

PARKS AND RECREATION COMMITTEE

Council of the County of Maui

MINUTES

January 30, 2002

Council Chamber

CONVENE: 1:30 p.m.

PRESENT: Councilmember Jo Anne Johnson, Chair
Councilmember Robert Carroll, Vice-Chair
Councilmember Patrick S. Kawano, Member
Councilmember Michael J. Molina, Member
Councilmember Charmaine M. Tavares, Member
Councilmember Alan M. Arakawa, Non-member (In 2:44 p.m.; Out 2:51 p.m.)

STAFF: Gary R. Saldana, Legislative Analyst
David M. Raatz, Legislative Attorney (In 1:50 p.m.; Out 1:53 p.m.)
Camille Sakamoto, Committee Secretary
James Johnson, Executive Assistant to Councilmember Jo Anne Johnson
Kelly Arbor, Executive Assistant to Councilmember Jo Anne Johnson

ADMIN.: Floyd S. Miyazono, Director, Department of Parks and Recreation
Jeff Anderson, Supervisor, West District, Department of Parks and Recreation
Clayton Yoshida, Deputy Director, Department of Planning
Matt Niles, Planner, Department of Planning
Daren Suzuki, Planner, Long Range Planning Division, Department of Planning
David Goode, Director, Department of Public Works and Waste Management (In 1:41 p.m.)
Edward S. Kushi, Jr., Deputy Corporation Counsel, Department of the Corporation Counsel

OTHERS: **Item 10:** Ezekiela Kalua, Executive Assistant, West Maui Taxpayers Association
Ione Nobriga
Chester Kakiuchi
Kealii Reichel
Mark Bliss
Additional attendees (3)

Item 17: Kealii Reichel
Chester Kakiuchi
Ione Nobriga

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Mark Bliss
Additional attendees (3)

PRESS: *Akaku--Maui County Community Television, Inc.*

CHAIR JOHNSON: . . .*(gavel)*. . . The Parks and Recreation Committee will come to order. We have present today with us. . . Councilmember Robert Carroll, who's our Vice Chair; and Council Chair Pat Kawano. Councilmember Molina and Councilmember Tavares will be late to the meeting. We also have with us today Floyd Miyazono, he's our Director of Parks and Recreation. David Goode, I do not see at this time. But we do have Clayton Yoshida, Deputy Director of Planning. . . Daren Suzuki, who's our Senior Planner; Matt Niles, who's Planning III. We have with us from Corporation Counsel, Deputy Ed Kushi. We have. . . also, I see in the audience. . . Jeff Anderson from our Lahaina. . . Parks Department. We have Camille Sakamoto, our Committee Secretary; and Gary Saldana, our Legislative Analyst.

. . . Public testimony will be accepted prior to. . . discussion of each agenda item. And those wishing to testify should sign up at the Secretary's desk. Testimony shall be limited to ten minutes. And testifiers are requested to state their name for the record and to indicate who they're representing. To minimize disturbances during the meeting, please turn off all pagers and cell phones or set them to the silent mode. And we have two items on our agenda today. The first item on the agenda is PR-10.

ITEM NO. 10: LIGHTING NEEDS FOR WEST MAUI PARKS (C.C. No. 01-152)

CHAIR JOHNSON: And this item refers to County Communication Number 01-152, from Council Chair, transmitting a letter from Ezekiel Kalua, Executive Director of West Maui Taxpayers Association, relating to lighting needs for various West Maui parks. At this time, if anyone in the audience would wish to come forward and give testimony on this item. . . we will take testimony.

NOTE: *Silence.*

CHAIR JOHNSON: . . . There's no one at this time to testify on this particular item.

. . . Just to give a brief summary, the West Maui Taxpayers Association has provided the Committee with a report requesting lighting for seven parks in West Maui. County Parks and Recreation Department staff have met with representative from the West Maui Taxpayers to review each of the parks, and will provide the Committee with an overview of the request. Before going forward, Mr. Miyazono, with your update, I'd just like to recognize Councilmember Molina. Thank you.

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COUNCILMEMBER MOLINA: Thank you, Madam Chair. I'm sorry for being late.

CHAIR JOHNSON: No, it's, we have one other Member who's late, so you're excused.

. . . Mr. Miyazono, would you like to give your overview?

MR. MIYAZONO: Thank you, Madam Chairman. Um. . .if you'd. . .make reference to your list, there is as . . .

. . . uh. . .Chair, Madam Chairman has mentioned, there are seven designated parks that the West. . .West Maui's Taxpayers Association had recommended for instant, installation of lights for safety reasons. If I could, Madam Chairman, I would like to go through some of the departmental reasoning as to where we stand on each of these. . .requests for lights at each of the respective parks. What I'd like to do first of all is categorize--there's three parks, I would categorize that all together as "neighborhood parks". And you could find it on. . .the neighborhood parks would be in reference to Number 6, Ainakea Park. . .um . . .

. . . Number 8. . .Kelaweia Mauka Park, and Number 5--I'm sorry, I'm just going back here--Number 5, Wahikuli Terrace Park. And I somewhat categorize all of that park as neighborhood parks. Um. . .and again the. . .Chairman from the Taxpayer Association had recommended for lighting. I think what's very important is that from the Park's standpoint, some of these parks are really made for day parks. You know, we do have certain type of parks that is made for only day. And there are other parks that are made for day and night. As we look at the three parks in the neighborhood. . .certain questions comes to mind, basically, as to getting input from the community or getting input from the neighborhood. I think that's very important, first of all. Secondly, say for example for a park like. . .um . . .

. . . Kelaweia Mauka Park, which is a very small park. We don't have really any improvements on there. It's used for youth soccer practice and baseball practice. And definitely it is used currently only for day activities. And I would like to also mention that we haven't had any additional request for lights at this park since this park has been in operation. There's also another park--Ainakea Park. The park actually has a women's softball park. And basically that's what it's used. Whenever we do have lights, what the Department is very concerned about is . . .

. . . having that area considered as a place where people can gather. I know it's very important that we can provide night activities, but at the same time, it's very important that these night. . .night activities. . .if it can't be enforced, then especially in the neighborhood, I think we somewhat discourage this type of. . .type of activities here. And I think we had wrote. . .we had written back to the Taxpayers Association that for these three parks, we would recommend not

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installing lights there for the fact that they are, they were all meant to be day parks, rather than night parks. Um . . .

. . . going on to the other park, the other park is Napili Park, make. . .having reference to that on the list. That's Number 7. The park was recently completed, just about six to eight months ago. At the park we have a, a soccer field and a baseball field. Prior to the actual construction of the park, the Parks Department did meet with the community there in Napili. And their consensus was they did not want to have lights there because they basically wanted the park to be used as a day park. So that's the reason why there's no lights there. Um. . .the third park, in reference to Mauluolele [*sic*] Park. Currently, that park is under license to the Friends of Mokuula in that particular area. The park is currently used as a physical education area for Kam III School; and secondly it's used as a baseball practice field--either by the high school or Pony League. And I think currently there's no need to put lights in there. We are planning to expand the current Lahaina Recreational Center project, that's part of the expansion project. Eventually the intent is to lease or license the entire property to the Friends of Mokuula. So we feel that it would be premature at this point in time to install lights there--being that eventually it will be phased out and licensed or leased to Friends of Mokuula.

. . . The other park they had requested for lights is at the. . .Lahaina Recreation Center. It was relative to security, and there's a youth center there. We have followed up with that request. We. . .we've done that work. We installed security lights at the youth center, and we also redirected. . .a few lights towards the parking lot. We did request for. . .response back from the Director. . .for the Boys and Girls Club. And they were somewhat. . .not "somewhat", well they were very satisfied with what we had provided for them. . .based on the safety concerns at the Lahaina Rec. Center. So we feel that we have followed up on their concern. And lastly it's the Lahaina Civic Center. The Lahaina Civic Center, as we know, is, is used by. . .large events occasionally. The Lahaina Civic Center. . .probably we can accommodate, maybe close to 2,000 people or maybe even 2,500 people if you consider the gym and the rec. center located right below the gym. Of course we do have parking. Parking is very small. Many of our facilities. . .we can accommodate quite a lot of numbers, but the accommodations are very short. . .say, for example, for parking. We are looking at the economic feasibility of installing lights there. I know that during the Maui Invitational Tournament, we accommodate approximately 2,500 people in that little gym. And definitely there's certainly a need to expand the parking. But again we're looking at the economic feasibility of installing the lights further up, going mauka of the. . .Lahaina Civic Center and also taking a look at improvements in the parking itself. I think it would go hand-in-hand if we were to install the lights up there--which would be of substantial cost. There would possibly be a need also to improve the parking because currently the parking up there is. . .graded and it's surfaced with crushed rocks. So I think the cost of that is something that we

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need to take a look at. And if that's the way we're gonna go, based on the total improvements on the parking and the lighting, I think it's something that we need to . . .determine. And that's the end of my presentation.

CHAIR JOHNSON: Thank you, Mr. Miyazono. Since Jeff is here. . .uh. . .do you, would you have anything at this time to add to what Mr. Miyazono's already said, Jeff?

MR. ANDERSON, FROM THE AUDIENCE: No, he's covered it quite well.

CHAIR JOHNSON: All right. . .thank you very much. Do the Members have any questions of Mr. Miyazono? Chairman Kawano?

COUNCILMEMBER KAWANO: So. . .Floyd, you're saying out of the seven park, there's only one park, the last one that you mentioned. . .you guys are probably gonna put light or looking at putting lights?

