



KAHALU'U NEIGHBORHOOD BOARD NO. 29

(Heeia Kea, Ahuimanu, Kahalu'u, Waihee, Kaalaea, Waiahole, Waikane, Hakipuu, Kualoa

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"LET US NOT EVER HAVE AN UNHAPPY MINORITY; RATHER, LET US BUILD A COMMUNITY CONSENSUS."

REGULAR BOARD MEETING MINUTES-draft WEDNESDAY, JANUARY 14, 2009 KEY PROJECT

Call To Order – Chair Henkin called the meeting to order at 7:05 p.m. This 15 member Board requires a vote of 8 to adopt a motion; quorum of 9 was present (Henkin, Naluai, Busch, LeVasseur, Renoir, Valencia, Luersen, Spray and Bender)

Neighborhood Board (NB) Members Present – Rocky Kaluhiwa (arrived 7:25 p.m.), Dan Bender, Elwin Spray, Gregory Geboski (arrived 7:20 p.m.), D. Keala Naluai, Jean-Paul Renoir, Ned Busch, David Henkin, Keliko Hoe (arrived 7:10 p.m.), Mark Valencia, Kurt Mench (arrived 7:52 p.m.), Amy Luersen, and Ken LeVasseur

Members Absent – Richard Garcia and Richard Vermeesch

Guests – Ernie Martin-Mayor Hannemann's representative, Major Alan Crouch-Marine Corps Base Hawai'i-MCBH, Lt. John Vines-Honolulu Police Department-HPD, Firefighter Mark Adams-Honolulu Fire Department-HFD, Representative Jessica Wooley, Mike Sakata & Kim Rebellia-Councilmember Dela Cruz's office, Barry Usagawa-Board of Water Supply-BWS, Art Machado- Kane'ohe Bay Regional Council-KBRC, Gregory Pang, Dr. Craig Twentyman, Carol Molford, Rick Towill, Crystal Rose, Guy Nakamoto, Jerry Kaluhiwa, Shirley Samuelson, Alan Samuelson, Steven Schowalter, Glenn Pang, Madeline Neely-Representative Wooley's office, Francis Keano-Governor Lingle's Representative, and Mary Chanel-Benjamin-Neighborhood Commission Office-NCO.

Honolulu Fire Department Report (HFD) – Firefighter Adams reported: 1 structure fire, 31 medical emergencies, 20 miscellaneous calls and 1 major incident that required 8 company engines. Fire Safety Tip: In a fire, medical, or other emergency it is critical that emergency responders quickly identify the correct location. Fire, building, United States postal codes and City & County of Honolulu ordinances state that property owners shall place their house numbers so it is legible and readily visible from the street. This assists HFD and others in quickly locating your house in an emergency. If your property was difficult to locate or access, provide the 911 dispatchers with additional information to assist in locating the home.

Honolulu Police Department Report (HPD) – Lt. Vines reported Kahalu'u statistics for the month of December: 4 simple assaults, 2 aggravated assault, 6 auto theft recoveries, 7 burglaries, 3 driving under the influence, 3 family offense, 1 graffiti, 3 motor vehicle theft, 2 property damage, 20 motor vehicle collisions, 13 thefts, 2 threats and 7 unauthorized entry into motor vehicles (UEMV). Safety Tip: Please take precautions; high winds reported for the weekend ahead.

Questions, answers and concerns:

- 1) Bender noted that three new HPD classes had graduated.
- 2) Spray expressed concern that off-duty military personnel were among those entering Waikane Valley for off-roading, saying HPD should communicate with the military regarding safeguarding the fence that has been reported vandalized. Lt. Vines said he will relay the message and HPD can make checks, but cannot enforce on military property. Major Crouch agreed that HPD, U.S. Army and the U.S. Marines needed to facilitate some kind of guard presence due to liability as someone sustained an injury from the fence being cut.

(Hoe arrived at 7:10 p.m.; 10 Board members present)

Announcements:

- 1) Chair Henkin announced the next Board meeting was scheduled for February 11; 7:00 p.m. at KEY Project, 47-200 Waihe'e Road.



- 2) Chair Henkin requested that Board members submit proposed corrections to minutes electronically using the Ramseyer format.
- 3) Bender asked everyone to consider bringing to the meetings a donated small canned food item for food pantry replenishment as supply was low after the holidays; a constituent added that the Kahalu'u United Methodist Church collected items on the third Sunday of each month.

