

Maui County Arborist Committee

Meeting Minutes

March 10, 2021

- I. Call to order at 1:36pm by Chris Reynolds, Chair, when it was determined that quorum was present.
- II. New Committee Business –
 - a. Approval of minutes – Approval of minutes for the committee meeting of February 10, 2021: motion to approve with the revision of Jack Patnode’s name. Approved by Jack Patnode, seconded by Doug McBride and unanimously approved.
 - b. Discussion of Maui County Code Section 2.41.090- Chair Reynolds opens the floor to Corporate counsel Daniel Kunkel. Daniel Kunkel briefly summarizes history and purpose of Maui County Code Section 2.41.090. Daniel Kunkel then proceeds to read the code in its entirety. Chair Reynolds proposes to review the attendance of the last 6 months and compile the names who have not been in attendance. Chair Reynolds says he can then submit this list to Kawai Hanohano-Manini which can be sent to the Mayor and the Council. Chair Reynolds questions committee if they see this acceptable to meeting our obligations based on this ordinance. Daniel Kunkel suggests informing the new members as they come on board of this ordinance so they are aware of this requirement. Ipo Mossman interjects adding, as new members come on a welcome packet is provided with a number of articles and pieces with the attendance being one of them. Ipo Mossman continues saying moving forward all new members are given this information up front and hopefully helps. Ipo Mossman expresses his gratitude to Chair Reynolds saying he has heard tremendous responses to his duties and appreciates it. Ipo Mossman addresses Barbara Fernandez request to extend Chris Reynolds, Lance DeSilva, and Chris Haynes leadership roles. Three new members along with Jake Musson who took over Alison Cohan’s place, will be joining the committee. Information and packets are ready and will be sent to Kawai Hanohano-Manini. Ipo Mossman asks that as we move forward we allow the process to work, to introduce these new people correctly, to bring them into the fold, and to see how they can support the group. Ipo Mossman asks Barbara Fernandez if he is missing anything. Barbara Fernandez answers saying no. Barbara Fernandez proceeds saying we need to include “alternates.” That there is a verbal area in a lot

of the other committees, because as you see sometimes we have quorum difficulty, a lot of the other committees have alternates. We need to have one or two included in this attendance ordinance. Barbara Fernandez asks Daniel Kunkel if the attendance he read 2.41.090 is the same as the Department of Parks Practice and Procedures 10-3-20. Daniel Kunkel responds saying he is not sure, but that this ordinance applies to all the committees including the Arborists Committee. Barbara Fernandez responds saying we would like the wording to include one alternate, and says we use to be able to have two alternates but I'm asking just for one, the wording needs to say alternate. Daniel Kunkel responds saying he is not aware of any authority for alternates in the rules or the ordinance. Ipo Mossman interjects saying if we do the actual attendance policy and procedure, if you find that someone is not meeting their requirements I wouldn't wait for that percentage where you have to write a letter. That's what we are here for. That Kawai Hanohano-Manini can shoot a little note and they'd be more than happy to follow through with the member to see if there's a situation at hand that we can move forward with. Moving forward, the attendance policy is there basically to have a record of who is doing what and how we are doing it. Ipo Mossman says he looks forward to getting that type of report or attendance. Ipo Mossman continues saying he reads the minutes that we send, where you include the people that are in attendance. If we see that the record is not being upheld as well as it should we can jump on it and start talking to it. That there is really no clause or nothing in our bylaws and charter that says there's an alternate. Chair Reynolds says he will take a look at the last minutes for the past six months and put together a report so we can meet our obligation for this ordinance. Hopefully going forward, we can work with the members if they are having difficulty in attending these meetings. Chair Reynolds says he thinks alternates may come underneath a different agenda item as far as the Arborist Committee Rules and Practices and Procedures but we can wait for that one to come up. Barbara Fernandez interjects asking if we can do the call to order, that we need to call the committee members if they are present. Barbara Fernandez suggests that on the agenda a reminder if there is anyone to testify if that can be put on the minutes. Chris Reynolds interjects saying the last legal support either allowed them to testify up front or to testify in accordance with the agenda items, and asks committee if there are any public testimonies. Barbara Fernandez responds saying, "No we don't, but it wasn't on the agenda. Usually we call to order, then you call the members. We can remind the next chair." Chair Reynolds says when we develop the agenda for the April meeting we can add it in there. Tim Griffith interjects saying it is listed in the agenda, and proceeds to read that section of the agenda.

