

1 BOARD OF WATER SUPPLY

2 COUNTY OF MAUI

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10 REGULAR MEETING

11 THURSDAY, AUGUST 27, 2009

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16 Held at the Department of Liquor Control Conference
17 Room, David Trask Building, Room 105, Wailuku,
18 Maui, Hawaii, commencing at 9:07 a.m.

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28 Transcribed from the audio recording by Gaye
29 Hayashida, Commission Support Clerk, Department of
30 Water Supply, County of Maui.

1 A P P E A R A N C E S

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BOARD MEMBERS:

- Michael Howden, Chair
- Scott Luck, Vice Chair
- Donald Gerbig
- Kui Lester
- Kelli Myers
- Phyllis Robinson
- Ted Yamamura

STAFF PRESENT:

- Jeffrey K. Eng, Director of Water Supply
- Eric Yamashige, Deputy Director of Water Supply
- Edward Kushi, Jr., Deputy Corporation Counsel
- Gaye Hayashida, Commission Support Clerk

OTHERS:

- Maury King
- Mich Hirano, Munekiyo & Hiraga, Inc.
- Rob Hoonan, Grand Wailea Resort
- Wade Fischer, Pyramid Hotel Group
- Kim Willenbrink, Legislative Analysis, Water
Resources Committee

1 CHAIR HOWDEN: Ok. Thank you for being patient, we
2 now have a quorum. I'd like to call the meeting
3 to order. Present are Scott Luck, Vice Chair of
4 the Water Board; Donald Gerbig; Ted Yamamura;
5 Phyllis Robinson; our director, Jeff Eng; and of
6 course our Deputy Corporation Counsel Ed Kushi.
7 And in the audience are Maury King from South Maui
8 Sustainability Group; oh yes, Gaye Hayashida, our
9 secretary. And with you is...?

10 MS. LEONARD: Teri Leonard.

11 CHAIR HOWDEN: The young lady, Teri? Ok. And then
12 we have our presenters, Mr. Hiraga and group?
13 Group. I, 'cause I haven't been introduced to the
14 other two.

15 MR. HIRANO: I'm Mich Hirano with Munekiyo and
16 Hiraga.

17 CHAIR HOWDEN: Hirano, excuse me.

18 MR. HOONAN: Rob Hoonan with the Grand Wailea
19 Resort.

20 CHAIR HOWDEN: Yes.

21 MR. HOONAN: And Wade Fischer with Pyramid Hotel
22 Group, who are the owners of the hotel.

23 CHAIR HOWDEN: Great. Thank you so much, I'm sorry
24 I got the names wrong, as usual. Ha ha. Ok. Any
25 announcements? Ok, you're leaving at eleven I
26 hear?

27 MEMBER ROBINSON: Eleven, yeah.

1 CHAIR HOWDEN: Ok, so we'll move quickly. Has
2 everyone had a chance to review the minutes of our
3 July 23rd meeting?
4 MEMBER ROBINSON: Uh huh.
5 CHAIR HOWDEN: Any changes or additions?
6 (silence)
7 CHAIR HOWDEN: Motion to approve?
8 MEMBER ROBINSON: I move.
9 CHAIR HOWDEN: Second?
10 MEMBER YAMAMURA: Second.
11 CHAIR HOWDEN: Both Don and Ted. Those in favor,
12 please indicate.
13 (a chorus of ayes)
14 CHAIR HOWDEN: Great. Ok, we'll begin with
15 Testimony from the Public, Maury King of South Maui
16 Sustainability Group.
17 MR. KING: Want me to move the microphone over?
18 MS. HAYASHIDA: Yeah, thank you.
19 MR. KING: Good morning, Chairperson Howden,
20 Director Eng, members of the Board, I appreciate
21 the opportunity to be here. I've not done this
22 before so I'm, wanted to bring up an idea that, I
23 represent a group called South Maui Sustainability.
24 We're trying to encourage people to grow more food
25 and that would include in residential areas and
26 some of the people feel that with the price of
27 water and the way it's tiered but that, they can
28 buy food cheaper than they can grow it. And so it

1 makes it a little more challenging equation to
2 encourage people to grow food so I would like to
3 find some way that people could be, if not rewarded
4 for growing food at least, at least find a way to
5 make it so that they would not feel like they were
6 paying more to grow the food than they would to buy
7 it. I have an idea of how that could be
8 accomplished and it might be, it might be something
9 as simple as if you can prove that you're growing
10 food on arbitrarily say 30% of your property then
11 maybe you just don't go into the highest tier or
12 something or maybe you get an ag rate, I don't know
13 how generous that could be made to be but anything
14 to just show people that we care that they're
15 growing food would be a step. And I don't think
16 that if you're, if you're first reaction is oh, my
17 god, then we'd be giving away huge amount of water,
18 you know, it would cost us a lot of money to do
19 this, I don't think that you'd find thousands of
20 people would be able to step up and do this, I
21 think maybe you'd find a couple of hundred people
22 that could prove they were growing food on, say
23 again, arbitrarily 30% of their property, they
24 would do that by drawing a plot map of their
25 property and then plot out where their fruit trees
26 and or their vegetable beds were and bring it to
27 somebody who could have the opportunity to go and
28 inspect the property if they wanted to or not, but

1 if anybody were found that they drew up a plan that
2 said they were growing that much food and they
3 weren't then they could be back charged for all the
4 water that they had been given at a lower rate.
5 That's kind of what I wanted to say. I, I'd like
6 to know, I, I don't expect this as a Q and A
7 essentially but I, I don't know what happens with
8 this information now and I don't know if you can
9 tell me that you'll consider it, you'll throw it
10 out, there's a next thing that I should do or, or
11 what.

12 CHAIR HOWDEN: Our rate meetings are scheduled for
13 October I believe, is that right?

14 MS. HAYASHIDA: Well...

15 CHAIR HOWDEN: When, when, when we look, look...

16 MS. HAYASHIDA: We, we're gonna review the budget...

17 CHAIR HOWDEN: Yeah, when we review the budget.

18 MS. HAYASHIDA: This is scheduled for October.

19 CHAIR HOWDEN: Yeah, October and we'll certainly
20 discuss this. How to best articulate it is still a
21 mystery to us. The idea's been presented to us
22 before.

23 MR. KING: Oh.

24 CHAIR HOWDEN: And I believe by Member Robinson and
25 we will bring it up again and see what we can do
26 with it. Personally, I think it'd be very
27 worthwhile to encourage domestic agriculture. I
28 mean, you know, local agriculture. During the war,

1 the second war, victory gardens produced more than
2 industrial agriculture, nationally, so, or
3 commercial agriculture, nationally. So I think
4 it's certainly worth considering, Maury, and we'll
5 do our best to...does the Board have any questions
6 for...?

7 MEMBER ROBINSON: Well, I actually have a question
8 for Director Eng about what, whether there's ever
9 been a, a precedent for this before, historically,
10 by the Department when individual growers not
11 necessarily ag rates but at a particular category;
12 has there ever been that in the, in the Department?

13 DIRECTOR ENG: Well, as you probably know we
14 currently do have ag rates, we have the non-potable
15 rates for the Kula Ag Park farmers. I guess the
16 biggest concern I have is that when we issue or
17 offer ag rates, the subsidized rates, so someone
18 else is paying for the water, so that's what I
19 focus on. That's, that's the basis to it. To
20 expand ag rates, currently you have to be in ag
21 zoned property to qualify. The Water Resources
22 Committee will be looking at the definition of Ag
23 and we currently, we certainly want to keep it
24 focused on crop food production, 'cause that was
25 the intent. Now, we get requests to expand it to a
26 lot of other things like the production of horse
27 manure, requests like that. And you know, at some
28 point we have to draw the line because the original

1 intent was for food production and to support
2 farmers. For residential areas and monitoring and
3 really policing them but we're limited in staff, so
4 I wouldn't support something like that until I had
5 staff to go out and do the inspections regularly.
6 There's a lot of requests for us to do more, give
7 more but until we have the bodies to properly
8 service these things I hesitate to go forward. But
9 as far as, another day I was thinking about people
10 growing food for their own purposes, use and I've
11 always felt that they should do it anyway
12 regardless of the rates. I mean I did it when my
13 children were young. We always had a significant
14 size vegetable garden in the backyard. We had more
15 time to pull weeds too. So, it's something I feel
16 people should be doing whether or not they should
17 get subsidized agricultural rates. It's a
18 direction, and I encourage that, I'm happy to hear
19 what you're trying to encourage but, but that's my,
20 more my personal feelings. And I think if you
21 kinda monitor what's on the agenda, the Water
22 Resourced Committee meetings, I think, that will be
23 coming up soon.

24 MR. KING: Ok.

25 DIRECTOR ENG: Looking at ag rates, who should be
26 getting subsidized rates.

27 MR. KING: I want to make the point that I don't
28 think you'd find that this was a huge inspection

1 issue because I think if you went out to a place
2 and there was a bunch of fruit trees and vegetable
3 beds, I mean if you went back every few years you
4 know, people have a bunch of fruit trees and
5 vegetable beds, they're not gonna like cover 'em
6 over with a swimming pool the day you leave to try
7 to get the lower water rates so either one
8 inspection or if they were just random, you would
9 just have somebody look at 5 a month or something
10 you might be able to not have, if you're imagining
11 10 people that have to constantly be looking at
12 gardens I don't think that you would do that. I do
13 want to just ask one question, would you even have
14 the ability in the computer system to give people
15 the benefit of not going into third tier on an
16 individual basis if that was a feasible, I get that
17 the subsidized part about the ag rates, but just,
18 just not having 'em go into that higher tier, could
19 you adjust your computers so that certain people
20 just wouldn't click up into the higher tier if they
21 met those requirements?

22 DIRECTOR ENG: You know, I'm not certain about
23 that, again, our billings are handled by Honolulu
24 Board of Water Supply's billing system. And I find
25 that data base is little bit limited and that's why
26 they're looking at a new data base, and we're also
27 participating in that selection. I imagine it

1 could be tweaked, but I'd have to look into that
2 further.

3 MR. KING: Would it be a different equation for you
4 if they were just taking out the top tier rather
5 than trying to give a bunch of people ag rates at
6 their homes? 'Cause I get that that means all the
7 water they use would be at the ag rate and you guys
8 would be losing money but probably wouldn't affect
9 you as much if just a couple hundred people just
10 have the top tier...

11 DIRECTOR ENG: Yeah, again there still will be
12 impact 'cause if you are utilizing enough water to
13 be in that third tier and not being charged for it
14 at that rate, someone is subsidizing your
15 consumption so, you know, something to look at.
16 Again, it's not my decision to make. It is
17 something that eventually the Board can make a
18 recommendation to the Council and it can go before,
19 during budget which would, our budget, we start
20 working on our budget in, well it has to be
21 presented to the Board here by the end of October;
22 we've already started on next year's budget so...

23 MR. KING: Ok.

24 DIRECTOR ENG: Kinda like a year-long process for
25 us.

26 CHAIR HOWDEN: Don?

27 MEMBER GERBIG: Yeah, I, I like what you said, I
28 mean, you're looking for a rate for these people

1 who are gonna farm in their backyard. To me, what
2 you might do is to present a program to the Board,
3 stating like you said a plot plan, it must be a
4 minimum so many square feet or percentage of the
5 lot maybe, and then they would submit this, and say
6 if you went through this, they would submit this
7 request for maybe not an ag rate but a reduced
8 rate, however whatever you might suggest to see if
9 it would fly, but it would be a reduced percentage
10 or discount or something like that. I don't think
11 you could get into an ag rate 'cause it is not in
12 ag use, but that way you might be but how to set up
13 the protocol, you suggest a way to set it up that
14 you, like you said, you may, they can come out,
15 make one inspection or you'd have that rate until
16 the next inspection or something in maybe a year or
17 something or, and you may have a surprise
18 inspection..

19 MR. KING: Yeah.

20 MEMBER GERBIG: But it would require, you'd have to
21 put the, my thinking, put the requirements in what
22 you would suggest that could be policed with a
23 minimum amount of effort..

24 MR. KING: Uh huh.

25 MEMBER GERBIG: On the Department 'cause they don't
26 have the manpower.

27 MR. KING: Right.

28 MEMBER GERBIG: And see if it flies.

- 1 MR. KING: Put it in writing is what I'm hearing
2 you say...
- 3 MEMBER GERBIG: I think, yeah, I'd say...
- 4 MR. KING: And, and submit it to this body or...
- 5 MEMBER GERBIG: Put a plan, yeah, put a plan in if
6 you were gonna write an ordinance make, make it
7 simply or, an ordinance to reduce the, call it
8 suburban ag water rates or discount...
- 9 MR. KING: I like it.
- 10 MEMBER GERBIG: Or something like that.
- 11 MR. KING: Ok.
- 12 MEMBER GERBIG: See if it flies.
- 13 MR. KING: And submit it to this body, the Council,
14 or everybody? The Council, the Department...
- 15 CHAIR HOWDEN: The Department and Water Resources.
- 16 MR. KING: Ok.
- 17 CHAIR HOWDEN: Yeah, I mean that's what I would do
18 anyway.
- 19 MEMBER GERBIG: That'll be, yeah.
- 20 MR. KING: I feel heard and thank you for your
21 time.
- 22 CHAIR HOWDEN: And the only other thing, Maury,
23 that I would suggest is that, especially for South
24 Maui, which is your area of concentration, that you
25 might look at gardening that is area appropriate,
26 'cause it's basically a xeriscape. So, you know,
27 that, that you have...
- 28 MEMBER ROBINSON: You know, grow cactus.

