

# Discovery Harbour Community Association

P.O. Box 651 • Naalehu, Hawaii 96772-0651

(808) 929-9576

E-Mail: [dhca@discoveryharbour.net](mailto:dhca@discoveryharbour.net)

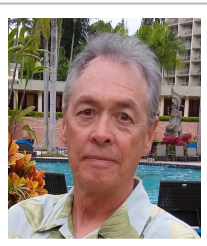
[www.DiscoveryHarbour.net](http://www.DiscoveryHarbour.net)



## 2024 ANNUAL NEWSLETTER

### PRESIDENT

Nels Eklund



A lawsuit has been filed against the HOA by the Great American Insurance Company. Great American is our insurance carrier that provides coverage in the SPIG cases. There are essentially two issues regarding their suit.

The first is whether there are two separate SPIG cases which means the total coverage limit is either one million or two million dollars. The second primary issue is a direct result of Judge Nakamoto's minute order in the 2016 SPIG case. Specifically, whether or not Discovery Harbour is a legal entity. Great American is claiming that the HOA could not contract for insurance coverage, which began in 2009, based on the minute order. They are ignoring the fact that their policy was issued to DHCA as a non-profit organization. Discovery Harbour Community Association is in fact a not-for-profit Hawaii corporation with a 501(c)(4) designation from the IRS. We have remained in good standing with the State of Hawaii, Department of Commerce and Consumer Affairs, for the last 42 years. There is nothing in the minute order that would change the Association's corporate status.

As reported earlier, SPIG and the Association have agreed to another mediation to seek a global resolution to both the 2016 & 2018 cases, which Judge Nakamoto has agreed to.

Both parties have recently agreed on a mediator and hopefully mediation will begin by May. Members can read all of the legal filings on the Litigation page of the website at [discoveryharbour.net](http://discoveryharbour.net).

I also want to address a rumor about the status of the HOA because of the SPIG lawsuits. First, the idea that there is no longer an Association is untrue. So far, only a minute order has been issued by Judge Nakamoto. A minute order is not a final order, and the HOA can continue to operate as usual. Also, an appeal cannot be filed without a final order.

Members also ask why are we spending money on attorney fees? There are only two choices when you are served with a lawsuit. Either defend yourself or be subject to a default judgment. I don't believe anyone on this Board prefers to spend our finite funds on legal fees. But we have a fiduciary responsibility to pay for legal counsel to defend our Association. Failure to do so would certainly result in a default judgment against us. Lawsuit costs are in addition to the routine issues that require legal services.

*Continued on page 2*



### ANNUAL ELECTION RESULT

1. Board size: 204 yea, 17 nay; pass
2. Director, Ferguson: 171 votes; elected.
2. Director, Morrow: 139 votes; elected.
3. Lot sale funds: 170 yea, 44 nay; pass.
4. Valid ballots: 251




*In more detail:*

1. We are required to set the Board size every year. It is now seven directors.
2. Matt Ferguson and Rich Morrow were elected to fill two open Board positions.
3. Proceeds from the recent sale of the lots will be commingled with the regular funds.
4. The quorum of 163 was met.



Book online



**Josie Coleman**  
Hairstylist

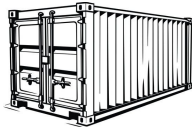
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Ocean View  
503-440-0566  
Available by appointment

Another direct result of the SPIG lawsuits is the dramatic increase in both the costs of our liability insurance and the amount of our deductibles. I believe that this Board should do everything in its power to defend our Association and its governing documents.