c. Elections of new Committee Chair- Chris Reynolds asks committee, "Who wants it, any nominations?" Jack Patnode asks who the remaining committee members are. Chair Reynolds proceeds to name them, Barbara Fernandez, Jake Musson, Jack Patnode, Douglas McBride, Lance DeSilva, and Chris Reynolds. Daniel Kunkel adds saying, Chris Haynes, Robert Burritt, and Christopher Berquist. Jack Patnode then asks whose terms are expiring. Chair Reynolds, says just mines I believe. Ipo Mossman interjects saying there are three of you going out, Lance DeSilva, Chris Haynes, and Chris Reynolds. Jack Patnode responds saying, "So all of the like lies." Ipo Mossman addresses Daniel Kunkel asking if this is the time frame where they pick the members during this month or is it something they can carry over until the new members are on board. Daniel Kunkel responds saying, my understanding is this generally goes on right about this time of the year that the new members are appointed. Chair Reynolds suggests having a nomination for the vice chair, then at least you can have a vice chair position temporarily fill in. Chair Reynolds then asks if there is any one currently willing to step up to the chair. Jack Patnode interjects asking, "What's the tenure of people on the committee?" Chair Reynolds answers saying, "Five year." Jack Patnode then asks, "Who of the remaining members have been on the committee more than one year?" Barbara Fernandez answers saying, "I've been two years." Jack Patnode says he's on one year. Chair Reynolds says you can be on the committee for two consecutive terms. That is the limit. So I hit my ten year limit. He believes you can take a break and reapply because Ernie Rezens is coming back. Jack Patnode interjects saying, "Due to Covid and our lack of meeting, I know next to nothing about what we actually do on the committee other than attend the meetings." Chair Reynolds responds saying, "The purpose of the committee really is we are supposed to be able to review planting plans and such that come down from the planning committee. Which we haven't seen for years. We are responsible for ensuring the exceptional tree list is being kept up to date, and other general county Arborists things. We update the Maui County Planning Plan when required, and other issues that come up." Ipo Mossman addresses the committee saying, "The group objective is you've got departments like the Parks Department, Public Works, Planning Department, Human and Concerns, anybody working on removal of trees or reassessing renovations of an area, they come to this committee and ask for your input. If that is not happening we can have Daniel Kunkel get on that." Chair Reynolds questions committee if there are any nominations for Vice Chair. Jack Patnode nominates Barbara Fernandez seconded by Douglas McBride and unanimously approved. Congratulations to the new Vice-Chair Barbara Fernandez! Chair

Reynolds shares that his responsibilities don't end till the end of the month and is committed to taking care of things discussed in this meeting.

