



## WAIMANALO NEIGHBORHOOD BOARD NO. 32

41-696 KALANIANA'OLE • WAIMANALO, HAWAII 96795 - 1757  
PHONE (808) 768-3710 • FAX (808) 768-3711 • INTERNET: <http://www.honolulu.gov>

### **DRAFT REGULAR MEETING MINUTES MONDAY, JUNE 8, 2009 NATIONAL GUARD TRAINING AUDITORIUM**

CALL TO ORDER: Chair Wilson Kekoa Ho called the meeting to order at 7:45 p.m. with a quorum of eight (8) members present. Note – This 13-member Board requires seven (7) members for a quorum and to take official Board action.

BOARD MEMBERS PRESENT: Wilson Kekoa Ho, Fred Humphrey, Rusty Vierra, Andrew Jamila Jr., Solomon Spencer, David Bettencourt, Beverly Addington, and Cynthia Wahinekapu.

BOARD MEMBERS ABSENT: Michael Buck, Nani Akeo, Peter Albinio, and Matthew Chun.

VACANCIES: There was one vacancy in sub-district four.

GUESTS: Representative Chris Lee, Tony Osrowski, Claudia deLeon (Hickam Environmental), Brian Whitehouse, Ofelia Carag (Blanche Pope Elementary), Cynthia Frith, Jean Brokish, Lieutenant Dave Eber (Honolulu Police Department), Bobbie Kahalewai, Harriet Seabury, Kim Kalama (Restoration Advisory Board), Captain Peter Mendoza (Honolulu Fire Department), Gail Rombaoa, Odetta Higa, Al Lewis, Julie Dugan, and Mabel Spencer (Cancer Relay for Life), K. Teixeira, Linda Duvauehelle, Paula and Eugene Slur, Councilmember J. Ikaika Anderson, Major Alan Crouch (Marine Corps Base Hawaii), Moana DeMello, Major Tamara Duke and Major Rick Putzle (Bellows AFS), Paul Richardson (Waimanalo Elementary), Sharon Basmayor (Councilmember Anderson's office), Leland S.M. Ribac (Neighborhood Commission Office staff).

Pule: Chair Ho welcomed everyone tonight and noted that the meeting usually begins with an open prayer; if prayer offends you, now is the time to leave. John Aylett provided the pule.

Nominations for sub-district 4: Chair Ho opened the floor for nominations to fill the vacancy in sub-district 4, seeing no volunteers the seat remained vacant.

#### PUBLIC INPUT PART 1:

Honolulu Fire Department (HFD): Captain Peter Mendoza reported the following information;

1. Company Statistics: Fire statistics included; 1 structure fire, 1 rubbish fire, 34 medical emergencies, 5 search and rescues, 9 miscellaneous calls and one major incident.
2. Fire Safety Tip: Summer is upon us, and the island is at a higher risk for fires due to dry vegetation and hot weather. Use caution when utilizing flame-producing devices, such as fireworks, matches, and/or lighters, around wildland vegetation; the smallest spark and/or flame can ignite the dry vegetation.

Honolulu Police Department (HPD): Lieutenant Dave Eber reported the following information;

1. Crime Statistics: Statistics include: 1 simple assault, 9 burglaries, 2 drugs/narcotics, 3 motor vehicle thefts, 5 property damages, 18 motor vehicle collisions, 1 robbery, 1 rape, 13 thefts, 5 runaways, 1 sex assault, 1 truancy, 5 unauthorized entrance to a motor vehicle (UEMV), and 4 warrant arrests.
2. Click-it-or-Ticket: Over 1,500 citations have been issued in HPD's Click-it-or-Ticket campaign. The campaign runs from June 18-30, 2009.

Questions, comments and concerns followed;

1. Bellows Citations: It was questioned and noted that the statistics for Bellows citations last week were not collected at this time. Eber noted that Bellows was patrolled and signage would help to enforce rules.



Mayor's Representative: Cyndy Aylett accompanied by Managing Director Kirk Caldwell reported;

1. Waimanalo Beach Park: HPD officers surveyed the Waimanalo Beach Park area for any parking violation and found none. Residents are encouraged to immediately call HPD once a violation is witnessed.
2. Maintenance Worker: The City Department of Parks and Recreation (DPR) is currently investigating the allegation that a maintenance worker was observed not working.
3. Hale Aupuni Street Turn: A site investigation and evaluation report will be conducted and reported in August regarding the left-hand turn from Inaole Street.

Managing Director Kirk Caldwell introduced himself as a past Neighborhood Board member in Kaimuki, and has worked with Representative Chris Lee at the State Legislature as well as Councilmember J. Ikaika Anderson in the City & County of Honolulu.

