



## WAIMANALO NEIGHBORHOOD BOARD NO. 32

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### **DRAFT REGULAR MEETING MINUTES** **MONDAY, JULY 19, 2009** **WAIMANALO PUBLIC LIBRARY**

**CALL TO ORDER:** Chair Pro-Tem Wilson Kekoa Ho called the meeting to order at 7:30 p.m. with a quorum of 10 members of 13 members present. Note—This 13-member Board requires seven (7) members for a quorum and to take official Board action.

**Board Members Present:** Beverly Addington, Nani Akeo, Shannon Alivado, Michael Buck, Kahikino Dettweiler, Rosina Ho, Wilson Kekoa Ho, Andrew Jamila Jr., Solomon Spencer and Cynthia Wahinekapu.

**Board Members Absent:** All members present. None

**Guests:** Representative Chris Lee, Gail Lum, Pono Kealoha, Sara Wynhoff, Mitchell Nakagawa, Reverend Richard Bermudez (Puakea Foundation), Mack Kalahiki, Michael Hikalea, Dennis Bumpy Kanahale, Councilmember J. Ikaika Anderson, Robert Akau, Donna Burns, Kawehi Kanui (Kauhale O Waimanalo), Debra Lee Anderson, Sierra Kaina, Tammy Skeen and Faith Pedro (Bellows Air Force Station), Lieutenant Colonel Tracey Saiki (Pacific Air Forces), Jason Smith, Ken Hoffman, Gloria and Rudy Alivado, Palani Vaughan Jr., Andrew Malahof (Councilmember Anderson's office), Captain Pokini (Honolulu Fire Department), Lieutenant John Vines (Honolulu Police Department), Jon Hookano, Linda Deuvanchelle, Doreene Kealohanui, K. Teixeira, Cyndy Aylett (Mayor's Representative) Keoni Aylett, Julie Dugan (Job Corps), Levine Zitzelsberger, Tony Ostrowski (Oceanic Institute), Ofelia Carag (Blanche Pope Elementary), Vice Principal Keoni Wilhelm (Waimanalo Elementary School), Dr. Tony Kim (Waimanalo Health Center), Leland S.M. Ribac (Neighborhood Commission Office).

**PULE:** Chair Pro-Tem welcomed everyone to the meeting and noted the meetings usually begins with an open prayer; if prayer offends you, now is the time to leave. Levine Zitzelsberger provided the pule.

**SWEARING IN OF ELECTED MEMBERS WHOM DID NOT ATTEND THE INSTALLATION CEREMONY:** Chair Pro-Tem Ho noted all Board members were sworn in prior to the start of the meeting. All Board members introduced themselves, and are all willing to serve the community.

### **NOMINATION OF OFFICEERS: CHAIR, VICE CHAIR, TREASURER:**

1. **Chair:** Jamila nominated W. Ho. **W. Ho was ELECTED Chair UNANIMOUSLY with 10 votes,** (Addington, Akeo, Alivado, Buck, Dettweiler, R. Ho, W. Ho, Jamila, Spencer and Wahinekapu).
2. **Vice Chair:** Addington nominated Wahinekapu. **Wahinekapu was ELECTED Vice Chair UNANIMOUSLY, with 10 votes,** (Addington, Akeo, Alivado, Buck, Dettweiler, R. Ho, W. Ho, Jamila, Spencer and Wahinekapu).
3. **Treasurer:** Jamila nominated Buck. **Buck was ELECTED Treasurer UNANIMOUSLY, with 10 votes,** (Addington, Akeo, Alivado, Buck, Dettweiler, R. Ho, W. Ho, Jamila, Spencer and Wahinekapu).

**APPROVAL OF MEETING DATE, TIME AND MEETING LOCATION:** **Jamila moved and Wahinekapu seconded to continue meeting every second Monday at the Hawaii Army National Guard Training Auditorium beginning at 7:30 .pm. The motion was ADOPTED UNANIMOUSLY, 10-0-0,** (Aye: Addington, Akeo, Alivado, Buck, Dettweiler, R. Ho, W. Ho, Jamila, Spencer and Wahinekapu).

### **PUBLIC INPUT PART 1:**

**Honolulu Fire Department (HFD):** Captain Pokini reported the following information;

1. **Fire Statistics:** For June 2009 included; 1 wildland fire, 44 medical emergencies, 4 search and rescues and 3 miscellaneous calls.