1 CHAIR HOWDEN: Some protection for, for lettuces,
2 you know, wind protection, sun protection, that you
3 grow crops that are really appropriate rather than,
4 you know, celery or something like that, whatever.

5 MR. KING: This is probably a longer conversation
6 and Phyllis has to leave at eleven, the rest of you
7 probably want to get out before midnight...

8 CHAIR HOWDEN: Ok, thank...

9 MR. KING: But we can start talking about what
10 should be grown...

11 MEMBER GERBIG: I wanna say one other thing, I, I
12 would be a little leery if somebody's gonna plant
13 15 trees in the backyard and call that ag. I would
14 say if you're gonna go into the ag, into ag you
15 ought to have ah, short term crops. Just to go
16 plant a bunch of trees and say "oh, I got an ag
17 rate now," 'cause everyone's planting trees, that
18 might be...

19 MR. KING: Even if they're fruit trees?

20 MEMBER GERBIG: Yeah, even fruit trees, I would
21 say.

22 MR. KING: Ok.

23 MEMBER GERBIG: 'Cause a lot of people plant 'em
24 for what you save, that'll, that'll be kinda
25 difficult I think...

26 CHAIR HOWDEN: So, Maury, are you looking at
27 subsistence use or...

1 MEMBER GERBIG: That'll be gaming the system or
2 something.

3 CHAIR HOWDEN: You, you're not looking commercial,
4 you're looking at subsistence use primarily?

5 MR. KING: Well, that's a good question because if
6 somebody had 30% of their property planted, and I
7 keep using that arbitrary figure, but if somebody
8 had that much planted they would definitely be
9 growing more than they can probably use for
10 themselves.

11 CHAIR HOWDEN: Yes.

12 MR. KING: So whether, I know it, there's some
13 requirement I heard about where if you sell a \$100
14 or a \$1000 worth of food a year, you can get a
15 special water rate and I'm not sure if that applies
16 and, I've been unclear about that, that particular
17 piece of information. But I, you know, I don't
18 know whether you have to demand that people could
19 prove they were selling it or people could prove
20 they were donating to the food bank if they weren't
21 using, I don't know how to manage that part of it.
22 But I'm sure if somebody had 30% of their property
23 planted and the stuff wasn't just falling on the
24 ground, somebody would be eating it, so whether you
25 want to monitor if they were selling and they had
26 to show receipts that adds complexity to it. If
27 you wanna have to show receipts from the food bank
28 that adds complexity to it. So, I'd like to try to

1 keep it simple so that there isn't a lot of
2 management inspections and things like that and
3 paperwork to prove your, you know. I'll write
4 something up as quickly as I can and keep it simple
5 and submit it to everybody.

6 CHAIR HOWDEN: OK.

7 MR. KING: Thanks.

8 CHAIR HOWDEN: Thanks for coming.

9 MR. KING: Ok.

10 CHAIR HOWDEN: If it's ok with the Board, I think
11 we might do well to move to the, 8A, the
12 presentation by the Grand Wailea Resort so we don't
13 keep them waiting here and then we'll move back to
14 the Davis Appeal and go into executive session on
15 that. Is that all right? And I also like to
16 acknowledge, Ellen was here briefly from Water
17 Resources and our Deputy Director Eric Yamashige is
18 here. Thank you, Eric. Ok, so, Grand Wailea's on.

19 MR. KING: You wanna, you just coming to get that?
20 You're gonna sit there, I'm sorry.

21 MR. HIRANO: Thank you very much, Chair Howden and,
22 and Board members. Rob Hoonan is the Director of
23 Facilities Management at the Grand Wailea.

24 MR. HOONAN: Aloha.

25 MR. HIRANO: My name is Mich Hirano with Munekiyo
26 and Hiraga. We have Wade Fischer with us as well.
27 Wade is with the Pyramid Hotel Group, Vice
28 President of Development. And Pyramid had

1 purchased the Grand Wailea Resort in 2007. We have
2 a powerpoint presentation that we would like to
3 present to the Board and this initiative has really
4 arisen out of a conversation we had with Director
5 Eng a few months ago where we had presented to the
6 Director some of the water reducing efficiency
7 programs that were done at the Wailea Resort, at
8 the Grand Wailea, just as an information purpose
9 and he thought it would a good idea to just present
10 this information to the Board. And it's just kinda
11 of a up-to-date educational kind of information,
12 presentation that we would like to provide to the
13 Board of Water Supply and we really appreciate the
14 opportunity to just have this time with you to talk
15 about it. Rob and I will be doing a, the
16 powerpoint presentation. We'd like to just keep it
17 more informal and just dialogue but I would just
18 like to now go to the powerpoint.

19 CHAIR HOWDEN: Thank you.

20 MEMBER ROBINSON: Just so everybody, we have a hand
21 out that..

22 MR. HIRANO: Rob, you wanna come up here and then
23 maybe might be easier for us. Oh, thank you. So,
24 we would just like to present some of the water
25 efficiency initiatives that are being carried out
26 at the Grand Wailea Resort. And the presentation
27 purpose is really to, I guess, stress and we
28 understand that water is a valuable resource on

1 Maui. It's also becoming a very limited resource.
2 And, as well Maui resorts are a major user of
3 water. We're not trying to deny that or, or, or
4 downplay that. What we're really trying to say is
5 that the resorts are becoming more aware of the
6 situation and are doing, and making efforts, and
7 doing initiatives to be smarter in the way they use
8 water and to reduce the amount of water that they
9 use. The Grand Wailea Resort would like to provide
10 information to the Board of Water Supply on the
11 Grand Wailea Resort's water use efficiency
12 programs. The presentation objective is really,
13 the Grand Wailea Resort is leading the way for
14 resorts to be viewed as part of the solution and
15 not part of the problem concerning water use on
16 Maui. In terms of just background, the Grand
17 Wailea Resort opened in around 1991. It was
18 permitted as a 800 room hotel, covering
19 approximately 36 acres. Currently, over the years
20 it had, some of the rooms had changed out to
21 administrative rooms and it was, and it is
22 currently operating a 786 room hotel. But they are
23 recently doing interior renovations to convert
24 those rooms back up to the guest rooms so that
25 it'll have the capacity of 800 rooms. Currently
26 the employment at the Grand Wailea is approximately
27 1,000 employees. And this fluctuates depending on
28 the season and the demand and occupancy; anywhere

1 from 1,000 employees to 1400 employees. So the
2 Grand Wailea Resort is a major employer and an
3 economic engine on Maui; generating a lot of jobs,
4 generating a lot of revenue and indirect benefits
5 to the community. The Grand Wailea Resort, and Rob
6 has been on the property and started doing the
7 initiatives really in 1999 but we use 2005 as a
8 bench year when the water conservation programs had
9 really kicked into gear. And that's where we have
10 a lot of the data that we are using as baseline
11 information in terms of the analysis that's carried
12 out. And currently, the Grand Wailea Resort is
13 going through an SMA review process. There are
14 plans to expand the guest room component to 310
15 additional rooms, common area, restaurant
16 improvements, landscaping and related
17 infrastructure improvements. And those
18 infrastructure improvement also include a lot of
19 new water resource, water savings initiatives. And
20 we've broken up the, the presentation in 2 parts.
21 The first part would be really the past
22 improvements that have been done and then I will
23 come back and Rob will discuss the past
24 improvements and then I'll discuss some of the
25 future improvements, but Rob will as well because
26 he's so familiar with all the infrastructure
27 elements will also be highlighting some of these
28 features. And I think it's really interesting to,

1 in terms of our presentation, you know, you've
2 probably heard a lot about xeriscaping, native
3 plants, drip irrigation, and we've, you know, we,
4 we have examples of that and we have examples as
5 well of new larger technologies that are
6 incorporated into the capital infrastructure
7 programs of some of the resorts. I would say that
8 Grand Wailea Resort is leading the way and has lead
9 the way in a lot of the implementation of the
10 technologies that are available. So what was new
11 when Rob started in 1999 and has been brought into
12 the, the operations has now been kind of outdated
13 and superseded by even more water efficient
14 equipment in, in the resort industry and so we
15 would also like to provide that information to the
16 Board today. The water initiatives are really
17 grouped into kind of these 5 main areas. They are
18 the landscaping and irrigation improvements because
19 landscaping is a major water use. Then there's
20 this new technology about recapturing cooling tower
21 blown down water. There's new pool filtration
22 equipment that's available, that's, that, being
23 looked at in terms of, again, saving more water.
24 Laundry equipment, there's a huge laundry plant at
25 the, at the Grand Wailea Resort and so equipment
26 upgrades is a main component to become more
27 efficient in the water uses. And then, as well,
28 the whole program of new retro-fitting, new and

1 retro-fitting of the resort's plumbing fixtures.
2 As I said the resort was built in 1991 and the
3 difference between what those fixtures, the, I
4 guess the specifications of those fixtures in 1991
5 to 2009 are quite different. And so that makes a
6 big impact as well on water efficiency. So at this
7 point, I'd like to just turn the presentation over
8 to Rob to just talk about some of the completed
9 water efficiency programs that have been carried
10 out.

11 MR. HOONAN: Thank you, Mich. Ah yes, right now
12 the irrigation control systems back in 2005, we
13 upgraded to what's called a Maxicom system for our
14 irrigation system. Basically, 12 stations out
15 there that are at the time was the state-of-the-
16 art. There are some future upgrades that we are
17 considering, basically. But this is an ability for
18 us to control our irrigation by zones; watering
19 different types of plant materials and plant
20 pallets efficiently and control the times more
21 succinctly. Also, watering, excuse me, eliminating
22 water food thawing. It's something that we've a,
23 our culinary team is embracing that we eliminate
24 just running hot water over food to thaw chicken
25 breasts or thighs or whatever it may be. We have
26 installed some low flow showerheads basically a 2.5
27 gpm right now. And our total reduction basically

1 is approximately 75,000 gpd based on the criteria,
2 data.

3 MR. HIRANO: The future landscaping improvements
4 and there's more in the works in terms of what's
5 being planned, is to continue to reduce landscape
6 areas with xeriscape features. That hasn't been
7 carried out and we have some pictures on that
8 program that have been carried but there's going to
9 be more initiatives in that area. There will be
10 again further irrigation upgrades and as a result
11 of the future anticipated savings we, we're looking
12 at approximately 36,000 gallons per day. And, I, I
13 just like to point out that in terms of the time
14 frames the initiatives that were carried out that
15 started really in 1999 came and started getting
16 very I guess capital intensive in 2005, were done
17 under different ownership. When Pyramid Hotel
18 Group purchased the property and had done an
19 inventory, evaluated it, they were very impressed
20 with the work that was carried out at the property
21 at the Grand Wailea and not only were they
22 impressed, they totally embrace it. And so that's
23 why the future upgrades as well are fully supported
24 by the new ownership. Rob?

25 MR. HOONAN: This is an example of an area where
26 we've converted from this traditional landscape
27 that was popular back in 1988, 89 when they would
28 put *wedelia* or *gazania*, very, very intense water

1 use ground cover. We simply took all the wedelia
2 out, came and put a weed cloth down and created
3 drip irrigation and low-flow heads in areas where
4 we have groups of plantings and large wholesale
5 areas covered with bark or rocks, and you'll see
6 that in the future. It is a simple thing; it looks
7 attractive and actually less maintenance intensive
8 also. Here's an exciting project that we're
9 queueing up. This is actually synthetic lawn.
10 This is a, we have a 38 lanais that have these lawn
11 areas out there with the sprinklers. This is one
12 that we've actually done as a case study and we
13 think it's a terrific product. It is a synthetic
14 lawn. It uses nothing and we are converting to
15 drip irrigation on the shrubs. This is actually a
16 lanai. You can see the terracotta tile below and a
17 lanai out there where it's a very, very effective
18 way to handle those areas and use zero water.
19 Here's an example of some of our re-landscaping.
20 You see there at the base the native plant, 'akia,
21 a drought resistant plant, *la'i* in the background.
22 Again, these areas we're going through and changing
23 those to drip irrigation. And of course *alima*
24 *papa*, 'akia, many other indigenous, endemic,
25 drought resistant plants we're considering. Not
26 all of them are aesthetic, as pleasing as 'akia so
27 when we go to ground cover, this actually grows in
28 very, as you can see and it's an attractive plant.

1 Here's an example of some of our, our beds.
2 Actually this is our, our, this is a good example
3 of shrubs. This is a *rhaps palm* bed but you can
4 see where we've gone through, capped off our old
5 irrigation head and put in drip irrigation and
6 everything is growing just fine. Another example
7 of our, some of our beds, here's an example of
8 *kupukupu* fern. Typically, it's a rainforest fern;
9 had traditional heads in those areas. We've gone
10 through and put drip irrigation in there,
11 drastically minimizing the usage of irrigation in
12 this area yet still having the same effect. This
13 is an exciting project we've done where we're
14 taking sod areas, lifting the sod out and putting
15 in a drip irrigation underneath the sod. This
16 basically eliminates, you don't even know it's
17 there. You won't even know it's watered, it's on a
18 timer and it, it is a very, very front and center
19 place, our ballroom, and it looks beautiful. It's
20 a, it's, it's excellent and it's using much, much
21 less water.