Questions, comments and concerns followed:

1. City's 48 Hour Response: Chair Ho questioned if the City & County of Honolulu continues its 48 hour response time policy; Aylett to follow up.
2. Motor Home Removed: Jamila thanked Aylett and Caldwell for their work in the City, noting that the motor home located in Waimanalo State Park (Sherwood Forest) was removed.

**APPROVAL OF REGULAR MEETING MINUTES OF MAY 18, 2009: Jamila moved and Humphrey seconded to approve the regular meeting minutes of May 18, 2009. The motion was ADOPTED UNANIMOUSLY, 8-0-0, (Aye: Ho, Humphrey, Vierra, Jamila, Spencer, Bettencourt, Addington, and Wahinekapu.)**

ACKNOWLEDGE DEPARTING BOARD MEMBERS: Chair Ho acknowledged and thanked Board members Fred Humphrey and David Bettencourt, two departing Board members. Humphrey and Bettencourt noted they are very thankful for this opportunity and will remain active members in the community. Applause followed.

ANNOUNCEMENTS: Several announcements were made at this time;

1. Cancer Relay for Life: Gail Rambaoa, Odetta Higa, Al Lewis, Julie Dugan, and Mabel Spencer announced the Relay for Life Waimanalo will commence this weekend. The community is welcomed to join the festivities, and there is still time to purchase luminaries at the event.
2. Waimanalo Canoe Club: The Waimanalo Canoe Club is currently looking for new members; the club meets every Monday, Wednesday and Friday. Contact Julie Dugan for more information.
3. July and August Meeting Location: Chair Ho announced the Neighborhood Board meeting is scheduled to meet at the Waimanalo Public Library for the months of July and August, due to training in the auditorium.
4. Hakipuu Learning Center: John Aylett announced that Hakipuu Learning Center is requesting for a letter of support from the Board to continue services on the Windward Community College (WCC) Campus. The Learning Center cannot afford to re-locate at this time, as WCC is requesting. **Humphrey moved and Jamila seconded to support Hakipuu's request for a letter of support. The motion was ADOPTED, 7-0-1,** (Aye: Ho, Humphrey, Vierra, Jamila, Spencer, Bettencourt, Addington; Abstain: Wahinekapu.)
5. City Rail Project: A community member provided a handout noting an urgent financial crisis over the rail transit project. The handout noted that on May 18, 2009 the City Council Budget Committee approved a budget with over one billion dollars to build the rail line. It was noted by Managing Director Kirk Caldwell, that the response is flawed by facts, noting the rail budget is balanced.

RESIDENTS' AND COMMUNITY CONCERNS:

Bellows Camp Grounds Closing: Several community members voiced concern regarding the Bellows' camping grounds closing the first week in June. A peaceful demonstration was done fronting the entrance of Bellows. Many residents in the community felt it unfair to close the beach and camping grounds without warning.

Bellows Resolution for Return of Land: A community member voiced concern with the proposed Bellows cabins, noting that Bellows was never intended to be used as a vacationing type of resort. Bellows was initially slated for three purposes; fortification, costal defenses, and training camps. It was noted that Bellows is now managed by a military base in Kadena, Okinawa. Chair Ho noted this resolution will be deferred until the end of the meeting.

#### COMMUNITY PUBLIC INPUT PART 2:

##### Military Report:

Bellows Air Force: Major Tamara Duke reported the following;

1. Replacement: Major Duke noted this will be her last meeting as she will be leaving the Islands for the Mainland, and introduced her replacement, Major Rick Putzle. Major Duke thanked the community for the continued support, and will miss everyone.
2. Job Opportunities: The Air Force Base is currently hiring laborers and housekeepers; for more information visit [www.nafjobs.com](http://www.nafjobs.com).
3. Relay for Life: The Bellows Air Force Team will be joining the festivities on Saturday and Sunday with the Relay for Life teams.

Questions, comments and concerns followed: Several Board members thanked Major Duke for her support in the community, and welcomed Major Putzle to the community.