If nothing else, the governing documents give all of us some protection from unwanted improvements. For example, in the

last few months we have received inquiries from potential lot buyers who have inquired about building container homes, dome homes and a



400 square foot capsule home. There is certainly a place for all these types of housing, but I believe that the place for these structures is not within Discovery Harbour. Imagine if one of these was built on the vacant lot next door or across the street from you. The amount that each of us pay annually in dues is a small price to pay to protect our neighborhood. Our annual dues pale in comparison to what is at stake, especially for those of us who are homeowners. A study by George Mason University placed the value of an HOA at 5 to 6 percent of a property's value. This means a \$500,000 home would lose between 25 and 30 thousand in value without our HOA. Various other online sources place an HOA's value at anywhere from 2 to 17% of a property's value. Although our CC&Rs are old and far from perfect, failure to defend them will certainly result in an economic loss for all of us.

## SECRETARY

Rich Morrow



This year we ran our first online election. We had 246 votes online and 13 by paper ballots. The increase in total votes over 2023 was 16%. The results are available on our website in the minutes of the March meeting.

The amount of time required from our office staff was reduced by several days of work. The time from volunteers was reduced to two volunteers for half an hour from seven volunteers for a few hours.

Members who vote online can review their votes and receive a confirmation number that they can review later. The online votes are completely confidential, which the paper ballots are counted by HOA members.

Members received multiple reminders to vote – the postcard and as many as three reminders each by email and text. Thanks to Election Buddy we learned that many of the addresses we have are not correct. We were able to use the information to update our records. We should use all three methods of reminding members to vote next year. **Please keep the HOA updated on all your information.**

We are examining and reviewing the wording to make the instructions clearer. Over 16% of the ballots voted for only one director. We will modify the wording to make it clearer what the steps are in the voting process. Comments from members have been helpful.

We now conduct all Board meetings in person and by Zoom. The link for attending by Zoom is on the DHCA website, under meetings.

Secretary continued on page 4



# Selena Willard

REALTOR SALESPERSON  
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bigisland.selena@gmail.com  
po box 510 na'alehu hi 96772  
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@bigislandhawaii.realestate



**Hope Chu Hing Ins Agcy Inc**  
Hope Chu Hing, Agent

586 Kanoelehua Ave Ste 300  
Hilo, HI 96720-4563  
Bus: 808-935-3157  
hope@insurancewithaloha.com  
www.insurancewithaloha.com

Providing Insurance and Financial Services

## TREASURER



The recent sale of the three excess lots has provided some breathing room on the Association's financial front. The Association received a total of \$143,877 after the usual

sales expenses were deducted. This influx of funds will boost our reserves and ensure a healthy operating budget this year. The only unknown, as always, is what the HOA's legal fees will be.



Based on current figures, I have no concerns about continuing with our current dues of \$150 for 2024.

It is anticipated that a dues increase may be required in 2025 to maintain a best practice reserve amount for the HOA of 70%-100% of our expenses and to fund the requirements identified in our reserve study. Keep in mind, a reserve study is a best guess estimate on how much money will be needed to perform future maintenance projects. A big thank you to all the volunteers in our community that make Discovery Harbour a great place! Erik Ott

## No Herbicide

Department of Public Works-Highway Maintenance has requested form online to not utilize any herbicides.

[records.co.hawaii.hi.us/weblink8/1/doc/66492/electronic.aspx](https://records.co.hawaii.hi.us/weblink8/1/doc/66492/electronic.aspx)



## South Point U-Cart Inc

Redi-Mix Concrete Propane

**Stanley Troeller**

Owner Mgr

P.O. Box 6182

Ocean View, Hawaii 96737

808-929-9666

[stroeller@gmail.com](mailto:stroeller@gmail.com)  
[southpointucartcorp.com](http://southpointucartcorp.com)



PO Box 589  
Naalehu, HI 96772

808.640.0461 cell  
808.929.8721 fax

Rollie J Litteral, RB-19496  
ABR, AHWD, BPOR, CIPS, CRB, CRS, ePRO, GREEN,  
GRI, PSA, SRS  
REALTOR® Broker Owner  
[rjlitteral@gmail.com](mailto:rjlitteral@gmail.com)

## ARCHITECTURAL & ENVIRONMENTAL

Sue Bartlow



The Architectural and Environmental Committee is responsible for enforcing several Sections of our CC&R's, including reviewing all plans for new improvements and following up on violations.

