



Kala Point News & Views

June 2009

Serving our Community with Information

voting yes on the proposed cc&r amendments

It's a Question of Respect and Trust and Unnecessary Control

Do you believe you and your neighbors can be trusted to make rationale tree decisions? Do you dislike the thought that a sheriffs deputy may be monitoring your driving after you enter the KPOA community? Soon you will be receiving a ballot to vote in the annual Board elections and also approve several resolutions to amend the Master Declaration. Three resolutions are intended to give Members more freedom to manage the trees on their residential lots. One resolution prohibits the Association from requesting the sheriff to monitor traffic within Kala Point without a prior majority vote of permission from the KPOA Members.

The amendments were proposed by fellow KPOA members Hank Krist and Don Meister. Their intention is to give Members more control over their own property and the community for situations which really don't require "big brother" control and really don't have the potential to harm the community. All of the amendments are opposed by the Board and Tree Committee because it would reduce their control of the community. They will give you reasons why you should vote no which project the likelihood of catastrophe to the community such as: the trees in our wooded community would be destroyed; the streets within the community will be unsafe for pedestrians because of recklessly speeding vehicles. What they are really saying is you cannot be trusted to act with reason and concern for your community. Is it really necessary to rely on a small group of people, Board and Committee Members, to control your management of trees on your property and introduce ineffective traffic controls?

Some Members don't seem to understand the part an amendment process plays in maintaining a fair and viable basis for governing. Constitutions, laws, rules and regulations are dynamic, not static. The U.S. Constitution has been amended 26 times including the Bill of Rights. Some Members will imply that

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the CC&Rs are the equivalent of the Holy Grail and should not be changed.

When Members agreed to the Governing Documents it was with the assumption that they would be interpreted, administered and enforced in a reasonable manner. That has not always been the case in our community. The Amendment process is the means by which inequities can be addressed.

Please read the resolutions carefully and don't succumb to a "chicken little" campaign by a small group of people who don't want to lose any of their control over your life and property. For those of you who are unfamiliar with "chicken little" it refers to a character in a story who is a confirmed pessimist-one who warns of impending doom. When "chicken little" is hit on the head by a falling acorn he believes that the sky is falling.

In many ways, the vote on the four amendments is not about trees or speeding. It is about RESPECT, TRUST and unnecessary CONTROL. The Board and Tree Committee do not respect and trust you to manage your property and community so they want the control to make your decisions for you. Up to this point in your life, you've made a number of very important decisions; far more important than the Board and Tree Committee want to make for you. If you believe you are capable of making decisions as well as small groups of your fellow Members, please vote YES on the four resolutions. Your vote is important. Approval of an amendment requires a two-thirds vote of approval.

in support of resolution 5

Resolution 5: Member Approval Required for Law Enforcement Traffic Monitoring in Kala Point

In 2008 the Board authorized the Board President to contract with the Sheriff's department to have a Deputy monitor the traffic within the Kala Point community for the purpose of discouraging and if necessary ticketing speeders. An early 2008 traffic study conducted by roadside monitors indicated that 8% of the traffic was exceeding a speed of 30 mph.

The study was repeated in 2009 and the result was that the number of vehicles exceeding 30 mph was 10%. The threat of a Deputy lurking on our private roads, ready to pounce on any vehicle exceeding 25 mph appears to be ineffective.

The Association pays for the presence of a Deputy using part of your assessment dollars. Deputies spent only a few hours each month in the community. To have any chance of effectively catching speeders to the extent of significantly reducing the percentage of speeders would apparently require a much greater presence by a Deputy at a greater cost to the Association. It seems just the threat of a Deputy is not enough to deter speeders. Do you want to spend more to enhance an ineffectual approach?

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The Association is rightfully concerned for the safety of the members of the community, especially the pedestrians on our narrow roads. The Association has posted speed limit signage in the official format used by the State. **The Association has placed two speed humps** at the recommendation of a professional study.

None of these measures have reduced speeding beyond a negligible percentage. But how unsafe are our roads? While 10% exceed 30 mph less than 1% exceeds 35 mph and most cars slow down as they approach pedestrians. Some drivers will speed regardless of the measures adopted to slow them down.

A survey conducted two years ago said the members of the community didn't want the Sheriff in the Kala Point community. The Board ignored the Members' wishes. Sounds like "big brother" government in action!

But forget the cost and ineffectiveness of a Sheriff presence. What does the community lose by having the Sheriff intimidation present? KPOA Members, when you enter your community you should be able to enjoy a sense of being home and at peace of mind. You should be able to think of your private roads as an extension of your driveway.

Let's use neighbor to neighbor and Member to contractor/vendor contact to impress upon everyone the need to slow down for safety. Let's leave it up to the Members to decide if the Sheriff should be present in our community.

This resolution is not for speeding but rather against the ineffectual use of our assessment dollars and for compliance with the stated wishes of the Members.

vegetation related association powers

Just what authority has been given to the Association by the Master Declaration to regulate vegetation in our Kala Point community?