22 MR. HIRANO: The other components of the water-
23 saving features is in regards to the water features
24 that are currently on the property, there are a
25 number pools and waterfalls on the property, and
26 the water purification is really the new technology
27 in water purification is using media to filter the
28 water as opposed to filters and then having to

1 backwash the filters, to clean the filters and
2 there's a tremendous amount of water being used in
3 the backwash of these filters. And so, the
4 proposed capital improvement would be to retro-fit
5 the existing pool filtration system with a media
6 type filtration system and save approximately
7 32,600 gallons per day from what is currently used.
8 Again, there are a number of water features; this
9 is why the tourist come to Hawaii and love Hawaii
10 is that there's that tropical climate, the
11 closeness to the, to nature and the beaches and the
12 beautiful grounds and the water features. Grand
13 Wailea has some of the best water features on Maui.
14 Again, you know just quiet entrance pools, standing
15 water, large standing water areas, formal pools and
16 water features. And underneath all that, these are
17 the existing sand filters that are currently in use
18 for cleaning the water. And when these were
19 installed, these sand filters were at that time the
20 state-of-the-art. Rob, you wanna just talk about
21 the gauges because..

22 MR. HOONAN: Well, one of the ways we can save
23 water is basic through methodology. And one of the
24 things that we incorporate back in 1999 through
25 2005 was using existing systems and using them and
26 managing them well. Instead of automatically
27 backwash, what we do is we go in there and we
28 always are backwashing based on pressure

1 differential across the vessel, the filter vessel.
2 That way we're not an automatic backwash cycle. We
3 actually wait, we only wait 'til it's loaded up to
4 the point where we need to backwash. That's where,
5 that's an automatic savings right there inherent in
6 the existing operations.

7 MR. HIRANO: And at the time this was the state-of-
8 the-art...

9 MR. HOONAN: Correct.

10 MR. HIRANO: This is current and...

11 MR. HOONAH: These are stark sand filtration
12 systems that were installed in the late 90's.

13 MR. HIRANO: And then this is the new sort of
14 technology and this is a, a Defender pool
15 filtration. Defender is a manufacturer's name,
16 it's a brand name. And there are others out there
17 in the market. But again, this is the, there's a
18 media, the media is in this container. So the
19 water comes in from the pool, goes through the
20 media and then gets cleaned, although more of the
21 particulates and matters, more solid matters get
22 cleaned, held in the media and then the clean water
23 flows back into the pool. You wanna just say
24 something about something?

25 MR. HOONAN: Yeah, it's a, this is a Neptune Benson
26 product, the Defender system. Basically, the, it
27 is a perlite media system and instead of
28 backwashing, you simply go down and bump the

1 filter. There's fingers inside of these vessels
2 that actually you'll bump and stir up that perlite
3 system, with the bumping mechanism on the top over
4 there. Again, you look at your gauges to make sure
5 you got the right pressure differential across the
6 vessel. But this actually would evacuate the media
7 system without backwashing and, and it pulls in a
8 whole new supply of perlite; that other perlite can
9 go off to your green waste and the only water you
10 use is to actually wash the out, the inside of the
11 vessel at the time before the new stuff comes back
12 in. So this is, this will represent great savings
13 in water in pool filtration and water feature
14 filtration.

15 MR. HIRANO: The other area that we're looking at
16 in terms of water reduction is the, using the blow-
17 down water from the cooling towers and recycling
18 that, treating it and recycling it and then using
19 that water again for irrigation purposes. There
20 are 3 cooling towers onsite. Rob, you wanna just
21 give the Board members an idea what the cooling
22 towers, the function of the cooling towers, 'cause
23 these are throughout commercial buildings and
24 resort, large buildings.

25 MR. HOONAN: I'm sure there's one on this building.
26 Basically, your cooling tower's how you dissipate
27 the heat from your refrigeration, excuse me, well
28 refrigeration and h-back or your air conditioning

1 system. At the Grand Wailea we have 2 for our air
2 conditioning system and one for our close loop
3 system for our refrigeration. Sometimes facilities
4 use a single pass system where they run water
5 through their condensers to cool but we have a
6 circulating, closed loop system that, that actually
7 conserves water and dedicate it to our
8 refrigeration systems. We've been, and you'll see
9 a picture of one here in a second. This is our new
10 cooling tower, we actually have another one coming
11 this fall and will be installed. Basically, this
12 is a new Baltimore air coil system with a new
13 system, it's an updraft system with special
14 attention to drip control. Basically it is a spray
15 system that dissipates the heat but the, you see
16 the slanted side pieces there, basically that
17 eliminates any type of spray, bouncing and possible
18 evaporation from that. It, it mitigates that and
19 contains it within the cooling tower. So this is
20 high efficiency cooling tower that also is run on
21 variable speed drive motors. So it ratchets up and
22 down according to demand. So, we're saving
23 electricity and saving water at the same time.

24 MR. HIRANO: And this is just basically a flow
25 chart diagram of how to then re-use some of this
26 water, this blow-down water. So, the, the cooling
27 tower functions, this water after it's been used
28 goes into sort of a pipe and is piped into a

1 catchment tank that, and as well a treatment tank,
2 so it's almost like a small wastewater treatment
3 system that cleans the water and then it goes
4 through a UV filter that sanitizes it and then is
5 ready for irrigation. So it's like using an R-1
6 type of system for the blow-down water. Now this
7 methodology has not been used in Hawaii. It's been
8 used in other states and our mechanical engineering
9 consultants have discussed the methodology with the
10 Department of Health and are looking at the
11 regulatory mechanisms that will be required in
12 order to adopt the system. But you can imagine the
13 potential throughout the state if this type of
14 technology is then introduced and becomes a
15 standard, there's a lot of water that's being
16 wasted right now that could be re-used for
17 irrigation.

18 DIRECTOR ENG: Excuse me, Mich, I have a question
19 to Rob. So, what kind of treatment technology?

20 MR. HOONAN: For the water?

21 DIRECTOR ENG: Yeah.

22 MR. HOONAN: It's an iodine system. And there's an
23 Enviro Tech system out there, actually I went and
24 saw one in Honolulu recently. So basically, and
25 good question 'cause how do you sanitize that and
26 have it not be toxic; it's actually iodine. And,
27 and that effectively with UV and that there's a,
28 see the UV sanitizer that basically, that

1 ultraviolet will sanitize and get you to a level
2 where you can re-use that water. That's exciting.

3 DIRECTOR ENG: So it's primarily to address any
4 bacteriological concerns.

5 MR. HOONAN: Correct, yeah. Well, your iodine's
6 gonna knock it out anyway.

7 DIRECTOR ENG: 'Cause do you wanna really have any
8 other issues in that water, basically potable
9 water...

10 MR. HOONAN: Well, you gotta stay on top of your
11 water chemistry...

12 DIRECTOR ENG: Yeah.

13 MR. HOONAN: Jeff, you know that very well and
14 however the UV will also, so it's kind of a double
15 step there.

16 DIRECTOR ENG: Uh huh, ok.

17 MR. HIRANO: The one that Rob was referring to in
18 Honolulu, they're not using it for irrigation yet
19 but I think that's something that the mechanical
20 consultants are also...

21 MR. HOONAN: That's correct. Back up on that, that
22 UV ozone system is not incorporated there, however
23 we would incorporate it here. That ozone system
24 basically is to sanitize and it would dissipate O3
25 is not something that would create a residual. So
26 your water will be able to be re-used.

1 MEMBER ROBINSON: Based on the size of your cooling
2 towers, do you have a guess of how much recycled
3 water you would actually, is that your next slide?
4 MR. HIRANAO: We had it, I'm sorry, we had it in
5 there. It was around 36,000 gallons, 31,000
6 gallons per day...
7 MEMBER ROBINSON: Per day, wow.
8 MR. HIRANO: On the cooling tower.
9 MEMBER ROBINSON: So that would be the reduction in
10 the amount of water that...
11 MR. HIRANO: From a...
12 MEMBER ROBINSON: You'd be using...
13 MR. HIRANO: Yes, that...
14 MEMBER ROBINSON: So you would supplant that with,
15 with the recycled water.
16 MR. HIRANO: Yes, that would be basically water
17 that is now, that would replace the irrigation.
18 MR. HOONAN: Instead of going down the drain...
19 MEMBER ROBINSON: Down the drain.
20 MR. HOONAN: We would re-use this irrigation water.
21 MR. HIRANO: Yeah, so that would reduce the
22 irrigation demand.
23 MEMBER ROBINSON: Thank you.
24 MR. HIRANO: And then finally, we just want to talk
25 about the laundry upgrades that would be converting
26 the laundry washers to tunnel washers, and again,
27 anticipated water reduction approximately 9,100
28 gallons per day. I know in some of the material

1 that we've been provided by the Department of Water
2 Supply, in terms of these tunnel washers they're
3 saying that the specification should be at least 2
4 gallons per pound for, for water but the current
5 system that's being used at the Grand Wailea,
6 specification is approximately 1.5 gallons per
7 pound, so it's a, it's even more efficient. Just
8 to give you some idea, this is not a washer. I got
9 these pictures from the mechanical engineer. When
10 I first saw it I thought it was a washer because I
11 didn't know anything about the laundry. I haven't
12 been in the, at the Grand Wailea laundry room. But
13 this is actually a dryer and it's an, it's an
14 energy efficient dryer. Rob, you wanna...

15 MR. HOONAN: Actually it's a dry-cleaning unit and
16 than perchloroethylene, actually there is some
17 water savings in this because you're using drying
18 cleaning process but basically the solvent is
19 what's called Green Earth. It's a solvent that's
20 earth friendly. We changed this in 2005 to this
21 system, expensive system but perchloroethylene and
22 all it's bad stuff that's in it we, we got away
23 from that so we have very eco-friendly process than
24 when you clean your shirts at the Grand Wailea.

25 MR. HIRANO: See, I didn't even know that, their
26 dry-cleaning unit instead of a dryer. But this is
27 the baby here. This is...

1 MR. HOONAN: Here's, here's something we've had for,
2 since the get go. This is a continuous batch
3 washer or also known as the, the tunnel washer.
4 Basically it is a 7 chamber system. Everything
5 from pre-wash soaking through the process, you can
6 see the different chambers here, not all 7. I
7 couldn't get the whole unit in the picture.
8 Basically, it is a very energy and water efficient
9 way of washing. It is almost a screw type system
10 that runs your wash through it. The final rinse
11 water on the, oh thanks, this last, these last 2
12 vessels here, once the wash gets to this point it's
13 pressed and the water is captured and run back over
14 to the, to what's called pre-wash soak, so you're
15 re-using that water. We are looking and have plans
16 to put another tunnel washer in there; to have 2 of
17 these tunnel washers. It's also very efficient
18 from, like I said, electrical standpoint and uses
19 steam in a very effective way, so also from a
20 propane standpoint. Resource wise this is a very
21 good thing to have.

22 MR. HIRANO: And then finally, again just to
23 propose plumbing fixture upgrades, there's the
24 program to install co-compliant water, co-compliant
25 and water efficient plumbing fixtures in new
26 installations and retro-fit existing fixtures. As
27 I mentioned there are 800 rooms at the hotel and it
28 was built in 1991. And through these plumbing

1 fixture upgrades anticipated water reduction would
2 be approximately 23,070 gallons per day. So just
3 in terms of the water efficiency initiatives the
4 completed and proposed water reduction and
5 efficiencies are approximately 206,781 gallons per
6 day. It's a, it's a fair and significant amount of
7 reduction and efficiency that's provided by these
8 initiatives. As I mentioned the Grand is proposing
9 a 310 room expansion and the objective in this
10 expansion is that there'll be no net increase in
11 water use from the previous year, and that is in
12 2009. So that's just a little bit of information
13 on the Grand Wailea and I, you know I hope you, it
14 was informative and just saying what the resorts
15 are doing. I think the resorts have been viewed as
16 the bad guys in terms of water use you know, on
17 Maui and, and the resorts are conscious and
18 conscientious. The Grand Wailea is a prime example
19 of that and we wanted to just have this opportunity
20 to present this information to you, so, thank you
21 very much.

22 CHAIR HOWDEN: Thank you. Thank you for coming.
23 That was a very informative presentation. I'm
24 happy to see the initiatives that you're taking. I
25 think that some point it would be helpful perhaps
26 in the next month or two to come back and we have
27 more of give and take when we got a chance to

1 really review your response to Director Eng's
2 letter and...

3 MR. HIRANO: Yeah. We do have a response.

4 CHAIR HOWDEN: And, and then...

5 MR HIRANO: I could make, leave it with the
6 secretary? She can make copies for the...

7 CHAIR HOWDEN: That'll be great, yeah.

8 MR. HIRANO: And we would love the opportunity to
9 come back and discuss that.

10 CHAIR HOWDEN: I, I think it would be useful to all
11 of us...

12 MR. HIRANO: Yes, yes. We really would..

13 CHAIR HOWDEN: To have that discussion.

14 MR. HIRANO: We would like to do that.

15 MEMBER ROBINSON: May I ask a very quick question?

16 CHAIR HOWDEN: Is there such a thing?

17 (laughter)

18 MEMBER ROBINSON: Well, there's a perception out
19 there that the water features at the Grand Wailea
20 are recycled water. Is, is that true?

21 MR. HOONAN: No, it's not. We, we are not using
22 recycled water there. We do not have the ability
23 to use R-1 water down there, there's no supply.