The Committee reviews new build plans for houses, additions, fences and detached garages, as well as applications for clearing and grading.



As we carefully look at every application and all building plans, we make sure our CC&R's are adhered to. View protection is a big priority and oftentimes requires working closely with new lot owners on solutions to building placement on a lot, elevations before and after grading, and

how it all affects overall building height. It's always a pleasure to meet new owners in the process of assuring construction fits with our CC&R's. Our terrain is pretty uneven and there are challenges. Thank you to those who reach out to be sure their plans are appropriate before beginning any work.

When owners are having plans drawn, they need to remember that we are a "single family" development, and accessory dwelling units are not allowed under our CC&R's. Necessary applications to be filed before any work begins on any lot can be found at [discoveryharbour.net](http://discoveryharbour.net) and click on "forms."

The number of clearing, grading, and new building application numbers are running about the same as a year ago.

We still work to bring violations into compliance. Note that we only follow up on complaints; we do NOT police the neighborhood. A few violations have been ongoing for years, but that doesn't mean that we have not been trying to get compliance.

*A&E continues on page 5*



**Kurt Kirby**

[kurtkirby3320@gmail.com](mailto:kurtkirby3320@gmail.com)

Secretary continued from page 2



Board meetings are recorded and are available at [www.discoveryharbour.net](http://www.discoveryharbour.net). You need to register on the website to

see certain information which is for property owners only.

**Members can now pay dues via the website.**

Announcements are posted frequently on the DHCA website, including meeting times and supporting materials and reports for the meetings.

Current information about Discovery Harbour is available on Facebook at the Discovery Harbour Owners Group page. While this page is not officially associated with the HOA, owners share considerable information and will respond to questions.

### COQUI FROGS

Several coqui frogs have either been discovered and dispatched or just heard from a distance within the Discovery Harbour subdivision.



Coqui frogs are considered an invasive species, eating insects that are vital to Hawaii's eco-system and emitting a non-stop shrill sound from dusk 'til dawn. With no natural predators, they are spreading across the island, especially from Hilo, by hitch-hiking on produce, plants and other items, so be vigilant! They are tiny, with bodies about the size of a quarter, and are tough to spot. If you have them on your property, you can "rent" a backpack sprayer and citric acid for \$25.00 (\$20.00 is refundable upon return and \$5.00 is used to replenish the citric acid.) Contact the office for details.

### NEIGHBORHOOD WATCH

Matthew Ferguson



Aloha! Thank you to the entire Discovery Harbour community for giving me the opportunity to serve on the Board of Directors and Neighborhood Watch.

Discovery Harbour continues to be a friendly and safe place to live

here on the Big Island. The Neighborhood Watch is staffed with a great group of volunteers who drive our neighborhood multiple times each day. You'll recognize them as their vehicles display the Discovery Harbour Neighborhood Watch signs, so please give them a wave, shaka or thumbs up when you see them on patrol.



We are eager to welcome new volunteers to our group who are interested in taking a route

(which takes about an hour a week) or who would like to offer their help as substitute 'watchers' when another member of our team is off-island.

Neighborhood Watch meetings are held at the Community Center on the third Monday of each month at 5:00 pm if you would like to stop by for a visit. We have a police liaison officer who attends these meetings and gives us a community crime report as well as discussing any suspicious activities or items of note here in Discovery Harbour. If you plan on leaving your home unattended for several days, please reach us through the Community Center and we will keep an extra-watchful eye on your property.

Our neighborhood continues to be 'the safest and most crime-free neighborhood in all of Kau' according to the police and they credit our Neighborhood Watch volunteers for making the difference. Please consider becoming involved.