Marine Corps Base Hawaii: Major Alan Crouch reported the following;

1. Name Change: It was announced that the Marine Corps Base Hawaii (MCBH) has changed the name of its Marine Core Air Facility to the Marine Corps Air Station.
2. Hours of Operation: Monday through Thursday, 7:00 a.m.-12:00 midnight; Friday, 7:00 a.m.-10:00 p.m.; Saturday, 8:00a.m.-5:00 p.m.; Sunday and holidays closed.
3. Important Dates: June 19th, Marine Corps Base Hawaii Job Fair at the Kahuna's Community Ballroom on base from 9:00 a.m. to 12:00 noon. For more information call 257-7790; July 4th, 5K Runway Run is open to the public for more information call 254-7590; July 18th-27th, Marine Corps Base Hawaii will host 120 Marine Corps Junior Reserve Officer's Training Corps (MCJROTC), Cadets from local and mainland high schools for a joint training encampment.
4. Homecoming & Deployments: Deployed are Marine Heavy Helicopter Squadron 362, 3rd Marine regiment HQ, 2nd and 3rd Battalion 3rd Marine Regiment, and other detachments and augments. Homecoming for Navy's VP-4 was over the last two weeks until yesterday, June 7, 2009.

##### Education:

Blanche Pope Elementary School: Principal Ofelia Carag reported the following report;

1. Last Day of School: Students are officially on summer vacation. The 6th graders had a graduation ceremony; Representative Chris Lee was thanked for the student's certificates.
2. Keiki Steps: The Keiki Steps program, an educational summer fun program, will run from July 6-17, 2009 and is available for 3rd, 4th, 5th, and 6th graders.
3. Kindergarten Registration: Kindergarten registration is currently ongoing; residents are encouraged to register their keiki before the start of the new school year.
4. Playground Equipment: Students in the 1st, 2nd, and 3rd grade classes have new playground equipment to enjoy; thanks to Hope Chapel for their contribution.

5. School Renovation: School-wide renovations are scheduled to start later this month, and are slated for completion by November 2009.
6. Open House Event: All students and their families are encouraged to participate in the July 30, 2009 Open House event.

Questions, comments and concerns followed: It was noted that a religious establishment has posted a brochure on school grounds; Carag will follow up.

Waimanalo Elementary and Intermediate School: Principal Noel Richardson reported the following;

1. Last Day of School: Students are officially on summer vacation; the 8th grade class graduated from the school and will move onto High School.
2. Summer School: There will be no summer school courses at Waimanalo Elementary and Intermediate School this summer.
3. Mahalo to the Board: On behalf of Vice Principal Keoni Wilhelm, Principal Richardson thanked the community and Board for their continued support in their first year at the school.

Governor's Representative: No report available at this time.

Senator Fred Hemmings: No report available at this time.

City Council: Councilmember J. Ikaika Anderson reported the following;

1. Condolences to Councilmember Duke Bainum: On behalf of his staff and the City Council, condolences were given to Councilmember Bainum's family.
2. Introduction of Staff Member: Councilmember Anderson introduced his legislative aide, Sharon Basmayor, a Waimanalo resident, noting Basmayor will also be attending the Board meetings as well.
3. City Budget: Anderson apologized for his absence last month due to a Council budget hearing. If adopted the City budget will call for a \$3.42 real property tax rate.
4. City Rail Project: It was noted that Councilmember Anderson cannot support a proviso for the City Rail project, as he has agreed to support the "peoples" choice for rail on the 2008 ballot. Anderson noted this is the fourth time that rail has been given an opportunity to move forward in Hawaii.

Representative Chris Lee: Representative Chris Lee reported the following;

1. S-Turn at Olomana: Improvements at the S-turn at Olomana Golf Course are closely approaching; while work is ongoing, questions can be answered by calling 586-9450, or the State Department of Transportation (DOT) at 587-2150.
2. Office of Hawaiian Affairs (OHA) Budget: As a follow-up question from last month, OHA's budget was cut by 20%, a break down of numbers was provided in a handout.
3. Ideas for 2010: Representative Lee welcomed any ideas for legislation for the upcoming 2010 Legislative session, contact 586-9456 to share legislative ideas.
4. Wastewater Treatment Plant Tour: At the request of several Board members, Representative Lee is currently working on setting up a tour of the wastewater treatment plant.
5. State Budget: A complete break down of the State budget was provided to the Board.

Hawaii Job Corps: Julie Dugan reported the following information;

1. Trade Skill Students: Students involved in trade skills such as painting and carpentry, partnered with the City and County of Honolulu and provided repairs to the Waimanalo Beach Park restrooms.

2. Live and Let Live Campaign: Students will be participating in HPD's Live and Let Live Campaign.
3. Relay for Life: The Hawaii Job Corps Relay for Life Team will be participating in the event on Saturday, and has risen over \$900.00 to benefit the Relay for Life.

Board of Water Supply (BWS): No report available at this time.

Waimanalo Health Center: Moana DeMello reported that the Waimanalo Health Center previously hosted a presentation by students of the Windward Community College. Students presented information of a Garage Band, and interested children are already looking into starting up their own band.

Bellows AFS Restoration: It was announced that Landfill 23 clean up is ongoing, and the residents of Nanakuli and Maili have voiced their opposition to dumping the waste at the Private (PVT) Landfill.

