

COMMUNITY MEETING, 2021

September 18, 2021: Present at meeting: Paula Bafaro President, Aimee Chambers Secretary, Erik Smith Trustee, Kurt Kassahn Treasurer, Dan Jensen VP

Zoom: Don Stark Trustee Jonathan Thurman Trustee

Community Meeting:

Election results:

Don Stark, Kelly Dukes: 3 year terms Ray: 1 year term

Final count:

Total eligible votes: 194

Kelly Dukes: 132

Don Stark: 158

Jonathan Thurman: 64

Kurt Kassahn: 65

Ray Stephanson: 124

President's statement

State of the Island

September 2020 to September 2021 has amounted to quite a year! There has been record growth on the island, with homes being sold in a matter of days and the first million-dollar home sale recorded! With growth comes responsibility and challenges. These challenges were compounded this past year with Covid-19 but we faced them head on and have weathered the storm.

Ferry

This past year we saw the arrival of our new ferry! The Hat Island Ferry: Another Holiday, is getting owners to and from the island quickly and efficiently. Her arrival meant owners had to adapt to less cargo space than we have been used to, but Island implemented cargo runs have helped manage that burden.

The Hat Express is listed for sale and there are a couple of interested parties considering purchasing her. She rests and awaits her time to leave in our marina. Captain Shane will keep her in working order and as she has passed her Coast Guard Inspection, we expect she won't have to wait long for her new assignment.

Captain Shane, First Mate Kyle, and Relief Captains Mike and Carl are ready for the winter weather and look forward to transporting owners back and forth safely in the coming months.

Marina

The marina is in great shape after two community clean up days. In addition, under the guidance of community members John Gray and Chuck Motson, the dock cart deck has been relocated into the ferry slip. This opened up two new moorage slips. We also gained back two slips from the Puget Sound Yacht Club. The marina has been busy and on warm summer weekends and holidays it was full to the brim.

Golf

Our beautiful golf course is in great shape and was well taken care of by relief Greens Keeper, Rick DeFransesco while Greenskeeper Brad Tinius completed a solo sail to and from Hawaii. Some exciting plans for the remainder of 2021 and in to 2022 include adding a disc golf course and a practice area for our golfers. We hope to do some updating to the irrigation system as well. We will make sure to keep you all posted this winter with pictures of the projects as they proceed.

Water

Water Maintenance Supervisor, Chris Inman, continues to keep water flowing to our homes. We are purchasing two generators for our M and G tanks. Many owners may not know that when the power goes out, some homes on the island lose their water as well. With the purchase of these generators, we will be able to keep water flowing to these homes even if they are in the dark.

We recently replaced the membranes in the RO building. The membranes had lasted much longer than expected but they finally wore themselves out. With the new membranes we are seeing a higher quality of water production. We are still not able to produce water as fast as we'd like to because with the warmer weather we are seeing a higher degree of growth in our marina water. We continue to work on water production and are pleased that we made it through one of the hottest summers on record with very little water loss.

General Operations

We continue to look at ways to improve the island's infrastructure, manage drainage and maintain our roads. We have added a maintenance team member with a background in these areas, and will continue to make sure that the island is not only maintaining the basic services but that the areas we are working on improve throughout the year. A large focus this year will be on drainage to the marina parking area and maintaining the roads from the erosion we so often see during the winter months.

Finances

The board is anticipating a 2022 Budget presentation in the next week or so from the Finance Committee. Once the board has previewed it and given feedback to the Finance Committee, the budget will be presented to the entire community in October, with a request of a vote in December.

The Finance Committee has been looking ahead and is working on a five year budget. This takes coordination between all departments of the island, all of the different committees and island management to foresee coming expenses in the next five years.

Hat Island management has been focusing on collecting past due assessments and working with owners to get their payments in on time. You may have noticed when receiving water bills that there is a new way to click on the invoice and pay immediately. This has resulted in a much faster collection process.

PUD and Power

After a year of working with the Tulalip Tribe, PUD has determined it necessary to search out other opportunities for a relay station to lay our new 3 phase power cable. They expect to have vetted out the three different locations in a short amount of time and will be meeting with the Board of Trustees in the next few weeks to give us an update.