Matt Ferguson



808.967.7366  
19-3948 Old Volcano Rd, Volcano, HI 96785  
kilauealodge.com  
kilauealodge@highwaywestvacations.com




**Kona Ka'u Realty**  
Thomas Edwards  
RS-83128  
**(808) 936-5743**  
hawaiihomematch@gmail.com  
www.hawaiihomematch.com

**PLEASE DO YOUR DOO-DOO DUTY!**



One of the many wonderful things about living here in Discovery Harbour is our community of walkers. Walking our neighborhood is a great way to meet, socialize and get some exercise.

Our neighborhood is full of beautiful homes, flowers, lawns and common areas all for the enjoyment of everyone. The warmth of the sun, the grass on your toes and the smells of the flowers are what we all came here for. Many of our walkers enjoy walking their leashed dogs (or other pets) throughout the community.

This is a terrific opportunity to get outside and frolic with your pet. They too love the sights, sounds and smells of their surroundings. I'm sure that all of our pets would clean up after relieving themselves (if only they could), but just as they rely on you for food, water and companionship, they rely on you to clean up their mess. The park-like grounds of Discovery Harbour are for everyone to enjoy. Please remember to pick up after your pooch. They'd doo doo it for you!



**Erin G Santos**

Assistant Branch Manager



esantos@cuhawaii.com

T (808) 933-6700 x 132 F (808) 929-8766

476 Hinano Street Hilo, HI 96720

CUHawaii.com

NMLS# 401919

MLO# 1477382



**A.P. MAINTENANCE**



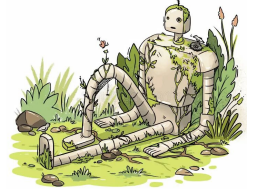
**(808) 936-5535**

**Yard Services  
Small Kine Landscaping**

*A&E continued from page 3*

When lot owners refuse to maintain their property in compliance with the CC&R's, it creates a lot of work for both the Committee volunteers and the office staff.

Overgrown vegetation continues to be a problem as well as inoperable vehicles, barking dogs, loose dogs, and roosters. Lot owners in violation face monthly assessments, possible legal action, and or property being liened if fees are unpaid. The Committee has great appreciation for our residents and everyone's work to keep Discovery Harbour safe, clean and beautiful.



Mahalo,  
Sue Bartlow A&E Chair



**NEWSFLASH**

The 2024-2025 Annual dues invoice will be mailed on June 1st. To avoid late fees, pay by July 31st. If you desire to pay online, you must be a registered member. To register go to the website, [discoveryharbour.net](http://discoveryharbour.net)



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in the U.S.A.  
19° N 04' Latitude

Connie F. Koi  
General Manager

P.O. Box 655  
Naalehu, HI 96772  
ckoi@bakeshophawaii.com

Phone: (808) 929-7343  
Fax: (808) 929-8214



Dr. Frederick Kennedy  
CHIROPRACTOR

808.494.7920

doc@afkennedy.com

95-1142 Na'alehu Spur Road Na'alehu, Hawaii 96772

## SOCIAL COMMITTEE

Deb Andrzejczak

The social committee has been hard at work over these past months hosting numerous events for our community.

In lieu of a Veterans Day event, we supported OKK and contributed to the Veterans Day celebration at the Hub.



We had a fabulous response and contributed over 300 cookies to the cause. OKK served lunches to the community, and the support of the Discovery Harbor Social Committee was very much appreciated.



The committee hosted a phenomenal Thanksgiving feast for 90 HOA members. There were 8 delicious turkeys cooked as well as numerous

side dishes and desserts. Thank you to Sue Bartlow for making the beautiful centerpieces for the tables and to all the social committee members who cooked, set up and cleaned up. I am so grateful, and I so appreciate our team.

The committee met on December 1st, and decorated the hall for Christmas, and made it look quite festive. A special shout out to Irene Eklund (my partner in crime) who stepped in



and took care of the decorating while I was recovering from a fall. The holiday parade of lights was held on December 16th. Despite the poor weather, there was a good turnout. Afterwards approximately 30 participants came together in the community center where refreshments were served. Dave Tate played Christmas carols to which everyone present sang and a great time was had by all.