MR. MIYAZONO: Well, on the youth center, we did. . .accommodate their needs. I guess they were concerned about security--

COUNCILMEMBER KAWANO: So when--

MR. MIYAZONO: --on the parking side.

COUNCILMEMBER KAWANO: So when you put lights as they requesting, you putting in like. . .like the baseball, that they can play night time or just security?

MR. MIYAZONO: Well, in this particular case, their request were for security lights. In this particular instance. So we did. . .satisfy their needs and concerns on this particular issue at the youth center.

COUNCILMEMBER KAWANO: Thank you, Floyd. Thank you, Chairman.

CHAIR JOHNSON: Yes. Uh. . .Michael?

COUNCILMEMBER MOLINA: Yeah. Thank you, Madam Chair. Floyd, the. . .you folks are still in the process of determining . . .*(inaudible)*. . . cost for the lights for like the Lahaina Civic Center area. And how much lights are you gonna need, I mean at, at this point, and what--

MR. MIYAZONO: See, right--

COUNCILMEMBER MOLINA: --what type besides security?

MR. MIYAZONO: As, as we look at the economic feasibility of this. . .this project, of course we'll probably need to. . .get a engineer on board. You know, that would

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be some cost. I know that we are also looking at a possible feasibility of installing a, air conditioning unit there. So it all goes hand-in-hand with the air conditioning unit. . .whether we gonna go ahead with that, whether we gonna go ahead with installation of the lights and the improvements of the parking lot. There definitely is large area up there. From my understanding, we can park as, approximately maybe 600, 650 vehicles. It is very large. But also it's very important that we install lights to make it very safe from the standpoint of safety and liability. We need to make certain that we have total coverage. I know we've talked about just doing something temporarily. But. . .again when we do something temporarily, the liability still falls within the County. So I would prefer if we will or we are. . .deciding whether we are gonna do it or not, it has to be done in the proper manner. And in order to do that, I would feel most comfortable if we had a engineer on board to make certain that, you know, it's gonna be safe for the general public.

COUNCILMEMBER MOLINA: Uh-huh. And will you consider shielded lighting? I know this is, there's. . .this concern about light pollution, so to speak, and maybe you might consider, what, low-pressure sodium lights to go?

MR. MIYAZONO: Yes. You know, that would be a possibility--you know, low-pressure sodium lights and shield would, would definitely be a possibility there because it's, it's not really a *playing* field. It's more of a parking facility. So definitely whenever we go into design of this nature. . .light pollution would definitely be a concern.

COUNCILMEMBER MOLINA: Okay. Thank you.

CHAIR JOHNSON: Councilmember Carroll, did you have any questions at this time?

. . . The, the only thing that I really had, Floyd, was that I know that the original request came--oh, in fact, Ezekiel is here. Since we're. . .in the discussion phase . . .(laughter). . . I'll let him testify, probably, after the fact. . .in our next item. But unless the Members. . .have anything further, we can take several actions on this item. We can just defer the item, keep it in Committee. . .and we'll keep getting updates. We can file the item, and Ezekiel Kalua with West Maui Taxpayers--who's been working with Floyd--will continue to work on it. And I will continue to work with Mr. Miyazono as the Parks and Rec. Chair. . .just to make sure that the proper lighting is in the proper area, that it takes care of the needs. I think that my own inclination would be to file the item. . .only because of the fact that I really believe Ezekiel and the West Maui Taxpayers Association, as well as myself *and* the citizens in the community are doing a pretty good job of following up on it. So I would, at this point. . .uh, Mr. Carroll?

VICE-CHAIR CARROLL: I was going to make a motion to file.

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COUNCILMEMBER KAWANO: Second.

CHAIR JOHNSON: All right. It's been moved and seconded to file this particular item. Is there any further discussion on the item?

. . . Seeing--

VICE-CHAIR CARROLL: No discussion.

CHAIR JOHNSON: --none, all those in favor please say "aye".

COUNCIL MEMBERS: Aye.

CHAIR JOHNSON: No "nays"?

. . . Seeing no "nays", the measure passes. It will be filed.

VOTE: AYES: Councilmembers Kawano, Molina, Vice-Chair Carroll, and Chair Johnson.

NOES: None.

ABSTAIN: None.

EXC.: Councilmember Tavares.

MOTION CARRIED.

ACTION: Recommending FILING of communication.

CHAIR JOHNSON: And I know that we'll work very closely with Mr. Miyazono. We'll do a transmittal of a letter just acknowledging what we've done and the reasons why we've done that. So thank you very much, Members. I really appreciate your cooperation. And thank you, Jeff, too, for coming. I hope I didn't make you come all the way . . . *(laughter)*. . . over here for this. But, you know, I really, I, I have to say our West Maui Parks people are outstanding, and they're doing a really good in working with. . .the citizens of West Maui, and also West Maui Taxpayers to really keep our parks and our facilities in good shape. So thank you, Jeff. Okay, then, the next item. . .that is going to be on our agenda is. . .PR-17.

**ITEM NO. 17: BEACH ACCESS MAINTENANCE, CLOSURES, SIGNAGE AT
 AE PLACE, PAIA (C.C. No. 01-209)**

CHAIR JOHNSON: And this item refers to County Communication Number 01-209 from Councilmember Alan Arakawa, transmitting a letter from Mark Bliss, relating

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to the removal of a shoreline access sign and the placing of a fence at Ae Place, Paia. This matter has resurfaced as a result of a request from Mr. Bliss, who previously used this location along Ae Place as a shoreline access. Based on information submitted by the residents, it appears ownership remains in question. Today, the focus of the Committee is to attempt to resolve the status of the access once and for all, so as to come to a conclusion on this matter. And with that being said, I will accept any public testimony on this item.

NOTE: *Silence.*

CHAIR JOHNSON: . . . The first testifier will be Ezekiel Kalua, and although he's going to be testifying, it will not, to my understanding, be on this particular item. It will be on the last item that we just filed. But if there are no objections. . .to him making that testimony at this time, just for the record, I would appreciate--

COUNCILMEMBER MOLINA: No objections.

VICE-CHAIR CARROLL: No objection.

CHAIR JOHNSON: Thank you.

. . .BEGIN PUBLIC TESTIMONY. . .

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MR. KALUA: Aloha. . .Council . . .*(laughter)*. . .

CHAIR JOHNSON: Zeke--

MR. KALUA: Aloha, Parks Chair Johnson. Um. . .I'd really like to apologize for my tardiness. There were some handouts that were supposed to already go out to you folks in regards to some of the income generated by the Lahaina Civic Center for the years '96, '97, and '98--which I think would be detrimental to my testimony right about this point. Um. . .I heard from Kathy Kaohu that she's making the copies right now. And I apologize, but if I could ask for about three minutes. . .just while she could have the copies, I could present them to the--

CHAIR JOHNSON: Uh--

MR. KALUA: --Council.

CHAIR JOHNSON: --because we already took action on the item, Ezekiel, I think what we're going to do is we can make it a part of the record. And that way even though it's re, received subsequent to that, it will be between the time that, you know, this meeting's taking place and then the Council meeting takes place.

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MR. KALUA: Oh, okay.

CHAIR JOHNSON: But basically. . .since you were out of the room . . .*(laughter)*. . . at the time when we were kind of having the discussion on this particular item, what we're going to do is we are going, we filed the item. And then we are going to. . .look to you and Mr. Miyazono and myself. . .along with Jeff Anderson from the West Maui Parks Department and any other personnel to address the lighting issues. And particularly before this next budget. So that's the thrust of it. So while it may--

MR. KALUA: Oh, okay.

CHAIR JOHNSON: --not make a difference right now in this particular item because we've already concluded it, I think that your continuing cooperation will be appreciated.

MR. KALUA: Definitely. Okay. Uh. . .well, allow me to introduce myself again. My name is Ezekiel Kalua, the Executive Director of the West Maui's Taxpayers Association. And. . .what we've come today to talk about is some park lighting. Pretty much the basis of the argument is the efficiency of our parks. Right about now we have signs instituting that parks are open 'till 8 p.m. and 10 p.m. at night. But without really good lighting or efficiency at these parks, it's impossible to have the use. You know, there's many instances where there's only one lighted basketball court in Lahaina, which at Malu Ulu Olele. And there's actually three basketball courts in Lahaina. This constitutes that 20 to 30 cars every given night, along with 50 to 60 people incorporate this basketball court for use. And whereas this is really nice and it attracts a big crowd, it's really hard to have everybody there to get in their play time and their practices and what not. And this really goes towards the effort of the efficiency of our parks. You know, there's a really beautiful park at Wahikuli Terrace Park. The parking is a really bad situation. We just recently got signs and bathrooms--which we wanna thank the Parks Department for. But as far as the efficiency of the park, there needs to be some kind of action taken to address this. As many of you may know, Mokuula. . .I guess, has entered into the lease negotiations with the County, which will take away the basketball court at Malu Ulu Olele Park once construction begins. This will definitely outplace 150 athletic people on that side of the island, which is why we need to look towards the possibility of lighting that park as well as other parks on top of the island. Napili Park just went in awhile ago. And it's a beautiful park. And from what I've been told, there's been an agreement with the community surrounding it that there be no lights put up at that park, and that it would be maintained as a day-use park only. Well, I guess the argument from West Maui Taxpayers is, well, what about the 150-some-odd kids that are riding skateboards and their bikes at 6 p.m. at night with nightlights in the middle of the road? So as. . .as I guess we've somewhat tried to point out, this is

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definitely something that needs to be addressed. I have spoken with a man by the name of Steve Petro from the Kula Community Association who has assured me that with the new lighting standards and new type of technology with lights, it is possible to light certain areas of the park that could be used without interfering with regular life of the residents surrounding them. So. . .I urge you and thank everyone for your support in order to put some lights in our parks on West Maui. Any questions?

