

Approved

OPEN SESSION MEETING MINUTES

Board/Commission	Arborist Advisory Committee	Meeting Date	May 28, 2024
Location	Piikoi Building, 4444 Rice Street, Suite 300 Boards and Commissions Conference Room Līhu 'e, Hawai'i 96766	Start of Meeting: 9:00 a.m.	End of Meeting: 9:30 a.m.
Present	Committee Members Lawrence Borgatti, Sarah Bryce, Sylvia Smith, and Jodi Higuchi-Sayegusa. Also present: Boards and Commissions Staff: Administrator Ellen Ching, Support Clerk Mercedes Omo, and First Deputy County Attorney Mahealani Krafft (Attended Virtually).		
Excused	Dan Kawika Smith		
Testifiers	Paul and Kathleen Palmer		



SUBJECT	DISCUSSION	ACTION
Meeting Called to Order/Roll Call to ascertain quorum	<p>Before the meeting was called to order the Administrative Assistant to the County Clerk Eddie Topenio gave the Oath of Office to Committee Members Lawrence Borgatti, Sarah Bryce, Sylvia Smith, and Jodi Higuchi-Sayegusa.</p> <p>With a quorum of four ascertained, at 9:00 a.m., Chair pro tem, Larry Borgatti called the Arborist Advisory Committee meeting to order.</p>	
Election of Chair and Vice Chair for Calendar 2024	<p>Chair pro tem Borgatti opened the floor for nominations for Chair.</p> <p>Ms. Smith nominated Mr. Borgatti to serve as Chair for calendar 2024. With no further nominations, Mr. Borgatti accepted the nomination to serve as Chair for the calendar 2024, and a motion was made.</p> <p>Chair-elect Borgatti opened the floor for nominations for Vice Chair.</p>	<p>Ms. Smith made a motion to elect Mr. Borgatti as the Chair for the calendar year 2024. Ms. Bryce seconded the motion. Hearing no objections, Mr. Borgatti was elected Chair.</p>

SUBJECT	DISCUSSION	ACTION
	<p>Ms. Higuchi-Sayegusa nominated Ms. Smith for Vice Chair. With no further nominations, Ms. Smith accepted the nomination to serve as the Vice Chair for the calendar year 2024, and a motion was made.</p>	<p>Ms. Higuchi-Sayegusa motioned to elect Ms. Smith as Vice Chair for the calendar year 2024. Ms. Bryce seconded the motion. Hearing no objections, Ms. Smith was elected Vice Chair.</p>
<p>Approval of Agenda</p>	<p>Ms. Omo requested that a correction needed to be made to the preamble page of the agenda to reflect that Ms. Bryce’s first is Sarah and not Sandra as reflected on the preamble page. Chair-elect Borgatti acknowledged her request and then called for a motion to approve the agenda with the amendment.</p>	<p>Ms. Higuchi-Sayegusa moved to approve the agenda as amended. Vice Chair Smith seconded the motion. Hearing no objections the motion carried 4:0.</p>
<p>Public Testimony</p>	<p>Oral testimony will be taken at any time during the meeting or wait for the item to come up.</p> <p>Boards and Commissions Administrator Ching stated that there were no registered testifiers in the audience except for Mr. and Mrs. Palmer who is seeking a recommendation on designating a monkey pod tree as an exceptional tree.</p> <p>A question was raised asking Mr. and Mrs. Palmer if they wanted to give testimony on the other agenda items besides their application. Mr. Palmer replied that they would wait to testify on their exceptional tree application.</p>	
<p>Approval of Minutes</p>	<p><u>May 20, 2020, Open Session Meeting.</u></p> <p>Chair-elect Borgatti called for a motion to amend or approve the minutes of the May 20, 2020, meeting.</p>	<p>A motion was made by Ms. Higuchi-Sayegusa to approve the minutes of the May 20, 2020, meeting as circulated. Ms. Smith seconded the motion. Hearing no objections, the minutes were approved.</p>