Residents/Community Concerns:

- 1) Resident C. Molford reported bomb sounding fireworks went off near her home. Lt. Vines said to call 911 to make a report; such incidents were hard to enforce. Spray encouraged everyone to continue making illegal firework reports for HPD for record keeping as the problem continued to escalate by the year.
- 2) Henkin announced a January 15 community meeting to protest the proposed closure of Ka'a'awa Elementary School; students to relocate to nearby schools including Hau'ula and Waiahole Elementary Schools. The meeting will be held at Ka'a'awa Elementary School at 7:00 p.m.
- 3) M. Neely introduced herself as Representative Wooley's representative to the Neighborhood Board.

Board of Water Supply (BWS) Report – B. Usagawa reported 1) There was a six inch water main break on December 20. 2) BWS has cancelled the voluntary water conservation for the district; BWS was grateful for all those that took part in the effort. BWS also thanked everyone for the great response of preserving water during the recent power outage and advised citizens to become active in being prepared in advance for all emergencies; stay tuned to radio sources and keep water use at a minimum because the reservoirs have only one and a half days' storage without additional pumping; since the Waihe'e source is gravity-fed, it's not as impacted by power outages. 3) BWS 2009 calendars were available to anyone; please contact BWS at the Beretania Street location or download a copy online at www.boardofwatersupply.com or calls 748-5041. The application and entries for the next calendar year poster and poetry contest are due by March 11, 2009; drop off at any Satellite City Halls or at BWS Beretania office during business hours only. Contest theme: Ola I Ka Wai-Water Gives Life. Grades K-6 can enter the poster contest while grades 7-12 can enter a poetry contest.

Questions, answers and concerns:

- 1) A constituent asked how BWS identified if water was going to sustain a power outage. B. Usagawa said each street was on a different water source route; therefore, difficult to pinpoint without a street name.
- 2) G. Nakamoto wanted to know when the permitted interaction group (PIG) was forming, with Luersen explaining that it had been formed and Nakamoto had attended that last Water PIG meeting.

(Geboski arrived at 7:20 p.m.; 11 Board members present)

Marine Corps Base Hawai'i (MCBH) Report – Major Crouch circulated MCBH's newsletter and reported: 1) MCAF Hours of Operations were: Monday and Fridays: 8:00 a.m. to 6:00 p.m.; Tuesdays to Thursdays: 8:00 a.m. to 10:00 p.m.; Saturday, Sundays and all Holidays: CLOSED. MODIFIED HOURS: Saturday, January 17: noon to 5:00 p.m.; Sunday, January 18; 10:00 a.m. to 2:00 p.m. December 15 to February 28: Runway 4 closed to fixed wing air operations for maintenance and installation of energy saving equipment. MCBH based helicopters will operate with reduced hours on Tuesdays and Wednesdays. To express concerns regarding base operations or flight and base personnel, call 257-8852 or send a message through www.mcbh.usmc.mil/inspector/complaintform.htm. 2) MCBH has adopted a going green initiative by banning all plastic bags on base; customers were asked to bring their own or purchase non-plastic bags for grocery transport use as a way to reduce landfill waste. 3) The P-3 aircrafts were currently relocated to Hickam AFB returning at the end of February. Please note additional but infrequent aircraft operations or training may be scheduled on short notice. 4) "Toys for Tots" was able to meet its goal of 40,000 toys and received more than \$75,000 in donations to the program. Much thanks to the citizens of Hawai'i for a successful operation. 4) California Marine Expeditionary Unit are training at MCBH and Pohakuloa. 5) Upcoming January 2009 events included: January 17-19; 3rd Marines Pyramid Rock Beach Bodsurfing Championship, 19; Marine Corps color guard support for the Honolulu Martin Luther King Day Parade. 23; Marine Forces Pacific Band was hosting the Hawai'i Music Educator Association workshop aboard base. 30; Gary Sinise and Lt. Dan Band will perform a USO concert at MCBH for military personnel and families while another show will be held on the 31st at Hickam AFB. 6) February 4 – 8; MCBH expects to host National Football League (NFL) players participating in the 2009 Pro Bowl and will provide volunteers for the pre-game, halftime and other game day events. 7) Marines and Sailors of the Embedded Trainer Teams 5-3 and 1-10 returned from Afghanistan just before Christmas and the advance detachment of Marine Heavy Helicopter Squadron 363 returned January 6 with the unit's main body due home soon. Deployments are as followed: August; 1st Battalion, 3rd Marine Regiment, combat deployment to Iraq. September; 1st Battalion, 12th Marine Regiment combat deployment to Iraq. November; 3rd Marine Regimental Headquarters & Combat Logistics Battalion 3, CPRW-2's VP-4. 8) Unit Mission: Marine Heavy Helicopter Squadron 363 (HMH363) activated in 1952