24 MEMBER ROBINSON: I see. So the...

25 MR. HOONAN: Wish we did.

26 MEMBER ROBINSON: So the idea of the injection
27 wells, that water being made available could, could
28 actually...

1 MR. HOONAN: Oh, it'll be a great, great thing for
2 Wailea.

3 MEMBER ROBINSON: Great, that's all I wanted to
4 know.

5 CHAIR HOWDEN: Don? Don, did you have question?

6 MEMBER GERBIG: What the, what's the total
7 percentage of water savings in, in this number you
8 have, the 206,000 gallons per day, what is that,
9 what kind of percentage is that compared to what,
10 2005?

11 MR. HIRANO: 2008, the water use was 680,000
12 gallons a day, roughly, so it's about 25%, 30%.

13 MEMBER GERBIG: This is about 30, 30% savings. Ok,
14 thank you.

15 MEMBER MYERS: I had a question about that sod
16 irrigation project that you had at the ballroom
17 area.

18 MR. HOONAN: Yes, yes.

19 MEMBER MYERS: I, I'm just curious to know what
20 kind, how does that provide savings to the..

21 MR. HOONAN: Well, it's drip. It's drip instead of
22 your conventional spray or pop up spray head that
23 you see on lawns and you hear at night when they go
24 on.

25 MEMBER MYERS: Right.

26 MR. HOONAN: This is actually drip irrigation, only
27 feeds the roots so you don't have your evaporate,
28 you could, you could run that in the daytime.

1 Basically it's just feeding the roots, it's just a
2 drip, a very slow drip reducing your gallons per
3 minute in the area and no waste in evaporation, no
4 waste in wind blowing the overspray and other
5 things like that. So a very efficient way to use
6 water.

7 MEMBER MYERS: That's pretty neat.

8 MR. HOONAN: Yeah, works great. Green as can be.

9 CHAIR HOWDEN: Ah, Mr. Kushi has a couple..

10 MR. HIRANO: Yes.

11 MR. KUSHI: Mr. Chair, if I may, Mich or is it Rob?

12 MR. HOONAN: Yes.

13 MR. KUSHI: Yeah. Director Eng, in your handout..

14 DIRECTOR ENG: Yes.

15 MR. KUSHI: You sent a letter dated July 16 '09, to
16 Ann Cua, Planning Commission..

17 MR. HIRANO: Yes.

18 MR. KUSHI: And that's in conjunction with your SMA
19 permit?

20 MR. HIRANO: Yes.

21 MR. KUSHI: You had the hearing yet?

22 MR. HIRANO: No, the hearing is September 22nd and
23 we just responded to that letter and I think it's
24 probably in the mail to Director Eng.

25 MR. KUSHI: It's not a, no concern of this body,
26 but you know..

27 MR. HIRANO: No.

1 MR. KUSHI: I just wanted to know where you are.
2 So, but, but your bottom line in your application,
3 are you saying that with the expansion you are not
4 requesting additional meters?

5 MR. HIRANO: Yes.

6 MR. KUSHI: Additional water service?

7 MR. HIRANO: There's currently enough capacity, we,
8 we, we feel that there's enough capacity in the
9 meters to deal with the expansion.

10 MR. KUSHI: Yeah. Do you know if the Planning
11 Commission or the Planning staff is, you know, all
12 your presentations, will they incorporate that as
13 conditions to your SMA permit?

14 MR. HIRANO: We don't know. We, we don't, we, what
15 we have is conditions in our SMA as we've discussed
16 with the Planning Department, is really to monitor,
17 to monitor and I don't know, and monitor and report
18 it, evaluate it and that was as well in Director
19 Eng's letter, that was part of items number 8 and 9
20 in the letter in terms of inventory monitoring for
21 5 years.

22 MR. KUSHI: But, but you, but based on your
23 presentation today, you're saying today that you
24 won't come back to the Department to ask for more
25 service, water service?

26 MR. HIRANO: That's correct.

27 MR. KUSHI: Based on your estimates.

28 MR. HIRANO: Yes.

1 MR. KUSHI: We hope not to see you again.
2 (laughter)
3 CHAIR HOWDEN: Ok, thank you again.
4 MR. HIRANO: Thank you very much.
5 MEMBER ROBINSON: Yeah, thank you.
6 CHAIR HOWDEN: I'd also like to acknowledge the
7 presence of board members, Kelli Myers and Kui
8 Lester, all the way from Molokai, we get plenty
9 water problems over there as well. So, let's move
10 back to Appeals. For this matter the...
11 DIRECTOR ENG: Thank you, Rob.
12 MR. HOONAN: Mahalo.
13 CHAIR HOWDEN: Thank you.
14 MR. HIRANO: Thank you.
15 CHAIR HOWDEN: Ok. For this matter the Board may
16 convene in executive session pursuant to HRS 92-
17 5(a)(4) in order to consult with the Board's
18 attorney on questions and issues pertaining to the
19 Board's powers, duties, privileges, immunities and
20 liabilities. So, we're gonna move into executive
21 session.
22 MR. KING: What's after that, I'm just curious if
23 we wanna stay. Is there other matters before you?
24 CHAIR HOWDEN: Yeah, we have a lot of nifty
25 matters.
26 MR. KING: Any idea how long you'll be in executive
27 session?
28 CHAIR HOWDEN: Twenty minutes max I would say.

1 MR. KING: Thank you.

2 CHAIR HOWDEN: I guess, is my humble estimate of
3 course, as usual. Ok.

4 (at this time the Board went into executive session
5 the reconvened at 10:05 a.m.)

6 CHAIR HOWDEN: So, Gaye, we ready?

7 MS. HAYASHIDA: Yup.

8 CHAIR HOWDEN: Ok. We're moving out of executive
9 session.

10 MEMBER ROBINSON: Did we all, did, did you sign for
11 all of us?

12 MR. KUSHI: Yes.

13 CHAIR HOWDEN: It's just one signature. I know
14 your handwriting is better than mine. I did do my
15 best. Ok.

16 MEMBER ROBINSON: Just didn't know. Alright.

17 MR. KUSHI: You know at the end of the meeting,
18 Gaye had the paper that everybody checked off?

19 CHAIR HOWDEN: Yeah, yeah.

20 MR. KUSHI: Yeah. Your vote was recorded.

21 MEMBER ROBINSON: Oh, I see, ok. Good, good, good.

22 CHAIR HOWDEN: For posterity.

23 MEMBER ROBINSON: Posterity.

24 (laughter)

25 MEMBER ROBINSON: In case he wants to come after
26 us.

27 MR. KUSHI: Yes. Mr. Davis knows where you live.

28 MEMBER ROBINSON: Yeah, exactly.

1 CHAIR HOWDEN: Ok.

2 MEMBER ROBINSON: He's from Texas, isn't he?

3 CHAIR HOWDEN: Oh, that's ok. I'd like to announce
4 our findings in the matter of the appeal of James
5 Davis concerning a request for water, Appeal No.
6 08-03. The Board has decided to deny the appeal.
7 I'd like to read from the Decision and Order.
8 Based upon the Findings of Fact and Conclusions of
9 Law, the Board after consideration of the appeal of
10 appellant James Davis, filed on June 11th, 2008
11 enters the following order. It is hereby ordered
12 as follows, 1. Appellant's appeal is denied, 2.
13 Appellant's request for water meters will be placed
14 and maintained on the Priority List as provided for
15 by Maui County Administrative Rule, Title 16,
16 Chapter 106, Water Meter Issuance Rule for the
17 Upcountry Water System as extended by Maui County
18 Ordinance No. 3225, 3. Appellant's request for a
19 waiver of modification of Chapter 106, Water
20 Issuance Rule for the Upcountry Water System so
21 that he may immediately acquire water meters is
22 denied. The Department or the Appellant may appeal
23 this decision and order in accordance with Section
24 15-102-70 of the Rules of Practice and Procedure of
25 the Maui County Board of Water Supply, and Section
26 91-14, Hawaii Revised Statutes. Dated this 27th of
27 day of August, 2009 at Wailuku, Maui, Hawaii. And
28 a certified copy of the Findings of Fact,

1 Conclusions of Law, Decision and Order will be
2 mailed to the Appellant. So, on we go. Oh, Jeff's
3 not here yet, so we'll defer his response to John
4 Blumer-Buell. Ok, 8B, discussion of possible
5 action regarding WR-1(5) Water Supply Rules
6 (Subdivision Water System Requirements). I believe
7 we have the letter here.

8 MR. KUSHI: Gaye, Jeff gonna come back?

9 MS. HAYASHIDA: I'm gonna assume so.

10 MR. KUSHI: You wanna take a break?

11 CHAIR HOWDEN: Let's see. Might move on to another
12 issue then. We'll defer this until our director
13 returns. How about C, discussion regarding Public
14 Hearing Procedures for the Water Use and
15 Development Plan? So, as you know we received from
16 Water Resources Committee of the Council their
17 opinion regarding the Water Use and Development
18 Plan that would make it basically the law of the
19 land. So our public hearings which we're mandated
20 to hold become very important in terms of, of use
21 of water resources throughout Maui County and I'd
22 like to encourage especially board members who are
23 resident in the areas directly affected for
24 instance our first plan we'll be addressing will be
25 Central Maui which be inclusive of South Maui. It
26 would make sense to me to hold probably at least 2
27 hearings, one in the Central district, Wailuku-
28 Kahului, and the other in South Maui. And to do

1 enough outreach that we really have community
2 input. I feel that the plan is deficient in some
3 areas and that, that public discussion should be
4 encouraged. So I just wondered how the board
5 members would feel individually, I mean, I, I,
6 don't mean to burden you with more stuff and
7 certainly not going to try to drag Kui over from
8 Molokai, unless she like come. But certainly, do
9 we have members who live in the Wailuku-Kahului
10 area? Ted does, yeah. Kelli, where do you live?

11 MEMBER MYERS: Kihei.

12 CHAIR HOWDEN: Where?

13 MEMBER MYERS: Kihei.

14 CHAIR HOWDEN: Oh, Kihei. Scott's Lahaina, Don's
15 Lahaina. Where does, John lives in Haiku, yeah?
16 Ok. Is that everybody?

17 MEMBER ROBINSON; I'm, I'm in, I'm in Kihei also.

18 CHAIR HOWDEN: Yeah. Well, folks are certainly
19 welcome to participate in this. It just depends
20 what, how your time is. But certainly for the
21 areas where you live I would really encourage you
22 to participate. The South Maui one I think will be
23 very complex 'cause there are a lot of issues that,
24 that need to be addressed there.

25 MEMBER YAMAMURA: Is there a minimum number of
26 board members that's required to be at public
27 hearings?

- 1 CHAIR HOWDEN: No. No, this is just a public
2 hearing, it's not a board meeting.
- 3 MR. KUSHI: Well, Mr. Chair, I would recommend 5.
4 I, I would consider it a board meeting 'cause you
5 have to, you have to publicize it and I'd like to
6 have at least a quorum there.
- 7 CHAIR HOWDEN: Ok.
- 8 MEMBER ROBINSON: So, a quorum no matter where we
9 live, a quorum at every area.
- 10 MR. KUSHI: For whatever meeting that you have.
- 11 CHAIR HOWDEN: So, that means...
- 12 MEMBER ROBINSON: That means we go to Molokai.
- 13 CHAIR HOWDEN: Our deputy chairman...
- 14 MEMBER LESTER: Yep.
- 15 CHAIR HOWDEN: Is this true for Molokai and Lanai
16 as well or?
- 17 MEMBER LESTER: Yep.
- 18 MR. KUSHI: Whatever the quorum of the Board.
- 19 CHAIR HOWDEN: Ok, ok. So...
- 20 MR. KUSHI: But if it's the Molokai Plan you need
21 to have the hearing in Molokai.
- 22 CHAIR HOWDEN: Yes, absolutely. Ok, so that's
23 gonna be a bit of a stretch for some of us but,
24 Scott, can I sign you on for all, pretty much all
25 of these?
- 26 VICE CHAIR LUCK: Yeah, yeah.
- 27 CHAIR HOWDEN: And Kelly...

- 1 MEMBER MYERS: I, I mean, depending as long as, it
2 should be ok, I should be able to..
- 3 CHAIR HOWDEN: You can bring your baby.
- 4 VICE CHAIR LUCK: My only restriction, my only
5 restrictions will be the week each month that I
6 have to be on the mainland, which I can share, I
7 know in advance.
- 8 CHAIR HOWDEN: Ok, good. And that'll, that'll be
9 helpful and then..
- 10 MEMBER ROBINSON: I teach at the college, so on
11 Tuesdays and Thursdays, so I would not be able to..
- 12 CHAIR HOWDEN: All day or..
- 13 MEMBER ROBINSON: Well, in the middle of the day,
14 1:30 to 2:45.
- 15 CHAIR HOWDEN: Yeah, the meetings we would look at..
- 16 MS. HAYASHIDA: Evening.
- 17 CHAIR HOWDEN: Evening meetings.
- 18 MEMBER ROBINSON: Would be in the evening? Then
19 there'd be no problem. But we'd have to stay
20 overnight.
- 21 MEMBER YAMAMURA: Do we have tentative dates, maybe
22 alternate dates?
- 23 CHAIR HOWDEN: Well, that's what we're working
24 through right now.
- 25 MEMBER YAMAMURA: Yeah, and then maybe we could see
26 who's available.
- 27 CHAIR HOWDEN: Yeah.