SUBJECT	DISCUSSION	ACTION
<p>Business AAC 2024-1</p>	<p><u>Discussion and decision-making on adopting an Oral Testimony Policy.</u></p> <p>Ms. Higuchi-Sayegusa explained that the policy, under HRS 92-3 and the Office of Information Practices guidance, will allow the Commission reasonable administration of oral testimony in that the Chair may limit all oral testimony to 3 minutes and may grant an additional 3 minutes to provide further testimony after all interested persons have had an opportunity to provide oral testimony.</p> <p>Chair-elect Borgatti thanked Ms. Higuchi-Sayegusa for explaining what the intent of the policy is and called for a motion to adopt the policy.</p>	<p>A motion was made by Ms. Higuchi-Sayegusa to adopt the Oral Testimony Policy. Vice Chair-elect Smith seconded the motion. Hearing no objections, the policy was adopted.</p>
<p>AAC 2024-2</p>	<p><u>Discussion and decision-making on adopting a revised EXCEPTIONAL TREE and PALM NOMINATION APPLICATION form.</u></p> <p>Boards and Commissions Administrator Ching mentioned that her office worked in collaboration with First Deputy County Attorney Mahealani Krafft to create a fillable form for the County's Arborist Advisory Committee webpage, making it easier for citizens to complete. Another change was necessary as they had not anticipated that an exceptional tree would be on a CPR property. Ms. Ching thanked Ms. Krafft and Ms. Higuchi-Sayegusa for their assistance and guidance in getting the application form to its current form.</p> <p>Ms. Bryce asked what a CPR property was, to which Ms. Higuchi-Sayegusa replied that CPR stands for Condominium Property Regime, where multiple tenants are involved.</p>	

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	<p>With no further questions or comments, Chair-elect Borgatti called for a motion to adopt the revised exceptional tree application form.</p>	<p>A motion was made by Ms. Higuchi-Sayegusa to adopt the revised Exceptional Tree and Palm Nomination Application Form. Ms. Bryce seconded the motion. Hearing no objections, the form was adopted.</p>
<p>AAC 2024-3</p>	<p><u>Briefing by First Deputy County Attorney Mahealani Krafft on Act 19 and the Sunshine Law.</u></p> <p>First Deputy County Attorney Krafft began by acknowledging Chair-elect Borgatti and members of the committee. She explained that the Sunshine Law had changed since the committee last met, resulting in Act 19 and requiring administrative updates. Under Act 19, the committee must provide a report during an open session when it reconvenes. The report should detail any discussions or final actions taken by the committee in the executive session. However, if disclosing the report would defeat the purpose of the executive session, the committee may maintain confidentiality. For example, if the committee convenes an executive session to discuss legal matters such as its rights, powers, duties, privileges, immunities, and liabilities with its attorney, that discussion would not be subject to disclosure in the open.</p> <p>Chair-elect Borgatti asked the members if they had questions for Ms. Krafft regarding Act 19 and the Sunshine Law, hearing none, Chair-elect Borgatti thanked Ms. Krafft for bringing the members up to speed.</p>	

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<p>AAC 2024-4</p>	<p><u>Discussion and decision-making on an exceptional tree nomination application submitted by E. Kathleen Palmer, the applicant seeks a recommendation from the Committee to designate a single Monkey Pod Tree scientific name is <i>Samanea Saman</i>, located at 3-3400 Kūhiō Highway, in the center of Sun Village, Līhu ‘e, Hawai‘i 96766, as an exceptional tree. Owner’s name: The Weinberg Foundation 3660 Waialae Avenue, Suite 400, Honolulu, Hawaii ‘i 96816.</u></p> <p>Chair-elect Borgatti called on Mr. and Mrs. Palmer to give testimony.</p> <p>Mr. Paul Palmer stated his name for the record and then introduced his wife, Mrs. Kathleen Palmer. They live at the Sun Village Condos in Lihue behind Wilcox Hospital. Both he and his wife are members of the Sun Village tree committee, and they are trying to preserve as many trees as possible because every year the board changes members and they are concerned that the new members may not understand the value of trees.</p> <p>He thanked the committee for allowing them to be able to seek a recommendation to designate the monkey pod tree as an exceptional tree.</p> <p>At this point, Chair-elect Borgatti opened the floor for the members to ask questions.</p> <p>Vice Chair Smith inquired whether all the board members were residents of Sun Village to which the Palmers replied yes adding that the board members change annually.</p>	