The Kala Point Owners Association is granted certain powers and responsibilities by the Master Declaration (CC&Rs). With respect to the control of vegetation, the authority of the Association, implemented by actions of the Board and its Committees, can be summarized as delineated below:

1. The Association has the authority to establish criteria for and approve or deny requests by KPOA Owners to clear cut or **remove trees** on their residential lots. This authority is granted by Master Declaration Article IV, B, Section 8. Clear Cutting. The Board has elected to limit their jurisdiction to trees over 6 inches in diameter as measured three feet above the ground. The Association has consistently denied many Owners' valid requests to remove trees for various reasons, without offering any logic other than to protect the trees.
2. The Association has the responsibility to enforce the restriction of the height of planted trees and vegetation growing on Owners' residential lots as required to **preserve the view** of other owners to the greatest extent reasonably practicable. This responsibility is established by the Master Declaration Article IV, B, Section 9. Views.

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The Association has consistently failed to exercise their responsibility to ensure the provisions of the Master Declaration are enforced and Owners are consequently being denied the opportunity to continue to enjoy their initial marine views. The Association decides what is an “adequate” view despite the extent of a view before vegetation growth caused it to be reduced or eliminated. The Association’s criteria for denial is based on preserving trees without regard to Owners’ rights.

3. The Association has the authority and responsibility to maintain the view paths and shrubbery **growth in the Common Areas**. This authority and responsibility is established by the Master Declaration, Article IV B, Section 15. Common Area Vegetation. The KPOA Board and its Committees have been negligent in assisting Owners in their quest of view path retention. The Master Declaration delegates review and approval authority for all Common Area vegetation requests to the applicable Committee. In practice, in the past, the KPOA General Manager has approved vegetation associated actions in the Common Areas. Does the General Manager still have Common Area vegetation authority?

The Master Declaration does not give the Association the authority to control the **trimming, limbing or other alteration of vegetation** on an Owner’s property except with respect to clear cutting or removal of trees. The KPOA attorney offered the following opinion with respect to a resolution, subsequently withdrawn as unnecessary, which

addresses trimming and limbing of trees on Owners’ residential lots:

“Other than the power given to the ACC under the Master Declaration Article IV, Section 9 to order the pruning of vegetation that interferes with views, I do not believe that the Governing Documents have any provisions restricting member’s ability to trim trees (as opposed to removing trees)”.

Rules and Regulations may be established by the KPOA Board so long as such Rules and Regulations do not materially abridge the rights of Members as set forth in the Master Declaration. This limitation is established by the KPOA Bylaws, Article IV, Section 2. Rules and Regulations. Since the Master Declaration does not address restrictions on limbing or trimming of trees on an Owner’s residential lot, as desired by the Owner, imposing such restrictions abridges the rights of the Members.

There is no basis for the Board or its Committees requiring pre-approval of limbing or trimming actions on an Owner’s residential lot. What will be the result of Owners implementing their own management of their trees? Certainly not the wholesale destruction or mutilation of trees envisioned by some members of the community who don’t trust their neighbors to make rationale decisions!

Why would an Owner want to adversely affect the appearance of his property? Most Owners are living in Kala Point because of the wooded environment and the majestic beauty of our significant trees: firs, hemlocks and cedars.

vegetation resolutions

Why Vegetation Resolutions Are Required and What Will Be Their Effect?

Members of the Kala Point Owners Association are proposing three amendments to the Master Declaration, (CC&Rs), which address removal of trees from Owner's residential lots. The Master Declaration addresses this issue in Article IV, B Uniform General Requirements, Section 8 Clear Cutting. The Master Declaration provides for amending its provisions in recognition that any document, and the Members it serves, can periodically benefit from changes, especially if its interpretation is no longer best serving those Members. The amendments are being proposed using the established resolution process.

The vegetation resolutions were initially proposed not as amendments but as direction to the Board. The KPOA attorney ruled that the resolutions as written and submitted were improper because the Members do not have the authority to direct the Board. Reference: Bylaws, Article IV Membership Rights and Privileges, Section I. Rights and Privileges of Members. "No Member shall have the right, without the prior approval of the Board, to exercise any of the powers or to perform any of the acts delegated to the Board by these Bylaws and the Master Declaration...". The only way the Members can cause the Board to take a certain course of action is by persuasion or by amending the Master Declaration. Suggestion/persuasion has not worked in liberalizing an Owner's authority to use his good judgment to manage the trees on his residential lot.

The amendment process, when accomplished in conjunction with a scheduled annual meeting is an efficient, economical means of accomplishing change. In fact, Annual Member Meetings are named in the

Governing Documents as THE way to exert member influence. The ballot already contains resolutions included by the Board. Adding other resolutions may at most add a page or two to the election packet mailed to the Members. There are little administrative or mailing costs.

The Association currently has the power to deny the removal of any tree from an Owner's residential lot as authorized by Section 8. In practice, approval for removal is granted from Committees appointed by the Association's Board of Directors. These Committees consist of Members of the Association who have no special training or experience with respect to trees. Many Committee Members profess their agenda is to avoid the removal of mature trees whenever possible. They deny requests to remove trees without giving any meaningful justification to the requesting Owner.