1 VICE CHAIR LUCK: It's a good point. Is there a
2 deadline where we wanna be sure we had the meetings
3 by?

4 MR. KUSHI: I'll, I'll get into that.

5 CHAIR HOWDEN: Oh, ok, so let's have Ed...

6 MR. KUSHI: Yeah, Mr. Chair, what, what I just
7 passed out to my cover letter from myself to
8 Councilmember Victorino dated August 24th and
9 attached to it is a proposed amendment to Chapter
10 14.02 which is the Water Use and Development Plan.
11 When the Council found out that the existing
12 ordinance required them, first required that any
13 plan updates come to this body and then you hold a
14 public hearing and then, then within in so many
15 days after your public hearing send up to the
16 council with your recommendations and then they
17 have 45 days to pass, approve or disapprove, and if
18 they don't do it then it's disapproved. When they
19 found that out, they wanted of course the
20 amendments. So if you look at the amendments it
21 now has a more, let's say, reasonable schedule.
22 The 2nd page on the amendment process basically
23 states that once the Department sends down an
24 update, which apparently I'm not sure where it is
25 right now, whether it's final or not, but the, my
26 understanding is the Central Maui one is in it's
27 final stages. You've had the hearing, presentation
28 by Ellen and Mr. Freedman. Once that's finalized,

1 the Department will send it to here, to the Board.
2 Within 90 days after you receive the update the
3 Board shall hold at least one public hearing in the
4 affected area, at least one. Within 90 days after
5 the public hearing you must submit your
6 recommendations and findings to the Council. Once
7 they get it, now they have 180 days to approve or
8 disapprove. If they don't act it's disapproved. I
9 take that back, it was stricken. Shall be deemed
10 approved, shall be deemed approved, provided now,
11 they can extend the time to another 180 days. So
12 you know, they elect themselves a lot of leeway.
13 So, that's the gist of the amendment. Now, that's
14 gonna come up for first reading, Kim, in...?

15 MS. WILLENBRINK: Postings tomorrow so next week
16 Friday.

17 MR. KUSHI: Next week Friday will be first reading
18 for this amendment and I don't see any..

19 MS. WILLENBRINK: Next week Thursday.

20 MR. KUSHI: Problem with it passing. There is some
21 little concern about, I heard this morning that the
22 Commission on Water Resources staff is concerned
23 about we sending the update to them piecemeal.
24 'Cause you know we have 5 plans and we're not gonna
25 send, we're not gonna wait 'til all 5 of 'em are
26 accepted. We will send 'em piece by piece. So
27 we'll work that out with the state commission. As
28 you know they're understaffed and so really

1 stressed too so, but anyway this is the, the latest
2 on the update. So now, the logistics of it is like
3 Member Yamamura said once the Department sends it
4 down to you, you need to schedule your meetings
5 within 3 months.

6 CHAIR HOWDEN: Ok.

7 MR. KUSHI: After you end the public hearing submit
8 your findings within another 3 months.

9 VICE CHAIR LUCK: Three months to schedule then 3
10 months to submit.

11 MR. KUSHI: Three months to have the hearing..

12 VICE CHAIR LUCK: Ok.

13 MR. KUSHI: And then after the hearing 3 months to
14 submit.

15 VICE CHAIR LUCK: Ok.

16 CHAIR HOWDEN: So, what I'm looking for here based
17 on Ed's counsel are 5 people from, hopefully
18 representing that district but certainly more than
19 that, who would commit to participating in these
20 hearings. Certainly all the members of the Board
21 are welcome, that's, there's no question of that.
22 But just so we have a solid group of 5 so we do
23 have a quorum and we meet the legal demands that
24 Ed's presenting to us. So evidently we don't have
25 to set dates at this point because we don't have
26 the final draft. It'd be helpful, Ed and Eric, if
27 we can find out from the Department when we can
28 expect a final copy and then we can begin to

1 schedule but we will be moving in to the
2 Thanksgiving-Christmas season so if we can
3 accomplish one or more of these meetings before
4 then I think it would be more gracious to the
5 communities concerned and to ourselves of course.
6 Ha Ha, afterthought.

7 MEMBER YAMAMURA: It shouldn't be too overwhelming
8 because the plans will be coming to us perhaps one
9 at time, right?

10 CHAIR HOWDEN: Uh huh.

11 MEMBER YAMAMURA: So shouldn't be too bad.

12 CHAIR HOWDEN: Yeah and frankly what Ed said is,
13 is, I mean they're severely understaffed and to
14 give them piecemeal is plenty enough for them. If,
15 if we wait and hold all these in hand and then put
16 5 in at once and then if their procedural, if they
17 wanna correct how we're proceeding then it's better
18 to know that after one or two plans. So, that's
19 that. Ok. And of course related to this is
20 discussion regarding...Ed, do we need to act on the
21 Water Use and Development Plan WR-4? Or do we need
22 to say anything to Mike about that or...?

23 MR. KUSHI: No, they didn't request some comments.

24 CHAIR HOWDEN: He's always requesting comments.

25 MR. KUSHI: This is item, our agenda item 8C?

26 CHAIR HOWDEN: Ummm..

27 MR. KUSHI: That's what we were on, right?

- 1 CHAIR HOWDEN: Yeah, that's what we're on but this
2 is a, this is in correspondence or communications,
3 no, it's not in communications.
- 4 MR. KUSHI: Yeah, that's just for your...
- 5 CHAIR HOWDEN: Ok, fine.
- 6 MS. HAYASHIDA: Mr. Chair, just to let you know...
- 7 CHAIR HOWDEN: Sure.
- 8 MS. HAYASHIDA: A matter of the, before the Board
9 can hold a public hearing it has to be advertised
10 30 days prior to the meeting...
- 11 CHAIR HOWDEN: Yes.
- 12 MS. HAYASHIDA: So you know that it's...
- 13 CHAIR HOWDEN: Yeah.
- 14 MS. HAYASHIDA: You need to let me know way ahead
15 of time when you guys wanna have it then I gotta
16 scramble and find a place, advertise it in the
17 newspaper.
- 18 CHAIR HOWDEN: Yeah, well once the plan comes to
19 down then we can always canvas the members by email
20 perhaps, you know, begin to work out dates around
21 Scott's and Phyllis' job demands.
- 22 MS. HAYASHIDA: But, it'll probably be like early
23 evening, late afternoon, in the early evening the
24 public hearings, so after when people get off from
25 work.
- 26 CHAIR HOWDEN: Yeah.
- 27 MS. HAYASHIDA: Yeah. Ok.

1 VICE CHAIR LUCK: The plans are going to be
2 available on the website, right, the Department
3 website?

4 MS. HAYASHIDA: Should be.

5 CHAIR HOWDEN: They, they're already up.

6 VICE CHAIR LUCK: They're already there.

7 CHAIR HOWDEN: Ok, and related to this is item,
8 item B, discussion regarding committees within the
9 Board. I mean, this is really our committee to
10 handle the Water Use and Development Plan, are
11 there any other committees the Board feels would
12 be, members of the Board feel would be useful to
13 carrying out the functions of the Board, please
14 comment. Please feel to comment. Nothing? Ok.
15 Cool, strike that item. Oh, good.

16 DIRECTOR ENG: Sorry, I'm..

17 CHAIR HOWDEN: That's no problem. So, Jeff, we
18 passed on 7, Unfinished Business, the John Blumer-
19 Buell, East Maui Water Issues. You'd like to start
20 with that?

21 DIRECTOR ENG: Well, ok, I, I guess as far as this
22 has been on the agenda, was this something that you
23 were, folks were to respond to him about or...? I
24 remember he came to the Board some time ago.

25 CHAIR HOWDEN: Yes, some months ago.

26 DIRECTOR ENG: And I know that I met with him
27 during the break and I think he came because he was
28 kinda really over reacting to some information that

1 he'd gotten from I guess the County website. And I
2 forget when we were asked to, this probably early
3 in the year like in January, I think just about the
4 time Obama took office and about that time the, I
5 guess the senate, what have you, senate was looking
6 at maybe getting some stimulus funding and then
7 there is some U.S. Conference of Mayors and I
8 remember one afternoon we got a call from our
9 budget director saying, "come up with a list of
10 projects that are ready to go and I need the list
11 by the next morning." So, we just looked at what
12 we had in the existing CIP. You know we didn't
13 weed out anything. It's just anything that had
14 basically construction plans generally completed or
15 almost completed and that we had some funding
16 appropriations. That was the qualifications at
17 that time. Then we only had a matter of a few
18 hours to come up with a list. And lo and behold,
19 this list was published. And in the case of Mr.
20 Blumer-Buell, he kind of said, "Oh shoot, this was
21 the Hamoa to Koali waterline."

22 CHAIR HOWDEN: Yeah, the 9 million for that.

23 DIRECTOR ENG: And that's something again, we just,
24 is based on the construction plans, there's some
25 prior appropriations and I told him we never
26 intended to go forward with it unless we had
27 community support. So that was why I think he came
28 to the Board that day. Eventually, from that list

1 that the Mayor provided to the U.S. Conference of
2 Mayors. We really whittled it down to just 3
3 projects that we really felt were ready to go. And
4 we have gotten, just recently we got the loan
5 agreements from the Department of Health. Again,
6 after this American Reinvestment and Recovery Act
7 was signed by Obama back in February, then we had a
8 better idea of the methodology of how the money
9 would be allocated and handled and it was basically
10 being handled through the State Department of
11 Health, well actually from the EPA but again State
12 of Hawaii has primacy so they can administer the
13 EPA's role in Hawaii. So they utilize the existing
14 State Revolving Fund which is really a loan program
15 to administer these funds. The difference with
16 this and the SRF is basically a loan, a lower
17 interest loan. But in this case with the ARRA Fund
18 projects, the loan agreement is little bit
19 different. It's, it's at zero interest and you
20 don't have repay the principle. So, it's really
21 like a grant. And so that's where we're at right
22 now. We have 3 projects...

23 MEMBER ROBINSON: Such a deal.

24 DIRECTOR ENG: We've seen the loan agreements,
25 we've executed them, we haven't seen the funding
26 yet but we're ready to give the contractor his
27 notification to proceed. So we're in pretty good
28 shape. So yeah again, when Blumer-Buell came he

1 was just kinda over reacting to this, this list
2 that was on I think the County website.

3 CHAIR HOWDEN: I think one of John's concerns was
4 also the, that in their community plan they have
5 requested a water treatment plant at one point
6 because of pollution in Hana Bay and I just
7 wondered if that, that might be something we wanna
8 discuss in the future but short of bringing him
9 back...

10 DIRECTOR ENG: What kind of water treatment would
11 that be for? Storm water treatment?

12 CHAIR HOWDEN: I think it was for sewage.

13 DIRECTOR ENG: For sewage?

14 CHAIR HOWDEN: Yeah.

15 DIRECTOR ENG: Ok, then that would be with the
16 Wastewater Division.

17 CHAIR HOWDEN: Yeah, yeah. Ok, anyway that's...

18 DIRECTOR ENG: Ok.

19 CHAIR HOWDEN: That was one of his concerns. So
20 we're not gonna see that \$9 million...

21 DIRECTOR ENG: No, no, right now we don't, I don't
22 think we have...

23 MEMBER ROBINSON: Funds?

24 DIRECTOR ENG: I think that it never has been
25 encumbered, I think it's been lapsed in the funding
26 appropriations. And before we do anything we'll go
27 out to the community and get their support.

1 Unfortunately for those who want that waterline
2 upgrade they don't get it too.

3 CHAIR HOWDEN: Yeah.

4 DIRECTOR ENG: So you know, we've only really heard
5 from a few.

6 CHAIR HOWDEN: Yeah, I think the concern there in
7 the community was that it'll be used for
8 subdivision...

9 DIRECTOR ENG: Yeah, yeah, additional developments.

10 CHAIR HOWDEN: Toward Hamoa and like that.

11 DIRECTOR ENG: Yeah and we understand.

12 CHAIR HOWDEN: Ok, thanks.

13 DIRECTOR ENG: You're welcome.

14 CHAIR HOWDEN: And the next item for you is B in
15 Other Business, discussion/possible action
16 regarding WR-1(5) Water Supply Rules (Subdivision
17 Water System Requirements).

18 DIRECTOR ENG: Ok, well those are going forward. I
19 think they have any revisions to the subdivision
20 requirements have passed out of committee. Is that
21 correct, Mr. Kushi? I think that was..

22 MR. KUSHI: Yeah, they've had several committee,
23 Water Resource Committee meetings. It hasn't gone
24 up to, for first reading yet because they wanted
25 comments from this body as well as the, there's
26 another agency called..

27 DIRECTOR ENG: Subdivision Standards, something.

1 MR. KUSHI: Subdivision, Maui County Subdivision
2 Standards, Engineering Standards Review Committee.
3 And they've had one meeting on this, on the rules,
4 ordinance last month. They're having another one
5 next week Friday. So, apparently the chair,
6 Victorino is still waiting for comments from, from
7 this body. But...

8 DIRECTOR ENG: As far as the revisions that were
9 made, recommendations by the Department, we find
10 they are all satisfactory and I think it clarifies
11 for everyone our Subdivision Water System
12 requirements.