Legal

We anticipate the decision by the State of Washington Supreme Court on the Surowiecki lawsuit in the coming weeks. This has been a long time coming and we look forward to having this put behind us, allowing us to focus on other matters.

Community

And as I wrap up the 2021 State of the Island, I do with the focus on our community. The social committee has been on fire this past year with monthly activities for all. The Nature Conservancy has brought nature walks and informative gatherings for islanders as well.

Our volunteers continue to amaze as they spruce up the golf course and the marina. Individual volunteers have helped out with tree pruning, painting the picnic benches in the commons and even with some road maintenance. As we look back on 2021, let's celebrate our wonderful owners. All areas of the island have grown and improved this past year but none of it could have happened without the support and dedication of the people who call Hat Island home!

Dennis Dearing: A26: Requests of the board. The questions that we posed for the board were not getting to the board. I wanted to ask questions and they were not presented and that is important

My second request is everyone drives on Saratoga, I would like the island to try and control the dust on Saratoga drive especially. We did an experiment 8 years ago and it worked. So that is my request.

Ginger Harmon: Before we do this we need to make sure the roads are taking care of first. Proper bonding etc. Back Assessments: I would like to know the total owed to the island, including Matt. S

Dan: approximately 2.5 million for the year

Kim: I was told the past that the community. Board has questions about minutes going out.

Sandy: For your consideration, that means people won't have an opportunity to give feedback. I would like the board to do that and come up with a solution so the community can give feedback.

Erik: We need to get better at that as well. We need to get that to you guys quicker. Just a matter of the board coming together and then get them out to you. There is a back and forth and we need to get better at that.

Lori B39: With the delay of the minutes is there any way we can record a board meeting. Have them recorded and same day.

John Hammel: Wondering if we can get signs for the beach to warn people of tidal changes and possibility of sinking in the sand.

Sandy: I think education would be very helpful

Kurt: Now that I am a citizen, I think the meetings should be recorded. The old ferry, we should lower the price again.

Erik: Maybe we could use it a barge or something like that. Maybe we could repurpose it.

Cheryl: Would we advertise the Express at the boat show.

Barb Conwell: I suggested a for sale sign on the Hat Express with all of the boat traffic.

Sharon: A24: When is the community going to have an agreement to read between H and HICA? When was this finalized? Has HICA agreed to pay a percentage of the H division company work? If so what is that percentage? Is there a cap on the amount the community will be liable for? This is info that affects the entire community and the budget.

Dan: An agreement was reached in mediation. Was signed off 2 years ago by the board. H division was responsible for their division. Assess themselves to pay for it. Contract filed with the county 2 weeks ago. And now we have to wait.

John Holte: Is that available on the website?

Erik: If it is not we will make it available to you.

Sharon: We have paid a great deal of money for maintenance of H.

Dan: We came up with an agreement with the board and then it was stated it was non-binding. If it goes on their property it is their responsibility.

Sandy: PUD question. Tulalip doesn't want the cable and now we are looking at other options. I heard previous boards have negotiated with Tulalip and another attorney.

Dan: There was agreement in the past, then there is a project. Someone at PUD stopped doing their end, they messed up but we still have to pay. Right now, they have estimated what it is going to cost. Once they do the project they will recalculate the cost. PUD is looking at 3 different locations.

Erik: I am interested in having an attorney to review this and what our restrictions are. I'd like to hear the black letter law.

Ginger: The island did have an attorney and it should be in the records. During negotiations people talked about a second home location and Everett was upset and that is when it changed.

Erik: I would be fine with getting a legal opinion.

John: F33 Personally thank the board all outgoing members. Also want to tell the board, working with Kim and island staff has been amazing. I suggest you all complement them and thank them. As chair of Marina committee, I suggest you take a look at the Marina and all that we have done and what we are planning. Marina committee is working on a great deal of changes. The safety committee has been reactivated and I will be the chair for that if anyone is interested in joining let me know.

Sandy: Conservation committee. A year ago, the board approved 2k study for conservation. We have never had a report back on what the findings are. I would like to see a report back on this.