They have established a minimum tree size to define a mature tree which is entirely arbitrary and very questionable. They have established criteria for what constitutes a hazardous tree which are also entirely arbitrary and not responsive to some guidelines established for a wooded community by outside agencies. They have placed their agenda above the rights and judgment of Members to manage the trees on their property and perhaps to the detriment of the community. Kala Point is a wooded residential community, not a forest, and its trees should be regulated accordingly.

Questions regarding the management of trees and delegation of some authority for tree removal authority to individual Members are always met with the same argument: The Committees are protecting the community from the wanton destruction of the trees most

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Members hold in high regard. It is considered true that one reason most Members chose Kala Point for their home is because of the presence of mature trees. Why then is it assumed that giving Members the right to manage their trees would materially change the wooded nature of the community?

Individual Members should be trusted to exercise sound judgment with respect to

tree removal and preservation of the wooded environment of the community. The decision to remove trees should not be left to Committees which have proven to be agenda driven, arbitrary and arrogant in the exercise of their powers.

These resolutions do not threaten the significant mature Firs, Cedars and Hemlocks which contribute so much to the community.

in support of vegetation resolution 6

Resolution 6: No Approval Required to Remove Alder Trees.

The Association makes no distinction for Alders when establishing rules for the removal of trees. Removal of Alders requires Tree Committee approval. The Committee's professed agenda to not remove any trees if it can be avoided makes it almost impossible for an Owner to control the growth and spread of Alders on his residential lot once they reach the arbitrarily established definition of a mature tree; six inch diameter trunk.

This, in practice, restricts the Owner from adhering to a requirement (not just a right) of Master Declaration Article IV. B. Section 7 Care and Appearance of Premises. This section requires the Owner to control the growth and spread of Alders. Many people consider Alders nothing more than weeds and obviously the authors of the Master Declaration felt the same way.

In the forest they play an important part in the initial growth of conifers, providing nourishment, and protection to the young Firs, Cedars and Hemlocks. In a residential community these functions are no longer pertinent to the continued health of the large conifers which are the real contributors to the appearance of the community. Landscaping alone, a factor which results in the care and acceptable appearance of premises, dispels any

contribution Alders would make to maintain a healthy wooded community. Kala point is a wooded residential community, not a forest.

Alders are prolific in their growth and crowd out and prevent the establishment of traditional landscaping plants in areas they occupy. They are not attractive trees as they reach maturity and often serve to obscure the very attractive mature Firs, Cedars and Hemlocks. Leafed out they provide a path for a ground fire to pursue and become a potential source of an uncontrollable fire in the tops of the conifers. They also tend to be dangerous trees, especially during the common early fall wind storms, when still fully leafed out. Water-front alders have been indentified as significant contributors of nitrogen pollution in the sound, equal to septic tank contributions.

This amendment does not prohibit the continued presence of Alders in the community. That should be a decision for individual Owners. It does allow individual Owners to take prudent steps to maintain the appearance of their residential lots and reduce potential hazards by removing Alders if they decide that is a proper action for their property. Removal of Alders on residential lots will certainly not have an adverse effect on the true beauty of Kala Point's wooded environment.

in support of vegetation resolution 3

Resolution 3: No Approval Required to Remove Hazardous Trees.

What constitutes a hazardous tree? Two types of hazard come immediately to mind: a tree or its limbs falling and a tree fueling a ground fire. Neither situation has been addressed adequately by the Association, acting through the delegated Committee, because of the demonstrated reluctance of the Committees to allow the removal of trees.

The Association allows Owners to prune limbs within six feet of the side of a structure and overhanging limbs within ten feet above a dwelling roof or 15 feet above a driveway without the Owner obtaining approval. (APP II-22 Explicit Policy Exemptions). What is the basis for these criteria? Does a limb 20 feet above a dwelling pose a lesser danger than one ten feet above a roof? What about other approved structures such as garages, fences and sheds? Why is an untrained Committee a better judge of potential danger than the affected Owner? Why is the Owner responsible for paying to obtain the advice of an arborist to designate a tree as hazardous rather than the Committee refusing a request for action on a tree the Owner considers a hazard?

Kala Point is considered a hazardous area with respect to the potential for and the resulting damage from a fire. The judicious removal of low trees and limbs can substantially guard against the chance of a single point fire, such as a burning house, becoming a general conflagration affecting the whole community. Retention of our mature large conifers is an acceptable hazard if the smaller, immature trees are thinned out. Ground fires can more easily be contained compared to the impossible task of battling a fire coursing through

the tops of our mature trees. Reducing the small trees reduces the quantity of fuel necessary for a spreading, intensifying ground fire and this can only serve the safety of the community.

Many states require that vegetation be cleared for a specified distance from a house located in a wooded area in order for the house to be considered for defensive action by fire fighters. Too many trees near a house could prevent effective and safe fire fighting actions. California, for instance, establishes 30 feet from the structure as the size of the cleared area. This distance is considered unacceptable in the Kala Point community because it would result in clear cutting many lots. This is not the intent of this amendment. The intent is to allow Owners to make judicious decisions based on their particular circumstances. Unfortunately, the Association's Committees are too often unwilling to approve prudent tree removal requests by Owners.

Why must an Owner be forced to accept the risk of a hazardous tree based on the untrained judgment of an agenda driven Committee which places the rights of trees above the safety of the Owner? Why should the community accept a significant forest fire risk just to satisfy the desires of a few activist residents of Kala Point?