to fight the Korean War and formed close ties with the Republic of Korea (ROK) forces counterparts which then formed the famed "Flying Tiger" Division which took Hill 78. The ROK forces gave the squadron their current nickname, the "Lucky Red Lions" which then took part in Operation Desert Rock in 1953; the first atomic test to use ground troops. In 1965 they deployed to Vietnam to fight in the escalating conflict there; in December 1992 they participated in Operation Restore Hope in Somalia; in 1996 was ordered to relocate to MCBH in permanent support of 1st Marine Air Wing. After the attacks of September 11, it temporarily relocated to become the first Marine heavy helicopter squadron in Japan in more than 10 years. The Red Lions have distinguished themselves by earning 3 consecutive Chief of Naval Operations Safety Awards in 2001 through 2003 for 20,000 mishap-free hours; recognized in 2002 when nominated by the Secretary of Defense for the Phoenix Award for Excellence in Maintenance and continue to serve as an example for Marine Corps Aviation safety.

(Kaluhiwa arrived at 7:25 p.m.; 12 Board members present)

Questions, answers and concerns:

- 1) Busch asked how members of the public could learn about doing business with MCBH. Major Crouch said there was an upcoming Chamber of Commerce meeting and to log onto the website to view the press release once posted for further information.
- 2) Kaluhiwa was curious to know about the landing vehicle that sank in the Waimanalo incident. Major Crouch said it was an unfortunate incident in which an amphibious assault vehicle took on water and sank in the sand within 150 yards of shore. The recover and salvage Navy unit was investigating and work should have already begun today to rescue the vehicle. He added booms were put in place to surround the vehicle which had no reported leakage.
- 3) Valencia was curious after reading the final environmental impact statement for the introduction of the P-8A, which said that flight paths for aircraft departures and landings never go over land. Major Crouch said the landing pattern is over Kane'ohē Bay, but that aircraft transiting the island to do practice landings – usually Air Force jets – go over land. He suggested that members of the public concerned about aircraft noise leave a message for the base inspector if the phones were not manned. He also said the Marines were working on a landing brief which will sum up reviews and investigations. Chair Henkin reiterated a special meeting will be held for this purpose.
- 4) Chair Henkin referring to Naluai's concern at the November meeting regarding Waikane Valley erosion. Major Crouch said contractors have stated that some natural erosion has caused unexploded ordnance from discontinued target practice; a site inspection for clearance is ongoing. Major Crouch said no surface disturbing activities were currently occurring. Naluai asked the Marines to follow up regarding what can be done about the erosion.
- 5) Busch shared that MCBH has jobs on base available. Interested individuals should log onto: www.usajobs.com.

Kane'ohē Bay Regional Council (KBRC) Report – A. Machado reported: 1) The council had a long overdue meeting on January 7 that lasted about three hours. 2) The State is short of money for markers in the bay; nothing will happen until more money is available. 3) The aquarium fish resolution was back on the agenda for study with formation of an ornamental fish ad hoc committee whose first meeting will be January 28 at 7 p.m. Mench will represent the Board on the committee. 4) At its next meeting, KBRC will consider revising the rules on the Bay; concern is regarding overuse of the Bay. 5) The additional parking issue at the bay was still pending evaluation. 6) The next KBRC meeting will be in April.

