

# **Hawaiian Shores Community Association**

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## **ENFORCEMENT REVIEW COMMITTEE**

### **MINUTES FOR MEETING #15**

**6/23/2020 @ 6 PM**

The meeting was called to order at 6:03 PM and a quorum was verified. This is a virtual meeting attended remotely by committee members and one HSCA member who chose to speak at the meeting.

In attendance: Eileen O'Hara, Tom Cumming, and Steve Bailey. Caroline Weber was absent. Kendra Tidwell and Barbara Barr represented HSCA staff. Also, in attendance was a Ms. Oswald who wanted to discuss conditions on Lot 1175 on Manini Street.

A quorum was established and then Eileen O'Hara, started the meeting by indicating that Caroline Weber is no longer interested in being on the committee. Eileen also stated that we now have two other Board members on the committee in addition to herself and that this would allow her to also leave the committee because our committees do not normally have the Board President as a member. This means that we will need to solicit additional committee membership.

Eileen requested a motion to approve the April 27, 2020 minutes. Steve moved approval and Tom seconded. The minutes were passed unanimously.

Eileen then recognized the member in attendance who recognized herself as Mrs. Oswald who wanted to discuss conditions on Lot 1175 on Manini Street. This agenda item was advanced and involved overhanging trees and vegetation on an abutting lot. Kendra indicated that this lot has multiple owners some of who live in Scotland. Kendra also indicated that some of the overhanging vegetation is fairly hazardous and need to be removed soon. Mrs. Oswald went over the communications that she had received in April and that she has tried to make calls to a variety of tree trimming companies. She only got one response and could not recall the company name but indicated that they were in the process of preparing estimate. Ms. Oswald also asked how we identify the work that needs to be done as the letter was not as specific enough get an estimate. Steve described how we meet with tree trimmers before they begin work to better define what needs to be done. Ms. Oswald will do her best to identify the company name and will advise Kendra as she can get the information. Tom also wanted to better clarify how we identify hazards, how big albizia trees can be and how dangerous they are. Steve added that there are two cecropia that would hit the house if they would fall. Ms. Oswald asked if there was a deadline for finishing the work and Eileen advised that we will revisit this issue at our next meeting which will be on July 27, 2020 and that we would advise Ms. Oswald of this via email as well as advise her of the next meetings access codes.

The first order of old business involved Lot 1392 on Nehu Street where vegetation is encroaching on neighbors' lot and this owner has received five notices to date and is being fined. Eileen asked Kendra to reach out to the owner again in writing and to specifically explain the work that needs to be done. Kendra indicated that she would prepare a letter and attach a photo to better explain what needs to be cut. Eileen indicated that we should suspend fining for one month and review this item at the next meeting.

The next order of old business concerned Lot 1780 and the need to remove various weed trees. The owners are listing the lot with a realtor and are in the process of getting quotes. Kendra indicated that the gun powder trees are a problem at the back of the lot.

The next order of old business involved Lot 1036 on Manalo Street and a problem with a number of smaller albizia trees that are starting to encroach onto the neighboring lot. Tom asked if we could warn owners before a reported problem gets worse and not begin the process with a violation letter. Kendra indicated that this is now part of the process especially when we conduct drive throughs. Although this condition is not currently being fined, the item also appears to have fallen through the cracks and no work has been done. Steve moved that we give the owner 30 days to comply and that we schedule a fine hearing for the next meeting. Tom seconded. The motion carried unanimously.

The next order of old business involved Lot 521 on Ina Street concerning albizia tree that threatens power lines and the road. The maximum fine limit has been reached. This property is owned by someone from Japan and no response or action has been taken. Steve and Tom both looked at the lot and indicated that the trees might be able to be poisoned but that we would need to follow state and county laws about doing work on private property which could include using a licensed arborist. Steve and Eileen both recalled conversations with Lincoln Ashida and Steve agreed to speak to Lincoln to better quantify what we would need to do.

The first order of New Business involved Lot 80 on Ahi Street with large albizia's encroaching on the neighboring lot. This lot is owned by someone from Japan who has long overdue assessments and has not responded to any of our letters. Steve moved to fine lot 80, Tom seconded. The motion carried unanimously.