See enclosed pamphlet from the government program on how to keep your property safe from wildfire and become "FireWise".

in support of vegetation resolution 4

Resolution 4: Change Size of Small Trees Which May be Removed Without Prior Authorization.

What is a small tree? Is a small tree defined in terms of height, the spread of its branches, the thickness of its trunk? Collectively, consideration of all these characteristics would best define a small tree; an immature tree. The Association has chosen to define an immature tree in terms of its trunk thickness. Not a bad choice for the sake of simplicity; a readily determinate defining measurement.

The Association currently allows an Owner to remove immature trees without prior approval. The definition of a mature tree, as established in APP II-22 Definition # 6, is any tree larger than six inches in diameter, (19 inches in circumference), as measured at three feet above the trunk base. This is not a definition established by the Master Declaration. The rationale for this definition of a mature tree has never been explained to the Members of the Association. It seems to be based on the desire of the Committees to unnecessarily limit the ability of Owners to manage the trees on their residential lots. This amendment increases the trunk size of trees which can be removed without prior authorization to ten inches.

In our tree friendly climate a fir can reach a trunk diameter exceeding ten inches in diameter within 20 years after being planted as a seedling. Other conifers have similar growth rates. A tree 20 years old does not seem to fit the normal meaning of mature. It takes a fir 60 to 80 years to be considered mature and ready for harvesting. Smaller, immature trees actually prevent appreciation of our mature trees in many areas of the community because they mask sight-lines. Some areas of the Kala Point community have a truly magnificent setting

consisting primarily of large, mature firs, cedars and hemlocks.

Increasing the allowable trunk diameter to ten inches in no way threatens the mature trees which enhance Kala Point. It does allow individual owners to better manage the immature trees on their property without the unnecessary intervention of Committees. Thirty years of obstruction by agenda driven, obstructionist Committees has not proven to be in the interests of individual Owners or the community. In that time the undergrowth has been allowed to proliferate to the detriment of enjoying the significant mature trees and increasing the fire risk to the community! The only avenue available to change this restrictive imposition is through the amendment process.

Worried About Your Investments?



I am a fee only, registered investment advisor who may be able to help you with your investment portfolio as well as financial and retirement planning.

I have 35 years of financial experience in commercial banking, stocks and bonds, listed stock options, precious metals and real estate. I do not sell any investment products. The first consultation is free. Hank 379-9878

in support of vegetation resolutions 3, 4 and 6

Resolutions 3, 4 and 6: Changing “Cutting” to “Removal”.

Each resolution addressing **Section 8 Clear Cutting** advocates changing the word “cutting” to “remove”. The verb “cutting” standing alone and without a clarifying adverb is ambiguous and can mean any number of things. Used in Section 8, the subject of which is Clear Cutting, the only rationale meaning is to “cut down”.

Unfortunately, the Association, acting through its Committees has chosen to ignore logic and interprets “cutting” as meaning “all cutting” and uses this interpretation as authority to control the limbing and trimming of trees located on Owner’s residential lots. If the Master Declaration had intended for the Association to have the power

to manage limbing and trimming on private property there would have been a Section so titled which would have established the extent of such management. Instead, the Master Declaration specifically limits the Association’s power with respect to vegetation on private property to clear cutting. This broad interpretation of “cutting” is a blatantly erroneous justification for giving the Association more power over Owner’s residential lots than was intended. The Master Declaration only addresses Association power with respect to limbing and trimming on common and covered property with respect to its responsibility to maintain view paths for Owners.



Cooks Night Out

Courtyard Café

By Hank Krist

For those of you who haven’t tried it yet, check out the Courtyard Café for breakfast or lunch. This is the former Bread & Roses located at 230 Quincy Street across from Bank of America’s parking lot. The café’s management was taken over in January by a husband and wife team of Heidi and Will and Heidi’s sister Katie who moved here from the exciting city of Vader, Washington. They are delightful young people who really care about quality and service.

The café is open for breakfast from 7:00 am - 11:00 am weekdays and Sunday until noon. Lunch is from 11:00 to 5:00 pm. They are closed on Tuesday. There are six items on the breakfast menu plus pastries. The lunch menu features 7 sandwiches as well as salads and soup. The three most popular sandwiches are a BLAST (which is a BLT with avocado), chicken pesto and turkey cranberry. If you order a sandwich, the bread is thickly sliced, but they can slice it thinner upon request. The sandwiches are priced from \$6.25-\$7.95. The most popular soups are smoked salmon corn chowder on Friday and cheddar broccoli on Saturday. Unfortunately, they also have a number of excellent, freshly baked pies as well as bread pudding, cinnamon rolls, scones, muffins, turnovers, danish, croissants and cookies. Of course, they also serve espresso drinks. Tell them that Hank sent you.

prolific red alder pollutes sound waters

UW Researchers: Red Alder and Septics Pollute Equally

The science is in. An undisputed major Puget Sound pollution source is the uncontrolled proliferation of Red Alders pumping nitrogen into our soils, carried into the Sound by ground water. In fact, UW Scientist and Oceanographer Jan Newton, who led a three year investigation into nitrogen poisoning along the Hood Canal, says that waterfront homeowner septic tanks contributed about .4 tons of nitrogen in the study area, while the prolific Red Alders in the study area contributed even more; .5 tons. Full details on these findings can be found online in the proceedings of “The Hood Canal Science Summit”.