Questions, answers and concerns:

- 1) Busch asked whether HCR 347 failed to pass. A. Machado said it did not pass, and DLNR asked KBRC to form an ad hoc committee regarding ornamental fish.
- 2) Kaluhiwa said it is important to follow the Master Plan to protect the Bay and that it is frustrating KBRC has difficulty securing quorum.
- 3) Luersen said a lot of community input went into the Master Plan; KBRC should urge DLNR to adopt the rules.
- 4) The Kaluhiwas asked the public to support Eyes on the Reef (EOTR) network by calling 953-4044 or by email: contact@reefcheckhawaii.org and shared the following: EORT was developed to increase public awareness and engage stakeholders in the monitoring and reporting of coral bleaching and disease, marine invasive species and crown of thorn sea star outbreaks. The statewide network was the first tier of a rapid response protocol developed by the Division of Aquatic Resources and the Climate Change and Marine Disease Local Action Strategy, implemented by Reef Check Hawaii. Invasive species can be introduced or native marine species can spread out of control, often as a response to environmental changes. If left unchecked, these events can be devastating to our reefs. Early detection was critical in

controlling outbreaks and invasive algae and invertebrates. Without initial trained sightings by local "eyes" on our reefs, such occurrences may go unnoticed until it is too late.

- 5) Spray suggested for the council to expedite issues since the legislature will adjourn in May; letters should also be sent to DLNR to assist in prompting action. A. Machado said he would provide the Board at its March meeting with additional information from the ad hoc committee. He again asked for community support by attending KBRC meetings.

(Mench arrived at 7:52 p.m.; 13 Board members present)

Treasurer's Report – Bender reported the current appropriated balance was about \$1,422: Operating expenditures for the month of December were \$66.61 for printing and postage leaving a balance of about \$1,190; Publicity funds balance was about \$177 while the refreshment fund was now about \$55. Bender noted the Board could seek additional publicity funding from the NCO if there were a need, such as to announce a community forum.

Community Presentations:

A) Support for Neighborhood Board Food Drive; At Bender's request, the Board took this item out of order. Board members and public urged to bring canned food to Board meetings for collection.

B) Authorization of Neighborhood Commission to send Board members absence notices pursuant to the new Neighborhood Plan; Chair Henkin said letters were needed to be delivered to members that have accrued three absences since July 2008. **Naluai moved and Bender seconded for the Kahalu'u Neighborhood Board No. 29 to authorize the Neighborhood Commission Office to officially send out absence notices accrued since July 2008 pursuant to the new Neighborhood Plan Section 2-14-106(c).** The motion **WAS** adopted; 11-2-0. (Aye: Busch, Geboski, Henkin, Hoe, Kaluhiwa, Luersen, LeVasseur, Mench, Naluai, Valencia and Renoir. No: Bender and Spray)

C) Variance request for proposed Wellness Center at 47-794 Malumalu Place (zoned P-1); Dr. Craig Twentyman proposed his 30 acre property in 'Ahuimanu Valley near the stream was perfect setting for a therapeutic wellness center. His property has been known for drug traffickers to use since it was somewhat private and currently unoccupied. HPD response time gives the "druggies" time to vanish only to return; location has been a long standing area for drug users to gather and "smoke out". The area also suffered a burned down cabin, stolen vehicles and recently native plants have been disappearing. He also reported the adjacent "Woods at Ahuimanu" project pursued a lawsuit against him to acquire land rezoning; however, the suit has been dropped since. He explained the peace and serenity of the property was well-suited for a wellness center; perfect for "healing" and "re-vitalizing." He expressed his willingness to put the land into an irrevocable trust. He wished to share his knowledge, study and goals as a licensed naturopath, acupuncturist and psychologist; as an example to deal with and/or eliminate chronic pain. His proposal of cabins would not be residential homes rather outdoor recreation, study and treatment facilities including proposed accommodations for several days and limited to under a 30 day stay; making the property self sufficient and affordable. He said the intent was not to run a bed and breakfast operation rather a nonprofit entity offering a natural surrounding to self-healing therapy.

Questions, answers and concerns:

- 1) Several Board members and residents were concerned about re-zoning property from P1 and potential impacts from septic systems on stream and neighbors. Dr. Twentyman said the project was at an early planning stage and will offer further information as he moved forward with plans. He said the proposal was for a variance to allow a second cabin for cooking and temporary lodging, not a zoning change.
- 2) Luersen was concerned about whether the variance would be a use variance, which runs with the land, or a building variance.
- 3) S. Samuelson asked how much of the 30-acre property Dr. Twentyman intended to develop. Dr. Twentyman said the proposal will include eight cabins measuring about 10 by 16 feet, a caretaker's house at the front, and a second main building for meeting/cooking. Altogether, less than 5% of the site would be developed.
- 4) Geboski was curious how the center will manage to fill vacancies. Dr. Twentyman was confident it would not be hard to fill 8 cabins with local folks; he currently treats an average of 60 patients weekly.
- 5) Luersen asked if a state license for treatment was needed. Dr. Twentyman said he didn't think so, since he was not running a hospital.
- 6) Luersen asked whether the cabins would be considered transient vacation rentals. Dr. Twentyman said that was not the intent.