13 CHAIR HOWDEN: Ok. Do we, we need to respond to
14 Mike on, on this.

15 MEMBER ROBINSON: There are 2, these 2 questions
16 are those that, what we're talking about here?

17 CHAIR HOWDEN: Yes.

18 VICE CHAIR LUCK: Mr. Chair?

19 CHAIR HOWDEN: Please.

20 VICE CHAIR LUCK: May I ask the Director a question
21 that's related to this but is not specifically part
22 of this. Earlier in the summer there's discussion
23 about I think the transfer of the fire protection
24 to Fire Department, would relieve the Water
25 Department in that responsibility, has it, is there
26 any update on that? 'Cause I was, one of the
27 concerns I had when I was in reviewing this.

1 DIRECTOR ENG: Ok, that will be actually coming up
2 in the next chapter that will be before the
3 committee.
4 MR. KUSHI: Right.
5 DIRECTOR ENG: That'll be water service.
6 VICE CHAIR LUCK: Ok.
7 DIRECTOR ENG: And so at that point hopefully we
8 will be incorporating language that turns over fire
9 flow requirements at building permit stage to the
10 Fire Department.
11 VICE CHAIR LUCK: Ok.
12 DIRECTOR ENG: So that's still in the works. And
13 we're very supportive of that.
14 VICE CHAIR LUCK: Ok. Yeah, me too. So my other
15 question would be is the verbage that's currently
16 in this consistent with the Fire Department's code,
17 for when we get to fire protection and fire..
18 DIRECTOR ENG: As far as the very standards for
19 minimum fire flow requirements on this table, yes,
20 they are consistent with the Uniform Fire Code that
21 we currently utilize.
22 CHAIR HOWDEN: Ed, would you wanna respond to bills
23 that are underlying the questions that Mike had for
24 the Board? 'Cause we need to respond to Mike in a
25 timely manner.
26 MEMBER ROBINSON: Yeah, just read the questions
27 aloud 'cause some people may not be...

1 MR. KUSHI: Yeah, yeah, maybe I'll just read for
2 the Board's information. I'm sure you have a copy
3 of this but it's dated July 1, '09 addressed to
4 Mike, chair of the Water Supply Board by Mike
5 Victorino. It says he asked 2 specific questions,
6 "May I please request the Board review and comment
7 on the proposed bill. During its review, may I
8 request the Board consider and comment on the
9 following: 1. Has the Board heard and determined
10 appeals that are related to subdivision
11 requirements? If so, could appeals thwarted by
12 revising the subdivision water system requirements?
13 2. Have we, we have received testimony from
14 members of the public who contend that certain
15 water system upgrades required by the Department of
16 Water Supply at the time of subdivision approval
17 are too costly and are not proportionate to the
18 water demand that will be placed on the water
19 system. Does the Board agree with this assessment?
20 Please explain. I mean, really broad ranging kind
21 of questions.

22 VICE CHAIR LUCK: I know.

23 MEMBER ROBINSON: Right.

24 MR. KUSHI: You have to understand these rules have
25 been in place since 1977. Again, at that time, the
26 Board was semi-autonomous, you know, it could do
27 what it really wanted to without any input from the
28 Mayor or the Council. Since the charter amendment

1 now the Water Department is like the Department of
2 Public Works and without a, without an overseeing
3 board. So what we've been trying to do is now put
4 this subdivision rules into ordinances. And, and
5 really trying to codify the rules into ordinances
6 so, so for one the public knows what, what it's
7 dealing with when they process or apply for a
8 subdivision. Two, make it consistent with the Fire
9 Department. Three, separate the, the authority.
10 The rules, the existing rules really make reference
11 to the authority, the decisions of the, the Water
12 Department by the Board, the Board is the ultimate
13 authority. The Charter changed that. You are now
14 just advisory. So, lot of places where the
15 existing rules said subject to the Board's review
16 and approval that was stricken. Again, you know
17 the bottom line is that if anybody disagrees with
18 what the Department does they can always appeal
19 that decision to this body, still have that
20 umbrella.

21 MEMBER ROBINSON: And isn't that really what these
22 2 questions are about, which is about the power
23 that we have in an appeal. Would the revised
24 subdivision requirements thwart our process. I
25 mean, maybe you can explain that question a little
26 more fully what they're actually asking of us to
27 respond to.

1 MR. KUSHI: Well, I mean, please, please understand
2 I have no input in structuring these questions but
3 it seems to be like he's asking in the Board's
4 experience in hearing appeals have your appeals
5 related to subdivisions? I think most of 'em are.

6 VICE CHAIR LUCK: Yeah.

7 MR. KUSHI: And most of your appeals have dealt
8 with the Upcountry water system. Some of 'em have
9 been regarding fire, fire protection. You've had
10 some faulty water main leaks appeals but again it's
11 really appealing the Director's interpretation of
12 the existing rules and regulations. Now if you
13 wanna, this is the time you wanna, based on your
14 experience, if you wanna change those standards
15 this is the time to do it through your
16 recommendations to the Council. Again, in trying
17 to codify the rules into ordinances, what started
18 off as a just a mere repetition codification, from
19 here to here, involved, evolved into discussing
20 subdivision problems between the Department of
21 Water Supply, the Fire Department and Public Works.
22 So everybody's on the same page right now.

23 MEMBER ROBINSON: So these, these revisions would
24 actually make the rules clearer to the, to the
25 public and help them see what's in front of them
26 should they..

27 MR. KUSHI: I mean they're available now but this
28 is, this now becomes ordinances, just like a code.

1 That's why it has to go the Subdivision Engineering
2 Standards. Now, I must, I must tell you that in
3 the revisions the Department requested to upgrade
4 the system standards too. Now currently on a
5 subdivision they allow standpipes. That will no
6 longer be the case. Everything will be fire
7 hydrants. The minimum size for some mainline will
8 be increased; again, consistent with the Fire
9 Department standards. Fire Department when they,
10 they have their own code.

11 MEMBER YAMAMURA: It doesn't seem like something
12 that we should be making a decision on regarding
13 that.

14 MEMBER ROBINSON: Well, I think that what they're
15 asking is that the number of appeals that we get
16 are gonna increase if, if there's a change in the
17 requirements that make it even more stringent than
18 it was before. It seems that Question 2 is, is
19 addressing that which is that certain water systems
20 upgrades required by the Department at the time of
21 subdivision approval are too costly and are not
22 proportionate to water demand that will be placed
23 on the water system. So, that has to do with the
24 actual existing requirements. It doesn't sound
25 like you're, are you, are you making the
26 requirements more stringent or you just making it
27 clearer?

1 DIRECTOR ENG: The requirements are, are the same
2 as they've always been. It's just that this is the
3 opportunity for some developers to come in saying,
4 even though the subdivision basically is waterline
5 upgrades to serve the subdivision, they're coming
6 in saying, "well, we don't want to foot the whole
7 cost." Even though in the past every developer
8 has. We wanna share with the rest of the public
9 well it's not benefiting you and me. So I don't
10 think we should. If a developer wants water
11 service, needs to provide that service they should
12 pay for it. We have some mechanisms for mainline
13 extensions for them to get a 50% refund if that
14 extension can benefit others not just them. I
15 think that's real fair or for them to think that
16 we, others in the county should pay for their
17 infrastructure for the subdivision I don't think
18 that's proper. And what about the past developers
19 if we change this? They'll say, "well, I paid for
20 it all." So I think keeping what we've been doing
21 consistently is important.

22 MEMBER ROBINSON: Has there been some, obviously
23 the public has appealed somehow to the Council
24 about this, otherwise Victorino..

25 DIRECTOR ENG: It's only been one or two..

26 MEMBER ROBINSON: Ok.

27 DIRECTOR ENG: As I've seen in an oral testimony.
28 In fact that is basically one person I think.

1 MEMBER ROBINSON: Only one person?
2 DIRECTOR ENG: Yeah, so.
3 MEMBER ROBINSON: But he's...
4 DIRECTOR ENG: Vocal.
5 MEMBER ROBINSON: Doing, he's being due...
6 DIRECTOR ENG: His job, he's a lobbyist too so.
7 MEMBER ROBINSON: Right.
8 DIRECTOR ENG: He's up there on the 8th floor.
9 MEMBER ROBINSON: So, so...
10 CHAIR HOWDEN: Before we go to Scott, let me just
11 comment that...
12 MEMBER ROBINSON: Yes.
13 CHAIR HOWDEN: One of the really salient and
14 truthful features of our consultant's Water Use and
15 Development Plan has been this consistent
16 reiteration that the cost for water meters is well
17 below what the costs are to the Department to
18 develop those water resources. I think in the
19 Upcountry plan, the draft of the Upcountry plan,
20 he's talking that the actual cost of meters is
21 something like \$17 - 18,000, should be.
22 MEMBER ROBINSON: And it's not.
23 CHAIR HOWDEN: And so a lot of this stuff is, is
24 basically a subsidy based on trying to accommodate
25 the different communities that we serve. I think
26 that as we get into the Water Use and Development
27 Plan it'll be a really good, thorough education for
28 all of us. Scott? Are you done, Phyllis?

1 MEMBER ROBINSON: Yeah. I, I, I just, I, all I'm
2 wanting to hear is that we need to respond 'cause
3 we've already put this off. So I would like to
4 honor this request from Councilmember Victorino to
5 have some kind of response from the Board that I
6 guess you'll put into a letter and send to him so
7 at least we've done our due diligence about this,
8 these questions.

9 MR. KUSHI: You know, with that said, Mr. Chair, in
10 addressing the 2 specific questions, has the Board
11 heard and determined appeals that are related to
12 subdivision requirements? Yes.

13 MEMBER ROBINSON: Yes.

14 MR. KUSHI: If so, could appeals be thwarted by
15 revising subdivision water system requirements? I
16 would say no.

17 CHAIR HOWDEN: Yeah, yeah, I would agree.

18 VICE CHAIR LUCK: I would disagree. I think, but
19 by making the requirements, by providing greater
20 clarity to the requirements and by also
21 transferring the responsibility of fire protection
22 to the Fire Department so it's no longer a
23 responsibility to the Water Department, would be 2
24 ways in which we could avoid appeals in the future.

25 MR. KUSHI: Oh, yeah, that's, that's the next step.
26 So, so again the second part of the question, if so
27 could appeals be thwarted by revising the
28 subdivision water system standards; I look at the

1 word "thwarted" by saying could appeals be
2 minimized by lessening subdivision water system
3 requirements, I mean then we get back, going
4 backwards.

5 VICE CHAIR LUCK: I interpret it "thwarted" by
6 meaning reduce...

7 MR. KUSHI: Avoid it.

8 VICE CHAIR LUCK: The number of appeals or avoid
9 the numbers that we're getting because we heard 3
10 that at least had a relation to the fire flow,
11 which shouldn't even be the responsibility of the
12 Department anyway.

13 MR. KUSHI: Right, right, right. Well, the
14 infrastructure for fire flow is, now is the, now is
15 the time to install the infrastructure, when they,
16 when they do the subdivision. The lines are our
17 lines.

18 VICE CHAIR LUCK: Right.

19 MR. KUSHI: It's not the Fire Department's lines.
20 So I could say, you could say yes or no to the
21 second part of that question and we are revising
22 the water system standards to make it clearer.

23 VICE CHAIR LUCK: Right, which I think, I think
24 that's what he's asking for.

25 MR. KUSHI: And then the second question is, "We
26 have received testimony from the public who contend
27 certain water system upgrades required by the
28 Department of Water Supply at the time of

1 subdivision approval are too costly and are not
2 proportionate to the water demand that will be
3 placed on the water system. Does the Board agree
4 with this assessment?" I would say yes, no and
5 maybe. It depends on what, what...

6 CHAIR HOWDEN: Hey, you write the letter, huh.
7 (laughter)

8 MR. KUSHI: It depends on how big is the
9 subdivision, what, what demand would they be, what
10 water service demand on the Department. So, it's
11 on a case by case basis, I would say you cannot say
12 generally that it is too costly and not
13 proportionate until you know what subdivision's
14 about.

15 MEMBER ROBINSON: Right. Wasn't Davis' appeal
16 based upon the fact that he was being faced with a
17 \$10,000 fire hydrant and that was what determined
18 that he was not gonna go forward with this building
19 on his land because that was, that was too costly...

20 VICE CHAIR LUCK: Originally.

21 MEMBER ROBINSON: So, I mean that, that was an
22 appeal that came before us and it was down the line
23 that that happened but it was about cost and that
24 cost being too much for an individual to handle.
25 And I assume that it's because of the subdivision
26 of the property that took place originally, is that
27 correct? And so, I don't know. Is it the term "it

1 depends on the size of subdivision," is that gonna
2 be...?

3 MEMBER LESTER: It depends on the situation.

4 MR. KUSHI: Yeah, I think you would have to..

5 VICE CHAIR LUCK: The situation, I agree.

6 MR. KUSHI: Say the Board, I mean we'd have to
7 review it on a case by case basis and depend on
8 what the, how big or small the subdivision is and,
9 but again like, if you start making exceptions on
10 lot size..

11 MEMBER ROBINSON: Uh huh.

12 VICE CHAIR LUCK: It seems like in general that
13 there's, there's not an issue but that in isolated
14 instances that we become aware of, including one
15 that I can think of that was on appeal, but there
16 might be unfair, an unfair burden put on a
17 particular party. But that it's not widespread as
18 far as we understand.

19 MEMBER ROBINSON: And isn't that exactly why we
20 have these rules about what determines conditions
21 for us to overturn a decision by the Department.
22 Are these very kinds things that are extraordinary
23 and above and beyond and isn't, I mean that's kind
24 of how we make our decisions based on that kind of
25 criteria and so.