III. Continued Committee Business –

- a. Review of Exceptional Tree Inspections – Chair Reynolds addresses committee saying he was able to go to Hana and visit the 2 Kamani nut trees, he took a few pictures and turned in the report to Kawai Hanohano. Chair Reynolds mentions that the trees are in really good shape. Chair Reynolds questions committee if anyone else was able to do any inspections? Douglas McBride responds saying he visited the monkey pod tree off of Kihei Road, says it is looking good but severely pruned back. He does not think management knows that they are exceptional trees. They still look good and healthy. Barbara Fernandez questions Douglas McBride where these trees are located, he responds saying Luana Kai Condominium which are the trees that we tried to save about 5 years ago. Tim Griffith interjects saying a contractor was pruning within the property and the property management wanted a lot of clearance over the parking lot and the road, and they started going heavy handed and somebody called me. Tim Griffith continues saying on his way home from work he stopped them from working, they pruned a couple on the south side of the driveway, they made some good cuts, they went a little heavy handed, but they did not destroy the trees. They'll come back, it will be ok. Barbara Fernandez questions Tim Griffith if a fine should be put against them. Tim Griffith responds saying, "No, they didn't know. They were certified arborist, just a little heavy handed." Barbara Fernandez asked who the company was, and says she'll talk to Tim Griffith later. Jack Patnode asks if it's the committee's responsibility to notify the owners of the properties that they have exceptional trees and that they need to manage them differently? Chair Reynolds responds saying, the owners of the properties have to agree to have these exceptional trees so, they should know. The problem is they have property managers that come and go, and they don't know. The tree company should be aware of the exceptional trees within the county if they are doing business here. Tim Griffith interjects saying, they are aware now and also sent the Maui County plans containing the list of exceptional trees. They were apologetic and eager to do the right thing. Chair Reynolds questioned Douglas McBride if he was able to turn in the written form inspection to Kawai Hanohano-Manini? Douglas McBride replied saying, "I will, I have it here." Chair Reynolds questions committee if anyone else was able to do inspections? Jake Musson answered saying he took a look at the Jacaranda on Hanamu Road however getting access is kind of hard. Jake Musson continues saying he spoke with the lessee of the property but could not get permission to go

any closer. By the looks of it from Hanamu Road it looks good. Paperwork has been submitted to Kawai Hanohano-Manini. Jake Musson also took a look at the two trees at the Souder residence the India Rubber tree and Bermuda Juniper. Forms need to be completed but they both look great. Barbara Fernandez went out to Pu'u Mahoe and visited 8 trees. The report is in the process of being written up. One of the palms is dead where the top is totally off. Chair Reynolds questioned Barbara Fernandez if the tree she is referring to is dead and should be removed? Barbara Fernandez responded saying, that is up to them if they want it removed. A picture was taken and included in the report. Barbara Fernandez says we will have to go through the process of eliminating it from the exceptional trees list, even though it's part of a stand. Barbara Fernandez continued to say that Josh Spalding from Imua sent her photos of the exceptional canopy trees in Olowalu. This canopy is listed as the first tree on the exceptional tree list which is state owned and will have to be eliminated from the exceptional trees list. Another tree located behind these trees is listed as an exceptional tree however, it should not be part of the exceptional trees. Barbara Fernandez questioned committee if anyone has taken photos and included them into the inspection reports? Chair Reynolds responded saying it's helpful to take photos. Taking photos is a good indication of seeing if the trees are still there, and if not that we go through the process to have it removed. Barbara Fernandez reminds committee to please take photos of the trees being inspected if you have not been doing so.

- b. Exceptional Tree Nomination- Banyan at 1290 Uluniu St. Kihei- Chair Reynolds questioned committee if an application or approval was received from the property owner if this tree belongs to the state. Barbara questioned Chair Reynolds if the Arborist committee can vote if it's an exceptional tree or not. Chair Reynolds interjects saying the property owners (state) need to approve to make this an exceptional tree. No vote can be made without the property owners give permission. Jack Patnode posed a question, how can we identify if something is on state property? Chair Reynolds responds saying for the state you would have to find the responsible department, for example the Olowalu area we had to reach out to the State Department of Transportation. This tree budding the coastal area might be part of DNLR. Barbara Fernandez interjects saying Kyle Yamashita the Senator will help and asks if anyone can contact him. Jack Patnode interjects asking if a letter can be drafted. Barbara Fernandez interjects saying maybe to ask Kelly King and she could direct us on who to write to. Chair Reynolds questions committee if someone can reach out to council member Kelly King. Barbara responds saying the person who submitted the letter should reach out to her, either David Moran or Elaine Molina can ask. Chair Reynolds questions committee if

someone can follow up with David Moran or Elaine Molina. Barbara Fernandez suggests Douglas McBride to follow up. Douglas McBride answered saying, that's my wife and questions if what he needs to find out is if we need state recognition. Chair Reynolds responds saying, we need to find out what state department is responsible for that portion of land. Douglas McBride confirms he can ask Elaine Molina.

