

Hawaiian Shores Community Association

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ENFORCEMENT REVIEW COMMITTEE

MINUTES FOR MEETING #19

10/26/2020 @ 6 PM

The meeting was called to order at 6:00 PM. Virtual attendance was set up for members, and Chris and Nikki Weingartner were logged on to Go To Meeting.

In attendance: Eileen O'Hara, Tom Cumming, Steve Bailey, and Caroline was absent. Kendra Tidwell represented HSCA staff.

A quorum was established.

The first order of old business involved Lot 209 on Au Street and removal a few trees that overhanging onto the neighboring property. Trees are still there but owner has indicated that they are soliciting bids. The committee decided to defer any further action on this item until next month's meeting.

The next order of old business involved Lot 521 on Ina Street where albizia trees need to be removed and maximum fine limit has been reached. Steve indicated that this is the lot that our staff had also looked at for possible poisoning and although this can be done, staff felt that "jungle" was too thick for them to be able to reasonably to the work. One tree may need to be cut but all others can be poisoned with all work likely costing less than the fine payment. It was decided to get quotes for the work and to stress that the stumps need to be poisoned too. We will also to let the Board decide if this is how the fine money should be spent. Staff was instructed to get quotes before the next Board meeting.

The next order of old business involved 1395 Niuhi where albizia were present but Kendra indicated the trees have been cut down. Steve indicated that although the hazardous trees had been cut down, there are many others on the lot that can be poisoned near the water line. Steve moved to waive the fine and include in the letter mention of the need to poison the other albizia trees that are near the water line. Tom seconded. Motion carried unanimously.

The next order of old business concerned Lots 1556 and 1557 on Ono Street and Oopu Street where large albizia's are present along the back-property line and these trees are

threatening our water line. Although some work has been done, the work is far from completed. Steve moved to schedule both properties for a fine hearing at the next meeting. Tom seconded. The motion carried unanimously.

The next order of old business concerned Lot 1579 on Opae Street and overhanging vegetation and tress. The Japanese owner paid first fine notice of \$500 even though fines are recurring. The overhanging tree could potentially fall on the house next door. Steve moved to instruct staff to prepare a letter that clearly describes the nature of the hazard caused by the tree and that it needs to be removed. This letter would also include information describing that the fines will continue until the tree is removed but that all fines could be waived if the work were done. It is further moved that this letter be given to Hiro to translate into Japanese to ensure there is a clear understanding of what needs to be done. Tom seconded and the motion carried unanimously

The next order of old business involved Lot 1774 South Puni Lapa Loop and trees overhanging onto power and telecom lines. Steve indicated that almost all the work had been done but one tree limb was actually in contact with the telecom lines. It is clear that the tree contractor was not comfortable removing this limb. Steve moved to revoke the fine. Tom seconded and the motion carried unanimously. Eileen also instructed staff to notify Spectrum and Hawaiian Tel about the limb and ask that they remove it.

The first order of New Business involved lot 88 on Ahi Street where albizia's and cecropia trees are located throughout the lot. Some work had been done on the front 1/3 of the lot but more work needs to be performed. Owner is cooperative and plans to poison rest of trees so committee will review this matter at the next meeting.

The next order of New Business involved Lot 257 Hee Street where a large albizia tree is present. Owner has indicated he is getting quotes to remove the tree but it appears that the tree could be poisoned. Staff was instructed to notify owner that we believe tree could be poisoned as an alternative to removing it.

The next order of New Business involved Lot 858 on Maiko Street where a large albizia tree is present. Steve indicated that this tree could also be poisoned and staff was instructed to advise owner of this option.

The next order of New Business involved Lot 860 on Maiko Street where a large albizia trees is present. Tom indicated that some pruning was done on the tree but that it still needs to be cut down. Committee decided to review this one at the next meeting. Steve noted that there is also a large albizia tree on Lot 862 that could be poisoned and Kendra would check to see if this one was already in our process but would ensure that owner knows that tree could be poisoned.

The next order of New Business involved Lot 1489 on Oio Street where vegetation and trees were encroaching onto the HSCA right of way and power lines. Kendra indicated that this entire side of Oio Street has similar issues and our observations were made after a large tree had fallen across the road. Steve moved to give the owner 60 days to begin work. Tom seconded; motion carried unanimously.

Tom mentioned that during the process of land clearing near Papio Park, the owner's contractor had encroached onto our park property and had removed a black hala tree that had been planted there intentionally to help preserve the species. Steve indicated that he also viewed the site but that the down tree had been removed. Steve further indicated that it is clear that an encroachment took place, we have no real record of whether or not any of our vegetation was overhanging and that he was not sure if an SMA permit to clear/grub the lot was obtained. Steve suggested we have our corporate counsel write a letter describing the nature of the encroachment and documenting that the black hala tree had been removed and that we could also contact County Planning to see if the required SMA permit had been obtained. Eileen agreed that some contact should be made and that she would discuss the matter with Hawaii County Planning. Steve also indicated that this work now exposes our park to possible vehicle intrusion from the driveway and that HSCA would need to somehow put in place something to prevent this. Tom preferred rocks to fencing and so this option will be investigated.

Eileen then discussed potential squatters and an illegal structure on Nenu Street where a burned-out home is present. This home was the subject of a foreclosure and is now quite an eyesore. Kendra indicated she needed some more photos to proceed with our process. Steve asked if Hawaii County had been recently asked to respond and Kendra indicated that although they had been out in the past, we would need to notify them again. Kendra was instructed to expedite the photographs and recontact the county.

Eileen then asked if we had an update on the issue about nuisance lighting that was of concern to Chris and Nikki Weingartner. Steve indicated that Chris and Nikki were trying to log on earlier and at that point Nikki indicated they were now "virtually" present. Kendra indicated that the neighbors were given the second notice that is related to the outdoor pond light. Steve indicated that he did make a night time visit to determine precisely which light was of concern and that it was his opinion that light did throw a small amount of light but that the level of light did not constitute a nuisance in his opinion. Nikki did ask if we could at least ask them to move the light so it shines in a slightly different direction. Eileen suggested that they consider placing a shade on their lanai but Nikki still asked if we could ask the neighbor's again if they would voluntarily move the light. Eileen offered to take a look at this situation should Chris and Nikki be interested and they did decide to go ahead and request that Eileen do this. Kendra also

stated she would review the response she got from the owner of the light and advise Chris and Nikki of the general nature of the owner's refusal to move it.

Tom then asked a general question about the water line size and capacity on Papio Street near Gerald Wright's home. Steve said he would check on this.

Eileen then requested an update on the work Lincoln Ashida was doing for us to see if Hawaii County would somehow better enforce hazardous albizia tree removal. Steve said that he had not hear anything but would check with Lincoln to see if there is anything new to add.

There being no further business for the committee, the meeting was adjourned at 6:45 PM.

Steven Bailey

Date