

Hawaiian Shores Community Association

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ENFORCEMENT REVIEW COMMITTEE

MINUTES FOR MEETING #16

7/27/2020 @ 6 PM

The meeting was called to order at 6:02 PM and although virtual attendance was set up for members, no one logged on to Go To Meeting.

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

A quorum was established and the committee was reminded that we are still soliciting new members for this committee.

Eileen requested a motion to approve the June 22, 2020 minutes. Steve moved approval and Tom seconded. The minutes were passed unanimously.

The first order of old business involved Lot 246 on Awa Street where large albizias were present. This owner is being currently fined for this violation. Kendra reported that these trees have been poisoned and that staff will monitor the lot to ensure that the poisoning was effective. Staff was instructed to write a letter stipulating that we will revoke the fine after we monitor the situation for 60 days to ensure a thorough job was done.

The next order of old business concerned Lot 1392 on Nehu Street and the need to remove encroaching vegetation. Kendra indicated that she sent the owner three pages that showed exactly what need to be removed. Owner received photos and said he was getting quotes. Fining will continue and staff will monitor progress.

The next order of old business concerned Lot 1780 on Haukeuke Street and the need to remove encroaching vegetation. Long Limbs Co. is currently working at the property so the committee will revisit this item next month.

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. The owner was given 30 days to resolve this matter at last month's ERC meeting.

Steve moved that we fine the owner. Caroline seconded. The motion carried unanimously.

The next order of old business involved Lot 232 on Au Street. Kendra reviewed this location with Tim and verified that the tree in question was actually on the neighboring lot so no action is needed by the committee.

The next order of old business involved Lot 227 on Awa Street and the need to remove encroaching vegetation. The owner had indicated that he would work on the removal of the various weed trees but no work was done. Steve moved to fine the owner, Tom seconded. The motion carried unanimously.

The last order of old business involved Lot 1175 on Manini Street and the need to remove encroaching vegetation. The owner of this lot did virtually attend last month's meeting. The owner has been cooperative but needs more time.

Eileen asked if we had any conversation about how we should go to court or what our best course of action would be should we fail to collect on fines. Steve indicated that he had spoken to Lincoln about 1 month ago to clarify our legal counsel opinion on this matter. This conversation resulted in a recommendation that we should consider the use of Small Claims Court, District Court and even the placement of liens as possible options and apply them on a case by case basis. HSCA would need to revise their Bylaws to allow the liens to be placed when fines are not collected. It was also verified that Hawaii law does not currently prevent this but that some other states do. The laws related to HOA's in Hawaii do need to be updated as they currently do not apply to associations like our own. Lincoln and Steve also discussed whether or not our staff could poison trees before they become a problem on lots where owners seemed to have abandoned their properties, are non-responsive, and owe a large past due assessment. Lincoln indicated that although there was not a specific law that permitted this, we might be better served as an association to seek the owner's permission first and if there is no response, then poison the trees before they become a problem. Eileen also asked if Lincoln had talk to the Public Works Director about Hawaii County enforcement of their law against hazardous trees and encroaching vegetation and Steve said as of the phone he had not. Eileen requested that Steve check to see if Lincoln had contacted the County and to set up a conference call for an update.

The first order of New Business involved a discussion of how HSCA monitors compliance with lot maintenance plans that are required by CC&R 7b. The committee discussed the intent of these plans and that some follow up and standards are needed. Kendra indicated that she would make some recommendations for the next meeting and check on a few of the maintenance plans to determine a general level of compliance.

The next order of New Business involved Lot 239 on Aweoweo Street where large albizias are threatening the neighboring property. The property changes hands via a tax commissioners deed so there is a new owner. The committee advised staff to include mention of fines being assessed anytime we know that a lot might be sold via a tax commissioners deed. Steve moved we fine the owner, Tom seconded. The motion carried unanimously.

The next order of New Business involved Lot 266 on Aweoweo Street where there we large albizias on the lot. These trees are not threatening the neighboring property but still need to be removed. The owner is in good standing but not replying to our letters. Steve moved we fine the owner and to advise the owner that milestone could be used on the albizia trees. Tom seconded. The motion carried unanimously.

The next order of New Business involved Lot 301 on Hinalea Street with several albizia trees with some that could be poisoned. Steve moved we fine the owner and to advise the owner that milestone could be used on the albizia trees. Tom seconded. The motion carried unanimously.

The next order of New Business involved Lot 302 on He'epali Street with several albizia trees. The owners are disputing the boundaries and trying to sell the lot. Steve moved we fine Lot 302 and advise that the burden of proof related to the property line is with the owner. Tom seconded. The motion carried unanimously

The next order of New Business involved Lot 480 on Ina Street and very large albizia trees. Steve indicated that the trees could likely be poisoned. Owners are behind in their assessment. Eileen suggested that if it is safe to do so, our staff should be asked if they could poison the trees.

The next order of New Business involved Lot 649 on Kawakawa Street and overhanging vegetation. Steve indicated that there is one tree that is leaning over on the neighboring property. The lot owner is delinquent in their assessment and lives in Japan. Steve moved we fine the owner, Caroline seconded. The motion carried unanimously.

The next order of New Business involved Lots 1232 and 1234 on Mano Street where large albizias were present on Lot 1234. Lot 1232 has an unauthorized container on it. Kendra did indicate that the owner did call the office and a fine hearing had not been scheduled. The committee will address this at next months meeting.

The next order of New Business involved Lot 1329 on Moi Street and a large dead ohia tree that is threatening the neighboring property. Steve moved that we fine the owner. Tom seconded. Motion carried unanimously.

The next order of New Business involved Lot 1529 on Oopu Street where albizias were encroaching on the neighboring property. Kendra reported that this matter had been resolved and that no further action is needed

The next order of New Business involved Lot 1770 on South Puni Lapa Loop where vegetation was encroaching on power lines and the neighboring property. The committee did discuss that we should also notify the utility company as well whenever trees are actually touching the power or telecommunication lines. Steve moved to fine Lot 1770. Tom seconded. Motion carried unanimously.

The next order of New Business involved Lot 1774 on South Puni Lapa Loop where vegetation was encroaching on power lines and the neighboring property. Steve moved to fine Lot 1774. Tom seconded. Motion carried unanimously.

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



Steven Bailey

0/25/2020

Date