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	<p>Ms. Higuchi-Sayegusa asked if the other owners were notified about the tree nomination, to which Ms. Palmer replied yes, adding that they all support the nomination.</p> <p>Ms. Higuchi-Sayegusa asked how the owners were informed.</p> <p>Mr. Palmer explained that on February 19, 2024, he posted a notice on every building within the Sun Village complex addressing the residents. The notice was to inform them about the tree committee's submission of an exceptional tree application to the Kaua'i County Arborist Advisory Committee. The application recommended that the monkey pod tree situated in the center of the Sun Village complex be designated as an exceptional tree. He also mentioned that the notice was included in their application packet.</p> <p>Mrs. Palmer added that the board met with the residents living at Sun Village currently, but not the residents living off the island.</p> <p>Chair-elect Borgatti asked for clarification on whether the board ratified the vote to which Mrs. Palmer replied yes.</p> <p>Mr. Palmer referred to the letter dated February 20, 2024, signed by Certified Arborist Tibor Seres (included in his application packet). He stated that the letter says that Mr. Seres is the caretaker of the monkey pod tree and that the monkey pod tree is "healthy and grand" and is approximately 80 years old.</p>	

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	<p>Chair-elect Borgatti asked how Mr. Seres determined the age of the monkey pod tree, to which Mr. Palmer replied he didn't know. Chair-elect Borgatti noted that the Sun Village was built in 1980, which would make the age of the monkey pod tree 54 years.</p> <p>Mrs. Palmer noted that they did research on the history of the monkey pod tree and Mr. Seres believes that the tree is 80 years old.</p> <p>Ms. Bryce asked if Mr. Seres takes care of the tree on a regular basis or if he is just the arborist, to which the Palmers replied that Mr. Seres takes care of the monkeypod tree on a regular basis.</p> <p>Mr. Palmer noted that in addition to caring for the monkey pod, Mr. Seres also cares for the legacy of the other trees.</p> <p>Chair-elect Borgatti stated that, as a certified arborist, he's happy the board hired a qualified professional to care for the trees.</p> <p>Ms. Higuchi-Sayegusa asked the Palmers to explain the monkey pod tree's historical and cultural value, aesthetic quality, and endemic status and how it was established.</p> <p>Mr. Palmer stated that built in 1980, the Sun Village complex had many managers who have come and gone, and over the years some of the trees that were planted were taken down except for the monkey pod tree, which was there before the complex was built. He stated that the Sun Village Condos is home to many other beautiful trees, one is the rainbow eucalyptus trees and the monkey pod tree was there the longest.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Mrs. Palmer mentioned that there used to be eight rainbow eucalyptus trees on the property, but they were cut down because one of the board members heard something. Her concern is that future board members may not know the history of a tree and might decide to cut down a tree based on a mere notion.</p> <p>Ms. Bryce inquired about any potential maintenance issues that could adversely affect the plumping of the nearby buildings. In response, Mrs. Palmer stated that she wasn't aware of any issues, but what she does know is that the arborist keeps the tree well-trimmed so that the branches are away from the buildings.</p> <p>Chair-elect Borgatti added that looking at the pictures, it looks like beginning challenges regarding the tree roots and that the curbing has started to crack around the circle.</p> <p>Ms. Bryce inquired whether the members of the board were concerned about it, to which Mrs. Palmer replied that she could ask the board.</p> <p>Chair-elect Borgatti stated that as of today there is no opposition to the nomination and considering that it's the only monkey pod on the property, it is rare. Mrs. Palmer added that the tree is rare and special and if anyone were to cut down the monkey pod tree there would be a war.</p> <p>Mr. Palmer stated that they understand there could be potential loss and issues regarding the tree's root system, but as is, things have been very good.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Ms. Bryce stated that thinking ahead, should there be problems with the tree's root system where it starts to do damage and if they start to cut down those rainbow eucalyptus trees, it should be addressed because those are special trees.</p> <p>Mrs. Palmer agreed, adding that everyone who comes to the board has new ideas and being that some of the members are new they opt to cut the trees down.</p> <p>Mr. Palmer commented that having a good view and the concept of how each resident thinks it should be is challenging.</p> <p>Ms. Bryce stated that as a suggestion, perhaps, efforts should be made to help educate the community by utilizing Mr. Seres's expertise on the value and aesthetics of trees.</p> <p>Chair-elect Borgatti asked the members if they had any more questions or comments they wanted to ask or make, if not, he would like to call for a motion to recommend designating the monkey pod tree as an exceptional tree.</p> <p>First Deputy County Attorney Krafft stated that before he calls for a motion, she needs to advise the committee that they would need a written approval from the owners of the property.</p> <p>Mr. Palmer stated that the Weinberg Foundation is the owner of the property.</p>	