CHAIR JOHNSON: Thank you. Yes, are there any questions for Ezekiel?

. . . I really appreciate you coming, Ezekiel. And I know that some of the concerns that you've brought up may not coincide exactly with where we're headed, but I think that by working together with West Maui Taxpayers, we'll move forward and try to get the community's support for the things that they want also. But thank you very much for your very hard work on this. I do appreciate it. Thank you. The next testifier. . .will be Kealii Reichel. And he'll be testifying on PR-17. He will be followed by. . .Chester Kakiuchi.

NOTE: *Pause while Mr. Reichel approached the podium.*

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AE PLACE, PAIA** (C.C. No. 01-209)

MR. REICHEL: . . . Aloha.

COUNCIL MEMBERS: Aloha.

MR. REICHEL: Mahalo, Council Members. My name is Kealii Reichel, and I'm here on behalf of not only myself, but also my family who's here also. Um . . .

. . . that, this was kind of a, a really last-minute kind of thing. I. . .I found out about an hour ago . . .(laughter). . .that this was happening. And this is an issue that has been somewhat unresolved for the, for about three years now. And my. . .one of the reasons why I'm getting involved is because. . .there's already been three Council meetings, I think, two or three prior to this one, but regarding the same issue. And. . .my grandmother. . .who resided on that property. . .let's see, she was 83 years old when she. . .83 years old when she passed. She was, she was there at least 60 years. . .living on or really adjacent to that property. . .most of her life. And so, because of that we were there also. Growing up we, we, we've come to know the place very well. Um. . .the fact that she's gone is the reason that I'm here. Yeah, because she did come to testify at the first one that they had about three years ago. And subsequently, other members of our family have come over the years to testify against the reopening of this particular beach access, so to speak. What I can tell you is that one of the reasons why we felt that. . .we needed to, to close that particular access is

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because even though for many years that particular parcel was used by our neighbors and by those in the community who we knew--you know, in those days the, the community was very close-knit. You knew your neighbors. Yeah, there was no mistrust between the neighbors. Um. . .times are a changing. And the community is different. It's not the same any more. We don't know our, who our neighbors are. You know, we walk out into town and I don't know anybody like I used to. And so what's been happening is when, when that place was open over the past several years when I was living there with my grandmother. . .there was a lot of stuff going on through that, that, that public access. I have seen drug deals going on. There's been disrespect for property lines. People come through and they figure that, you know, oh, they see a water hose in our yard, or they see flowers, or they see a table, or they see someplace that they can just go ahead and use it. And the easiest way to access our property was through that public beach access. And we tried being nice. . .for. . .for many years. And it just got worse and worse and worse. And so. . .one of things that came up about three years ago--from what I understand, and I wasn't here at the beginning--was that there was a question of ownership of that particular parcel. And so I think that's how it all got started for us. For us, as Hawaiians, we take our oral history very seriously. And so when our kupuna say that we own that property originally or whatever the case might be, we believe them. Yeah? And. . .and when we have to eventually go to court and do title research, then so be it. But that hasn't come up as far as we're concerned yet, because with the, all the preliminary research that we've seen and read. . .everything's still very cloudy. Yeah?

. . . The other reason why we decided to close off that, that beach access--if not temporarily until everything gets, gets settled--is because we're protecting our butts. Because everything is so cloudy right now, if somebody got hurt along that access, yeah, being how some people are today, they're gonna wanna sue. Yeah? And. . .my thing is to be, better to be safe than sorry. 'Cause then if somebody get hurt, they gonna wanna sue the owners of the property. . .and then what's gonna happen is, you know, all this stuff is gonna come out and then *if* just so happen we find out because of that lawsuit--and I'm just speaking hypothetically here. If we find out that we indeed do own that property, then our butts are in hot water. And so at this particular moment in time, our family had decided to close it off to protect ourselves--until the County or whoever else wants to open it up, or condemn it or whatever the case might be can be clear with the intentions. Um. . .but at this particular moment in time, that's, that's why we did that. And. . .that's all I have to say.

CHAIR JOHNSON: Thank you. Are there any questions for the testifier? Michael?

COUNCILMEMBER MOLINA: Yeah. Thank you, Madam Chair. Howzit, Kealii?

MR. REICHEL: Hey.

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COUNCILMEMBER MOLINA: Thanks for coming down.

MR. REICHEL: Uh-huh.

COUNCILMEMBER MOLINA: Good to see you again. When you lived there, Kealii, I assume you folks reported some of the misconduct that was going on to the Police Department.

MR. REICHEL: Yes.

COUNCILMEMBER MOLINA: And what was the result?

MR. REICHEL: You know, by the time they came, they were gone. And so we, we could only, you know, the officer could only take our reports. You know, and aside from that, there have been, you know, we've . . . *(laughter)* . . . and I hate to say this, but you know we had to resort to some sometimes physical altercations to get them off our property. You know, the, the prevailing attitude was, you know, well, you guys should aloha for us. . . you know where's your aloha. And that's nothing worst than gets my hackles up when somebody presumes to know what aloha is. Um. . . for us, it's the fact that when we assert ourselves and when we defend ourselves and cover our butts, we're called un-aloha. And that really, really bothers me. And that's one of the reasons why I'm here today, too. Um. . . I'm trying to just defend our family as best as we can. Even though I'm not an owner of the property, I feel like I've been, I, I was raised there and I, I've seen the history of the place. Um. . . reading through this thing, this, this paper--which is pretty impressive, actually, these. . . these papers. . . one thing strikes me. . . is that this person who, who presented all of this and did the research. . . doesn't live **there** 24 hours a day. We did. And he didn't see what we saw. He didn't **get** the altercations that we got. And so that's the only thing--I have to refute some of the stuff that he has in this paper. But . . .

COUNCILMEMBER MOLINA: Thank you.

CHAIR JOHNSON: Any other questions? Councilmember Carroll?

VICE-CHAIR CARROLL: Yes. Thanks for coming down.

MR. REICHEL: Uh-huh.

VICE-CHAIR CARROLL: Are you still trying to. . . clear the title on your land?

MR. REICHEL: Um. . . we never thought that that would be necessary. And I think. . . for myself--I'm only giving you a history. I don't know the legalities of the situation. I don't know what's been done already within our family. I just came

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here to support. And I know that there's other family members that have that kind of information.

VICE-CHAIR CARROLL: I had somebody else come and see me awhile back about. . .down over there.

MR. REICHEL: Uh-huh.

VICE-CHAIR CARROLL: And they said they were glad that it was closed up because they were afraid somebody was gonna drown or get hurt over there because they thought it was kind of dangerous. How do you feel about that, having lived over there all these years?

MR. REICHEL: Um . . .

. . . I, I think that's true. Uh. . .I think that, that, that. . .if something should happen, that, that pathway and that road is much too, too . . .

. . . narrow for any emergency vehicle to get in. Uh. . .and so that's, that a possibility. But on a personal level and an emotional level, I'm glad it's closed.

VICE-CHAIR CARROLL: Thank you.

MR. REICHEL: Because it's easier for our family who's there now.

VICE-CHAIR CARROLL: Thank you.

CHAIR JOHNSON: Thank you, Kealii. Uh, our next testifier will be Chester Kakiuchi, followed by Jane Nobriga.

NOTE: *Pause while Mr. Kakiuchi approached the podium.*

CHAIR JOHNSON: . . . And excuse me if I mispronounced your name.

MR. KAKIUCHI, FROM THE AUDIENCE: You did not.

CHAIR JOHNSON: Oh, thank you.

MR. KAKIUCHI: You did not. Uh . . .

CHAIR JOHNSON: Just state your name for the record.

MR. KAKIUCHI: My name is Chester Kakiuchi, and I am a neighbor. But I'm also family with them. You know, Kamaile. . .Kamaile, who's really close to me, she took care of me. I'm 67. And she said this story to me. She said the Iwamotos

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who lived in that property rented from the Kekahunas. . .right on that edge. And even the Sylvas, who live, lives right on that edge. . .they own that property, too--which the access is running through. But my dad who died at 93 had the permission to go through their property. And this is the way he went. So Kamaile tells me that Mr. Iwamoto, the gentleman, the older gentleman used to leave these nets. To avoid the neighbors from stepping on his nets, the Kekahunas made the neighbors take that route to go to the beach. And in those days, it wasn't. . .write it down on paper that you can go, it was just a family thing. And. . .oh, Mrs. Kekahuna said we can go; and we run down to the beach. And I'm 67, and I go back when they bombed Pearl Harbor. . .and I used that property to go down to the beach. Just a few words. And I'm trying to tell you the truth in the most positive way I can. That land has been theirs from at least 100 years. By word of mouth, no legalities--that land, as I remember, has always been the Kekahunas. And Carlton was a young boy. Audrey was a little older than me. But we used to play there, and it was a. . .it was a happy environment. But **now** . . .

. . . we're picking up the. . .urination and the dog thing, you know. But it's not so much that. It's the. . .the. . .the truth of the matter, who owns it. And I know they do. Thank you.

CHAIR JOHNSON: Are there any questions for the testifier? Thank you very much.

MR. KAKIUCHI: Okay.

CHAIR JOHNSON: . . . Jane Nobriga will be next, followed by Mark Bliss.