2. Fire Safety tip: Summer break is an opportune time to review home surroundings for potentially dangerous situations and childproof the home. Check for situations that may cause electrical shock, accidental falls, and/or poisoning from unsecured medications, cleaning products and/or houseplants. Ensure pools are properly fenced and gated.

Honolulu Police Department (HPD): Lieutenant John Cheong reported the following information;

1. Crime Statistics: For June 2009 included; 7 simple assaults, 6 burglaries, 1 drug/narcotics, 1 driving under the influence (DUI), 7 family offenses, 2 kidnapping, 28 motor vehicle collisions (MVC), 3 property damages, 1 robbery, 1 sex assault, 15 thefts, 3 threatening and 14 unauthorized entrance to a motor vehicle (UEMV).
2. Crime Safety Tip: Residents as well as visiting tourists must be cautioned to never leave valuables, hand bags, or visible items of importance in their vehicles when enjoying the ocean. These are opportune times for burglars to break in and steal those items.

Mayor's Representative: Cyndy Aylett reported the following information;

1. Parking Along Kalaniana'ole Highway: The area mentioned is under the jurisdiction of the State Department of Transportation (DOT), the City suggests involving DOT regarding the issue.
2. City 48 Hour Response Line: The City's complaints line is 768-4381. Investigators are on hand during business hours of 7:45 a.m.-4:30 p.m. Departments have 10 days to respond to a complaint.
3. Camping Permit for Bellows: The City Department of Parks and Recreation (DPR) has sent letters to the individuals who were issued camping permits for the first two weekends in June at Bellows, noting their permits will be honored for reserved spots.
4. Signage for Enforcement in Bellows: DPR has installed new signs with the approval of the Marine Corps Training Area, which is now open to the public since July 3, 2009.
5. Waimanalo Beach Park Restrooms: DPR noted the restrooms are being clean, however, with the heavy usage, it appears the restrooms require additional cleaning; a Supervisor of the park is monitoring the need.
6. Illegal Camping at Makapuu and Kaupo: DPR and HPD have recommended to the Director of DPR that parking lots at Makapuu and Kaupo be closed nightly.
7. Waimanalo Country Fair \$30 Thousand: Honoring the request of the donor, the funds will go to repair the restrooms at both Beach Parks. DPR is awaiting estimates from Waimanalo contractors, only one written estimate has been submitted.
8. Inaole Street Left Turn Evaluation: A site investigation and evaluation will be completed by the City Department of Transportation Services (DTS) and report back to the Board in August.

**APPROVAL OF REGULAR MEETING MINUTES OF JUNE 8, 2009: Jamila moved and Addington seconded to approve the Regular Meeting Minutes of June 8, 2009, the motion was ADOPTED, 9-0-1, (Aye: Addington, Akeo, Alivado, Buck, R. Ho, W. Ho, Jamila, Spencer, Wahinekapu; Abstain: Dettweiler).**

ANNOUNCEMENTS: Several announcements were made at this time;

1. Century Bike Ride: Mitchell Nakagawa of the Hawaii Bicycling League announced that the Honolulu Century Ride will be held on Sunday, September 27, 2009. The League is looking for support from the Board, and takes input or concerns from the public very seriously. Chair W. Ho asked Nakagawa to work with Jamila and return in August with an update.
2. Waimanalo Country Fair: Jamila announced the Waimanalo County Fair is scheduled for October 2009.
3. August Waimanalo Meeting: Chair W. Ho announced the August Regular Neighborhood Board meeting will again be held in the Waimanalo Public Library due to military training on base.

4. Ke Ola Mamo: Levine Zitzelsberger of Ke Ola Mamo provided brochures of the program, noting that Ke Ola Mamo was formed to provide a Native Hawaiian Health Care system. For information call 259-6666.
5. Koolaupoko Ahapuaa Project: Buck announced he is part of the Koolaupoko Ahapuaa Project which will meet on Wednesday, July 15, 2009. The project aims to properly name each ahapuaa in the district.

RESIDENTS' CONCERNS:

1. Bellows Cabin Update: Chair W. Ho noted the Board is waiting for the environmental assessment (EA).
2. Bellows Resolution for Return of Land: Joe Ryan provided everyone with a copy of the proposed Bellows Resolution for Return of Land, which was previously discussed during the June 2009 Neighborhood Board meeting. Ryan mentioned that considering several documents including "The Organic Act" an act to provide Government for the territory of Hawaii and "The Admission Act" an act to provide for the admission of the State of Hawaii into the Union, that the Air Force should rightfully turn over 400 acres to the State of Hawaii. A complete copy of the resolution is attached.

