

Hawaiian Shores Community Association

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ENFORCEMENT REVIEW COMMITTEE

MINUTES FOR MEETING #10

1/8/2020 @ 6 PM

The meeting was called to order at 6 PM.

In attendance: Kathryn Kuhlman, Roger Guenette, Tom Cumming, Steve Bailey. Kendra Tidwell represented HSCA staff and Board Secretary Eileen O'Hara was also in attendance. Absent: Caroline Weber.

The committee reviewed the November 13, 2019 minutes. Roger moved to approve the November 13, 2019 minutes and Tom seconded. Kathryn noted that the meeting minutes did not include reference to lot 981 and that a fine notice was sent and requested amending the motion to include this information within the minutes. This amended motion passed unanimously.

Before considering Old Business, Roger inquired about a follow up for concerns about coconut palm trees between lots 725 and 723. Steve indicated that staff did try to find the rear property pin but could not as the area was covered with several inches of construction fill. However, staff did review the house building plans on file and has concluded that the trees are most likely on lot 723. Staff was instructed to prepare a letter indicating that it would be up to the property owner of lot 723 to either remove the trees or to prove that they are not on his property via a survey.

The committee then considered old business with the first item involving a fine hearing for Lot 1042 related to an albizia tree issue. Staff reported that Backyard Monkeys are scheduled for this work on 2/5/2020 so this item will be held until the next meeting.

The next order of old business involved a fine hearing for Lot 244 concerning an albizia issue. Staff reported that there have been no responses to our communication even though letters had also been translated into Japanese. Steve moved to fine the owner, Roger seconded, and the motion to fine carried unanimously.

The next order of old business involved a fine hearing for Lot 981 concerning an albizia issue. Staff reported that there have been no responses to our communications and

The next order of old business involved CC&R #15 and the variance policy that both the ERC and DRC were discussing. The discussion began with background on how Hawaii County enforces its noise regulations and also how work on permitted construction is governed as it applies to both actual hours of work and the amount of noise. HSCA could consider just letting the County regulations suffice for loud noise, permitted construction noise, and permitted construction hours of work. HSCA could also utilize more restrictive measures if it chose to do so and might want to consider separating nuisance noise from permitted construction and home improvement project noise. Tom added that the DRC is also discussing CC&R #15 and is using google docs to track its work. All agreed that the current CC&R likely needs revision and that it will be important to come up with a recommendation for changes at the next Board meeting, given the timelines required to get this change on the next ballot. This item will therefore be on the Board meeting Agenda and further discussion by the DRC etc. between now and then will be part of the Board review of this matter. The DRC has also completed its review of the variance policy which will also be on the next Board meeting agenda.

The first order of new business involved a previous matter for a cecropia tree on Lot 590. Both Steve and Tom believed the issue to be resolved but Steve agreed to take one more look before taking this item off of the list.

The next order of new business involved Lot 726 and an albizia tree issue. The second notice was sent out and there has not been a response. Staff was instructed to send out a fine hearing notice.

The next order of new business involved Lot 96 and failure to pay our invoice for work required when the water line was damaged. Staff was instructed to check to see if the owner was in good standing and consider placing this item into the collection process depending on the amount of the invoice.

The next order of new business involved Lot 1046 and an issue with trees. The second notice was sent out and there has not been a response. Staff was instructed to send out a fine hearing notice.

The next order of new business involved Lot 1790 and an issue with albizia trees. This property was supposed to be disposed of between two parties through a divorce but apparently no changes have been made to the deed of record. The party supposedly responsible for the lot is very delinquent in their assessments as well whereas the party supposedly removed from the lot responsibility appears more cooperative since they now know they are still on the deed. Staff was instructed to advise the more cooperative party in writing of what is required and to give them some time to react to the issues present.

that the second notice was translated into Japanese. Roger moved to fine the owner, Steve seconded, and the motion to fine carried unanimously.

The next order of old business involved a fine hearing for Lot 1556 concerning a tree on an HSCA water line. Staff indicated that a neighboring lot has done some work on this issue but there was no certainty that the entire tree/stump had been removed. This item will be held until next month and staff will go out and take new photos.

The next order of old business involved a fine hearing for Lot 1557 concerning a tree on an HSCA water line. This is the lot that abuts Lot 1556. This item will also be held until next month and staff will go out and take new photos.

The next order of old business involved a fine hearing for Lot 246 concerning albizia trees and the need to poison them. The owner was given 30 days to address during a prior fine hearing but has failed to do so. Roger moved to fine the owner, Steve seconded, and the motion to fine carried unanimously.

The next order of old business involved several issues related to Lot 575 including parking on the easement, outdoor lighting, and a non-working vehicle that was in view from the street. Staff had received yet another letter from the owner of a nearby lot asking why nothing had been done about this matter. The ERC has had quite a bit of prior discussion on these three matters and after review of the conditions one more time including a night time visit to witness the lighting issue, the committee decided that these items did not rise to the level we would normally consider for fining. Staff was asked to write a letter to advise the nearby lot owner of this result.

Eileen followed up this discussion by mentioning that there are very significant concerns related to squatters that we will need to review and that an overall good neighbor type of policy should always be considered.

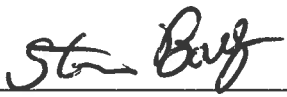
The next order of old business was a discussion on possible revisions to the ERC policies and to the fining schedule. Steve indicated that both he and Roger had met with Eileen to discuss various items including some changes that might be needed to the ERC policies that basically empowered the General Manger to issue an immediate fine. The committee agree that this should be revised, leaving this authority up to the Board President. The committee also discussed how best to more clearly show the Board's delegation of authority for fining to the ERC while reserving the authority to hear all fining appeals. The committee agreed to include language that would do this within the revised ERC Policy which would then be voted on by the Board. Lastly, the suggestion that perhaps we should have fine ranges instead of recurring fines as this might decrease the time it takes to resolve some matters. The committee agreed to look at this more closely at a later date.

The next order of new business involved Lot 1224 concerning trash and an abandoned vehicle within the property. No response to prior communications so staff was instructed to send a fine hearing notice and also see if the owner's real estate license was still in effect.

The next order of new business involved Lot 853 and an albizia issue. Owner had indicated on three separate occasions that he was going to resolve the matter and so a fine hearing was delayed. There has been no action on this matter so staff was instructed to send a fine hearing notice.

The last order of new business involved Lot 262 and trees encroaching on the neighboring lot. There has been no activity on this matter so staff was instructed to send out a fine hearing notice.

The ERC members thanked Kathryn Kuhlman for all her work with the committee since its inception as this was her last ERC meeting. The ERC then asked Eileen if she was willing to serve on the committee since Kathryn's departure left it with only one Board member where two are required. Eileen agreed to be on the committee. There being no further business for the committee, the meeting was adjourned at 7:05 PM



Steven Bailey

2/12/2020
Date