NOTE: *Pause while Ms. Nobriga approached the podium.*

MS. NOBRIGA: . . . Aloha, Members of the Council. Thank you very much for hearing us. And thank you, Ms. Johnson, for your efforts in this. . .this thing that seems to resurrect itself every I don't know how long. I'm just getting--

CHAIR JOHNSON: Jane? Jane, just state your name just for the record--

MS. NOBRIGA: Oh, I'm sorry.

CHAIR JOHNSON: --so she can write it down. Thank you.

MS. NOBRIGA: First of all, my name is **lone** . . .

CHAIR JOHNSON: Oh . . .

MS. NOBRIGA: . . . Nobriga. Um. . .you know, I did. . .write down some notes. And I have to ask for you to please forgive me because I don't feel as well prepared as

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I normally would have. We got wind of this meeting just Monday, late Monday night. Tuesday, I found myself trying to scramble and get as much information as I could so that I could stand before you today and try and be somewhat intelligent with what I have to say. Again, my name is Lone Nobriga. And I am a Kekahuna. I am. . .I can't even count the number of generations of those of us who have been there. I am the daughter of David and Audrey Daniels. My mom, Audrey Daniels, is the only or rather the last blood survivor of the children of Edwin Lei Kekahuna and Lily Poliahu Kekahuna--who is mentioned in this by Mr. Bliss. So my tutu man and their memories and all that has gone since then is why I am here. I am here to defend the closure of that footpath. I refer to it as a footpath because for all of my 42 years and the time that I was raised also on that property in that house, in the waters off of what we fondly call "Tutu's Beach". . .for all these years it has been "the footpath". And as my cousin had mentioned earlier, the times were different back then. It was like a private, no need to. . .no need to put signs or anything. It was meant as a privilege for those in the subdivision, as well as for family. . .known friends to utilize to go down to the beach rather than going through the yard of the property. Over time, and one of the best things that my family had did was put up a fence with a gate. We never had a gate to enter the yard. The reason why that gate went up was because people decided that that access was indeed an access. And so therefore they were entitled to parking. . .and they were entitled to right-of-way, and they were entitled to use of facilities not theirs but on **our** private property. I say "our", not that I am an owner. . .for there, there are several now since. . .the estate has. . .evolved over the years. But what I am here is to say that I am a member of this family, and so because of that familiar right, I will use the terms "our", though I won't presume to speak for every single member of my family. In this. . .I came with the idea of trying to present to you a practical argument in response to this letter that was issued, that **dredged** this whole thing up again, dated June 25th of last year. But the more I read this, the more I found that I could not just become **practical** without being **emotional**. Because this person presumes to **know** who my family **is** and what we are about. I feel as though we are being told that we are acting illegally; that we have acted without aloha; that we have acted with **malice** to the general community. And I'm here to defy that statement. And I begin with a little bit of history. I know all of you have gotten a lot of this. I know. Yesterday, I came and I picked up over 100 pages worth of **stuff**. I'd like to remind everyone what this place used to be. This whole place behind Ae. . .what was then Ae **Lane**. . .which over the past I don't know when, somebody changed the sign outside and called it Ae **Place**. So whatever. It's Ae Lane, Ae Place. The bottom line is well, there's a large parcel in the back, right on the oceanfront that is entitled the Kekahuna Subdivision. That Subdivision, I can at least go back through oral history that my great, great-grandfather. . .had that parcel which included--perhaps, if you will, if you wanna look at those maps--where the Sylva's parcel is now. So this claim that we did own that entire parcel is indeed true. What happened was over time we only maintained or now own that one parcel which is adjacent to this footpath.

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And the Sylvas are on the other side of us. I'm not gonna even go into further, unless you have other questions that perhaps I can try to, to enlighten you on. And that whole area, therefore, was subject to trying to allow for people in that subdivision easier access to the front beach. Again, it was for. . .it was for the people we knew. People who. . .who lived there. People who had aloha for the place. We never denied that there was a footpath. Not a once. We knew that because over time we were told tutu man allowed the privilege for people to use this area. This area is 3 feet wide. Maybe 50 feet long. You cannot access this area outside of the mouth of Ae Lane. Once upon a time when I was small, there used to be another alleyway that used to come from, from our homes to where there's other homes behind the fence now. And it used to cut right into the center of Paia town--where the barber shop used to be, I remember a restaurant. It was just a few doors down from Bersimin's. That was an alleyway. But as it turned out, the owners at this particular time a few years ago realized--and so did the County--that that was not an actual easement. That it was their property. And because of unsavory individuals, they closed that gate. And they offered certain. . .extensions, privilege for those living in that area to use that gate if we still wanted to. But that gate is no more. Nobody goes in and out of that gate unless you have some kind of authority in order to use it. So now I ask myself what is the **need** for this 3-foot-piece of sand.

. . . Since the access has been closed--and I must, I have to say that the owners of the property were not aware of what was going on, but we stand by the decisions of our family that was living there because of all of the problems that they had, along with the other residents, in this day and age. When I got up this morning, it, we was in the 21st Century. And you know what, yeah, times are a changing. I did not live there. I've been raised there. . .all my life. And I yet have witnessed for myself the cigarette. . .the cigarette trash; the opala in the lane; the urination, I have smelled; the cans, the litter, the all of that. I have seen with my own eyes--people sitting, lounging in our yard under our coconut trees because they think it is a beach **park**. And it wouldn't be so **bad** if they would leave when you ask them to. But instead, you get a lot of lip that, well, we don't own the beach and all this kind of stuff. That's not the point. We are exercising our rights as private property owners. Now I ask you, the Lane--I've heard the word used in the past 24 hours--is substandard. It's very narrow. You cannot get in very many emergency vehicles, 911, et cetera, et cetera. If there was to be a title search or something to open up this path again, my question is why, why do we even need it when you've got Paia Park, you've got Baby Park right next door. The municipal parking lot that was put up just a few years ago was not there before. Parking used to only be in town. This strip of beach is accessed by at least two other places. And Paia Bay is accessed further down from our house. I don't understand what the need now, **today**. . .is to keep it open. If there is a title search that is recommended to be done, I recommend that in that time, the access remain closed. I say this because what about us? What about the residents who have to put up with all of this? What about their

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rights? What about our rights to peaceful living? If there's gonna be any kind of stuff done, I would suggest that that access remain closed. Why is it closed? Kealii mentioned some of the reasons of why it was closed. **But** according to this letter, we're still made to look like the bad guy, that we've done an illegal act. You know what, that whole area was Kekahuna Subdivision. On the map today, it still says Kekahuna Subdivision. Still. Why would we **not** claim the right to take action when the County has themselves also said that they cannot claim any ownership to that strip? So what are we to do? Abide by all the things that are going on? I don't think so. I don't think that's fair. We don't live in a time where the respectful issue and everybody knew. . .knew each other's family, and the worst thing that could happen is not a call to 911 but a call to your mother and father.

. . . You know, we don't live in that time any more. Mr. Bliss seems to feel that this was an **actual** beach access. . .ordained, if you will, by the State, County, whatever. I hear, I'm here to tell you that about 18 years ago I saw those signs finally pop up. And I ask myself--if we know now. . .the County does not own that. . .that strip, why then were the signs even allowed to come up? Why was it allowed? What caused the powers that be at that time to grasp that Lane and decide that it was going to be a public domain beach access for everyone? Because once those signs came up, you had the tourist. . .coming from Hana; you had all kinds of other people trying to get in. So why, why did this happen? And I tried to follow up on that, by the way, about 18 years ago when those signs started coming up. So who decided to covet that area all of a sudden and, and call it a beach access to begin with when it was--

MR. SALDANA: Ten minutes.

MS. NOBRIGA: --a footpath? So--

CHAIR JOHNSON: Excuse me, lone, I--

MS. NOBRIGA: I've run out of time. I know.

CHAIR JOHNSON: No, it's okay. Are there any questions for lone?

COUNCILMEMBER MOLINA: Yeah.

CHAIR JOHNSON: Uh, Michael?

COUNCILMEMBER MOLINA: Yeah, one question, Madam Chair. Hi, lone.

MS. NOBRIGA: Hi.

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COUNCILMEMBER MOLINA: Have you . . . documented any . . . disturbances at night? And what, can you give us examples of anything that occurred during the late-night hours. . . prior, when that access was open?

MS. NOBRIGA: My aunty and my cousins who were living there at the time. . . did. And they put it all in their letters to you. Letters dated back from 1999. You know, altercations, people coming in all hours of the night. . . drunkenness, drug use right there in front of the house, littering, noise--all during the night as well. See, the access never closes. . . if you wanna call it an access. So therefore, theoretically anybody could come in at 3 a.m. and do whatever they wanted to without consideration to those living around the area.

COUNCILMEMBER MOLINA: Okay. Thank you.

MS. NOBRIGA: Thank you.

CHAIR JOHNSON: Thank you very much, lone. And I'm sorry for calling you Jane--

MS. NOBRIGA: No, it's okay.

CHAIR JOHNSON: --but, I, the way, the way it was written I, I couldn't make it out. But anyway--

MS. NOBRIGA: It's okay. Thank you.

CHAIR JOHNSON: --thank you so much, lone. And . . . the last testifier will be Mark Bliss. And if there's anyone else wishing to testify, if they would please step forward and sign up with the Secretary . . . *(end of tape, start 1B)* . . .

NOTE: *Very long pause while Mr. Bliss approached the podium.*

MR. BLISS: . . . For the record, my name is Mark Bliss. . . and thank you. . . Members of the Council for. . . taking this issue into consideration. And I have to. . . say at the very beginning that I, I do, I do feel remarkably uncomfortable . . .