## GopherLee Yard Service

Call for a free estimate. Mark Twain & Discovery Harbour only.

Lee McIntosh  
PO Box 739  
Naalehu, HI 96772  
808-854-7846  
lee@gopherlee.com

<http://gopherlee.com>



<http://cartoonistforchrist.org>

The committee members hosted a brunch on St Patty's Day, a new event this year. There were 45 people in attendance. The ladies cooked a variety of delicious Irish dishes that was enjoyed by all.



Upcoming events in the next quarter will be a Memorial Day picnic, and a 4th of July Picnic. I will be scheduling a meeting to prepare for the Memorial Day Event very soon.



The Social Committee needs volunteers. Right now, we are a small group that does so much for Discovery Harbor.

It is a rewarding experience and won't take much of your time.

**Make A Difference**  
**Volunteer**

If you would like to volunteer for The Social Committee, please email

Deb Andrzejczak at [debrepac@aol.com](mailto:debrepac@aol.com), or Cell 609-305-7550 so we can add your name to our email list for meeting notifications.

A Special shout out to all the social committee members who volunteer their time, cook, set up and clean up. Thank you to the firefighters and other volunteers for all their assistance behind the scenes. We could not have pulled any of our events off without you.

Deborah Andrzejczak  
DHCA Social Committee Chair



**ALL ROCK FARM LLC.**  
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Building Contractor

**Joseph Esposito**  
Licensed Contractor  
CT-38864

808-345-4372  
[builderjoe99@gmail.com](mailto:builderjoe99@gmail.com)

## KA'U REALTY

**KAMI TAKACS**

(808) 688-6204

[SoldByKami@gmail.com](mailto:SoldByKami@gmail.com)

[IslandHomesByKami.com](http://IslandHomesByKami.com)

95-5649 Mamalahoa Hwy

Na'alehu, HI. 96772



RS-82687



## DISCOVERY HARBOUR VOLUNTEER FIRE DEPARTMENT

There has been very little activity in the last several months despite the usual dry weather periods. This may be a result of community members understanding the destructive potential of fires in the aftermath of what happened on Maui and acting more responsibly. That is fortunate for us as our availability of drivers to respond to calls is currently extremely limited. This should be somewhat alleviated when our most recent driver trainees are certified to operate our fire apparatus.

On a sorrowful note, longtime fire volunteer and former DHCA Board member, Tom Ries, recently passed. Our hearts and condolences go out to Tom's widow, Midge.



Tom Ries



Ken Shisler

Volunteer Captain Ken Shisler will be resigning in mid-May. Ken has served on the DHCA fire department for the last 13 years, the last 10 years as Captain. Ken will be sorely missed as he

performed many vehicle repair and maintenance tasks which kept our fire apparatus in service. He also planned and implemented many modifications to upgrade the firehouse facility. Best of luck to Ken and his wife Dina in their future endeavors.



Become  
a volunteer  
Fire Fighter

*We can always use more help, and we are allowed to have up to 12.*

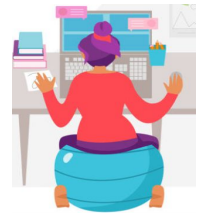
## AT THE OFFICE



Aloha, 2024 is already racing by. Whether its welcoming new owners, answering questions from potential new owners or current owners; offering support to our volunteer Committees or assisting the Treasurer and Secretary with their duties, we are always busy. But, we do enjoy

visits from our new members as well as our long-time owners to assist with their inquiries or needs. We still would appreciate a call first to schedule you in but will always try to accommodate even if unannounced.

We encourage members to contact us for changes to your personal information such as address, phone number and email. Also, consider designating your contact status as "e-news" for invoicing and newsletter announcements. This will reduce the cost in stamps and paper. Please contact us at 808-929-9576 or email DHCA to verify your information.