Laurie: We have been working hard on conservancy committee. We have some ideas on what works and doesn't and wanted to make a presentation. Due to the some of the issues we ran into, we have had some additional work that we need to do, but I appreciate your input and we are all concerned about the changes and we will have something for you soon.

Sandy: My thought about that is the board would get more input from the community and be more involved with this. So that we can preserve nature areas and green spaces. Chuck Motson did work with someone years ago, but there has been so much change I would like to see something like this.

Sharon: Thank you Kurt Kassahn for all of your hard work and your work on the financial committee and worked diligently so we now have a healthy financial state on the island. Thank you for everything you have done. Also, Jonathan Thurman has done a fabulous job and gave a great contribution to the island, especially with regards to Roberts Rules.

Adrianna A5: Follow up comments on long range plan. I believe the Snohomish county has property taxes that can help with the green areas. Snohomish county conservation district has a lot of resources that can assist us with some the challenges we face. Jerry and I can both help and we can work out to Snohomish county and particularly bluff lots. Some the practices that have gone on here for decades and no longer good practices. We need to take responsibility for our lots and our drainage issues. Thank you.

Don Stark: Feel free to reach out to me for long range planning. We have met with some of the code enforcement people and how we are going to work with them. One of the things we did talk about was the steep slopes of the island and county agreed they would work on this with us. I was not aware of conservation district and that would be a great resource.

Tonya Morris:

Hi Kim,

Here is the letter I would like to have you read at the meeting tomorrow. Please assure me that this will be read in its entirety (except for the Snohomish county code which is for reference for the safety committee and board only). If you're unable to read this, please let me know and I will read it myself, although I prefer for you to read it on my behalf. Nobody from the Safety Committee called me FYI.

Thanks, and please confirm with me that you received this message,

Tonya

Dear Board and Safety Committee members:

I want to share a situation that happened over Labor Day weekend so hopefully the Board and Safety Committee can address solutions to excessive noise and safety. I am keeping the names private, but a description of the situation is a relevant example for the attention I am seeking from the board.

We have two neighbors who regularly have extremely loud parties until very late at night and early into the morning. I have had numerous conversations about this issue to try to work this out in a neighborly way. Ultimately, while friendly and amicable during the day, once the neighbors become inebriated, their judgement and awareness of how this affects their neighbors goes out the window. This has been happening for years so the resolution is that at some point late into the night, I shout out from our deck asking them to keep the noise down since myself and my children are unable to sleep. They normally quiet down at that point, and while it is frustrating for me, it is at least a solution that has worked for years. This changed over Labor Day weekend and our safety was put at risk. Two belligerent and heavily inebriated male neighbors were angry that I asked them to keep the noise down after they were yelling on their decks until 12:30am. They responded with highly inappropriate explicative from their deck in response. My son and I went to our rooms and within about 10 minutes, these two men were on our deck yelling for me. They were yelling "It's me!!" It's (insert their names here)" including yelling more explicative while walking up and down our deck directly in front of our windows. I am a single mom and my son and I were not only shocked, but we were frightened. My child was scared that they were going to hurt us with how they were acting and the explicit language they were using. I wasn't sure who to call to get help in case they tried to get into my home. They wanted me to come out of my house but I told them I wouldn't talk with them while they were inebriated or belligerent and I demanded that they get off of my deck and my property. I was in my pajamas and my son was so scared that he had a panic attack. It took about 10-15 minutes for me to convince them through the window that they had to get off of my property. I didn't feel comfortable being on my deck the rest of the weekend and my son was nervous about staying the night after that. We have not been back since. My biggest issue with this situation, is that these two men caused my son and I do not feel safe in my childhood home of over 40 years. This is unacceptable thus why I feel like I need to act and publicly talk about this so we can enjoy our family home again.

As a result of this experience, I have put a lot of thought into our safety policies, protocols, and noise disturbance rules at Hat Island.

While I understand that we are a private island with looser rules, we still have rules to help people stay and drive safe, our homes less dusty, etc. so we can be a positive and neighborly community. I was pleased to hear that there is a Safety Committee so I think this is an extremely relevant conversation to have in order to keep our community a safe and welcoming place.