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	<p>Mrs. Palmer pointed out that the owner of the property is the Weinberg Foundation, and Ryan Gilbert is the head of the Weinberg Foundation which owns the actual land. She stated that Mr. Gilbert sent his approval by email and in his email, he explained that he was out of his office and wanted to send his approval by email, adding that Mr. Gilbert did not fill out the notice of nomination of an exceptional tree indicating that he agrees with the nomination the committee requires.</p> <p>Mrs. Palmer stated that she is the liaison between the Weinberg Foundation and the board, adding that during her conversation with Mr. Gilbert told her that it wasn't a good time to start cutting down any of the trees or making any decisions on what to do with the trees.</p> <p>Mrs. Plamer also stated that they would contact Mr. Gilbert again, to ask him to complete the Notice verifying that he agrees with the nomination.</p> <p>Ms. Bryce referred to and email from Mr. Gilbert to Ms. Plamer where he states that he supports what is best and the will of the residents.</p> <p>Ms. Higuchi-Sayegusa stated that it would be good to get the approval in writing and being that Mr. Gilbert is the Director of Asset Management HJWF inc., she doesn't know what the direct structure is and who would need to sign off. However, the ordinance does say to strive to which seems to mean supportive. The big concern is if the owner objects the nomination the committee wouldn't be able to make a recommendation to designate the monkey pod tree as an exceptional tree.</p>	

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	<p>Mr. and Mrs. Palmer noted that they do not think that they are going to object to the nomination because the monkey pod tree enhances the Sun Village Condo complex.</p> <p>Chair-elect Borgatti stated that the next step is to get a written approval from the owner’s representative Mr. Gilbert. Ms. Higuchi-Sayegusa stated that it would put the tree nomination in a best position for the committee to make a recommendation to the county council to designate the monkey pod tree as an exceptional tree.</p> <p>Chair-elect Borgatti called for a motion to defer item AAC 2024-4, for continued discussion and decision-making to the committee’s next meeting in July.</p> <p>After the vote, Ms. Omo stated that she would contact the members to confirm the date and time of the next meeting after July 12.</p>	<p>A motion was made by Ms. Higuchi-Sayegusa to defer item AAC 2024-4 to the committee’s next meeting. Vice-Chair elect Smith seconded the motion. Hearing no objections, the motion carried 4:0.</p>
Executive Session	<p>Under HRS§ 92-7(a), the Commission may, when deemed necessary, hold an executive session on any agenda item without written public notice if the executive session was not anticipated in advance. Any such executive session shall be held under HRS § 92-4 and shall be limited to those items described in HRS §92-5(a).</p>	<p>No executive session was needed.</p>
Adjournment	<p>There being no further business, Chair-elect Borgatti called for a motion to adjourn the meeting.</p>	<p>Vice Chair-elect Smith moved to adjourn the meeting. Ms. Bryce seconded the motion. Hearing no objections, at 9:30a.m. the meeting was adjourned.</p>

Arborist Advisory Committee Open Session Minutes
Of May 28, 2024, Meeting

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Submitted by: _____
Mercedes Omo, Staff Support Clerk

Reviewed and Approved by: _____
Lawrence Borgatti, Chair-elect

Approved as circulated on July 30, 2024

Approved as amended. See minutes of _____ meeting.