- 7) Spray asked if the facility would be considered an Adult Resident Care Home (ARCH). Dr. Twentyman said it would not, as the rules governing ARCHs are very strict.
- 8) C. Rose asked how long clients would be permitted to stay. Dr. Twentyman said he did not envision stays longer than 30 days and that he would be open to a resolution setting a maximum stay.
- 9) Naluai added the proposal was a perfect match for the property; lush green peaceful surroundings offered a great place to heal. **Naluai moved for the Board to support Dr. Twentyman's variance proposal and submit a letter of support of the Wellness Center at 47-794 Malumalu Place.** A. Machado suggested the proposal had great intentions and urged support. There was no second to the motion.
- 10) Chair Henkin thanked Dr. Twentyman for coming to the Board early in his planning process and invited him to return once his plans were firmer. Dr. Twentyman thanked everyone and has pledged to complete the proposal and return for a formal presentation.

D. Update on status of the grading at end of Waihe'e Place; Crystal Rose reported for R. Towill that his family has lived adjacent to the grading area since 1958; a 1969 landslide demolished the home on the adjacent property with the Towill's being issued non-time specific permits to remove the debris and to restore the slope. The intention was to complete the work by the end of 2008, but, in April 2008, the City issued a stop work order until new plans were completed. The plans were completed in November 2008; however, rain has delayed the continuance of the project. The City required mulching and seeding of the graded area during the period when work was stopped. Remedial work should resume come spring. The Towills were in direct contact with DLNR as to the extension of the work, which they hoped to be completed by the end of 2009.

Questions, answers and concerns:

- 1) LeVasseur asked if any federal permits were involved. R. Towill said they had coverage under a federal Clean Water Act permit for storm water discharge, which is issued by the state
- 2) Busch was curious if the new plan entailed any new work the hillside. C. Rose said they were trying to complete the same scope of work; the City required another soils report regarding how the work would proceed.
- 3) Naluai questioned why dirt was still being removed when it was supposed to be replaced. C. Rose said the scope of work called for removal in some places, replacement in others; no work has occurred since issuance of the stop work order.
- 4) Naluai stated a cease and desist order had been issued to the Towills to halt grading. C. Rose said there has been no cease and desist order.
- 5) A. Machado said the Towills seemed to be working with the City and State, and the Board should allow them to complete the work rather than dwell on the issue further.
- 6) Chair Henkin pointed out that the Board had simply wanted a status update, since the Towills' prior report to the Board said work would be completed in 2008. Chair Henkin thanked the Towills for providing the update.

E. Concerns about falling trees and drainage issues related to Genshiro Kawamoto's properties;

Gregory Pang reported he lived at 47-122 Kamehameha Highway adjacent to Kawamoto's property and that Kawamoto has refused to respond to neighbors' concerns about dangerous overhanging tree branches. He was very concerned that high winds that may uproot trees, damaging his property and threatening his family's safety; possible loss of life if trees landed on homes. A. Machado added that some trees stood over 300-feet tall. He complained the City and DLNR have passed the buck in addressing threats from falling trees and blocked drainage.

Questions, answers and concerns:

- 1) LeVasseur explained the City has taken a positive approach to streams that were not kept clear of obstructions by owners when the streams passed through or on boundaries of the owner's property; if the owner will not keep the streams clear, the City will do the work and bill the owner; if the owner does not pay, liens are placed on the property until the bills are paid. He suggested using the same approach to dangerous trees and blocked drainage that threaten neighbors' safety. He also discussed another option in which the City and State should provide loan programs to those on fixed income that cover the cost of mitigating the danger; applicable agencies to guarantee loans. If the expenses were not paid by offending landowners, government can place a lien on the offending landowner's property. He was afraid the solution may come too late due to neglect of all involved; City, State and Kawamoto.
- 2) Kaluhiwa expressed concern about runoff, with A. Machado saying that an area reservoir had been overflowing because obstructions had not been cleared.
- 3) Chair Henkin noted federal storm water laws would not apply since they dealt with construction runoff.
- 4) Renoir pointed out that the property was conservation zoned and permits might be required, LeVasseur said permits would not be necessary.