The next order of New Business involved Lot 84 on Ahi Street with large albizia's encroaching on the neighboring lot. There has been no response to our letters. Steve moved to fine the owner, seconded. The motion carried unanimously.

The next order of New Business involved Lot 115 on Aku Street with several albizia trees that can be poisoned. Steve and Tom both recommended that we also discuss this lot with Lincoln to see what we can do now.

The next order of New Business involved Lot 129 on Aku Street with several albizia trees that can be poisoned. Steve and Tom both recommended that we also discuss this lot with Lincoln to see what we can do now.

The next order of New Business involved Lot 213 on Au and very large albizia trees that threaten the neighboring property. We have received no feedback from the owners and the owners did receive the second notice. Steve moved to fine the owner and Tom seconded. The motion carried unanimously.

The next order of New Business involved Lot 232 on Au and large albizia trees that threaten the neighboring property. We have received no feedback from the owners. The most offending tree appears to be on the property next to Lot 232. Eileen asked Kendra to see if anyone complained about this or if it was part of a drive through by staff and also to clarify the lot that the trees are on. This item will be reviewed at the next meeting.

The next order of New Business involved Lot 227 on Awa and large albizia trees that threaten the neighboring property. The owner has communicated with us and indicated that he had a friend that could do the work. Steve moved to give the owner 30 days to comply and Tom seconded. The motion carried unanimously.

The next order of New Business involved Lot 241 on Aweoweo and very large albizia trees that are threatening the power lines. This lot is owned by someone from Japan. Steve asked if this property was managed by Aloha Support and Kendra indicated that it was not. Steve moved that we fine the owner. Tom seconded. Motion carried unanimously.

The next order of New Business involved Lot 516 Kaku concerning a medium albizia's that are threatening neighboring property. The owner has a local address but no work has been done. Steve moved that we fine the owner. Tom seconded. Both Tom and Steve said many could be poisoned but not all of them Motion carried unanimously.

The next order of New Business involved Lot 1028 Manalo concerning medium albizia's. There has been no response from the owner. The trees seem to be threatening the property behind this lot. Steve moved we fine Lot 1028. Tom seconded. Motion carried unanimously.

The next order of New Business involved Lot 1054 on Manalo and weed trees overhanging the neighboring lot. Kendra indicated that this matter has been resolved so no further action is needed at this time.

The next order of New Business involved Lot 1070 Manalo Street involving abandoned construction on the lot. The owner has not responded to us and is not paying the assessment. Tom moved to fine the owner; Steve seconded. The motion carried unanimously.

Eileen then mentioned that there is one more item of business that involved the conference call that she and Steve had with Lincoln Ashida who is part of our legal counsel. This call involved how best to move forward with our fine items that are ready for small claims court. Steve summarized the phone call indicating that Lincoln suggested that we consider actually suing for our fine collections in District Court and also collecting our attorney fees. Eileen added that we have new District Court judges and we are not certain how they would rule. Lincoln said this might be more effective than small claims court because the small claims process often times results in a suggestion to arbitrate or


otherwise mutually settle claims, rather than just issuing judgements. Eileen also did discover that we could apply liens in lieu of court if we changed our bylaws. Hawaii law currently does seem to allow us to do this as state and local laws for HOA's apply to condominium developments only.

Steve went on to say that Lincoln would also try to make contact with the Public Works Director for Hawaii County to verify how they are addressing the albizia trees and the lack of enforcement of the existing dangerous tree laws. This law was passed but not funded by the County and the County has never filled their arborist position. Eileen recommended that we check back with Lincoln and Steve agreed to contact him for an update and to clearly verify if we can poison trees on the non-responsive lots. Kendra suggested that perhaps in the future we might want to consider increasing the assessment to set aside money to remove the worst of the trees.

We also should keep in mind that we do need to put the bylaw change for placing liens related to fines on our next ballot.

There being no further business for the committee, the meeting was adjourned at 7:03 PM.

  
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Steven Bailey

  
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Date