Noise Disturbance-Snohomish County has noise ordinances in place to address the noise issues. These are general rules that are meant to enforce noise disturbances since property owners have the right to have peace, comfort, and repose in their home. I have included the link to the codes and the violation consequences below for reference. I think we can look at Snohomish County's code on this to come up with a reasonable plan for our community. People want to enjoy their property and I'm not referring to people talking around a campfire and laughing with friends while sharing a drink. This is expected and one of the things I love about Hat Island. I think these rules should be in place to protect our community members from recurrent excessively loud partying that goes until very late at night. I have heard complaints from fellow

community members about this issue happening with neighboring Airbnb's. I think the property owner should be liable for their guests which would cause them to make it very clear to their guests that there will be a charge if they receive a violation infraction.

I recognize that we don't have police here but I think there should be a way to file grievances or complaints to the Hat Island office. I think that after multiple complaints, there should be a fine imposed which increases after each violation. This is what Snohomish County does and at the very least, perhaps it would discourage this behavior, or hopefully encourage people to be more respectful and thoughtful of their neighbors.

Safety-When this happened to us at 12:30am I didn't know how to get help. I couldn't leave my house to get help since they were standing in front of my slider. Since then, I designated someone I can call who will help me if this happens again, regardless of the time of night. With heavy inebriation and substance abuse, it opens the door for an unsafe situation. What is the protocol when someone is being violent or creating an unsafe situation? Who can we as a community call for help? Since there aren't police on the island, how would we handle this type of situation? At the very least, I would like the Safety Committee to analyze these potential situations to come up with solutions and give guidance. Once someone has crossed the line and created an unsafe situation towards someone, what is the course of action other than filing a police report with the Sheriff? When someone trespasses and creates an unsafe and threatening situation, what are the consequences? I realize these are difficult situations to talk about, but I think it's important to be addressed. I realize enforcement is an issue that also needs to be resolved. I am hoping we can come up with ideas and solutions to these concerns. My father, David Surface, (both of us are property owners) and I are both happy to brainstorm or serve with the committee to be part of the development of the adoption of sensible safety policies and practices. I know that my children and I won't feel safe until it is addressed and we have some enforceable solutions.

Thank you for listening,
Tonya Morris family
David & Linda Surface

Snohomish County Noise Disturbance Code

<https://snohomish.municipal.codes/SMC/8.16>

Frequent, repetitive, or continuous sound which emanates from a residence structure or property, and created by audio sound equipment, musical instruments or social gatherings which unreasonably interferes with the peace, comfort and repose of owners or occupants of neighboring residential properties

Where this chapter defines "public disturbance noise" as sound unreasonably interfering with the peace, comfort and repose of owners or possessors of real property or neighboring property, only after a complaint has been made by such a person, except for public disturbance

noise as defined by SMC [8.16.010\(M\)](#) which requires two (2) complaints to be made, may the Police Department issue a civil infraction notice. However, nothing herein precludes the Police Department from issuing a civil infraction notice should the “public disturbance noise” occur in the presence of a commissioned police officer.

Violations Related to SMC 8.16.010(A) through (L). A first violation and infraction of SMC [8.16.010\(A\)](#) through [\(L\)](#) shall be punished with a penalty of one hundred dollars (\$100.00). A second violation and infraction of SMC [8.16.010\(A\)](#) through [\(L\)](#) shall be punished with a penalty of two hundred dollars (\$200.00). A third and/or subsequent violation and infraction of SMC [8.16.010\(A\)](#) through [\(L\)](#) shall be punished with a fine of five hundred dollars (\$500.00).

Sandy: It is also addressed in our CCRs

Wendy Wilson: What actions the board is taking about tree removal by the major property owner. He is destroying our natural aviary.

Dan: The county has been out and we took him around. The lots next to the yacht club he has violated laws and the county is addressing it. Anyone can look it up on Snohomish county website. They are working on it and will be issuing citations. If it is less than 7000 sq ft, there is not much we can do.

Wendy: Regarding the facts that he owns so many lots did they take that into consideration.

Kurt: We missed the boat when he originally starting clearing. The entire bluff lots, are critical. We can establish our own land use policy. We can be stricter than Snohomish county. Possibly the land conservancy and the island can come up with their own policies.

Dan: The overall impact needs to be looked at and this needs to be a high priority for us.