. . . having to defend the position that I have against such a compelling. . . position that your family has. And, and I. . . I feel very, very strongly for you. And I can understand the problems that, that. . . you say that you've been having. And. . . but, but I think there's a, a more overriding responsibility that I feel at this point. . . compelled to. . . enter into. And that is that . . .

. . . that the access to the beach at Ae Lane. . . has been used--apparently according to old-timers who aren't in the Kekahuna family or descendants of the Kekahunas has been used for at least seven decades. . . and that the people. . . of the town of Paia. . . have been going to the beach the shortest route through

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town. Used to be down Nalu Lane and across, past, as they said, the barbers and then down the beach alleyway, but now. . . along Hana Highway and right on Ae Lane to Paia Bay. So this has been a long-standing, shortest access route. . . to the surf break. . . to the fishing, to the net throwing. . . on Tutu's Beach side of Paia Bay.

. . . Ione Nobriga mentioned that there is another beach access to Paia Bay. And there is. It's. . . about 700 feet further down past Ae Lane. And. . . like other beach accesses around the island--whether it be in Makena or whether it be in Wailea or Kihei or Kaanapali. . . or Mahinahina or Kapalua. . . just because there's another beach access 500 feet down the way doesn't mean to say that private property, private property owners have the right to close off. . . another beach access that happens to impinge in some way. . . upon their private property. And I can see that the 3-foot-wide beach alleyway. . . does impinge upon the property owners of Ae Place. . . and those who reside on either side of the 3-foot beach alleyway. On the other side of the beach alleyway opposite the Kekahuna's property is Rene Desilva [*sic*]. And Rene Sylva. . . told me categorically. . . that this beach alleyway had been and has been an accessway for the **people** of Paia. **All** the people of Paia, not just the people who happens to live in what has become known as the Kekahuna Subdivision. And Mr. Sylva has been on that property for, I think, all of his life. And so it's fairly clear that regardless of the property ownership status of Ae Lane. . . and the beach alleyway, there is a prescriptive right of use of access to Paia beach. And it concerns me that towns people, particularly mothers with children, have to walk along Hana Highway in order to get to the beach--when previously from the various living areas of Paia, they were able to get there through walking along a sidewalk, down a small country lane, and then quietly along the beach alleyway to an area where lots of mothers and kids used to play in the protection of the large tree which is on the far right-hand side of Paia Bay. Now they have to walk along Hana Highway. . . where there is no sidewalk. And they have to move around cars on a busy highway with kids, sometimes pushing. . . their children in strollers, sometimes walking hand-in-hand. That's not safe. It's another 6, 7 hundred feet there. It's another 6 or 7 hundred feet back. And you do that twice, and it's over half-a-mile. So there is an issue of, of convenience--which I think is important for everybody. . . in Paia, as well as those who wish to use a beach alleyway over which, I believe, they have a right to passage.

. . . Um, in 1986, Mayor Hannibal Tavares' administration produced a document outlining a shoreline access management plan. And I believe this. . . you all have a copy of this. And it indicated Ae Place then as an official beach access recognized by the County of Maui. In 1994, under I believe, Mayor Linda Lingle, the County produced another document--Maui County Shoreline Access Guide. Again, including Ae Place. . . as a recognized, established route for accessing the beach. . . and pedestrian access.

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. . . Something happened in between. And I tried my hardest when the beach was closed. . .by the residents on one side of the beach accessway. I tried my hardest to find out who owned the property. I flew to Honolulu. I did my research. And I discovered what I hope you've read in the documents so far--that in 1929, a Mr. Antone Garcia. . .sold a piece of land to. . .the Kekahunas who lived to the right-hand side. And that piece of land did not include the beach alleyway--which in the original, well, I **believe** is the original subdivision documents. . .indicate very clearly. . .was not part of either of the properties. . .on either side of the beach alleyway. So in 1929. . .**1929** the beach alleyway was recognized as a separate route to the beach. And it doesn't say for the use of residents only. For all I know, it could have been a deal. . .with whatever was the administration at the time to allow the subdivision to occur to allow the people of Paia an access which perhaps they had long before that. I don't know. I haven't been able to find that out. But it was with good faith that I went to Honolulu to find out this information. And I brought this to the attention to Council. . .Councilman Molina, and Jo Anne Johnson, and Alan Arakawa, and Wayne Nishiki. And. . .and I explained that, you know, if the owners on either side of beach alley. . .have a problem with, with these actions of certain people, there's two things that need to be borne in mind. One. . .is that the rights of the peaceful law-abiding many. . .should not be abridged or truncated because of the actions or alleged actions--however despicable--of the few. There are mechanisms in place in our civilized society which allow for these property owners to take actions to prevent that kind of behavior. And I don't know how many times the police were called, but I know that . . .*(inaudible)*. . . I was on the Paia Main Street Association, nobody ever came and brought that issue to me. And as someone who has lived in Paia--admittedly not very long, I've only lived there for 15, 16 years--I've been using that route to go surfing. . .pretty much everyday that I've lived here. In the winter. Not in the summer 'cause there's not much surf there. And sometimes I'm the last person out on the water. I'm there until darkness. And when I carry my board off the beach or used to carry it off the beach and down beach alleyway, I'm usually the last person on the beach. It's quite. It's peaceful. I've **never** seen drug dealing. Yes, I've seen people having a cup of coffee. Yes, I've seen people having a beer at the beach. Those are things that **happen** on the beach. And I'm not saying these things didn't happen. And I'm, I'm not alleging that they're lying. I'm sure if they say that they did, that it did. But it wasn't so prevalent . . .

. . . that it caused the kind, or that it should cause the kind of action to close off the beach accessway for the majority of the residents of Paia.

. . . Um. . .about the issue of danger . . .

. . . this is a small pedestrian walkway. And, and I think what the Council should recommend to the Administration is that they use the powers of eminent domain to take over Ae Place, to take over the beach alleyway, to. . .make it a, a. . .an

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entranceway that is not accessible to vehicles other than those who live on the street, but to allow pedestrian access to the beach along that route. And if we need to put a fence up, then we should put a fence up. If we need to put a sign up that says please don't disturb private property owners, then that's what we should do. If we should alert the local police force. . .that drunks or drug dealing or that public displays of. . .I don't know, urination or whatever or, or trashing of the, of, of the beach alleyway is occurring, then the police need to be notified and they need to include that as part of their daily route to walk around Paia. We have somebody who walks around Paia pretty much all day. . .every day. So I think there is a mechanism in place that could help prevent any abuse of that accessway. But when you live on a beach, there are problems that you have to deal with along with, with being so close to the beach, problems you have to deal with with people using the beach for the kinds of things that people use beaches for. It's just inherent in living on the beach. Lucky you are to have such a wonderful place to live.

. . . I. . .unfortunately was away on business for a few months prior to this meeting, and I only got back a few days ago. And prior to leaving, I. . .I put together a, a petition. . .for the towns people to. . .to emphasize how they wanted, how much they wanted the beach alleyway to be opened up.

MR. SALDANA: Ten minutes.

MR. BLISS: And. . .thank you. And I submit these petitions to the Committee for your review, but notice it includes a long list of people who've lived in Paia for many years and who feel resentful about this being closed--

CHAIR JOHNSON: Thank you. Thank you, Mr. Bliss. Are there any questions for Mark? Uh. . .Michael?

COUNCILMEMBER MOLINA: Yeah. Thank you, Madam Chair. Aloha, Mark, thank you for being here. Um. . .if you were in the position of the citizens who have to deal with all the. . .problems that are associated with this pathway. . .what would you do, I mean if, if you were a resident there?

MR. BLISS: Well, I certainly wouldn't put a gate across. . .the alleyway and stop people from using it. I think what I would do is use every means available to me legally. . .to. . .to deal with people who are either breaking the law or who are being antisocial. And those means would include contacting the Paia Main Street Association, asking if we can get a volunteer crew to come around and pick up trash if trash is being left. Um. . .that includes contacting the police and saying, you know what. . .you know, out, right out in front of our property right now. . .without confronting these people, **right now** there's a drug deal going on or people are having a wild party and a bonfire, whatever they're doing that happens to not be appropriate, right now they're trespassing on my property.

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Call the police up and have the police take care of it. It doesn't take long for the actions of the police to be spread around by word among the people. And for the people to know, oh, you can't be there, you can't do that because they're gonna call the police, and the police is gonna do what's right. And they'll move off to somewhere else. So as a citizen, my reaction would be, you know what, if people are coming onto my property, put a fence up. You don't wanna have to do it. Unfortunately, that's part of life. If you have private property, it's your job to secure it. And if you **fail** to secure it, you **suffer** the consequences.

COUNCILMEMBER MOLINA: Okay. One more question, Madam Chair?

CHAIR JOHNSON: Yes.

COUNCILMEMBER MOLINA: It was mentioned earlier...the nearest access is approximately, roughly 700 feet away. Um...why, why is that, I guess, so much of a problem for you to use this other access that's farther away--aside from the inconvenience?

MR. BLISS: Well, you know, for me...a healthy, fit person...walking with my longboard, although it's a, it's a pretty heavy board...*(laughter)*... that extra 700 feet across the beach park and then back again, I have to be honest, it's an inconvenience. But it, it's not gonna stop me from going to the beach. And it hasn't done. I'll be honest with you. What bothers me are the people who either aren't as capable as I am...or who have young children among others, or elderly people who used to use that beach, that accessway to the beach...to get...there easily and safely. But **further**...the convenience issue has something to do with the people who live and work in Paia. I used to go grab a cup of coffee, walk to the beach, check the surf out, walk back again. Now--and that's a, was a five-minute deal for me. Now, that's a half-an-hour...issue. I mean, that's something I, I, I have to take a huge amount of my time out of the day to do. People can't do it. People used to take a lunch break, who work in town. People who've signed this petition...who used to take a lunch break, walk to the beach, sit out by the beach, enjoy what the beach has to offer. Law abiding citizens who didn't do anything to compromise the privacy that the owners deserve, and that I would wish to defend as well.