The detailed hydrology of waterfront development nitrogen pollution was fully explored in the study, in cooperation with The Puget Sound Partnership, headed by David Dicks, son of Politician Norm Dicks. Contributions of septic systems and alder groves extended beyond the direct contributions of waterfront homes, well into developed areas set back from the waterfront. A key finding:

“We can’t stop the wind or ocean flows...but we CAN control septic systems and alder groves. The impact is significant. We have the scientific basis here to do something that we don’t have anyplace else.”

Red Alder, despite a duty on all owner to control it’s growth and spread on all properties within the development per Kala Point CC&R’s, has now spread to virtually every lot and open space with uncontrolled growth. This proliferation has happened because a long line of KPOA governing boards, acting through tree committees has,

in violation of the CC&R’s, protected alders as a “valued species”.

Several lot owners clearing alder have been heavily fined by KPOA, despite the CC&R mandate. Apparently unwilling to enforce their rights by legal means, these owners have typically just paid the fines, often selling out, moving away and contributing to the horrible reputation of Kala Point as a place of oppressive control and



Why this pervasive species is called Red Alder becomes obvious when cut or broken.

heavy-handed CC&R enforcement on trees. Todd and Carolyn Eskelin were fined \$15,000 by KPOA in 2006 for clearing 52 trees, 47 of which were alder. (see full article at www.ttpnewsletter.com/Newsletters/06-August.pdf)

Not only do owners have the “right” to clear alder from their property; they have a specific obligation to do so. (See other articles this month) Clearing alders will also help reduce the nitrogen pollution problem and help us all avoid huge assessments for a community sewer plant in the near future.

As The Department of Ecology becomes increasingly militant in evaluating nitrogen contributions to state waters, coming from dense communities like KP, they will likely force homeowners to invest millions in centralized sewage disposal infrastructure; outlawing economical and effective onsite septics. The science says that alder growth is an equal or greater contributor to the measured levels than are septic tanks.

resolution town hall meeting of june 4, 2009 **Proponents' Commentary on the Meeting**

The July issue of the Kala Pointer will report on the resolution town hall meeting from the view point of opponents. This commentary will address salient points discussed during the meeting from the proponent's view point.

The meeting opened with moderator Tony Costa explaining the purpose and objective of the meeting: to understand and discuss the three resolutions dealing with authorizing Members to remove trees for specific situations and one resolution requiring Members' majority approval of requesting law enforcement to monitor vehicle speeding on Kala Point's private roads.

Speaking for the proponents of the resolutions were their authors Hank Krist and Don Meister. Opposing the tree resolutions were Tree Committee Members Jean Erreca and Caroline McNulty. Opposing the speed monitoring resolution was Lane Stuart.

During an opening statement in favor of the tree resolutions Hank Krist spoke of the perception that the Board and Tree Committee were exercising unnecessary restraint on Member's rights to control the vegetation on their property because they did not trust individual Members to act with discretion and in the interest of preserving the wooded nature of the community. The Board and Tree Committee wanted the power and control because of their mistrust of Members. Hank stated that the proponents appreciate the wooded nature of Kala Point and are not about to clear-cut the community. They just want a little more authority to manage their properties.

The opponents stated they are not on a power and control trip but offered no information refuting the claim by the proponents except to guess that only 10% of requests

were denied. They did not address the percentage of tree removal requests that were denied or why they were denied in conflict with an Owner's reasoning for purposes of perceived hazards, overgrowth or control of alders. They indicated that when the Tree Committee was uncertain about a hazardous tree they consulted an arborist but did not mention the arborist is at the Owner's expense. They stated that it was the Tree Committee's duty to protect the forested look and maintain view property for Kala Point which clearly defines their agenda which the proponents believe unfairly dictates their controlling actions: protect trees over the interests of the Members.

It was stated several times that increasing the trunk size of a tree that a Member could remove, without other authorization, from six to ten inches increased the size of the tree almost three times. This is of course a misleading statement. The cross-section of the trunk increases by a factor of 2.7 but not the size of the tree. There is no good correlation between trunk size and overall tree size, which considers tree breadth and height, and is dependent upon many other factors including type of tree. But trunk size is not used for establishing tree size but rather defining maturity and a ten inch diameter is not a mature conifer.

The proposed protection of structures from hazardous trees was characterized as possibly including bird houses and patio umbrellas. Reference to the definition of a structure in the CC&Rs should dispel this ridiculous notion.

The Tree Committee opinion concerning the minimal fire risk of low trees is contrary to established rules for clearance endorsed by forest services and other fire agencies.

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The Tree Committee wants to retain a forest in a wooded residential community including retention of overgrown alders. Many members consider alders unwelcome, a hazard and view obstructing. The argument that they fix nitrogen in the soil is countered by the environmental damage they do to adjacent waterways when that nitrogen leaches into the water.