- c. Exceptional Tree Inspections- Reassignments- Chair Reynolds suggests to committee to go through the exceptional tree listing and figure out who can go out and visit the trees. Barbara Fernandez questions Chair Reynolds when the last print out of the exceptional tree listing and that she has not seen an updated listing with the county approved eliminated trees. Chair Reynolds responds saying those trees are still there and is waiting for the trees to be physically removed before removing them from the list. Barbara Fernandez suggests removing them from the list since they should not be looked at. Chair Reynolds addresses committee that we need to take on new assignments. He will send out the list again, leave them blank and people can fill them in. Barbara Fernandez requests if this item can be tabled till the next meeting or when the new members are on board. Chair Reynolds responds saying, yes so that people can determine if 1) they want to do it and 2) be able to get there. Jack Patnode requests if the list can be updated with the members who are no longer active removed so we can see the vacancy. Chair Reynolds responds saying he can. Jack Patnode asks if there are any members located on the West side. Ipo Mossman responds saying Robert Burritt, and asks if anyone is familiar with him. Chair Reynolds believes he was able to make at least one meeting. Tim Griffith interjects saying he was in attendance to a couple meetings before Covid, when the meetings were held in the Parks conference room. Barbara Fernandez questions Ipo Mossman if any of the new members coming in are located on the West side. Ipo Mossman says he does not have that information with him at this time but will find out. Jack Patnode responds saying, he is curious because he noticed there's a lot of trees listed on the West side and it might be easier to have someone over there. Tim Griffith interjects saying, he usually takes care of the trees on the West side since he's familiar with them, and is all over the island anyways and has been doing them for the last couple of years. Chair Reynolds responds saying he sees Tim Griffith's names on a lot of the West side trees. Ipo Mossman addresses Barbara Fernandez regarding the new members saying, one member is coming from Makawao near Jake Musson, and two people from the Kihei area and one coming from Lahaina. Barbara Fernandez asks Ipo Mossman if he can email her this information. Ipo Mossman responds saying he can send it to Kawai Hanohano-Manini and she can send it out.

- d. Deletion of Exceptional Trees- Chair Reynolds says he will work on the removal of trees letter and include the tree at D.T Fleming Arboretum (M19) and one in Olowalu. Chair Reynolds questioned committee, if anyone knows the county council member the letter should be sent to. He then asked Kawai Hanohano-Manini if she knows. Kawai Hanohano-Manini responds saying, she does not but can find out. Tim Griffith interjects, he believes the letter should be sent to the Parks Director Karla Peters who then sends it to the appropriate committee member. Chair Reynolds confirms that he can do that.
- e. Follow up on Ho'aloaha Park Tree Replant- Chair Reynolds addresses committee that he did write a letter to the Parks Director last week and hoping to hear back by the next meeting.
- f. Review of the "Rules of Practice and Procedures for the Maui County Arborist Committee and Maui County Code"- Daniel Kunkel addresses committee saying he believes the marked up document which was done more than a year ago by the prior corporation council was suggesting deleting certain provisions. Daniel Kunkel says the former corporate council is no longer here on Maui, and therefore does not know his rationale behind these deletions but perhaps the committee might, if he was discussing these with them at that time. When talking about rule changes, Daniel Kunkel suggests that members be specific as possible. He says, "What exactly and which rules would you want to change? And how? The whole rationale for changing them need to come from yourselves. If you think a rule is bad, not serving you, or somehow impeding you. You can see what the former deputy corporation council was recommending, he deleted certain provisions and scratched them out." Chair Reynolds responds, it has been a while since we've talked about this. Chair Reynolds believes the original intent was to clean up the code to make it comparable or similar to other committees. The former corporation council had said some of the language was quite antiquated and has not been updated in a long time. Which is why Chair Reynolds believes he was striking a lot of paragraphs out. Daniel Kunkel interjects saying, it would be worthy for review by the members. If you want to agree with his recommendations, to look them over yourself and make sure you agree with those provisions being deleted. Daniel Kunkel continues saying, "apparently he (former corp. council) must have felt there were no need for them, I guess. That's all I can infer from this, if certain things were not needed." Chair Reynolds responds saying, that would be correct. He (as in former corp. council) was basically coming up with a cleaner document and making it aligned with how other committees run. Daniel