Sandy: The county says they can fine him, and he has yet to pay. It just goes on the record. We need to have our own policy with fines.

Barb C: The wind dynamic when he cleared it has changed quite a different dynamic

Troy: Maybe we could trade the ferry for a barge.

Chuck: What about chickens?

Don: I am looking into this question and we will have some formal action by our next meeting. State law and federal laws apply. There are some guidelines that allow for comfort animals and dealing with homeowner assoc. We will have some answers shortly for you all.

Kelly: Don't know how much we have invested in audio equipment but we want everyone to be able to hear.

Kim: Technology committee is working on it.

Udo:

Why do we still, after months of questioning have a board member who insists to be an ACC member of what is the separation also. Where is the separation of power the acc always in empowers please answer thanks?

Erik: He is the only one who has a question on this.

Kurt: I would like to respond to Udo's question I would like to know how much money has been spent on the ACC agreement. This has been 18 month battle that has been going on. The power struggle I don't understand. This was supposed to be about insurance. The new RCW say it should be two board members. Two board members to vote and be on the ACC. There are no term limits on any committees. Our lawyer agreed to 6 years. The ACC appoints themselves, now they bring new appointees to the board. The board wanted to get rid of board members. The two board members could be part of this vote. I think there is a misunderstanding on the right way to go about it. Why, there was nothing in the CCRs to give away anything and they felt very uncomfortable giving up way too much.

Kurt: The Bylaws do not trump the CCR's. We had a conflict of documents.

Don: This is an issue that has been going on for quite some time. I have been on the board for just a few months and I was the tie vote. Here is why I chose to pass the resolution. We reduce the appointment time period from lifetime to 6 years, we made the appointments be approved by the board, we appointed 2 members of the board to the ACC. That was approved by the island attorney, but he does not have a vote. My feeling is we need to move forward. The form of the resolution that was passed takes care of insurance. I chose to move forward at this point. There is no conflict of interest of having a board member on the ACC.

Udo: Why do 2 board members need to be added. These were not board members.

Don: There are 7 members appointed to ACC and no one says their role and interest is different. I understand conflict of interest. There is something involving money, property attached to it and there is nothing that has any conflict of interest.

Ginger: We have 3 board members on that committee and the board members should be part of the committees

Dan: The issue I had is the board members were appointing people to the ACC

Sandy: It never came up as an issue prior to this board and I believe there are underlying issues. Talking about credentials, what about our credentials. Many of our past board members serve on very important committees. ACC only makes decisions based on house plans, the three people who voted against the motion. They are the 3 people on the BCC and they have never reached out to us about any of the building issues that have come up.

Dan: I looked it up to see the ruling of the original ACC

Erik: The ACC was passed and signed. Unless the new board wants to hire an attorney and stop this. We as a board need to abide by the By Laws, I don't like a lot of them, but we need to abide by them. I try to do the right thing and follow the rules when there is any ambiguity. I will error on the side of safety and keeping HICA from getting sued. I apologize if I have ruffled people's feathers, but this is what I am doing. We have gaping holes in us by laws and CCR's, we don't record proper info. I intend to retire here and I will fight that fight.

Barb: If someone submits something to the ACC and they deny it. If I submit to the board, will you recuse yourself.

Erik: If there is a conflict that come up that cannot be solved I will excuse myself

Paula: I was appointed by Scott Holte to the board rep.

Sandy: You are a board president and now you are a realtor, you now have conflict of interest because you can benefit financially. That threat is real conflict of interest.

Udo: Conflict of interest. I am not against the ACC; my feeling is our CCR's are by division. The By law change was approved by the community. I will go further people on the island and they would like to see the members voted on the by the community. No other committee makes decisions. Don't mix this up other committees have board members, but do not have decision making capabilities

Chuck Thurman: During the Labor Day CRAFT fair, 2 kids made over 6000 dollars for the playground!! Great news to celebrate!!

Kim: Thanked Kurt and Jonathan for your dedication and time on the board. Kurt has been awesome and has always been very helpful and there when I needed him.

Paula: Thanked Kurt, I truly respect you and your involvement and Jonathan for their service and time on the board. Welcome to the new board.

