moreover, OCLA has been without a Road Manager to supervise the day-to-day operations of a road crew since the last one was dismissed in July. Throughout this time much of the Board's attention has been directed toward understanding and preparing to decide how to proceed with a very challenging legal case. In fact, most of our attention for the month of February was focused in that direction.

Nevertheless, we can make no excuses for the fiscal difficulties in which we now find the Association. We have overspent the materials budget by more than \$100,000. Not only did the roads require a huge quantity of materials due to last October's storm, but Board members, myself included, were slow to review the expenditures and put a stop to the spending before it got to this stage. We can only ask for your understanding about the past and your help now and in the future to get OCLA back on a solid financial base.

You will note from the financial statement that materials for roads is not the only line item for which expenditures greatly exceeded the budgeted amounts. Legal fees exceeded their modest budget by more than \$30,000 thanks in large part to the legal battles in which we engaged as part of the collection efforts. At this time it seems likely that we will continue to have significant legal expenses though, we hope, not of the magnitude we have seen so far this year. Liability insurance cost us about \$20,000 more than we budgeted. And lastly, the rate of payment of road fees has fallen well below the 75% we have enjoyed in the past and have used to make our budgets. At this point we have received payments from only about half the lots in Orchidland.

Folks, we need your help. The new Board has worked very hard to address the objections folks had about how the show was run, and the Road Chair has done much to insure that the conditions of the roads are better than they have been in a long time. If you haven't paid your road fees, we need you to

send us your checks. Even if you have paid your road fees, please consider making an additional contribution for your community.

Aloha,  
Yen Chin  
OCLA Treasurer

### **YTD TREASURER'S REPORT**

**(I can't put Yen's table in Word—it becomes unreadable. Please see his report for the info which goes on this page.)**

**Note:** These 7 candidates have been appointed to the Board of Directors during the current fiscal year. With the completion of Steve Starnes' term on June 30, even with these 7 volunteers we will still have 3 vacancies on the Board for the upcoming fiscal year. If you would like to volunteer, come to a BOD meeting (4<sup>th</sup> Monday of each month at 6:30 p.m. at the Ainaloa Longhouse) or introduce yourself to the Board at the annual meeting.

### **OLCA Director's Ballot**

TMK(s) \_\_\_\_\_

You must include your TMK for your vote to count. Your vote will be multiplied by the number of TMK's for which all OLCA MRMA's are currently paid in full.

#### **Please vote for the candidates of your choice:**

Valerie Badon—finishing law school on the Mainland, but currently on the Big Island working on a case.

Andrew Coyne— Aloha, I am currently your Road Chair and I ask you, help us out with road fees and I will do my best to continue repairing and maintain our roads. I also believe in voting rights for all, no exceptions! I want to see our own community lot developed into something we can all share in, and be proud of too.

Roger Hawney— As a 25 year resident I will provide a link with the history of OLE that has been missing for some time. I will work for better communication between the BOD and the community, and less of our road money going to lawyers.

Dean Monroe—owner of Kaleialoha Orchid Farm and 4-year resident of Orchidland. The main responsibility of the Board is road maintenance.

Dawn Spurrell-Robinson—have owned my property in Orchidland since 1991 and am an elementary school teacher. My vision is to be part of a team—(board & community) to promote a clean, safe, and inviting place to live. This vision can become reality if we all pool our collective talents, communicate openly, and step in to volunteer with a commitment to make Orchidland the best that it can be.

Lisa Tostenson—5 year resident and Registered Nurse, I am concerned with promoting a safe and healthy community. I would like to see better communication and more community involvement.

Yen Chin—My wife Patricia and I moved to the Big Island a year and a half ago having decided to do so more on gut feelings than careful rational analysis. We bought in Orchidland through a very unlikely series of events that felt like the universe was opening up a path for us to walk upon. I joined the Board last October at the urging of friends and neighbors and before I knew what I was getting myself into. I want to remain on the Board because we've started some good work that I want to help complete. I also want to finish building my house, but that's another story.