The proponents objected to the presence of law enforcement on our private roads as an intrusion on Members reasonable expectation of privacy once they passed through the entrance gates. Opponents expressed concern for the safety of Members imperiled by speeding vehicles. It was reiterated that measures taken to date such as signage and speed humps had not eliminated speeding. But the presence and threat of the sheriff monitoring the traffic has also proved to be ineffective as previously implemented. The requirement that the Association has to pay for the sheriff's presence seemed to be news to some Members. It seems apparent that if the sheriff's presence is to have any chance of being effective than that presence has to be significantly increased with a corresponding increase in the expenditure of assessment dollars.

The contention that the Board would have to seek the permission of the Members every time they wanted to bring the sheriff into the community is not correct. The permission statement defining what the Board wanted the Members to approve can state the terms of the permission. The approval could be for perpetuity until rescinded by another Member vote, provision for to be a limitation of the approval. Or, other limiting provisions such as duration of approval, number of visits, length of visits, etc could be the basis for approval.

Lane Stuart closed the meeting by stating that amendments require a 67% approval so if approved will be very difficult to change. He advocated accomplishing change by changing the Rules and Regulations and APP's instead of the CC&Rs.

The proponents want the certainty of a CC&R change put into effect by all the members, rather than Rules & Regulations and APP's changed at will by any board.

The only recourse to permanently change the Rules & Regulations and APP's is the amendment process or legal action involving the courts.

MISSING: SCHENLY THE CAT



*MARMALADE SHORTHAIR
FEMALE - 5 YEARS OLD
(SPAYED)*

*LAST SEEN ON
UPPER KALA POINT DRIVE
ON SATURDAY, 4/18/09*

*HAS AN IDENTITY CHIP EMBEDDED
IN HER SHOULDER WITH OWNER'S
NAME/ADDRESS*

CONTACT INFO: 360 385-0762

night home invasion & un-related armed robbery / assault reported

KP Resident Charged and Jailed in Robbery / Assault

An apparently unsolved Kala-Point home invasion burglary, and a quick arrest in an early-May unrelated felony armed robbery-assault at the gate, is clear evidence that gated-communities are not immune to criminal activities; with some allegedly committed by residents. These incidents are added to increasing reports of car prowling at KP residences and RV storage yards. In the most serious of the most recent incidents; a May 6 early morning cab robbery at knifepoint just outside the entrance gate, a police K9 tracked the 39-year-old suspect to his KP place of residence at 351 Windship Drive where he was arrested on multiple felony charges. Just hours later, acting on a search warrant, deputies recovered evidence of the crime inside the home.

Jail records reveal that Kevin Michael Regester was booked into Jefferson County Jail just after 4:30 AM on May 6th, charged with First Degree Robbery, First Degree Assault, as well as Second Degree Theft. More than three weeks later, on May 31, the online inmate register shows Regester still in custody at the JEFFCO Jail. Bond had been set at twenty-one-thousand-dollars on the most serious of the felony charges.

An earlier home-invasion burglary was reported to have occurred on April 29th at a KP residence, with access gained through a pet door. In this case the resident reported being awakened by a noise from within the home at about 4 AM; observing a lone male intruder in a hallway. The burglar hurriedly fled when confronted by the resident. Two bottles of wine were reported stolen from the garage.

With the summer months come warmer overnight temperatures with some residents

leaving doors and windows less secure for ventilation. Screens can be readily cut to make entry. Such illegal entries can rapidly escalate into life threatening incidents once the perpetrators are inside seeking items of value; particularly if confronted by an unarmed homeowner. With the current economic and unemployment situation, home invasion is on the rise, particularly in areas with more expensive homes. As many as one-third of vehicles entering this community simply tailgate their way in, without ever having to properly trip the gate, so don't rely on the false security of the gated entry.

Four things strongly discourage most criminals planning only burglary; obviously occupied homes, exterior lighting, barking dogs and evidence of cameras or alarms. Burglars look for the lowest risk targets when able to choose from many. Making your home immediately evident as higher risk to the criminal is your best defense. Random lighting controls at various locations in the home help to make it appear occupied. Accumulated newspapers or parcels on the porch are a dead giveaway. Good motion-controlled lighting on approaches to your property, with high lighting levels at doors and breezeways is very effective. Alarms are similarly discouraging as cruising intruders "case" your property. If you have an alarm, and do leave windows open for ventilation, consider arming only inside sensors while sleeping, with no time delay. Barking dogs of any variety make an excellent deterrent sentry.

Home invaders, typically seeking concealed valuables within the home, and willing to violently assault their targets, pose a different and much more dangerous situation. These crimes often result in life-threatening confrontations, assaults and battery to targeted, often elderly, victims. A later article will focus on this threat and suggested defenses.

“OnThe Upswing of Art, A New Chapter”

Presented by Kala Point Artist Guild on May 9, 2009

Held at 830 Water Street in Port Townsend

The weather was just perfect, no wind, rain or snow!! We had a captive audience of more than 400 folks walking though our art show that day. The Hood Canal Bridge was



Joanie Reynolds with her new images of NW art

closed due to a rendition to complete all work needed. That did not stop people who traveled here or live here to join in on all Port Townsend's activities during that weekend. We held this event on the same day as the Arts & Crafts Fair during Rhody Festival Week . More than 25 artists displaying and selling their art on two floors.

