

Hawaiian Shores Community Association

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ENFORCEMENT REVIEW COMMITTEE

MINUTES FOR MEETING #12

3/23/2020 @ 6 PM

The meeting was called to order at 6:03 PM and a quorum was verified.

In attendance: Eileen O'Hara, Roger Guenette (remotely), Tom Cumming, Steve Bailey. Kendra Tidwell represented HSCA staff. Absent: Caroline Weber. Also in attendance was Mr. Reade Wollermann, owner of lot 1380 and Donald Thomas who had expressed concern about albizia trees on lot 142.

The chair advanced the first order of new business that concerned albizia trees on Lot 1380 as the owner of the lot was present. Mr. Wollermann first wanted to clarify his address as he did not receive the second notice because letters were being sent to a Wisconsin address. Mr. Wollermann has a Pahoa PO box now. Mr. Wollermann has made contact with Allan's Tree service and will need to make them a "pathway" to get to the trees. He is working on this. Tom also indicated that there are some trees on the lot that could be poisoned and that milestone is available at the office. The committee decided to give Mr. Wollermann 60 days to finish the work in light of Covid 19 shutdown issues.

Steve requested that we advance the issues related to albizia trees on lot 142. Although work began it seems that it is not finished. Steve contacted the owner today and she indicated that Backyard Monkey had been called off the job by Hawaii County. The office and the owner will call Backyard Monkey to see when they will return and we will have HSCA staff meet them there to go over what needs to be done.

The committee reviewed the February 12, 2020 minutes. Steve moved to approve the February 12, 2020 minutes and Tom seconded. This motion passed unanimously.

The next order of new business was a review of the ERC policies and the fine notice document. These documents had some changes that needed to be considered involving how appeals are heard and the advanced time frame needed to schedule a fine hearing. Kendra passed out the draft documents and Steve explained that appeals should be heard in the regular meeting and that ten days prior notice would be required before an appeal hearing is scheduled at a regular monthly Board meeting. This

required revisions to the fine notice. The ERC procedures also needed a minor revision regarding the time line for advance time needed for the fine hearing and set this at 10 days. The other item was to better clarify that all decisions to proceed forward to go to small claims court would be conducted during Executive Session. Roger moved that we make the recommended changes. Tom seconded. The motion carried unanimously. Eileen asked if there was any more issue with the delegation of authority to the committee from the Board. Steve said it is his opinion that this is in the previously approved procedures. Eileen indicated she would take a look at this.

Kendra advised an update for coconut trees on Lot 623. Both owners claim they have had surveys done. Steve indicated that he would verify whether or not survey stakes were in place.

The next order of new business was a fine hearing for lot 523 related to an albizia issue. The owner was not present. Steve moved to issue a fine for lot 523. Tom seconded. The motion carried unanimously. Eileen asked Kendra to follow up with the owners and make it clear to them what their options are, as we may have new contact information.

The next order of new business was a fine hearing for lot 1165 related to a tree that fell on a neighbor's roof. Tom asked if there was any building going on with this lot as he saw evidence of construction when he drove by. Kendra did verify that there was a building that was not in compliance and that she would follow up on this issue. The owner was not present. Eileen moved to issue a fine for lot 1165 if any more work was needed related to the tree that fell on the roof. Steve seconded. The motion carried unanimously and Kendra agreed to check on whether or not the tree issue was resolved.

The next order of new business was a fine hearing for lot 1058 related to overhanging vegetation onto neighboring lots on both sides. The owner was not present, has not responded, and is overdue on assessment. Steve moved to issue a fine for lot 1058. Roger seconded. The motion carried unanimously.

The next order of old business involved a fine hearing for Lot 1378 concerning overhanging trees and vegetation. The owner called the office this past Friday and said he would do his best to take care of the issue. The committee decided to give the owner 60 more days to take care of the problem since there has been some communication with the owner and also given potential delays related to the Covid 19 epidemic.

The next order of new business involved three situations where the fining level had reached its maximum and for which it was time to consider whether or not to take the cases to small claims court. Doing this does require a motion from this committee

recommending that the Board proceed with the filing. The committee decided to combine all three items into one motion. Each of the items was briefly discussed individually to ensure that committee members understood all of the issues before making the motion. Steve moved that we advise the Board that the committee recommended proceeding to small claims court for the violations on lots 623, 1123, and 1393. Tom seconded. The motion carried unanimously.

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



Steven Bailey

04/29/2020
Date