**Please send your ballot to:  
League of Women Voters, P.O. Box 665, Hilo, Hawaii 96721  
Ballots must be received by May 15, 2007**



## PLANNING SURVEY RESULTS AND OLE DESIGN PLAN 2007

The survey shows that our community's primary concern is environmental issues—protecting our *ohia* forest (stop pin-to-pin bulldozing!), natural beauty and endangered species. Other major issues include the condition of our roads and safe access to Highway 130; maintaining the rural and agricultural character of Orchidland Estates; a town center composed of small businesses supplying basic goods and services (no strip malls!); a community center and playground; and improved bus service to and within our subdivision. We also care about neighborhood safety, flooding, noise, access to medical facilities, protection of historic sites, and hike and bike paths,

The community voted 3 to 1 against rezoning sections of OLE to medium density urban.

*Mahalo* to everyone who responded to the October planning survey. Based on the results of this and previous surveys and numerous planning committee meetings, the Orchidland Estates Design Plan 2007 was finalized and approved at a community meeting on January 20. Copies were sent to the Puna Community Development Plan's Steering Committee, Land Use Working Group and consultant for inclusion in the PCDP. [You may download the plan from our website, [www.orchidland.org](http://www.orchidland.org)]

### COMMUNITY PLAYGROUND

Orchidland Estates is a community without any community gathering places. Social interaction and community spaces promote community health. Playgrounds and parks are vital aspects of thriving communities; they provide space for informal gatherings and encourage healthy activities for children.

We are wondering if there is interest and willingness within our community to participate in and/or support fundraiser events to create a playground on our Community Lot. Please see Lisa or Ula at the General Meeting April 28<sup>th</sup>, let us know what you think about this idea and any suggestions you may have. All input is welcome. Or send your comments to [olcaplayground@gmail.com](mailto:olcaplayground@gmail.com).

### COMMUNITY LOT GATHERINGS

The "bored" Directors have decided to liven things up a bit by having monthly gatherings on the Community Lot. The purpose is to bring people together in a friendly and relaxed setting and to make the Directors more approachable, all the while giving energy to our beautiful but somewhat neglected Community Lot. There will be potluck and live music, and we hope this will grow into an event that people will look forward to.

The Community Lot is on the northwest (mauka, Kea`au side) corner of 36<sup>th</sup> and Orchidland Dr. Stop by on the third Friday of any month in the late afternoon or early evening. Donations to the fund of your choice will be greatly appreciated, but certainly not required or expected. It's a fun thing.

### PAVING VOTE COUNT

The results of last May's paving ballot were 130 votes for \$100 per year for two years, 42 votes for \$75 per year for two years, 63 votes for \$50 per year, and 39 votes for \$50 per year to maintain the existing paving.

You were billed the initial \$100 last October, and will receive the second \$100 paving bill in October, 2007. The paving project on Orchidland Dr. is scheduled for this week.

-----cut along this line and mail to **OLCA, P.O. Box 280, Kea`au, HI 96749**-----

#### NOTIFICATION OF SPECIAL MEETINGS//NEIGHBORHOOD WATCH & CERT VOLUNTEERS

- I would like to be notified of OLCA special membership meetings.
- I volunteer for the Neighborhood Watch/CERT committee. **Phone #** \_\_\_\_\_

**Name** \_\_\_\_\_

**Mailing Address** \_\_\_\_\_



ORCHIDLAND COMMUNITY ASSOCIATION, INC.  
P. O. BOX 280  
KEA`AU, HAWAII 96749

**ANNUAL OLCA MEMBERSHIP MEETING  
AND POTLUCK**

(Bring your own utensils if you don't like eating off paper plates)

**SATURDAY, APRIL 28**

**Sign-in at 8:30 a.m. Meeting starts at 9:00**

at the

**HAWAIIAN PARADISE PARK ACTIVITY CENTER**

on Maku`u Dr. between 16<sup>th</sup> & 17<sup>th</sup>