We had a drawing, raffling off six pieces of art with all proceeds going to Jefferson Co. Humane Society. We raised \$160.00.

Those who donated their work were:

Joanie Reynolds; Mary Lou Enlow; Mena Quilici; Marianna Sullivan; Diane Holmes; and Kathy Stanger. Kathy ran the raffle. Kathy owns Mac's Macaroons Dog Treats. Tickets were \$5.00 each. Thank you to all who participated!!

Another event within an event was due to Bob and Pat Miles celebrating Patricia Hattan, their Mother. They had many selections of her art and sold almost every piece.

Linda Costello was in charge of selling Patricia art....great job!

All proceeds went also to Jefferson Co. Humane Society. They raised near \$500.00.

Patricia passed away a few months back in her home with her family by

her side. Gracious lady who loved all animals and wanted her art to be sold or auctioned to give to any agency that has the welfare of animals in mind. Good going Patricia!

Every situation and every moment is of infinite value.

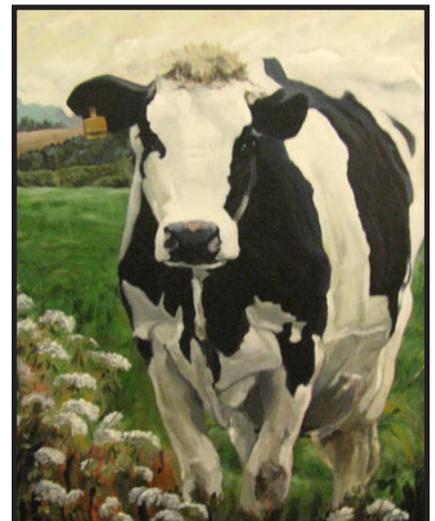
Our spirit was not dampened when the elevator was not working, we discovered stairs!! The value here

was everyone helped each other when it was the time to end this show, pack up the art show, and head home. I wish to thank all who took this in their stride, our artist & our shoppers.

Written by Joanie Reynolds
Kala Point Artist Guild



Linda Costello selling Patricia Hattan's art



Patricia Hattan's Holstein Dairy Cow

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Kala Point News & Views

a place for kids to dive into summer science fun

By Christina Pivarnik

School's almost out! Do you have plans for your kids or grandkids this summer? If you're looking for something fun for them to do, while learning stuff too, enroll them in one of the hands-on science camps at the Port Townsend Marine Science Center. **What kids wouldn't be fascinated to put together** a full skeleton of a gray whale or find out who lives in a tide pool on a rocky shoreline? They can haul beach seines through eelgrass beds to look for the animals that live there or explore the hidden life in a pond.



Science camps at the Port Townsend Marine Science Center give kids experiential learning while they explore cool things about marine life and our natural environment.

Marine Biology Day Camp (July 6-10) Ages 9-13

Dive into science! Spend a week discovering where marine animals live and what they need to survive life on the shore and in the sea. This is the perfect camp for budding marine biologists and kids who love exploring outside. They'll take plankton samples and examine them under a microscope, discovering the amazing plants and animals that support life in the sea. And they'll dig through goopy sediments looking for clams, worms and brittle stars. There's lots of interactive, fun games with crafty projects and time to splash or swim on the sandy shore. Day Camp cost is \$190.

FIREWISE CONSTRUCTION

To create your FIREWISE structure, remember that the primary goals are fuel and exposure reduction.

Use construction materials that are fire-resistant or non-combustible whenever possible.

Consider using materials such as Class-A asphalt shingles, slate or clay tile, metal, or cement and concrete products for roof construction.

Construct a fire-resistant sub-roof for added protection.

Use fire resistant materials such as stucco or masonry for exterior walls. These products are much better than vinyl which can soften and melt.

Consider both size and materials for windows; smaller panes hold up better in their frames than larger ones; double pane glass and tempered glass are more effective than single pane glass; plastic skylights can melt.

Prevent sparks from entering your home through vents, by covering exterior attic and underfloor vents with wire mesh no larger than 1/8 of an inch.

Keep your gutters, eaves and roof clear of leaves and other debris.

Clear dead wood and dense vegetation within at least 30 feet from your house, and move firewood away from your house or attachments like fences or decks.

Any structure attached to the house, such as decks, porches, fences and sheds should be considered part of the house. These structures can act as fuses or fuel bridges, particularly if constructed from flammable materials. Therefore, consider the following:

If you wish to attach an all-wood fence to your home, use masonry or metal as a protective barrier between the fence and house.

Use non-flammable metal when constructing a trellis and cover with high-moisture, fire-resistant vegetation.

Prevent combustible materials and debris from accumulating beneath patio deck or elevated porches; screen underneath or box in areas below the deck or porch with wire mesh no larger than 1/8 of an inch.

WWW.FIREWISE.ORG

BEWARE & PREPARE

Firefighters need your help. Use these tips to PREPARE your home and PROTECT your family and pets. **BEWARE** of accidentally starting a wildfire!