COUNCILMEMBER MOLINA: Okay. Thank you.

CHAIR JOHNSON: Thank you. Are there any other questions?

... I have a question for you, Mark. Are you familiar with where the...the little electrical substation is?

MR. BLISS: I am. And I think that will be the perfect location to make a deal with Maui Electric and, and...every, it will be a win-win situation...both to the people who

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own, who live on Ae Place; the people who. . .who own properties on either side of the beach alley, alleyway; and the people of Paia would find that, I think, a very acceptable solution. If the County of Maui could make a deal with Maui Electric to gain a clear, wide. . .safety, safe. . .access to the beach, that would be a, an. . .an even better alternative. But until then, Ae Place should be opened up and the people should have access which they've had for 70 years or more.

CHAIR JOHNSON: What. . .we, we are looking at that. And we have been working with MECO. So I just wanted to let you know that that is going to be. . .the alternative, you know, that. . .that we will work on to try to also get some area to park--

MR. BLISS: I . . .

CHAIR JOHNSON: --as well.

MR. BLISS: I commend you for that. I think that's a very good idea. I actually brought the idea up to Mr. Molina some time ago, and to Mr. Arakawa. But I would like to say that the opening up of Ae Lane. . .and the beach access should be done now. And it shouldn't be, we should wait until we find out what the cloud of title is over the dedication of the roadway or the beach alleyway. It should be opened up now. And *if* somebody has a private property right to close that off, then when they can *prove* that they have that private property right, they should be allowed to defend it and close it off. That would be fair. But when there is a quote, unquote, cloud--I don't believe there is--when there is a cloud, that route should be opened and the **County** should defend it openly, and they should defend it *vigorously* because it is a right of the people which has been taken away. Recognized twice by this County.

CHAIR JOHNSON: Okay, we'll, we're going to be looking into the legalities of that issue. Thank you very much for coming--

MR. BLISS: Okay.

CHAIR JOHNSON: --to testify.

MR. BLISS: No, I thank you.

CHAIR JOHNSON: Appreciate it.

NOTE: Silence.

CHAIR JOHNSON: . . . Since there are no further testifiers, I will close off testimony.

. . .END OF PUBLIC TESTIMONY. . .

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CHAIR JOHNSON: I know two gentlemen . . .*(laughter)*. . . from the Planning Department have to go, they have a meeting. So thank you very much for coming. At this point. . .do you have any, Mister. . .comments, Mr. Miyazono, on the issue. . .specifically? Or would you prefer that Mr. Kushi just give his commentary?

MR. MIYAZONO: Yes, I would prefer--from the standpoint of the legal. . .aspect of it and the ownership--that it be referred to Mr. Ed Kushi, Corporation Counsel.

CHAIR JOHNSON: Okay. If, if you would, then. . .just summarize, Mr. Kushi, the contents of your letter. . .perhaps addressing and reflecting on some of the issues that have also been brought up by the testifiers, if you will.

MR. KUSHI: Yes, Madam Chair. I'm referring to my memo to you, dated January 24th. . .2002. I, I'm hoping all the other Members had a chance to look at it. I notice it's not in the binder.

COUNCILMEMBER TAVARES: It's not in the binder.

CHAIR JOHNSON: Uh. . .excuse me. . .short recess . . .*(gavel)*. . .

RECESS: 2:38 p.m.

RECONVENE: 2:44 p.m.

CHAIR JOHNSON: . . .*(gavel)*. . . Meeting reconvene. Sorry for the inconvenience. The copies had been distributed, but not put in the binders. So the Chair apologizes for that oversight. Mr. Kushi, if you could proceed?

MR. KUSHI: Yes. Again, sorry for. . .to having, having you call a recess. Referencing my memo to you dated January 24th, 2002, it responds to your questions as submitted in your August 20th, '01 memo, as well as. . .your November '01 supplement. Anyway, it, it's like a. . .and we apologize for it being so long, but kind of reviewing the law of easements and the beach accesses in general. . .we, first we start off with, you know. . .the ways to get. . .access. . .either through dedication, in fee, or through easements, or by law. Uh. . .and by law there's, there's, there's two ways. One is through statutory dedication and acceptance. We sight various. . .Hawaii Revised Statutes sections about. . .private roadways and ease. . .ways. . .private property becoming public. And there's several requirements concerned about that--which generally is dedication. And, and generally also in, in the cases of a county, the specific acceptance by this body. Uh. . .go on to describe easements by implication . . .

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. . . which are generally in the context of subdivisions where if there isn't an easement or right-of-way to the nearest highway. . . public highway, the lots become. . . landlocked. So therefore the. . . the lot owners by, by, by law--if it hasn't been done through the subdivision process--have an implied easement to get to the public highway. Then we go into discuss easements by prescription. Generally, the. . . by prescription is defined as. . . similar to the situation of adverse possession. In fact, our courts have had, specifically stated that if one is to try to get an easement by prescription, it's like filing an. . . a adverse possession lawsuit against the rightful owner. And in that situation, the. . . the claimant has to prove various. . . factors and elements regarding adverse possession. In essence, you, you're taking away legal property rights by. . . squatting, if I may say. And these, these factors shall be, you know, it's gotta be adverse, gotta be continuous, uninterrupted, open, notorious, with knowledge and acquiescence of the owner, and it has to be hostile in the fact that it cannot be permissive. And all of these things are usually. . . determined and proven. . . via the court system. And. . . I, I must comment, as far as Mr. Bliss' comment, comment on his comment that I don't think it's clear at this point that anybody has a. . . a prescriptive right.

. . . And because it's so, it involves the law of adverse possession. And I, and I wouldn't just say it off the cuff as, as he did. However, that's not to, to say that it might occur.

. . . So that, we, we tried to summarize. And based on the facts as we know it. . . we first say that there's no record of the County, as we know of, that this Council has accepted title to Ae Place or Ae Lane, as well as that 3-foot alleyway. Based on that, the statutory dedication and acceptance doesn't apply.

. . . And even if the County did try or attempt to try to accept this as a. . . public highway or, or going to the. . . go into a situation of eminent domain or condemnation, we, we feel that there may be a problem in the subdivision. . . Maui County Code Subdivision Ordinance. . . which in essence recite as. . . Section 18.40.040 which basically says that you know we, the County shall not. . . accept any private property or streets or alleyways. . . except in, on full compliance with this, this. . . with this title. And it's the Subdivision title. And in that title, there's certain requirements for roadways, for alleyways. And we, our understanding is this Ae Lane is substandard. So, again, that's another hurdle. And. . . secondly, once this body starts accepting or condemning substandard roadways, private roadways, we then open up ourselves to. . . maybe future liability or consistency. That's one concern we brought up.

. . . As to. . . the Chair requested, you know, what should we do at this point. And responding to her questions, well. . . to this date, you know, we haven't seen a title search formally done by a title search company. I know Mr. Bliss produced some documents which are copies of documents found at the Bureau of

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Conveyances. However, we would advise. . . pending, pending funding, of course, that. . . that if, if you wanted to pursue this. . . or if somebody wants to pursue this--whether it be the County, private citizens, or the landowners--that a title search be done on the. . . affected properties, the affected lots, the roadway if it is indeed a separate lot. . . then to us. . . to, then to find out, you know, formal ownership. Now assuming that. . . a title search is done and ownership to the Ae Place or Lane, as well as the 3-foot alley cannot be determined. . . at that point. . . the question becomes, you know, what. . . who should take an action, what rights do. . . the adjoining property owners have. From our point of view, you know, from our office, we, we cannot advise private, you know, private property owners what to do. However, we, we are advising the **County** if it's not theirs, if it's not private and, and we haven't accepted, you have no jurisdiction over it.

?: Uh-huh.

MR. KUSHI: . . . Unless you start condemnation process. . . proceedings.

. . . This is not to say that. . . you would not in. . . the County would not intervene in any private fight. Because as I know it, as I understand it, this is. . . this property fronts the shoreline and there was a question about shoreline access. . . closure of shoreline accesses. And we were. . . we did look at an Attorney General's opinion done back in the late '80s, I believe. We agree with that opinion which base, basically said if you're closing a public beach access, it is a development from the SMA. . . proceeding standpoint. We fully agree with that. But again it assumes that it is a beach access. It assumes that. . . in that case, that Molokai strip of. . . of land to the ocean was the only access from the public highway to the shore. In this case, we're not too sure.

. . . So in our, our opinion, we, we say that, you know, if . . .

. . . if the Planning Department who would make that call, feels that it is a. . . SMA violation, notices should be issued to the adjoining landowner. Again. . . because the ownership of that alley, as well as the Lane is in dispute, the question is who do you issue the notice to.

. . . I know I'm rattling, rambling on, but. . . you know, I didn't intend to make it more. . . cloudy, but. . . I respond to your questions at this point.

CHAIR JOHNSON: Uh. . . it, before we take questions of Mr. Kushi, Clayton. . . do you have anything to add to what Mr. Kushi said at this point in time? And also I see Mr. Goode is here. Thank you for coming. David, do you have any comments either?

NOTE: *Mr. Goode nodded "no" from the audience.*

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CHAIR JOHNSON: All right, David has no comments. But I, I would like you to just give a summary also, Clayton, from your perspective.