Questions, comments and concerns followed:

1. Native Hawaiian Rights: Several Native Hawaiian Organizations expressed their dissatisfaction with the military and their ownership over the native lands. Several community members noted the affected area is considered Crown Lands, and must be returned to the Native Hawaiians. Several community members voiced opposition towards the military and welcomed a community forum before the resolution is adopted, to better notify the people of Waimanalo.
2. Military Land Purposes: Ryan noted that according to the United States Congress Act of August 18, 1890, the affected land is meant to be used for costal defenses, fortifications, and training.
3. Air Force Intentions: Major Putzle reported that the base is currently under Kadena Air Force in Japan, due to their similarities in functions. Bellows is a recreational military base, and would like to build no more than 16 cabins in the area. The EA is going final soon, and will be provided to the Board as well as the community.
4. Mahalo to Joe Ryan: Several community and Board members thanked Joe Ryan for his proficiency and research to the subject. Ryan was applauded for his drafted resolution.

**Jamila moved and Addington seconded to table the motion and take up the resolution at a town or community meeting, date to be announced. The motion was ADOPTED UNANIMOUSLY, 10-0-0, (Aye: Addington, Akeo, Alivado, Buck, Dettweiler, R. Ho, W. Ho, Jamila, Spencer and Wahinekapu).**

3. Illegal Dumping in Waimanalo: Concern was raised with an illegal dump site in Waimanalo. Chair W. Ho noted the item can be brought up in the proposed community meeting at a later date.

COMMUNITY PUBLIC INPUT PART 2:

Representative Chris Lee: Representative Chris Lee reported the following information;

1. Hawaiian Caucus: Representative Lee noted the Legislature does have a Hawaiian Caucus, which he is a part of, and the caucus does work on legislation pertaining to native Hawaiians.
2. Bellows Resolution: The Representative noted the earlier presentation regarding Bellows, was very good information, and he is very willing to move a resolution through the legislature if the Board would like.
3. Special Session: It is very likely the Legislature, both House and Senate, to override several bills of interest, this Wednesday, July 15, 2009.
4. State Budget on Libraries: Residents were encouraged to write their State Library Director regarding their thoughts of the five libraries that are slated for closure. Waimanalo Library is not slated for closure.

5. Vetoed Bills of Interest: The Representative's Neighborhood Report highlighted several Bills of interest that were vetoed by the Governor including House Bill (HB) 1271 relating to food and energy.
6. Crossing Sign: DOT has repaired the crossing sign at Nakini Street, which was hit down several times.
7. Wastewater Plant Tour: As previously announced the Waimanalo Waste Water Treatment Plant tour will be on Wednesday, July 15, 2009 beginning at 8:00 a.m.

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

1. City Budget Update: The City Council passed the budget on June 10, 2009. The real Property Tax rate was changed to a rate of \$3.42 per thousand of the assessed value, rather than \$3.59 per thousand
2. 3 Talks Event: The next 3 Talks Event in Waimanalo is scheduled for Wednesday, July 22, 2009 at the Waimanalo Library, residents were encouraged to participate and talk story.
3. Introduction of Staff: Councilmember Anderson introduced his Senior Legislative Aide, Andrew Malahoff, noting his thanks to Malahoff for being part of his office and great work.

Hawaii Job Corps: Julie Dugan reported the following information;

1. Classes Resume: Students resume classes tomorrow, Tuesday, July 14, 2009.
2. Rummage Sale: The Job Corps Student Government invited everyone to their Fundraiser Rummage Sale on Saturday, July 25, 2009.
3. Available Desks: Several 'lightly used' computer desks are available to non-profit organizations, for more information and availability, contact Dugan following the meeting.

Waimanalo Health Center: Dr. Tony Kim reported the following information;

1. Medical Clinic Hours of Operation: In addition to the Monday-Friday, 8:00 a.m.-5:00 p.m. schedule the Dental Clinic is now open regularly on Saturday. To make an appointment call 259-5466.
2. New Addition to Staff: A new dental hygienist, Karen Tominaga, has been hired and added to the crew; she comes duly qualified and is very eager to begin working on the patients.
3. Changes in Fees and Services: Beginning August 10, 2009 several changes in medical qualifications and available services will begin, including emergency only word for adults on Medicaid. Residents should contact their providers before making appointments for dental work.

