

**HAWAIIAN SHORES COMMUNITY ASSOCIATION
MINUTES OF THE BOARD OF DIRECTORS MEETING
SEPTEMBER 18, 2019**

The regular meeting of the Board of Directors of Hawaiian Shores Community Association (HSCA) was held at the HSCA Community Center. A quorum was established. Roger Guenette, President presided. The meeting was called to order at 6:01 pm.

Directors present: Kathryn Kuhlman, Vice-President; Genevieve Armanini, Treasurer; Eileen O'Hara, Secretary; Dennis Horsfall, Rex Riley, Suzan Thompson-Forrest, Craig Hart, Dennis Wood. Also, in attendance: Sara Tokura-Ellsworth, General Manager; Steve Bailey, Project Manager; Barbara Barr, Accounting Associate

ANNOUNCEMENTS

Eileen O'Hara let board members know that the County's LERZ Risk Assessment was released and she instructed the office to send a soft copy to each of the directors.

COMMENTS ON AGENDA BY HSCA MEMBERS

Mike Dolson - addressed the board regarding a tree cutting issue that occurred on the boundary of his property with his neighbor. He claims the neighbor has pinned his fence to his fence which was built 9"-14" inside his staked property line. He plans to send a letter to the neighbor making the request to unpin his fence within 30 days. The President offered to have the office notify the neighbor about resolving the dispute.

Michael Olavarri – commented on what he perceives is selective enforcement of the CC&Rs. He claims he has complained about chickens, cars parked on the street, lack of legal driveway/carports, and homes being built over the height limit and nothing has been addressed. He called for fairness in applying the CC&Rs

Cindy Fujimura – commented on the July 10, 2019 letter from the HSCA office outlining complaints about keeping chickens and letting their dogs run loose. She has since found a new home for the chickens and they're trying to restrict their dogs to stay on the property. They've also sought advice of a dog trainer.

Seth Haynie – commented on unfair enforcement of CC&Rs. He alleged that someone had revealed his name on a confidential complaint to the subject of the complaint. He is requesting confidentiality with regard to making complaints.

Kanani Omalza - lives on Aweoweo Street. She has 25 dogs living on the street and is dealing with a household at the end of the street that is not in the HOA whose kids skate and bike on the street beyond the private property line provoking the dogs to bark. She has recently been to court and had TROs placed on the individuals in the house that is not part of the HOA. She would like a gate placed on the private portion of Aweoweo Street. She also doesn't want poison sprayed on, or around, her yard.

Koreen Ferguson – gave advice on ethical considerations regarding noise in a small lot subdivision. She encouraged the board to set consistent protocols to handle complaints.

Kukana Munday – lives on Coastal Puna Pkwy and asking about the speed humps. The President informed her that HSCA is conducting a traffic study before and after Hwy 132 is re-opened to assess traffic flows and the need for speed humps.

Cindy Fujimura – spoke again to assure the board that no one at HSCA had provided her with the names of the individuals who had complained about her dogs and chickens. She simply figured it out from early conversations with those individuals, so wanted to assure them that no confidentiality had been broken by either the staff or board of HSCA.

MINUTES

Aug 21, 2019 Meeting of the Board of Directors

Rex Riley moved to accept the Minutes. Kathryn Kuhlman seconded. Roger Guenette abstained. Motion passed with unanimous approval.

COMMUNICATIONS

Omazla – Response to BOD letter re: Gate at Aweoweo St – the board entertained discussion on the ability of HSCA to gate each individual street in the subdivision which would be cost prohibitive. Discussion included rebutting Ms. Omalza's claim that properties could not be sold due to lack of insurance coverage.

Keonepoko Schools – Request for use of Honu Park Friday, October 4th -

Eileen O'Hara moved to approve the request by Keonepoko Schools to use Honu Park on Friday, Oct. 4th. Kathryn Kuhlman seconded. During discussion of the motion, Genevieve Armanini noted the letter

was worded incorrectly and should read that Keonepoko will pay \$1 per student. Motion passed by unanimous approval.

REPORTS

Project Manager Report – Steve Bailey reported as follows:

Water Project – The permit resubmittal is moving along but still under review. As the chemical shack was in the setback, accommodations were being made to comply with the permit.

Roads Project – Yamada crews are making their way mauka and are about 3/4rds of the way down the subdivision. Lot numbering is about 30% done and hope to be completed by end of the year.

Traffic Study – Traffic counters are being set up to collect data on traffic along six streets to determine if there is need for speed humps. This study is before Hwy 132 is reopened. The County has requested a three-month extension on completion of Hwy 132 so the next traffic study will be conducted after in opens hopefully in January 2020.

Connecting County Roads – Eileen O’Hara asked Steve Bailey to identify county streets that connect to HSCA roads that are badly in need of repaving and to communicate that information to Deputy Director Alan Simeon from Hawaii County Public Works to hopefully have the county resurface. No further action items.

General Manager (Maintenance Foreman & Accounting Associate included) Report – Sara Tokura-Ellsworth reported.

Office termite tenting is scheduled for Oct 22nd and will require the office to be vacated for two days.

Extended Pool Hours – Sara reported that approximately 4-5 people are using the pool daily during the extended summer hours which the board approved through the end of September.

FAQ – Sara has provided copies of the proposed FAQs to the board. This document is intended for use by the organization and she encouraged the board to provide input.

Pool Chlorine Injectors Replacement – The injectors have given out and new ones ordered. It is anticipated that the new injectors will be installed the following week and it may require keeping the pool closed for an additional day beyond Tuesday.