Hui Malama O Ke Kai: No report available at this time.

Friends of Waimanalo: No report available at this time.

Youth and Family Collaboration: No report available at this time.

Oceanic Institute: Tony Ostrowski introduced himself as a 12 year resident of Kailua and noted he will be taking Joe Aipa's place in updating the Neighborhood Board of upcoming activities and information related to Oceanic Institute. Ostrowski provided a brief history of what Oceanic Institute accomplishes in the community.

Hui O Koolaupoko: No report available at this time.

Kokua Ohana: No report available at this time.

Waimanalo Beach Park Recreation and Education: No report available at this time.

Waimanalo Wastewater Treatment Plant: No report available at this time.

Waimanalo Kupuna Association: No report available at this time.

**NEW BUSINESS:**

Shark Tour Operations in Hawaiian Waters: No report available at this time.

Bellows Resolution for Return of Land: **Bettencourt moved with Humphrey seconding to support the Bellows Cabin Resolution. The motion was NOT ADOPTED, 6-1-0,** (Aye: Ho, Humphrey, Jamila, Spencer, Bettencourt, Vierra; No: Wahinekapu; Abstain: Addington.) See attached Bellows Cabin Resolution.

ADJOURNMENT: The meeting adjourned at 9:40 p.m.

Submitted By:

Leland S.M. Ribac  
Neighborhood Assistant

RESOLUTION OF THE WAIMANALO NEIGHBORHOOD BOARD  
CALLING FOR CERTAIN LAND LOCATED AT WAIMANALO, OAHII,  
APPROPRIATED BY THE GOVERNMENT OF THE UNITED STATES  
FOR MILITARY PURPOSES IN 1917  
AND) WHICH IS NOT USED FOR MILITARY PURPOSES  
TO BE RETURNED TO THE SLATE OF HAWAII

STRESSING that the powers, duties, and functions of THE WAIMANALO NEIGHBORHOOD BOARD include, but are not limited to, reviewing and making recommendations on any general plan, development plan, and other land use *matters* within its neighborhood, the Board declares:

AWARE the Act of August 18, 1890, 26 Stat. 316, defined the use of land for military purposes as “any land, temporary use thereof or other interest therein, or right pertaining thereto, needed for the site, location, construction, or prosecution of works for fortifications, coast defenses, military training camps,.. and “provided further, That when such property is acquired in time of war, or the imminence thereof, upon the filing of the petition for the condemnation of any land, temporary use thereof or other interest therein or right pertaining thereto to be acquired for any of the purposes aforesaid, immediate possession thereof may be taken to the extent of the interest to be acquired and the lands may be occupied and used for military purposes.”, and

RECOGNIZING that in 1898, President McKinley signed a Joint Resolution annexing Hawaii (Newlands Resolution) and at the time of the annexation, the provisional government of Hawaii ceded “all public, Government, or Crown lands” to the United States, and

UNDERSTANDING that the Newlands Resolution provided that “all revenue from or proceeds of the [ceded lands], except as regards such part thereof as may be used or occupied for the  
RESOLUTION 06082009

civil, military, or naval purposes of the United States, or may be assigned for the use of the local government, shall be used solely for the benefit of the inhabitants of the Hawaiian Islands for educational and other public purposes.” § 1, 30 Stat. 750, and

WHEREAS in 1900, Congress of the United States passed the Hawaiian Organic Act, 339, 31 Stat. 141, and that Act established the Territory of Hawaii and placed the lands ceded to the United States in the Newlands Resolution under the “possession, use, and control of the government of the Territory of Hawaii.” § 91, 31 Stat. 159, and

WHEREAS the Act providing for the Admission of the State of Hawaii § I 6(b) (iii) (Pub L 86-3, 73 Stat. 4) states “that the United States shall continue to **have sole and exclusive jurisdiction over such military installations as have been heretofore or hereafter determined to be critical areas as delineated by the President** of the United States and/or the Secretary of Defense”, and

WHEREAS Public Law 88-233 is referred to as “the **Hawai'i Land** Conveyance Act of 1963 [and its] effect has been to extend beyond August 21, 1964, a mode of treatment that had been recognized in principle in the annexation resolution, the Organic Act and the Admission Act and has provided for “the continuation of a 60-year practice of returning those lands and property when they were no longer needed by the United States” for the purposes appropriated, and

BEARING IN MIND that between June 28, 1914 and July 30, 1914, the major nations of Europe declared war on one another instigating World War I and the United States of America sought to remain neutral in the conflict, and