Education:

Blanche Pope Elementary: Principal Ofelia Carag reported the following information;

1. Keiki Steps and Interactive Math program: The summer program Keiki Steps, an introduction to Kindergarten, and the interactive math program, going Green with Measurements will be coming to an end, approximately 30 students participated in the programs.
2. Construction on Campus: Construction continues to move forward on campus, the school wide project started on June 1, 2009 and is scheduled for completion by November 2009.
3. Start of New School Year: Students are scheduled to return to school on August 3, 2009. Kindergarten registration is ongoing as well as school uniform pick ups.

Waimanalo Elementary: Vice Principal Keoni Wilhelm reported the following information;

1. Cesspool Project Update: The cesspool removal construction project is ongoing on campus, and is slated for completion in October 2009. Residents are cautioned not to walk on campus at night.

2. Learning Opportunity Program: Students participating in the Extended Learning Opportunity Program this summer, are nearing the second week mark, and have shown great improvements.
3. Start of New School Year: Students return to school on August 3, 2009, Kindergarten registration is still accepting applications.

Military Report:

Bellows Air Force Station: Captain Putzle reported the following information;

1. Operation Purple: Through July 12-24, 2009 the Air Force will be focused on Operation Purple, where over 300 youth, whose parents have deployed, will be engaged in an interactive camping program.
2. Bellows Future Plans: The Air Force has announced that the construction of a golf course or any other significant structure, however, would like to construct a Community Center as Waimanalo does not currently have one. The center would be available for community organizations including the Board.
3. Jobs Available: Positions are available on base including, housekeepers, and groundskeepers, for more information visit [www.bellowsafs.com](http://www.bellowsafs.com).

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

1. Regular Hours of Operation: Regular hours of operation include; Monday-Thursday 7:00 a.m.-10:00 p.m. Saturday 8:00 a.m.-5:00 p.m. Sunday and Holiday closed. Several exceptions include July 8th, 10th, 11th, and 31st due to support training exercises on base.
2. Homecoming and Deployments: Deployed are 3rd Marine regiment Head Quarters, 2nd and 3rd battalion 3rd Marine Regiment, and other detachments. Homecoming will begin for Marine Heavy Helicopter Squadron 362 this month as they return from their deployment in Iraq.
3. News and Events: Important dates include; July 2nd; MCBH Wounded Warriors were honored as Grand Marshal's of Iolani School's Independence Day Celebration, July 4th; Marines served as guest judges for the Kailua 4th of July Parade, and Marines participated in Kailua and North Shore Independence Parades, August 14-16th; The 20th Annual BAYFEST featuring performers Filter and Black Eyes Peas, ticket sales started on June 27, 2009, for more information visit [www.bayfesthawaii.com](http://www.bayfesthawaii.com).

Board of Water Supply (BWS): A written report was made available.

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

Senator Fred Hemmings: No report available at this time.

Bellows AFS Restoration: No report available at this time.

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

Oceanic Institute (OI): Tony Ostrowski reported the following information;

1. Available Resources: OI has recently made available its Ocean Learning Center for meetings of other non-profit organizations in addition to holding classes there with Hawaii Pacific University (HPU).
2. Literacy Training: OI and Na Pono No Na Ohana, a program of Partners in Development, will host a week long literacy training program with an anticipated 50 individuals.
3. Staff Summer Picnic: On August 1, 2009 OI will hold its annual staff summer picnic at Sherwood Forrest.
4. Ongoing Renovations: OI is moving forward with several renovation projects including its laboratories and office buildings. A new Central Service facility will also be built to house maintenance operations.

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:

Human Trafficking: The item was deferred to the August regular meeting.

Shark Tour Operations in Hawaiian Waters: No presentation was given at this time.

ADJOURNMENT: The meeting adjourned at 9:55 p.m.