- 5) R. Towill suggested that the big trees were shading out under story plants, which would help filter out runoff. He suggested creation of a 20-foot wide zone along property lines to sufficiently address the drainage problem that is increasing as trees continue to grow larger.
- 6) K. Rebellia proposed submittal of a council request to see if the City can apply existing law (ROH chapter 41, article 10) to go onto Kawamoto's property to cut the trees. If not, Councilmember Dela Cruz can try to amend the law to allow action to be taken. She said she would investigate and report back.
- 7) Luersen said that, if conservation land is involved, state approval to cut the trees would be needed; the City and State needed to act together.
- 8) Representative Wooley said she too will look into any what the State can do to address this dangerous situation.
- 9) **LeVasseur moved and Kaluhiwa seconded for the Kahalu'u Neighborhood Board No. 29 to ask the City & County of Honolulu and the State, through the Legislative Reference Bureau, representatives and City Council, to look at the following approaches to address community safety issues: a) The City and State provide loan programs to those on fixed income that cover the cost of mitigating the danger and, through the applicable agencies, guarantee the loan, work with the vulnerable landowner to get payment for the loan from the offending landowner, and, if the offending landowner refuses to pay the bill so the loan can be repaid, put a lien on the offending landowner's property. b) The City or State can also operate in an arena that concerns safety but is not criminal. A sheriff could investigate non-criminal complaints and act as an intermediary to get safety issues resolved by explaining the process to all sides of a safety issue. Whatever solution is chosen, something needs to be done soon before someone is injured or killed by the neglect of a neighbor.**
- 10) Geboski remarked it would be hard to recover any funds from a non-responsive homeowner and homeowners have the right to cut branches that hang over property lines in any case.
- 11) Busch was concerned the motion was too vague. LeVasseur withdrew his motion.
- 12) **Luersen moved and Kaluhiwa seconded for the Kahalu'u Neighborhood Board No. 29 to ask the City & County of Honolulu and State to work together to address the issue of public safety when adjoining properties are at risk, similar to the approach in ROH chapter 41, article 10 that the City uses to address stream clearing.** The motion was **ADOPTED** by unanimous consent; 13-0-0. (Bender, Busch, Geboski, Henkin, Hoe, Kaluhiwa, Luersen, LeVasseur, Mench, Naluai, Valencia, Renoir and Spray)
- 13) **Geboski moved and LeVasseur seconded for the Kahalu'u Neighborhood Board to ask the City & County of Honolulu to see if it can act immediately pursuant to ROH chapter 41, article 10 to protect adjoining properties from dangerous trees and drainage obstructions.** The motion was **ADOPTED** by unanimous consent; 13-0-0. (Bender, Busch, Geboski, Henkin, Hoe, Kaluhiwa, Luersen, LeVasseur, Mench, Naluai, Valencia, Renoir and Spray).

F. Concerns about Kane'ohē Bay Regional Council; the Board agreed this matter had been adequately addressed during the KBRC report.

Mayor Hannemann's Report – E. Martin reported: 1) there were no encroaching trees along the roadways that were under the maintenance jurisdiction of the City Division of Urban Forestry (DUF), Department of Parks and Recreation: Ahilama Road-various ownership; Ahilama Place-private; Lamaula Road-private; and Mahakea Road-private. The trees of concern are identified as "wild growth"; therefore, if trees are on the city portion of the roadway, DUF recommends that this concern be turned to the City Department of Facility Maintenance which was responsible for maintenance of city easements, including the removal of "wild growth". Trees on private roadways are the maintenance responsibility of the property owner.