NOTE: *Long pause while Mr. Yoshida approached the floor.*

MR. YOSHIDA: . . . Thank you, Madam Chair, Members of the Committee. I guess we, the Department has responded to. . .several inquiries from the Council Members regarding this matter. And I guess in our letter. . .dated September 20, 2001 to Councilmember Michael Molina, the Department stated that. . .we are unable to locate any documents indicating that access at Ae Place was ever deeded to the County. Uh . . .

NOTE: *Long silence.*

CHAIR JOHNSON: . . . So, Clayton, you were, you were not able to find any, any record?

MR. YOSHIDA: We were unable to locate any documents indicating that. . .the access was ever deeded to the County. We had provided some information to Councilmember Molina regarded, regarding ownership status that was provided to us by the Department of Public Works, Engineering Division.

CHAIR JOHNSON: Okay. Now. . .Council Members. . .Councilmember Carroll, you had a question?

VICE-CHAIR CARROLL: Thank you, Chair. As Corporation Counsel has said, he didn't wish to make it more muddy, but he has. . .succeeded in making it more muddy. . .more muddy beyond his wildest dreams.

. . . Corporation Counsel. . .this property in question, all right, the County. . .what is our responsibility toward that piece of property. . .the one in discussion, the right-of-way? What is the County's responsibility as we sit here?

MR. KUSHI: . . . Not, not knowing the. . .status of title of the property--and when I, when you say "the property", I'm assuming you're talking about the roadway as well as the alleyway.

VICE-CHAIR CARROLL: I am.

MR. KUSHI: Not knowing the status, I really can't answer you. Assuming that it's not owned. . .by, by, by. . .by the private landowners. . .or assuming it is, they have an interest, undivided interest, in that case the County's responsibility is zip.

VICE-CHAIR CARROLL: . . . Chair?

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CHAIR JOHNSON: Yes?

VICE-CHAIR CARROLL: Considering the discussion and his answer right now, I would propose that we defer this item until we can find out the status on the property. Otherwise, we can take no action.

CHAIR JOHNSON: It's, it's the Chair's intent be--and this is something that I have spoken to the family about also--in order to prove one way or the other, to decide either on the part of the family, if they choose to take action; or if the County should take action--we need to determine title. Do you have any idea, Mr. Kushi, or either Clayton. . .of what the cost may be to do a title search on that particular property?

MR. KUSHI: Uh. . .Madam Chair, my understanding from talking to your staff is that a. . .very informal approximate quote would be around \$2,000--

CHAIR JOHNSON: Okay.

MR. KUSHI: --for all of the. . .the entire subdivision.

CHAIR JOHNSON: I, at this point in time, because this issue is very frustrating for the family involved. . .it really is frustrating, I'm sure, for Mr. Bliss and other community members because we're going on hearsay, supposition, whatever. . .I believe that the family has a right to protect their property. I also believe that we owe it to ourselves to put this issue to rest once and for all by doing a title search and then. . .either making a recommendation on the part of this Committee as to what we should do once that title search has been done, or having the family take some action to make certain that. . .their rights are protected. Is there any recommendation. . .other than what the Chair is recommending--that we. . .before we go further on this that we, we put forward a letter asking for monies to be set aside in the budget to do a title search?

. . . Councilmember Tavares?

COUNCILMEMBER TAVARES: I had some questions on. . .on beach accesses in general--either for Clayton or for Junior Kushi.

CHAIR JOHNSON: Please proceed.

COUNCILMEMBER TAVARES: Uh. . .do we have a law that states that there shall be beach accesses every so many feet of the shoreline? Is that. . .is that a law somewhere, State or County? I mean, Clayton, I don't know if you worked on the. . .the first beach access plan for the County of Maui. You have such great history with the Department, you, you might know that.

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MR. YOSHIDA: I was in the Department at that time, but I, I believe that Phil Ohta. . .when he was in the Department, he had worked with the consultants. I know for part of the Subdivision Ordinance, there's a requirement for beach access. . .every 1,500. . .feet.

COUNCILMEMBER TAVARES: . . . Yeah, that's the only one that I, I could recall. But I didn't know if that was. . .that's part of the Subdivision Ordinance? Is, is that right?

MR. YOSHIDA: Yes--

MR. KUSHI: Yes.

MR. YOSHIDA: --I believe so.

COUNCILMEMBER TAVARES: Okay. So let's say that this property. . .property was subdivided, and because there is a beach access area. . .like 700 feet away, would they be, would it under today's subdivision, would they have to provide a beach access?

MR. YOSHIDA: . . . Uh--

COUNCILMEMBER TAVARES: If there's, you know, there's one like, say, it's, it's 700 feet away. . .would they be--

MR. YOSHIDA: Yeah, I think--

COUNCILMEMBER TAVARES: --required--

MR. YOSHIDA: --that's a question that can be better addressed by the Public Works Director. . .but. . .since they administer the Subdivision--

COUNCILMEMBER TAVARES: Oh, I see.

CHAIR JOHNSON: Mr. Goode, if you wanna, you can come down, if you wanna sit near Camille.

COUNCILMEMBER TAVARES: . . .*(inaudible)*. . .

NOTE: Pause while Mr. Goode approached the floor.

CHAIR JOHNSON: . . . Thank you.

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MR. GOODE: Thank you, Madam Chair. Councilwoman Tavares, the . . .the Code. . .is a little unclear in this area. Uh, it's 1,500 feet, it's generally contemplating larger parcels. So whether or not a small parcel like this--I think it's 1,600 square feet, say it was cut in half. . .whether it would require one or not? It's hard to say. It is also more complicated in this matter because the recent change in SMA law. . .requires SMA assessment review for, you know, smaller projects, including building permits along the coast. And so depending on the nature. . .again of who owns this access, you know, what the answer is to that. . .it may require it. So . . .

. . . I guess I just succeeded in making it just as cloudy as Mr. Kushi . . .(laughter). . .

COUNCILMEMBER TAVARES: Yes, thank you.

MR. GOODE: It's not an easy issue. Sorry.

COUNCILMEMBER TAVARES: Right. Thank you very much, Mr. Goode. At least you know you didn't waste a trip coming up here.

CHAIR JOHNSON: . . .(laughter). . .

COUNCILMEMBER TAVARES: Thank you, Madam Chair. Uh. . .you know, I. . .in the time that it would take us to do or con. . .contract a title search and then do the subsequent actions based on whatever the results of the title search, search are or no action--depending on those results--wouldn't our time and resources be better spent in establishing an easement. . .agreement with Maui Electric on that parcel?

. . . I mean, I, I don't know how far along you are with your conversations with Maui Electric, but you know Maui Electric gets easements over County property. . .continuously. I mean, we see it when. . .in Mr. Molina's Committee. How far along are you in that discussion or . . .

CHAIR JOHNSON: Only because that's not a subject, you know, that we had on our agenda today, is to discuss the alternate routes. I, I. . .I know it is. . .I'll just share with you briefly that we are working on that. The one thing that I'm concerned about, though, and I've had discussions with Mr. Miyazono and. . .also with our Staff and just today with the family. . .I think. . .because this item is back again, I. . .would like to give some kind of closure or at least address that particular area, Ae Place, only because of the fact that even though it's resources, yes, that we're expending in that particular area. . .but it's also something that at any point in time if we're not providing something else could come back. . .to really haunt us. We can ask the family, if they choose to do that, and put the issue to rest. I have. . .no problem dealing with the easement to Maui Electric either. But my

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feeling was that to come to some kind of . . . resolution specifically in response to most. . . both Mr. Bliss' assertions, and then also give closure to the family to find out once and for all who really owns this. This is the third time that it's back. And it's back for the reasons because those issues and those answers have never been fundamentally supplied. I don't know if there's money in the budget. It could be possible that. . . and, and I'd be more concerned just about that small little area, you know, as opposed to the Lane. Perhaps if a title search could be done for less money, but. . . I, I would really, at this point, like to ask. . . either Planning or Public Works if we have any money or even perhaps our Parks. . . budget if there's anything available where we would not have to wait and go through budget and, and get a title search done on this particular item. That's my feeling anyway. I, I'd like to close one door.

COUNCILMEMBER TAVARES: Who, who maintains the road, the Place?

CHAIR JOHNSON: Uh. . . Mr. Goode, do you have any idea?

COUNCILMEMBER TAVARES: So it's maintained private, privately?

CHAIR JOHNSON: I believe it is maintained privately.

NOTE: *Silence.*

CHAIR JOHNSON: . . . Yes, the owners are, or the tenants are shaking their head it's maintained privately.

COUNCILMEMBER TAVARES: Okay.

. . . Yeah, I, you know, I've been around when it came up. . . before. I think the most recent time was when the. . . parking lot was being built and we all walked--those of us who were there--we all walked down the road and to the beach access and looked at the proximity between the parking lot and. . . Baby Beach and the, you know, and the. . . parking lot is. . . isn't that almost across the street from Maui Electric?

CHAIR JOHNSON: Uh-huh. It's exactly--

COUNCILMEMBER TAVARES: Isn't it?

CHAIR JOHNSON: --across the street.

COUNCILMEMBER TAVARES: Yeah. I mean, that almost seems like, you know, the perfect fit. But you know, yeah, I, I see where you're coming from about putting this to rest once and for all. Because if it's not. . . you know, an individual now who's raising the question, it could be an individual down the road a few months

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or a year that would bring it back up again. And I, I tend to agree with you that we should put this to rest. You know, I'm, I'm even wondering if, if some. . .if our funds cannot be used for this, to, to pay for a title search.