Submitted By:

Leland S.M. Ribac  
Neighborhood Assistant

PROPOSED RESOLUTION OF THE WAIMANALO NEIGHBORHOOD BOARD  
CALLING FOR CERTAIN LAND LOCATED AT WAIMANALO, OAHU,  
APPROPRIATED BY THE GOVERNMENT OF THE UNITED STATES  
FOR MILITARY PURPOSES IN 1917  
AND NO LONGER USED FOR CRITICAL MILITARY PURPOSES  
BE RETURNED TO THE STATE OF HAWAII AS MANDATED BY CONGRESS

Declaring 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:

MINDFUL the United States Congress through 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 the lands may be occupied and used for military purposes", and

RECOGNIZING ALSO that in 1898, President McKinley signed the Act of Congress known as the Newlands Resolution or better known as the "Joint Resolution To provide for Annexing the Hawaiian Islands to the United States" and on annexation the provisional government of Hawaii ceded "all public, Government, or Crown lands" to the United States, with the proviso that "the existing laws of the United States relative to public lands shall not apply to such lands in the Hawaiian Islands" provided further that "all revenue from or proceeds of the [ceded lands], 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 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, the Congress of the United States passed the Hawaiian Organic Act, ch. 339. 31 Stat. 141, and that Act established the Territory of Hawaii and placed the lands ceded to the United States by the Newlands Resolution under the "possession, use, and control of the government of the Territory of Hawaii." § 91, 31 Stat. 159, and that the provisions of the Act "were necessary in the interest of the prosperity and tile welfare of [Hawaii's] people" 33(2) *Cong. Rec.* 1,923, (daily ed. Feb. 19, 1900 (statement of Sen. Shelby Cullom), and

WHEREAS the Act providing for the Admission of the State of Hawaii § 16(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 58-233 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 but recognized its imminent entry into World War I after the Imperial Government of Germany conducted unrestricted submarine warfare against merchant ships and sunk seven American ships and solicited the alliance of the President of Mexico to make war on the United States, and

ACKNOWLEDGING President Woodrow Wilson, with war imminent, did invoke the constitutional powers reserved to him and by Executive Order 2565 of March 28, 1917 did appropriate certain particularly described lands totaling 1,510 acres of "Crown Lands" at Waimanalo, District of Koolauloko, Island of Oahu, Territory of Hawaii and said lands, designated as the Waimanalo Military Reservation, were set aside for military purposes, and further acknowledging the United States declared war on Imperial Germany on April 4, 1917, exactly one week after the appropriation of the Waimanalo Crown Lands for military purposes, and

AWARE the Waimanalo Military Reservation was renamed Bellows Field in 1933 and re-designated as Bellows AFB in 1948 and ten years later re-designated as Bellows AES and the land was used for military purposes until March 2009, and the United States Air Force continues to hold 400 acres, more or less, of the original land appropriated under the 1917 Executive Order and has publicly declared the purpose and mission at Bellows AFS, effective March 2009, is "enhancing combat effectiveness by delivering secure, affordable, and customer-focused recreational services" and has published its intention and proposal to construct a water park, swimming and "resort" pools, golf courses, and recreational lodgings on the 400 acres which are Category C--Revenue Generating **Programs** which "provide recreational activities that benefit military morale [,] foster community spirit and provide alternatives to less wholesome off-duty pursuits, [and] **have** the greatest capability of generating no appropriated fund revenues and find most of their expenses." (*Air Force Instruction (AFI) 32-1022, § 3.2.3, June 29, 1994*) and are not "programs required to support the basic military mission", and

EMPHASIZING the lands held by the United States Air Force at Waimanalo, upon which a "resort" for recreational purposes is proposed, is a "Category C" use of land, approved by the Secretary of the Air Force under the authority of the Secretary of Defense, which cannot reasonably be construed as a "critical area" for defense or military purposes under the Admissions Act, and

IT IS DECLARED BY THE WAIMANALO NEIGHBORHOOD BOARD that since 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 and because the Congress of the United States has properly exercised its Constitutional authority and enacted laws which devolved the Waimanalo Crown Land to the State of Hawaii to be used "solely **for the benefit of the inhabitants of the Hawaiian Islands for educational and other purposes**" pursuant to the Joint Resolution of Annexation of July 7, 1898, the President and Chief Executive or his designate must return the Waimanalo Crown Land to the State of Hawaii and the Governor and Legislature of the State of Hawaii must revoke the conditional permission allowing for occupation of the Waimanalo Crown lands as the current use and occupation exceeds the permission given to the United States, and

THEREFORE **BE IT URGENTLY, STRONGLY, AND FINALLY RESOLVED** THAT THE WAIMANALO NEIGHBORHOOD BOARD having given consideration to all the relevant issues, and provided opportunity for testimony by the public and United States Military Representatives that the approximately 400 acres, more or less, 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 § 1, 30 Stat. 750.