Kunkel says, "When members have solid ideas on this it would be worthwhile, to discuss, propose changes, one at a time, and make sure you agree on it. It's not something that can be done quickly, because once the committee decides to change a rule the Arborist Committee needs to publish a notice at least 30 days before a public hearing on the exact rule change and you have to say in that notice, yes we are making this specific change, it has to be really clear. Then allows the public to comment. Then you want to review the public comments. Then when you hold the hearing at least 30 days later the public should have a chance to come in and testify if they want to. Only then you would vote on the final version. So it's not a quick process." Chair Reynolds says we were suggesting making changes to the rules, then David Galazin was suggesting we clean up the code since there was a lot of language that really wasn't pertinent. Chair Reynolds continues saying, some of the issues we were talking about was 1) occurrence of the meeting and 2) possibly having an alternate. Barbara Fernandez interjects saying she'd like to table this, since there are new members coming in. Barbara Fernandez then asks Daniel Kunkel if he intends on sticking around. Daniel Kunkel answers saying, yes! Barbara Fernandez says, sorry she has to be direct. That's what happens, we had a corporate council that was infiltrating his ideas, his wording, and it just wasn't working with a lot of us because we didn't understand it. We need to start all over, we need to have someone who is easy to work with like Daniel Kunkel seems to be. Perhaps we can even push it till we can meet in person, because we need to all be sitting at a table looking at this document and doing it that way. So I'd like to make a motion to put this on the table. Jack Patnode poses a question to Daniel Kunkel, Is there anything in here that we are not doing that we need to be doing based on the rules that are written? Daniel Kunkel, says no he does not see violations of rules. I would say, what is key is enforcing the attendance ordinance. To make sure everyone is showing up. Participation is essential. I would suggest members look closely to the copy of the rules themselves, and be specific as possible. Daniel Kunkel says he has not seen any particular rule being a problem, so if it does behoove any committee members who thinks a particular rule is a problem to specifically bring it up. To inform everybody and explain what they don't like about it. Barbara Fernandez addresses Chair Reynolds if he accepted her suggestion to hold off on this until the new members come on board. Chair Reynolds says I think that's a good motion, so if she could motion it we can have someone second it. Barbara Fernandez motions to table the Rule and Practices of the Arborist Committee until we have the new members on board. Seconded by Jack Patnode and unanimously approved.

- g. Changes to the “Arborist Committee’s Rules of Practice and Procedure.”- Repeat of the above item. Skip over to next agenda item.