TAKING INTO ACCOUNT that the Imperial Government of Germany conducted unrestricted submarine warfare against the merchant ships of neutral nations and sunk seven American ships and the United States recognized its imminent entry into World War I, and  
RESOLUTION 06082009

ACKNOWLEDGING President Woodrow Wilson did invoke those certain powers reserved to the President of the United States and by Executive Order 2565 of March 28, 1917 did appropriate certain particular described lands totaling 1,510 acres at Waimanalo, District of Koolaupoko, Island of Oahu, Territory of Hawaii; Said lands were withdrawn and set aside for military purposes and were known as the Waimanalo Military Reservation, and

NOTING the United States declared war on Imperial Germany on April 4, 1917, exactly one week after the appropriation of the Waimanalo Crown Lands by executive order, and

AWARE the Waimanalo Military Reservation was renamed Bellows Field in 1933 and re-designated as Bellows AEB in 1948 and ten years later re-designated as Bellows APS and the land was used for military purposes until March 2009, and

RECOGNIZING that 1,074 acres of Bellows AFS were transferred to Marine Corps Base Hawaii in October of 1999 for military purposes and is now known as Marine Corps Training Area Bellows, and

WHEREAS a portion of the land transferred to Marine Corps Training Area Bellows, to wit: the beach camping area (campground), has been licensed to the City and County for recreational uses by the general public on weekends for decades, and whereas the United States Marine Corps by publication on May 27, 2009 stated "It is clear that the Commander [of Marine Corps Training Area Bellows] does not intend to renew that agreement. ... and has disclosed that the Marine Corp will exclude the public from recreational use of Bellows effective June 8, 2009 thereby depriving the general public and residents of Hawaii a major recreational resource and access to a major and desirable portion of the longest white sand beach in the State of Hawaii, and

WHEREAS the United States Air Force holds approximately 400 acres of the original land appropriated under the 1917 Executive Order and has publicly declared the purpose and mission at  
RESOLUTION 06082009

Bellows AFS, effective March 2009, is "enhancing combat effectiveness by delivering secure, affordable, and customer-focused recreational services", and

WHEREAS the Air Force has published its intention and proposal to construct a water park, swimming and "resort" pools, golf courses, and recreational cabins on the 400 acres which will compete with similar private enterprises in the State of Hawaii, and

AFFIRMING the United States Air Force, on the remaining Crown land under its control at Waimanalo no longer uses or intends to use the land for the specific military purposes for which it was appropriated, to wit: fortifications, coast defenses, military training camps, and

REALIZING the military mission of national security and defense would be better served

by reassignment of Bellows active duty Air Force personnel and privatization of the proposed recreational services, and

EMPHASIZING the lands held by the United States Air Force at Waimanalo, upon which a “resort” for recreation purposes is proposed, cannot reasonably be deemed a “critical area” for defense or military purposes, and

WHEREAS all revenue produced by the past, present, and future rental occupancy or user fees of any recreational use of the Air Force Waimanalo property must be remitted to the State of Hawaii pursuant to “The Joint Resolution of Annexation of July 7, 1898, 30 Stat. 750 [which] ratified and recited the text of the annexation treaty dated June 16, 1897, including the following: ‘The existing laws of the United States relative to public lands shall not apply to such lands in the Hawaiian Islands; but the Congress of the United States shall enact special laws for their management and disposition:

*Provided, That all revenue from* or proceeds of the same, except as regards such part thereof as may be used or occupied for the civil, military, or naval purposes of the United States, or may be assigned for RESOLUTION 06082009 the use of the local government, shall be used solely for the benefit of the inhabitants of the

**Hawaiian Islands for educational and other purposes”, and**

WHEREAS President Franklin D. Roosevelt, by executive order 8870, has set precedent by returning land taken by executive order 2565 and not needed for “military purposes” to the Territory of Hawaii, and

REMINDS the Commander in Chief of the Armed Forces that he must recognize the intention of Congress to provide the income from the ceded Waimanalo Crown land for the “benefit of the inhabitants of the Hawaiian Islands for educational and other public purposes” (~ 1, 30 Stat, 750) and that the land not used for the military purposes for which it was appropriated by Executive Order 2565 must be returned to the State of Hawaii to comply with the intent of Congress, and

**THEREFORE BE IT URGENTLY, STRONGLY, AND FINALLY RESOLVED THAT THE WAIMANALO NEIGHBORHOOD BOARD** having given consideration to all the relevant issues, testimony, and information provided by the public and the United States Military representatives, that the approximately 400 acres of remaining land under the control of the United States Air Force must be returned to the State of Hawaii in furtherance of the legislative purposes declared by Congress in 30 Stat. 750 § 1.