Dennis Horsfall asked if people are able to sneak into the pool from the side by the men's bathroom. Sara said that would be looked into, but to her knowledge that isn't happening as the facility attendant can view all entrances. No further action items.

Monthly Financial Report - Genevieve Armanini reported. One more account needs to be opened to comply with USDA loan. Transfer from reserve account was made to cover operational budget through the end of the year which will be repaid when assessments are collected next year. On the balance sheet, the long-term liabilities have increased due to taking on more debt related to major infrastructure projects (water system/road resurfacing) that are underway. No action items

DRC Report:

Plans Submitted –

Lot 1165 (2nd lot, Manini St., approved)

Lot 637 (2nd lot, Kawakawa St., approved)

Review Variance Request - Michael Olavarri, Lot 1937, requests to work outside of hours stipulated in CC&R #15 EQUIPMENT NOISE NUISANCE which stipulates that equipment exceeding 60dB cannot be used on a regular basis and is restricted to the hours of 8 AM – 5 PM from Monday to Friday. The DRC considered two written complaints from the same party, as well as the written request explaining why the item #15 of the CC&Rs created hardship for the project. Both the requester and complainant attended the DRC meeting and were satisfied with the DRC's recommendation.

The DRC recommended approval of Michael Olavarri's variance request with the following stipulations:

"There will be no generators or noise-producing equipment louder than 60dB allowed after 5 pm, or on Sundays, and Holidays."

Discussion ensued. The President noted that under our By Laws, the board must approve/reject a variance recommendation from the DRC. He further explained that there is conflicting language regarding variance procedure between the CC&Rs and the By Laws. Eileen O'Hara explained to members present that changes to the CC&Rs and By Laws must be approved by membership, and that the membership had already approved a variance option. Kathryn Kuhlman noted that the membership had approved Item #15 of the CC&Rs and felt the need to uphold that requirement. She expressed the need for greater transparency when variance requests are being entertained. Steve Bailey explained that HSCA does have a noise meter but

hasn't used it in this situation. He also gave an example of hardship that would warrant a variance such as an individual working full time having only evenings and weekends to construct. Dick Munday, previous DRC member, iterated that a variance can be granted to individual cases where a legitimate argument for hardship is made and that granting a variance does not constitute setting precedence. Variances are decided on a case by case basis.

After an open discussion including comments from members present, the following motion was made:

Rex Riley moved to approve temporarily the variance as recommended by the DRC for 30 days and revisit the issue based on testimony from other neighbors. Eileen O'Hara seconded. Rex Riley, Eileen O'Hara, Genevieve Armanini, and Suzan Thompson-Forrest voted in favor of the motion. Craig Hart, Kathryn Kuhlman, Dennis Horsfall, and Dennis Wood voted against the motion. The President broke the tie by voting against the motion. The motion was defeated.

The President stated that the board will revisit this issue in 30 days at its next meeting.

ERC Report– Kathryn Kuhlman reported. The ERC is continuing to discuss enforcement efforts and best strategies. The next meeting of the ERC is planned for Oct. 9, 2019. No action items.

OLD BUSINESS

Christmas Marketplace – Kathryn Kuhlman reported. This will be the 2nd time for this event which will be held Saturday, Nov. 30th at the Stables. Twenty-five vendors have committed and a floor plan developed. There is a vendor application available on the HSCA website under Events and Activities, as well as a flyer about the event. No further action needed.

Volunteer Fire Company – Eileen O'Hara reported. Eileen O'Hara, Rex Riley and volunteer fire fighter, Gary Morgan of Hawaiian Beaches, met with Capt. Mike Ichimura of the County's Fire Department on August 28th to look at potential sites for a facility to house an engine for a volunteer fire company. Three areas were visited and all felt the best location was towards the end of Honu Street between the warehouse and the basketball court. There is a fire hydrant on the street at that location. Captain Ichimura is in the process of seeking approvals to move his recommendations forward which may take some time. No action needed.

NEW BUSINESS

Draft Minutes of the HSCA Board of Directors Regular Meeting, August 21, 2019

Papio Park Improvement Proposal – Reported by Kathryn Kuhlman. A written plan/proposal was circulated as drafted by Steve Bailey. The following motion was made:

Kathryn Kuhlman moved to create a committee to oversee the Papio Park improvement plan. Eileen O’Hara seconded. Motion passed unanimously. Kathryn Kuhlman, Eileen O’Hara and Steve Bailey volunteered for this committee.

FY 2020 Draft Operating Budget & Reserve Fund Budget – Presented by Barbara Barr, Accounting Associate. She explained the revenue estimates are the same for next year as current year and identified line items that will likely increase and others that will decrease. She further explained that any projects/equipment purchased in the coming year that are not included in the operational budget will need to be drawn from reserve funds. The budget was presented for the board to consider and act on at its October meeting.

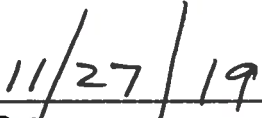
New Recording Secretary – Kendra Tidwell presented herself to the board for consideration as the new board recorder. Our current contractor notified us that she can’t continue after eight years. The office staff was instructed to develop a contract for this position so the board can approve hiring Kendra Tidwell to record. The board will act on it at its October meeting.

Pool Heating Options – the board received a report on pool heating option which was prepared four years ago. Dennis Horsfall and Suzan Thompson are actively looking into options. The board discussed needing current cost estimates for the various options available locally, including solar water heating, before making a decision on the matter. No action taken.

ADJOURNMENT – 7:37 pm



Eileen O'Hara, Secretary



Date