IV. Chairperson’s Report- Chair Reynolds turns the time over to Barbara Fernandez. Barbara Fernandez tells the committee that she received a flyer from Mr. Daniel Yamashita regarding a National Tree Planting Day. Barbara Fernandez says she would gladly forward the letter if anyone is interested. Chair Reynolds proceeds to read the flyer saying, Sunday March 21st from 9:00am-11:00am they will be handing out at home planting kits at the old Pier 1 Imports parking lot. Chair Reynolds asks that when you plant a tree to look up to make sure the tree does not grow into the power lines. Daniel Kunkel addresses committee saying, when the new members start showing up he is willing to give a brief lecture of the basics on the sunshine law if anyone is interested, the basics of some of these formalities that any committee like yourselves need to be aware of in order to comply with it so that everything you do is in harmony with the law. So that you can accomplish what you want to accomplish. Chair Reynolds responds saying he thinks that would be really great to go over that. Jack Patnode interjects asking, if this is something that Ipo Mossman can take care of. Ipo Mossman responds saying, “this is part of the welcome packet for the new members. It might be a good thing for even some of the old members. It is definitely a training item.” Barbara Fernandez questions Ipo Mossman if he knows when the new members will be oath in. Ipo Mossman said they will be coming in as of April 1, 2021. Ipo Mossman share he called every one of the new members and invited them to sit in on this meeting. He believes it is important for them to get an idea of what the committee covers and to see how the meeting goes. Ipo Mossman continues saying, “Looking at the people on the meeting, none of them have made it. The welcome packet goes out by the end of this week, so everything should be in place to start. There are over 45 different board members that will have the welcome packet, and 3 are coming to you. We are going to make this work so they get accustomed and learn this process.” Jack Patnode poses a question to the committee if as members of the Arborist committee are we required to file financial disclosure statements. Ipo Mossman answered saying, negative. Barbara Fernandez added as members of the Arborist committee, how do we get the form which we don’t right now, to be reimbursed for travel? We are allowed that. So when we come down to our meetings, our travel back and forth, we’re allowed to submit for our taxes or to get reimbursed. Barbara Fernandez poses a question to Daniel Kunkel asking if he can look into that. Jack Patnode interjects saying this is a volunteer assignment and it would be gracious of you to just provide the cost. Barbara Fernandez responds saying, it is in writing so that’s the only reason I’m bringing it up. Is that true? Because some of us live a ways away and certainly because I volunteer by choice. But I’m curious if that law is standing and what it is. Daniel Kunkel interjects saying Ipo Mossman you may

know more about this than me, but I've heard that some members of some committees have been reimbursed, if they're traveling from Lana'i to Moloka'i to get to a meeting physically. Ipo Mossman interjects saying, "Yes. There is a clause in the charter that will pay for expenses for those members that have to do any traveling. Since I have been on board here it has been blue jeans all the way, and virtual app. So I have not experienced anybody sending anything in. But if there is something of that nature, yes we will definitely get involved with you Barbara Fernandez and talk to you about what's going on and the process." Barbara Fernandez responds saying, "thank you Ipo Mossman."

- V. Agenda Development for Next Meeting –
 - a. Determination of Quorum
 - b. Roll call
 - c. Introduction of public testimony
 - d. Approval of minutes for the Committee Meeting of March 10, 2021
 - e. Review of Exceptional Tree inspections
 - f. Exceptional Tree Nomination- Banyan at 1290 Uluniu St. Kihei
 - g. Exceptional Tree inspections- reassignments
 - h. Deletion of exceptional trees
 - i. Review of the "Rules of Practice and Procedures for the Maui County Arborist Committee and Maui County Code"

- VI. Announcements – No announcements. Chair Reynolds thanks committee for all of their support and continuing on with this Arborist Committee and wishes everyone best of luck. Barbara Fernandez thanks Chair Reynolds and dedicates a song she plays on the kazoo to him.

- VII. Next meeting to be held on April 14, 2021; 1:30 pm via BlueJeans

- VIII. Adjournment – Douglas McBride motions to adjourn, seconded by Jack Patnode at 2:53pm.

Respectfully drafted and submitted by:
Rebekah (Kawai) Hanohano-Manini

Those present: Chris Reynolds, Barbara Fernandez, Douglas McBride, Jack Patnode, Jake Musson members of the committee; Timothy Griffith, Arboriculturist; Daniel Kunkel, Corporation Counsel; Rebekah (Kawai) Hanohano-Manini, Department of Parks and Recreation staff. Ipo Mossman, Office of the Mayor Boards & Commissions Liaisons. Those absent: Chris Haynes, Robert Burritt, Christopher Berquist, Lance DeSilva, members of the committee.