CHAIR JOHNSON: I, I certainly, at this point in time, would be looking at that because I don't think it's fair to the family. I, I would like to move on. I would like to pursue other beach accesses that are really better. And because that's outside of the scope of this particular discussion, what I'm doing is I'm continuing to at least pursue that, that MECO access. And I really think I would like--just me personally--if I were them, I would really like to have closure to this. And then if they wanna file a quitclaim deed so that there's no argument about that and we provide the other access, I think that would really be the ideal thing. So what would your recommendation be, Ms. Tavares?

COUNCILMEMBER TAVARES: Well, I had another question.

CHAIR JOHNSON: Yes?

COUNCILMEMBER TAVARES: If we were to pursue. . .hiring some, a firm to do the title search, what department would be handling the. . .the paperwork for that?

CHAIR JOHNSON: Mr. Kushi, would care to, care to tackle that?

MR. KUSHI: Probably our office.

COUNCILMEMBER TAVARES: Corp. Counsel? Okay, thank you. Okay.

CHAIR JOHNSON: Uh, that basically--

COUNCILMEMBER TAVARES: I mean that, that would be my suggestion, Madam Chair--is, is. . .I don't think we wanna wait until the next budget. And maybe we could talk with our Council Services because we do hire Professional Services, we have Professional Services contracts for the Council. . .or on behalf of the Council. Maybe this is something that could fit under, under that description. I'm not sure. I'd have to ask Mr. Fukuoka or--

CHAIR JOHNSON: I--

COUNCILMEMBER TAVARES: --the Chairman, maybe . . .

CHAIR JOHNSON: Yes--

COUNCILMEMBER TAVARES: . . . could--

CHAIR JOHNSON: --Chairman Kawano?

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COUNCILMEMBER TAVARES: --guide us.

COUNCILMEMBER KAWANO: Uh. . .oh, I, I'm not on that subject, but I wanted to ask Ed Kushi a question--

CHAIR JOHNSON: Oh--

COUNCILMEMBER KAWANO: --if I may.

CHAIR JOHNSON: --please proceed.

COUNCILMEMBER KAWANO: Ed, tell me one thing, while we're doing the title search, do we close the, the access? Do we leave it open or what?

MR. KUSHI: . . . Well--

COUNCILMEMBER KAWANO: Or is it up to the Committee?

MR. KUSHI: . . . My, my, my response and, and. . .and, and please take it as a conservative response . . .

. . . not wanting the County to get into a situation. Is that. . .the decision to open it or close, leave it closed, I, I would suggest it be left to the adjoining property owners. . .since we don't know whether it is a--well, we know it's not a public, a County road. We, we know that because you haven't accepted it yet. So we, we, would have no jurisdiction over it.

NOTE: Silence.

COUNCILMEMBER KAWANO: . . . Thank you. And, and Madam Chairman, I, I would, I would go along with a title search, too. I think this. . .in fairness to the family, I think we should, we should pull this. As Councilwoman Charmaine said, it came up and it seems like. . .it's been a long time and it's been over and over, and really this should have been done earlier. And I would support that because as far as the finance. . .if it's \$2,000, I'm sure we can find the money for that.

CHAIR JOHNSON: Okay. Thank you very much, Chairman Kawano. Councilmember Carroll?

VICE-CHAIR CARROLL: Thank you, Chair. Uh. . .I would even like to make a motion if it would--

CHAIR JOHNSON: Oh . . .

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VICE-CHAIR CARROLL: --be all right with the Chair to--

CHAIR JOHNSON: Please. . .please do so.

VICE-CHAIR CARROLL: . . .*(laughter)*. . . That. . .this Committee would authorize title search, the funding to be acquired. . .either through Council Services or wherever appropriate. And when the title search is concluded, that we make, put this back as an agenda item.

COUNCILMEMBER MOLINA: Second.

CHAIR JOHNSON: It's been moved by Councilmember Carroll to do the title search and fund it appropriately; and seconded by Councilmember Molina. Uh. . .is there any discussion on the item?

VICE-CHAIR CARROLL: Just that I think this is an appropriate action, and I think it is our responsibility to make sure that if it is property that we are responsible for, that we do take responsibility for it. Thank you.

CHAIR JOHNSON: Thank you. Councilmember Molina?

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Question for the Corporation Counsel.

CHAIR JOHNSON: Yes.

COUNCILMEMBER MOLINA: Mr. Kushi, prior to the closing of the pathway. . .the property owners. . .near the access, so they've been exposed to potential liability, then, all these years.

NOTE: *Silence.*

COUNCILMEMBER MOLINA: . . . Is that, is that true?

NOTE: *Silence.*

MR. KUSHI: . . . Yes, no, and maybe.

ALL: . . .*(laughter)*. . .

CHAIR JOHNSON: . . . That was as clear as mud.

ALL: . . .*(laughter)*. . .

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MR. KUSHI: It depends who...who is found to be the owner of that 3-foot alleyway...one. Okay? If it's deemed one of the adjoining landowners, then it's private property. You know...and...however, you know...I might mention that there is a...Hawaii Revised Statutes, 520-6, I believe--anyway, which encourages private landowners to make available to the general public their property for recreation purposes. And they are exempted from liability...with due care, of course, you know. But they, they, they're statutorily exempt from liability if somebody trips and falls. Again, this is very, it's a permissive. Let's say one of these people owns the alleyway and permits the public to, to come and...come and go, then he may be statutorily exempted from liability. That's just one instance. But I don't think this is the case here.

... So I answered your "maybe". If it is a...if it's found that nobody owns it or the heirs of whoever subdivided owns it and it's surely not the County, then...I'm not sure if the adjoining landowner...owners have any liability at all.

... The "no" is in reference to the County. 'Cause you have not accepted that...that sliver, as well as Ae Place.

COUNCILMEMBER MOLINA: Okay. I, my, my questions, I guess, I was more concerned about the property owners too and that effect. So...um, just, 'cause you know, we live in such a sue-conscious society nowadays, I can understand the concerns of the family. And I, too, would support your recommendation, Madam Chair, and at this time keep the place closed until we get the title search done.

CHAIR JOHNSON: Okay, thank you. Councilmember Tavares?

COUNCILMEMBER TAVARES: Yeah, thank you. Yeah, I'll, you know, definitely support this. I think that if you look at the economy of this, if you were to add up all the hours, the hourly rates of the people who have been working on this project over the last three times that I remember--counting this one--that has come over, it far exceeds what the cost of a title search is gonna be.

CHAIR JOHNSON: Exactly.

COUNCILMEMBER TAVARES: And I think that if, if this will establish once and for all what the ownership is and then the County can, or the, the property owners can act according to what, you know, we can all accept as the title search, then I think we're doing something productive. But to me this is like, just goes in a circle, around and around. And it costs us money every time we discuss an item in any committee.

CHAIR JOHNSON: No, and I, I really appreciate that. I think that in the past...while I was not on the Council before, this issue's never been before me, I always

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COUNCILMEMBER TAVARES: So you are going to defer the item.

CHAIR JOHNSON: Yes, we're gonna defer it. Uh. . .I think this is the appropriate action. We're not gonna take any further action until--

COUNCILMEMBER TAVARES: I have no objections.

CHAIR JOHNSON: --the report comes back.

COUNCILMEMBER MOLINA: No objections.

CHAIR JOHNSON: All right. Thank you.

COUNCIL MEMBERS VOICED NO OBJECTIONS.

ACTION: DEFER pending further discussion.

CHAIR JOHNSON: And I just have a, an announcement. . .since we're under announcements, since we have no further business. Yvette. . .in Council Services had a baby girl . . .*(laughter)*. . .

COUNCIL MEMBERS: Yea!

CHAIR JOHNSON: And her baby was born at 11:58 a.m., 5 pounds, 14 ounces, 18½ inches long.

COUNCILMEMBER TAVARES: Wow!

CHAIR JOHNSON: So congratulations--

COUNCILMEMBER TAVARES: . . .*(inaudible)*. . .

CHAIR JOHNSON: --to Yvette.

COUNCILMEMBER TAVARES: I have no Secretary tomorrow. No . . .*(laughter)*. . .

COUNCILMEMBER MOLINA: We have, we have no Secretary for tomorrow's Land Use meeting, Madam Chair.

CHAIR JOHNSON: I, I would--

COUNCILMEMBER KAWANO: . . .*(laughter)*. . .

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CHAIR JOHNSON: --really wonder if there's a Secretary . . . *(laughter)* . . . for the Land Use meeting.

COUNCILMEMBER TAVARES: Madam Chair?

CHAIR JOHNSON: Yes?

COUNCILMEMBER TAVARES: Before you adjourn, I, I apologize for my lateness, my tardiness. Was there any . . . written testimony handed out . . . prior to . . . is, is the only thing the, what Camille gave us?

CHAIR JOHNSON: Yes, that, that's the only thing.

COUNCILMEMBER TAVARES: Oh, okay. Thank you.

CHAIR JOHNSON: Yes.

COUNCILMEMBER TAVARES: I didn't wanna miss out on anything.

CHAIR JOHNSON: No, no, there was no other written testimony. And, you know, with . . . we will accept, at this point if there's no objection, we'll have the written testimony put with the record.

COUNCILMEMBER TAVARES: Okay.

CHAIR JOHNSON: No further business? Thank you very much, Council Members. I really appreciate the attendance, also of our Staff and the Administration and Department heads. Thank you. This meeting is adjourned . . . *(gavel)* . . .

ADJOURN: 3:15 p.m.

APPROVED:

JO ANNE JOHNSON, Chair
Parks and Recreation Committee

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Transcribed by: Camille Sakamoto