26 CHAIR HOWDEN: So, would the Board be in agreement
27 to ask our counsel to draft a response to
28 Councilmember Victorino and then Gaye can email it

1 to, and if there are no objections then I would
2 sign it, my signature could be affixed to it and we
3 would respond to him in a reasonably timely manner.

4 MEMBER ROBINSON: Yeah, why don't we...

5 CHAIR HOWDEN: Since it is coming up real soon.

6 MEMBER ROBINSON: Yeah, do it by email to us and,
7 and, and we can look at it and say yea or nay and
8 if you don't hear from it means that, that we
9 didn't read it but it doesn't sound like they need
10 any kind of quorum or, or vote on this, it's just
11 a, a letter as to whether we agree or disagree with
12 the questions.

13 CHAIR HOWDEN: Yeah, and it's just a courtesy to
14 Mike to respond to this, yeah.

15 MEMBER ROBINSON: Sure, yeah and, and I don't think
16 we should wait until the September meeting to do
17 that.

18 CHAIR HOWDEN: No, we can't they're already gonna
19 go for public hearing. Scott?

20 VICE CHAIR LUCK: Could we just amongst ourselves
21 come up with a general consensus that we have a
22 response that the Council can take that represents
23 our majority opinion at least.

24 CHAIR HOWDEN: Sure.

25 VICE CHAIR LUCK: 'Cause I think for, for number 1
26 we agreed we have definitely heard some appeals
27 that relate to subdivisions. The second part I was
28 hearing mixed response unless I, actually maybe I'm

1 the only one who thought, yeah actually they could
2 be worded. It depends on your interpretation so
3 it's ambiguous where I think where we feel as a
4 Board on that particular one.

5 MEMBER ROBINSON: Well as long as the requirements
6 aren't going be changed but they're just gonna be
7 made clearer...

8 VICE CHAIR LUCK: Right.

9 MEMBER ROBINSON: In fact it wouldn't thwarted it.
10 So that would be no. I mean I would think that the
11 clearer that these ordinances are, the easier it's
12 gonna be for us.

13 VICE CHAIR LUCK: Right.

14 MEMBER ROBINSON: So.

15 VICE CHAIR LUCK: And the less likely that there
16 would be appeals.

17 MEMBER ROBINSON: They would be thwarted. Right.
18 So I agree with...

19 MR. KUSHI: I, I, yeah, I would say, question, if
20 so could appeals be thwarted by revising the
21 Subdivision Water System Requirements. I would say
22 yes, in the context of clarifying the water system
23 or the subdivision water system requirements.

24 VICE CHAIR LUCK: I agree with that.

25 MR. KUSHI: Yes, in, in the context of clarifying
26 and that's what we're trying to do.

27 CHAIR HOWDEN: Are you comfortable with that,
28 Scott?

1 VICE CHAIR LUCK: I'm very comfortable with that.
2 MEMBER ROBINSON: Ok.
3 VICE CHAIR LUCK: I see nodding so I'm assuming...
4 MEMBER LESTER: Yeah.
5 MEMBER ROBINSON: Uh huh.
6 VICE CHAIR LUCK: That's a majority of the...
7 CHAIR HOWDEN: Or could just be the late hour of
8 the morning.
9 VICE CHAIR LUCK: Yeah, just move on.
10 (laughter)
11 VICE CHAIR LUCK: And there, the second one was
12 maybe even more open? Unless we all agree that
13 it's case by case.
14 MEMBER LESTER: Yep.
15 MEMBER ROBINSON: Well, as we said it depends on
16 the...
17 VICE CHAIR LUCK: The circumstance.
18 MEMBER ROBINSON: The case.
19 MEMBER LESTER: The situation.
20 CHAIR HOWDEN: Yeah, Ed made that pretty clear.
21 It's case by case. That's why he's gonna check all
22 the boxes.
23 MR. KUSHI: I won't say yes, no, maybe but I'll...
24 CHAIR HOWDEN: That'll be fun actually.
25 MEMBER ROBINSON: Depends on the...
26 CHAIR HOWDEN: Responses.
27 VICE CHAIR LUCK: There actually was another part
28 of the chair's request, Victorino's request which

1 was just any comment we do have as well. I
2 actually did have a few. If I can have a moment.

3 CHAIR HOWDEN: Of course.

4 VICE CHAIR LUCK: Thank you. And this is actually
5 for the Director I think. There is some verbage in
6 that seems pretty ambiguous to me and, and gave the
7 director a lot of discretion without specifics and
8 I, I've written down where I have some examples of
9 it but in general when I went through it I was just
10 worried we'd get back into a place where you don't
11 have specific guidelines to go by and it makes it
12 more difficult for you to make judgment but you've
13 already stated that you're comfortable with
14 everything here and if you're comfortable with it
15 I'm fine with it.

16 DIRECTOR ENG: Yeah, Mr. Luck, actually Mr. Kushi
17 actually removed the section that did provide me a
18 little bit discretion so I think I have very little
19 or no discretion at this point.

20 VICE CHAIR LUCK: I'll just...

21 DIRECTOR ENG: What are your...

22 VICE CHAIR LUCK: I'll read it, I'll read a couple
23 of examples.

24 MEMBER ROBINSON: Can you tell us which ones you're
25 talking about?

26 MR. KUSHI: Yeah.

27 VICE CHAIR LUCK: And maybe these were from a
28 previous version of this but, "14.04.090(a) The

1 Department shall have discretion to justify
2 requirements set, requirements that set forth in
3 this section 14.04.090(c) unless otherwise
4 permitted by the director. 14.04.030(c) shall be
5 installed as designated and required by the
6 director." So it's, it's giving you authority but
7 it's not giving you any guidelines, which if you're
8 comfortable with that I'm, I'm fine.

9 DIRECTOR ENG: Let me take a look at that, 14.04...

10 VICE CHAIR LUCK: 030 and 090, were the ones I
11 referenced.

12 DIRECTOR ENG: 030...

13 MEMBER ROBINSON: I don't, we don't have those in
14 our...

15 VICE CHAIR LUCK: Oh, am I looking at an old
16 version then?

17 MEMBER ROBINSON: All we have is the 14.05.

18 MEMBER LESTER: Oh, no I get three...page 3.

19 VICE CHAIR LUCK: Page 3?

20 MEMBER LESTER: Page 3.

21 VICE CHAIR LUCK: I may just reiterate my concern
22 is that we get into the position where we've had
23 these appeals where it's ambiguous and it can go
24 either and then we have to interpret what was
25 intended. And you might say it wasn't specifically
26 laid that this is authorized, therefore I can't
27 give you approval.

28 (papers shuffling)

1 MS. HAYASHIDA: I think that must've been a
2 different mailing on a different day.
3 MEMBER ROBINSON: Yeah, this was an old mailing
4 that we tabled and, and...
5 VICE CHAIR LUCK: Ok, so it's all been, it's all
6 been...
7 MEMBER ROBINSON: That's what I'm..
8 VICE CHAIR LUCK: Taken care of.
9 MEMBER ROBINSON: Ok.
10 VICE CHAIR LUCK: Alright.
11 DIRECTOR ENG: Yeah, I think a lot, yeah, my
12 discretion has been removed in the latest revision.
13 VICE CHAIR LUCK: It's not that I don't trust your
14 discretion by the way.
15 DIRECTOR ENG: No, no, I've learned that probably
16 the least I have the easier my life is.
17 VICE CHAIR LUCK: Yeah.
18 DIRECTOR ENG: I'll let them appeal to you folks if
19 there's any doubt.
20 VICE CHAIR LUCK: Well, it's always better if it's
21 clear anyways..
22 DIRECTOR ENG: Yeah, so there was a, an old
23 existing section..
24 MR. KUSHI: There was a section called Modification
25 of Subdivision Requirements.
26 VICE CHAIR LUCK: Oh, ok, ok. So..
27 DIRECTOR ENG: That's gone.

1 VICE CHAIR LUCK: So, I apologize for wasting
2 everybody's time on that. I'm, I'm pleased that
3 those changes were made. Ok. Sorry, I'm done.

4 CHAIR HOWDEN: Ok, no, no, no, you don't have to,
5 don't be sorry. I'd like to pass on E for right
6 now. And I also remind board members that you're
7 free to email if there are agenda items you'd to
8 see as long as there's time to publish the agenda.
9 So, I'd like to move to 9 just briefly for...

10 DIRECTOR ENG: Sure.

11 CHAIR HOWDEN: A cele, celebration?

12 DIRECTOR ENG: Yeah, it's a job completed. Just
13 after our last board meeting within probably a week
14 and half, Herb Chang did take care of the refund to
15 the Medeiros, the check was processed, they
16 received it according to Gaye. And then recently I
17 think on August 14 I wrote, one of the conditions
18 was to write a letter to the Chevaliers, they were
19 the owners of lot 35A I believe or whatever it is
20 and offered them the meter reservation which I did
21 and they have 60 days to respond. So, I took care
22 of that matter.

23 CHAIR HOWDEN: Ok, great. Thank you for doing
24 that.

25 DIRECTOR ENG: You're welcome.

26 CHAIR HOWDEN: And then Director's Report.

1 DIRECTOR ENG: Item A. I'm sure it will be
2 interesting to you. This is regarding the Piiholo
3 Well Agreement.

4 CHAIR HOWDEN: Yes.

5 DIRECTOR ENG: And you asked for an update.

6 CHAIR HOWDEN: Uh huh.

7 DIRECTOR ENG: We sent a letter to Maui Land and
8 Pine on August 5 and we terminated the well
9 agreement on the basis of it didn't achieve the
10 yield..

11 CHAIR HOWDEN: Yes.

12 DIRECTOR ENG: That we desired. So hopefully we
13 won't be reading that in the newspaper any longer.
14 It's pau.

15 CHAIR HOWDEN: Yeah.

16 DIRECTOR ENG: That's where that stands.

17 CHAIR HOWDEN: Ok. And..

18 MEMBER ROBINSON: And is there any update about the
19 conversation with Mr. Frank.

20 DIRECTOR ENG: He just recently communicated with
21 me. So I will be meeting with him I think on
22 Friday. It's been quite a few months. Probably
23 more like 4 or 5 months. So he just recently
24 resurfaced. So, we'll see what he has to say this
25 time.

26 MEMBER ROBINSON: Ok.

27 CHAIR HOWDEN: By the way, speaking of the
28 Upcountry water, I will say that, that Eric did a

1 bang up job at the Kula forum, you know,
2 contributing to, to that discussion. I felt
3 everyone could really feel his sincerity and..

4 DIRECTOR ENG: Good.

5 CHAIR HOWDEN: And he was very well prepared for
6 that. 'Cause that, that did come up at the..

7 DIRECTOR ENG: Hmm. Ok. On item B, was this, were
8 we planning to discuss that ordinance I think it
9 was at couple meetings ago we were...oh, thank you.
10 And I think this came about when we did the
11 voluntary declaration of Upcountry a couple months
12 ago. So I think Mr. Kushi just wanted to make sure
13 that, that we're taking the proper steps pursuant
14 to this ordinance.

15 MR. KUSHI: Yeah, Mr. Chair, if I may, again this is
16 part of our codification of the Board rules into
17 ordinances. So now, it's in the code, the Maui
18 County Code as Chapter 14.06. And, and it kinda
19 refines, clarifies the declaration of drought
20 procedures. Basically it states that "whenever
21 water supply becomes inadequate in any area of the
22 County because of a period of drought, the
23 director, director, after consultation with the
24 board and approval by the mayor, may issue a
25 proclamation declaring a drought to exist in such
26 area." Once that happens then it's published in
27 the papers. Then the director may restrict the use
28 of water by appropriate schedules and measures,

1 including the restriction of water during certain
2 hours and may prohibit the use water for irrigation
3 of lawns, subdivisions, etcetera. It provides for
4 a notice by regular mail to customers as well as a
5 notice in the newspaper. And as a penalty
6 provision, so again, in, in, in codifying this and
7 in discussions with the Council, I must advise you
8 that we were successful in omitting Council's
9 review of this, because by the time they review and
10 decide the drought maybe finished. And that was
11 the consensus.

12 CHAIR HOWDEN: That is wonderful, good.

13 MR. KUSHI: So, but again to me this is a, it's a,
14 it states what, what, the procedure which by the
15 way the Maui News got it wrong at your last
16 meeting. You guys didn't, you did not declare a
17 drought, it was a request for conservation, in my
18 mind. But again, I think we need to follow up, the
19 director through the board would be nice to
20 establish some schedules and measures. You all
21 know that when the board was semi-autonomous it
22 passed a resolution back in 1998, Resolution 98-18
23 concerning the Upcountry area and had various
24 triggers.

25 MEMBER ROBINSON: Yeah.

26 MR. KUSHI: Drought watch to drought warning to
27 drought emergency and all these other things and
28 based on the reservoir levels and, and etcetera.

1 And then had the triggers and then the action
2 steps. Now, again this is a standing resolution
3 but it was done by a board that had full autonomy.
4 Whether or not the director now uses this as his
5 guidelines is really up to him. But it will be, I
6 think appropriate that this board discuss maybe new
7 or amended triggers. And again, this is only for
8 Upcountry. There's nothing about Central Maui,
9 East Maui, Hana-Haiku, or Molokai you know so.
10 Again to be complete I think you may need to
11 revisit this. Otherwise, just leave it up to the
12 director.