(Valencia left at 9:40 p.m.; 12 Board members present)

Questions, answers and concerns:

- 1) Mench noted that, on the makai side of Kahalu'u Regional Park, the public wants parking to be completed before landscaping. Mench met with Wil Ho to discuss the entrance on the makai side, which is unsafe; it should be moved 20 yards in from Kamehameha Hwy. E. Martin will report on the timetable for the makai side of the park and whether the money has been appropriated.
- 2) Naluai requested the city double check if funds were allotted for completing the parking entrance of the Regional Park. E. Martin said he will check with the City Department of Design and Construction.
- 3) Busch reported the sea wall at Laenani Park was damaged as well as a huge hole in the pavement that was a safety risk.
- 4) Kaluhiwa reported erosion at the base of a telephone pole on the Kane'ohē side of He'eia State Park; it is at risk of falling down. She added there may be a "homeless" couple living under the long bridge on the Kane'ohē side of He'eia State Park.

- 5) Kaluhiwa also stressed the need for 24-hour bus service for the Windward Coast.
- 6) Bender said a bus shelter was missing at the entrance of 'Ahuimanu Road.
- 7) LeVasseur requested that the City search for fuel tanks at the site of a former gas station on the makai side of Kamehameha Hwy., on the edge of Waihe'e Marsh.

Governor Lingle's Report – F. Keano reported: 1) the lower revenue projections reflect the challenges we will face as a state in the next couple of years, and underscore the need for all of us to work together. By law, the state is required to enact a budget and financial plan that does not result in a deficit at the end of the fiscal year. The administration and the legislature were committed to working together to make the difficult but necessary decisions to ensure we have a balanced budget that addressed the state's critical needs while also investing in the long-term future of Hawaii. 2) DLNR/DOCARE has contracted the use of the He'eia Boat Harbor facility to the local canoe club for use; will re-evaluate the condition in two years. 3) To address the parking issue at He'eia Boat Harbor, the parking area was re-striped to create more spaces and purchase of land for more parking is under review. 4) Homeowners have the right to cut branches that hang over their private properties; this law also applies to state properties. Accordingly, DOT will trim limbs that hang over the right-of-way. 5) The Hygienic store property; mountain, shore, up to the bridge was under the jurisdiction of the city. 6) DOT-Highways do not own any of the fenced areas that have been breached to allow ORVs to enter Waikane Valley; he will follow up with DLNR. 7) Kahekili Highway street lights have been synchronized to allow for school hour traffic. 8) The pedestrian "walk" button at W. Hui 'Iwa and Kahekili Hwy is functioning.

(NA Mary Chanel-Benjamin left the meeting at 10:00 p.m. Board Secretary to take minutes for the remainder of the meeting).

(Renoir and Bender left at 10:00 p.m.; 10 Board members present)

Questions, answers and concerns:

- 1) Mench asked if Kamehameha Hwy is all City-owned. LeVasseur responded that the City owns the portion between the Hygienic Store and Likelike Hwy.
- 2) Kaluhiwa suggested that DOCARE could use the small A-frame at He'eia State Park, which has a view of the whole bay. She also noted that the loop at He'eia State Park can be modified to increase parking. Parking at He'eia Boat Harbor could be increased by moving poles.
- 3) Kaluhiwa urged the State not to cut back on the Kane'ohe unemployment office.

U.S. Representative Hirono's Report – There was no representative or report available.

Councilmember Dela Cruz's Report – M. Sakata reported: 1) Councilmember Dela Cruz has developed an emergency package to address flooding, including warning systems, emergency preparation website, and enforcing stream clean-ups. 2) Tree trimming is the property owner's obligation.

Questions, answers and concerns:

- 1) LeVasseur stressed that DPR is avoiding its responsibilities to trim trees on Ahilama where the right-of-way is 44 feet wide.
- 2) Spray noted there already is an emergency operating plan and that robocalls do not reach cell phones, which are the only phone many people have. K. Ribella said the emergency plan would access cell phones, regular telephones, and email. It has taken too long to activate the system.
- 3) Mench said the bank area on the City-owned portion of Kamehameha Hwy keeps sliding at Lulani, by the flashing light. LeVasseur suggested a retaining wall might address the problem.

Senator Hee's Report – There was no representative or report available.