**FOR MORE INFORMATION,
VISIT THESE HELPFUL WEBSITES:**

USDA FOREST SERVICE
www.fs.fed.us

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
BUREAU OF INDIAN AFFAIRS
FISH & WILDLIFE SERVICE
NATIONAL PARK SERVICE
www.doi.gov/bureaus.html

NATIONAL ASSOCIATION OF STATE FORESTERS
www.stateforesters.org

NATIONAL FIRE PROTECTION ASSOCIATION
www.nfpa.org

U.S. FIRE ADMINISTRATION
www.usfa.fema.gov

FEDERAL EMERGENCY MANAGEMENT AGENCY
www.fema.gov

FOR MORE INFORMATION CONTACT:

FIREWISE COMMUNITIES
1 BATTERY MARCH PARK - QUINCY, MA 02269



www.firewise.org

FIREWISE LANDSCAPING

To create a landscape that will make your home less vulnerable to wildfire, the primary goal is fuel reduction. Think of the area around your home in zones. Zone 1 is closest to the structure, Zone 4 is the farthest away.

Zone 1 This well-irrigated area encircles the structure for at least 30 feet on all sides, providing space for fire suppression equipment in the event of an emergency. Plants should be limited to carefully spaced fire resistant tree and shrub species.

Zone 2 Fire resistant plant materials should be used here. Plants should be low-growing, and the irrigation system should extend into this section.

Zone 3 Place low-growing plants and well-spaced trees in this area, remembering to keep the volume of vegetation (fuel) low.

Zone 4 This furthest zone from the structure is a natural area. Thin selectively here and remove highly flammable vegetation.

Also remember to:

Carefully space the trees you plant.

Take out the "ladder fuels" – vegetation that serves as a link between grass and tree tops. These fuels can carry fire from vegetation to a structure or from a structure to vegetation.

When maintaining a landscape:

Keep trees and shrubs pruned. Prune all trees six to 10 feet from the ground.

Water and maintain your lawn regularly.

Mow dry grass and weeds.

Dispose of cuttings and debris promptly.

Landscape with less-flammable plants: Contact your local state forester, county extension office or landscape specialist for plant information.

WWW.FIREWISE.ORG

DEFENSIBLE SPACE

Do you have at least 30 ft of space surrounding your home that is **Lean, Clean** and **Green**?

The objective of Defensible Space is to reduce the wildfire threat to your home by changing the characteristics of the surrounding vegetation.

Lean – Prune shrubs and cut back tree branches, especially within 15 feet of your chimney.

Clean – Remove all dead plant material from around your home; this includes dead leaves, dry grass and even stacked firewood

Green – Plant fire-resistant vegetation that is healthy and green throughout the year.

Did You Know? **Defensible space allows firefighters room to put out fires.**

A FIREWISE HOME HAS...

LEAN, CLEAN AND GREEN LANDSCAPING

With firewise landscaping, you can create defensible space around your home that reduces your wildfire threat. Large, leafy, hardwood trees should be pruned so that the lowest branches are at least 6 to 10 ft high to prevent a fire on the ground from spreading up to the tree tops. Within the defensible space, remove flammable plants that contain resins, oils and waxes that burn readily: Ornamental junipers, yaupon holly, red cedar, and young pine. A list of *less-flammable* plants can be found within this brochure.

Did You Know? **Although mulch helps retain soil moisture, when dry, it can become flammable. Mulch as well as all landscaping should be kept well watered to prevent them from becoming fire fuel.**

FIRE-RESISTANT ATTACHMENTS

Attachments include any structure connected to your home, such as decks, porches or fences. If an attachment to a home is *not* fire-resistant, then the home as a whole is *not* firewise.

A DISASTER PLAN

The time to plan for a fire emergency is now. Take a few minutes to discuss with your family what actions you will need to take.

- Post your local firefighting agency's telephone number in a visible place.
- Decide where you will go and how you will get there. With fire, you may only have a moments notice. Two escape routes out of your home and out of your neighborhood are preferable.
- Have tools available: shovel, rake, axe, handsaw or chainsaw, and a 2 gallon bucket
- Maintain an adequate water source
- Have a plan for your pets
- Practice family fire drills

Did You Know? **Evacuations for a wildfire can occur without notice; When wildfire conditions exist, BE ALERT.**

FIRE-RESISTANT ROOF CONSTRUCTION

Firewise construction materials include Class-A asphalt shingles, metal, cement and concrete products. Additionally, the inclusion of a fire-resistant sub-roof adds protection.

Did You Know? **Something as simple as making sure that your gutters, eaves and roof are clear of debris can reduce your fire threat.**

FIRE-RESISTANT EXTERIOR CONSTRUCTION

Wall materials that resist heat and flames include brick, cement, plaster, stucco and concrete masonry. Double pane glass windows can make a home more resistant to wildfire heat and flames.

Did You Know? **Although some vinyl will not burn, firefighters have found that some vinyl soffits can melt, allowing embers into the attic space.**

EMERGENCY ACCESS

Identify your home and neighborhood with legible and clearly marked street names and numbers so emergency vehicles can rapidly find the location of the emergency. Include a driveway that is at least 12 feet wide with a vertical clearance of 15 feet – to provide access to emergency apparatus.