Another request, if you rent your home, please let the office know. Their contact information will only be used if there is an emergency or to invite them to any social events in the community.


We still offer scan and copy services for a small fee to our Lot owners. Also, there is a guest internet connection if you have just moved here and are not yet connected.

The Community Hall is quite active with all sorts of free classes- check them out on the website or come by for a flyer. Don't forget, as a lot owner you can rent the Hall for private events. Fee for Lot owners is \$75 per day.

Our office hours are M-W-F, 8am-noon; also, there is a locked drop box near our door, if you desire to drop off documents and checks during our non-open hours. Suzanne & Meliha



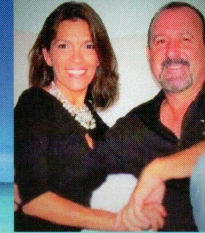

**KONA KA'U REALTY**  
GREAT ADVICE \* NO PRESSURE  
**MYRIAM EDWARDS**  
DIRECTOR OF SALES  
HI LICENSE: RS-72560  
PHONE: 808-640-4711  
ALOHAMYRIAM@GMAIL.COM  
ALOHA  
KONAKAUREALTY.COM



**Little Fire Ants** like warm, wet and shady places such as trees, bananas, palms, potted plants, and other vegetation with lots of nooks and crannies for locating their nest.

They drive out beneficial insects, birds, and other wildlife, but, even worse, their sting is dangerous for pets and farm animals, and they are very destructive to plants and their bites are very painful.

The treatment to rid these pests have started. Volunteers have been working on eliminating them but they could use more help. To learn more on how you can help, check out this website: [littlefireants.com](http://littlefireants.com)



**KONA KA'U REALTY**  
GREAT ADVICE \* NO PRESSURE  
**TOM EDWARDS**  
PRINCIPAL BROKER  
HI LICENSE: RB-20336  
PHONE: 808-937-6534  
EMAIL: T3@ALOHA.NET  
ALOHA  
KONAKAUREALTY.COM

# FREE CLASSES ARE OFFERED AT THE DHCA HALL


## KA LAE QUILTERS



Thursdays  
10 am to 4 pm.  
Beginners & experienced quilters. Bring your own materials.

## Pilates Fitness Plus

Tuesdays  
2:30-3:45 pm.



Low impact Pilates techniques to improve balance, core strengthening flexibility and strength. Judy incorporates DVDS in the workouts, using light hand weights, Stability balls & resistance bands. Staying fit while having fun. BYO equipment or call Judy at (808) 640-4712 for more info on purchasing bands, balls.

## FIT TODAY

M-W-F 12:30-1:45




Get back in shape. Bring a yoga mat. Yoga, Stretching, Exercise, Dance & Zumba. Exercises are by videos.

Contact Meliha  
(808) 319-8989

## CHILDREN'S BALLET

Fun class for 4-10 year old children. Introduction to basic, tumbling and dance.

Seasonal Class.  
Contact Suzanne to register  
(808) 930-4678




Wednesdays 3pm-6pm



For new & seasoned yogies. We have several instructors with different types of yoga. Bring a mat, towel and water.

TUESDAYS & THURSDAY  
8:30 AM



2nd Tuesday of each month

Educates volunteers about disaster preparedness for the hazards that may occur where we live. Training in basic disaster response skills, such as fire safety.

Contact Dina (410) 935-8087

## Game Night



Wednesday  
6:30pm - 9:00pm

Contact Larry 503-830-2021

## We Rent Our Hall

To learn more about the rental of the hall, contact the DHCA office 808-929-9576





NEIGHBORHOOD WATCH

Meetings are on the 3rd Monday of each month at 5pm.

NEED VOLUNTEERS

Meetings on the 1st Tuesday 4pm. And 3rd Tuesday 4:30 pm.



Contact Ken (410) 299-5359