Representative Wooley's Report – Representative Wooley reported: 1) Constituents are encouraged to visit her in Room 327 of the Capitol or to give her a call with any concerns or questions; her office phone number is 586-8540, and her cell phone number is 864-0400. 2) Opening Day at the legislature is January 21, and constituents should come by her office to enjoy food from local farmers. 3) The latest reports on the State's economy are terrible; we've been in a recession for a year, and it's going to get worse. Hawai'i has done better than other parts of the country, but the State has no money, and there are going to be budget cuts. 4) She will try to get stimulus money to address flooding issues and extreme weather contingencies. 5) Folks should buy local and support community businesses. 6) She is vice-chair of the Agriculture Committee and is a member of the following committees: Finance; Economic Revitalization, Business & Military Affairs; and Tourism, Culture & International Affairs.

Questions, answers and concerns:

- 1) Kaluhiwa stressed the need to maintain unemployment office hours and suggested using state-owned buildings, rather than rentals, to increase operating days.

AGENDA ITEMS FOR FEBRUARY 11, 2009 MEETING:

- 1) Kaluhiwa suggested that the Board invite DOCARE to give a regular informational report, similar to reports from HPD and HFD. The Board consensus was to do so, and Chair Henkin said he would make the necessary inquiries.
- 2) The Board consensus was to wait until Dr. Twentyman had a concrete proposal before putting his project on the agenda again.

APPROVAL OF THE REGULAR MEETING MINUTES:

- 1) The Board **APPROVED** the September 10, 2008 minutes as submitted; 9-1-0 (**Aye:** Kaluhiwa, Spray, Geboski, Busch, Henkin, Hoe, Mench, Luersen, LeVasseur. **No:** Naluai.)
- 2) Busch proposed the following correction to the November 12, 2008 meeting minutes: in point 7 of "Questions, answers and concerns" under the discussion of the West Hui Iwa/Kahekili Highway Intersection Pedestrian Safety on page 4, "benefit from" should be changed to "need for."
- 3) LeVasseur proposed the following correction to the November 12, 2008 meeting minutes: in point 5 of "Questions, answers and concerns" under Governor Lingle's Report on page 5, "round-about" should be changed to "loop."
- 4) Naluai requested that the minutes of the Board's January 14, 2009 minutes reflect the following correction she had proposed for the July 9, 2008 minutes, which the Board did not adopt: On page 6, in the first bullet under "Questions and concerns" for Councilmember Dela Cruz's Representative, add after "Waihe'e Place" the following: "regarding the cease and desist order relating to the excavations in the project, per Mr. Lemmo's letter, which she heard about a couple of months ago by a fellow board member, but realized the oversight in that it was not in any report to the board, when the issue was on previous agendas."
- 5) Spray objected that he did not recall any discussion of a "cease and desist order" at the July 9, 2008 meeting; rather, only a "stop work" order was mentioned. He objected to the inclusion in the minutes of Naluai's proposed correction. Naluai responded that the proposed correction reflected her own statements.
- 6) Chair Henkin stated that, pursuant to the OIP's instructions, Naluai's proposed correction would be included in the January 14, 2009 minutes, with a notation that the Board did not adopt the correction to its July 9, 2008 minutes.

(Busch left at 10:42 p.m.; 9 Board members present)

- 7) The Board unanimously **APPROVED** the November 12, 2008 minutes with Busch's and LeVasseur's proposed amendments; 9-0 (**Aye:** Kaluhiwa, Spray, Geboski, Naluai, Henkin, Hoe, Mench, Luersen, LeVasseur.)

UPDATE ON WATER USE & DEVELOPMENT PLAN PIG – Luersen reported: 1) The PIG met November 18 and discussed preliminary matters and developed a list of questions for BWS about the planning process. 2) She just received responses from BWS to the PIG's questions. The PIG will meet to discuss those responses and follow up.

COMMITTEE REPORTS – Due to the lateness of the hour, only the Parks and Recreation Committee report was presented. Naluai reported: 1) as reflected in the minutes of the Board's November 12, 2008 meeting, the Mayor's representative reported work at Kahalu'u Regional Park would be completed by January or February 2009. Given the huge pile of dirt on site, it seems unlikely the work will be completed prior to April 2009. 2) Landscaping of the makai portion of the Regional Park is not proceeding consistent with the plans proposed by the Kahekili PIG and approved by the Board. Naluai will follow up with LeVasseur to ensure DPR is aware of the approved plans.

Adjournment – Chair Henkin adjourned the meeting at 10:48 p.m.

Submitted by Mary Chanel-Benjamin, NA

Reviewed by Chair Henkin