13 CHAIR HOWDEN: Ed, I wondered, it says in the first
14 paragraph, "the director after consultation with
15 the board and approval by the mayor," that means
16 that the director, assuming the mayor agrees, can
17 declare a drought. We're not the ones who need to
18 declare a drought.

19 MR. KUSHI: The director, I mean, the way it was
20 intended, Jeff, correct me if I'm wrong, is that
21 before he declares a drought he has to consult with
22 you.

23 CHAIR HOWDEN: Yeah, but...

24 MEMBER ROBINSON: And he does.

25 CHAIR HOWDEN: But it's essentially the director's
26 call.

27 MR. KUSHI: Right. I mean and if the mayor's says
28 no then of course he won't consult with you.

- 1 CHAIR HOWDEN: Ok. Anyway, I just want to clarify
2 that. Any questions?
- 3 MEMBER YAMAMURA: Getting back to the triggers,
4 you, you suggesting we revisit to codify into an
5 ordinance or, or as a guideline, or a revised
6 guideline?
- 7 MR. KUSHI: Guidelines, guidelines.
- 8 MEMBER GERBIG: They could make it be guidelines
9 within the Department.
- 10 DIRECTOR ENG: Uh huh.
- 11 MEMBER LESTER: Yep.
- 12 MR. KUSHI: As the board you advise the, you review
13 these new triggers and action steps and recommend
14 to the director...
- 15 MEMBER GERBIG: And update.
- 16 MR. KUSHI: Please don't send it to the Council
17 because...
- 18 (laughter)
- 19 MEMBER GERBIG: Never ends. So, yeah but so these
20 can, can be adopted as, they're not, are they
21 called guidelines now or?
- 22 MR. KUSHI: Yeah. But they were done as a
23 resolution.
- 24 MEMBER GERBIG: Yeah, oh ok. So they could be, we
25 could revise that as, and improve it and call it a
26 guideline for the Department.
- 27 MR. KUSHI: Right and recommend it.

1 MEMBER GERBIG: And recommend it to the Department,
2 whether the Department accept it or not it wouldn't
3 any difference.

4 DIRECTOR ENG: Well, we currently pretty much
5 follow those old guidelines. We tweaked them a
6 little bit 'cause certain sensors have changed in
7 the system since the 09's...

8 MEMBER GERBIG: And...

9 DIRECTOR ENG: But...

10 MEMBER GERBIG: These don't, they, these do not
11 include several other areas like, like Lahaina,
12 Molokai?

13 DIRECTOR ENG: No, this is solely Upcountry.

14 MEMBER GERBIG: So they should.

15 DIRECTOR ENG: Yeah.

16 MR. KUSHI: Yeah, see...

17 DIRECTOR ENG: Basically, it's based on inflow into
18 the reservoirs, demand off of our system, reservoir
19 levels, so pretty obvious things that can be
20 observed.

21 MR. KUSHI: You know, I would, I would even go as
22 far as, have the board undertake an administrative
23 review and do rules and, do administrative rules
24 regarding this, these measures. Take it out to
25 public hearing. I say this because, because of
26 this, you know under the penalty provision somebody
27 violates these so-called measures and let's say you
28 have a different hardball water director, he can

1 just out of the blue, ok, 25% without no
2 consultation and somebody violates that you can
3 take 'em to, you can, first you can yank their,
4 pull their meter. And then charge 'em for \$100
5 reinstallation fee. And you can also take 'em to
6 court and charge 'em with a violation, subject to a
7 fine of \$500. I can see a lot of litigation may,
8 may come out if you don't have administrative
9 rules.

10 MEMBER GERBIG: Now, administrative rules are
11 within the Department or?

12 MR. KUSHI: Right. We will take it to public
13 hearing...

14 MEMBER GERBIG: That's what we're calling here,
15 administrative rules...

16 MR. KUSHI: Instead of...

17 MEMBER GERBIG: To be adopted.

18 MR. KUSHI: Instead of a, instead of a mere
19 resolution.

20 CHAIR HOWDEN: So this will be primarily for
21 Upcountry then, Ed?

22 MR. KUSHI: It could be wherever you want.

23 CHAIR HOWDEN: Ok.

24 MEMBER GERBIG: Ok, might as well do the whole
25 thing.

26 MEMBER LESTER: Yeah, should be every place not
27 just Upcountry.

- 1 MR. KUSHI: Again, Upcountry, you have to
2 understand the system is, the triggers are based on
3 surface water levels.
- 4 MEMBER GERBIG: Based on only surface water.
- 5 MR. KUSHI: I think there's some pumpage too, Jeff?
6 There will be some pumpage guidelines if we pumped
7 too much.
- 8 MEMBER GERBIG: Yeah.
- 9 CHAIR HOWDEN: Yeah, that would make sense.
- 10 MR. KUSHI: So like Central Maui, you only have one
11 surface water treatment plant. All the rest of 'em
12 ground water. So how do you know if, if it's low
13 or not?
- 14 MEMBER GERBIG: But you could, you could still have
15 an accident, you could have a pump go down or...
- 16 MR. KUSHI: Exactly.
- 17 MEMBER GERBIG: Or salt content come up.
- 18 DIRECTOR ENG: But that probably wouldn't fall
19 under like drought control. We have other language
20 that we can control demand in the event of...
- 21 MEMBER GERBIG: How would we go about recommend,
22 can we, can the board recommend that we update
23 these into, make them into administrative rules?
- 24 MR. KUSHI: I can, I can, if the Board wants to
25 start on it and don't expect it very soon I can
26 start my attempt to draft some administrative
27 rules.
- 28 MEMBER ROBINSON: So we would have them for...

1 MEMBER GERBIG: Can I make a motion that we do that
2 then?
3 MR. KUSHI: Not, not too soon.
4 DIRECTOR ENG: Yeah, not too soon please, we're
5 just starting our budget.
6 MEMBER GERBIG: Yeah, huh?
7 DIRECTOR ENG: It takes a, no, we're starting to
8 work on our budget on top of everything else.
9 MEMBER GERBIG: Oh, yeah, I'm not, no timeline.
10 I'm just saying that..
11 DIRECTOR ENG: Please no rush.
12 MEMBER GERBIG: That the Board, I move that the
13 Board recommend that they take, what are they
14 called now?
15 MR. KUSHI: Draft, that my office draft some
16 administrative rules to implement this order.
17 MEMBER GERBIG: Implement, yeah, the control of
18 water usage during droughts, administrative rules.
19 MR. KUSHI: I just made more work for myself.
20 CHAIR HOWDEN: Do we have, do we have second?
21 MEMBER GERBIG: Huh? That we revise the resolution
22 into administrative rules and update to all systems
23 within Maui County. How's that, Jeffrey?
24 DIRECTOR ENG: Sounds terrible to me.
25 (laughter)
26 CHAIR HOWDEN: How do you think Ed feels?
27 MEMBER GERBIG: You gotta have some back up. You
28 got no back up, huh?

1 CHAIR HOWDEN: That's true, that's true. Any...

2 MEMBER GERBIG: Is there a second to my...

3 MEMBER ROBINSON: I seconded it already.

4 CHAIR HOWDEN: Any discussion before we vote? Ok.

5 Those in favor please indicate.

6 (several ayes)

7 CHAIR HOWDEN: Ok. Anyone, no one opposed. Ok.

8 Unanimous.

9 MEMBER ROBINSON: Chair, I have to leave.

10 CHAIR HOWDEN: Do you have any agenda items for the

11 next time?

12 MEMBER ROBINSON: I do not.

13 CHAIR HOWDEN: Ok. Ok. Our last, before Maury

14 goes outside and gets his parking ticket. Ok.

15 Thanks for coming. Agenda items for our next

16 meeting?

17 MS. HAYASHIDA: Just to let you know we don't have

18 any new appeals to hear in September but we will be

19 receiving the proposed findings from the Pulehu

20 Farms appeal, so...

21 CHAIR HOWDEN: Ok.

22 MS. HAYASHIDA: That's no new appeals in September.

23 MEMBER LESTER: Oh, nice.

24 CHAIR HOWDEN: Ok, couple things from the chair.

25 I'd like to have a discussion of the Waikamoi flume

26 system and reservoirs. And also the present status

27 of the Dual Agriculture Line, which I'm having

1 difficulty getting actual answers from the USDA on
2 that.

3 DIRECTOR ENG: Oh, yeah, I was thinking about
4 inviting them in fact...

5 CHAIR HOWDEN: Yeah, no, I think it might be
6 timely.

7 DIRECTOR ENG: I wonder if it, I don't know who to...

8 CHAIR HOWDEN: Dudley Kubo would be a good place to
9 start.

10 DIRECTOR ENG: Could they handle the, USDA handles
11 actually the construction project, sorry. You
12 would think they would have the latest.

13 CHAIR HOWDEN: Yeah, I found Dudley at the NRCS and
14 he put it to Collingsworth and then Collingsworth
15 sent it back to him and I don't know where it
16 stands. I was just asking some simple questions
17 'cause I was writing an article. Anyway, that one;
18 we need to be prepared to schedule our Water Use
19 and Development hearings if that comes down, maybe
20 we could just email that around. Also our budget
21 session for October, I believe.

22 MS. HAYASHIDA: Uh huh. Yeah.

23 CHAIR HOWDEN: Ok.

24 MS. HAYASHIDA: The Fiscal Officer says that she
25 needs to submit something to the 9th Floor by
26 October 30th, so that doesn't give us much time
27 because she won't have the, the completed budget to
28 the Board until maybe after October 16th. She'll

1 try to get it to me by October 16 but she can't
2 guarantee it. That means then we have a board
3 hearing on October 23rd, but we do have an appeal
4 scheduled for that day. So that pretty much is our
5 board meeting for the 23rd. So my idea is that
6 another option would be to have another hearing on
7 another day just strictly for budget matters. And
8 you need to let me know what dates you are
9 available any day from the 23rd to the 28th.

10 CHAIR HOWDEN: Ok, will you be town then, Scott?

11 VICE CHAIR LUCK: I don't know, I have to check.

12 CHAIR HOWDEN: Ok, let, let us know or let Gaye
13 know and then Kui, you wanna come over yet again?

14 MS. HAYASHIDA: We either can have the budget
15 meeting here or at Planning. Planning said that
16 only on certain days they're available but,
17 Planning's conference room is only available
18 October 23rd, 26th and 28th. So, that's Friday,
19 Monday and Wednesday.

20 CHAIR HOWDEN: Ok.

21 VICE CHAIR LUCK: I have a question and I don't
22 know if anyone can actually answer this but I'm
23 gonna ask it anyway. What's the latest date that
24 we can meet where if we had substantive changes or
25 recommendations it actually could be implemented?

26 MS. HAYASHIDA: On the budget?

27 VICE CHAIR LUCK: Yeah. Because I believe maybe 2
28 years ago we met so late in the process, I asked

1 that question and basically was, there's nothing we
2 can do anyway. So this is more for your
3 information. And if that's the situation we're
4 gonna be in I don't really see the point in having
5 a special meeting just to get up to speed as
6 opposed to us actually being, giving input.

7 MS. HAYASHIDA: I can't answer that. That probably
8 only the Fiscal Officer can and I more than likely
9 think that once you guys get it that's it.

10 VICE CHAIR LUCK: Yeah, yeah, that's what I imagine
11 too.

12 DIRECTOR ENG: Well, I can only recommend because
13 the time constraints you know, and I understand you
14 know your situation is here, you're basically just
15 presented the budget...

16 VICE CHAIR LUCK: Right.

17 DIRECTOR ENG: For review, overview. If you have
18 anything in mind you may want to somehow
19 communicate it to us like right now because each of
20 the divisions are starting to work on the budgets.
21 The other evening I ran into Fred Pablo, the
22 county's budget director and asked, 'cause we
23 hadn't heard what the guidelines are. Basically
24 they want to keep a flat budget from last year.
25 I've already told our divisions there won't be any
26 new expansions positions but we have to fill the
27 vacancies we do have. I think we're all right with
28 that. We don't know where our electricity costs

1 are going be but I think we budgeted all right this
2 current year and really the barrel of oil is pretty
3 stable in recent months so. I really don't have
4 any, anything new to add to our budget so I think
5 we can almost, we're talking to our staff the other
6 day just, let's just resubmit our old budget. But,
7 yeah, if you have anything that you would really
8 like to see us tackle and see if we can accommodate
9 in our budget let us know soon.

10 CHAIR HOWDEN: Are, are we moving forward with the
11 re-design of the Waikamoi flume system?

12 DIRECTOR ENG: That is in our current CIP budget,
13 the funding for design. And I'm meeting with our
14 engineers I think it's this afternoon.

15 CHAIR HOWDEN: That, that was a real sore point
16 Upcountry and, and, and NRCS has been up there
17 evidently and I think reported to you or reported
18 to the Department but some of the, they were
19 looking for reservoir sites up there? And just
20 recently and I guess one of the members hadn't been
21 up there for over a decade and just said the flume
22 system was near complete disrepair. And this..

23 DIRECTOR ENG: We are aware of that.

24 CHAIR HOWDEN: Very astute so, and this is not a
25 criticism of the Department it's just like for the
26 needs of Upcountry to have a system that's not
27 functional that's so important that I think that,
28 that needs to be priority item. I mean this may

1 seem a little esoteric to other members of the
2 board but, but here's the most valuable water in
3 the County of Maui, over 4,000 foot elevation,
4 tremendous source of water and we're not capturing
5 hardly any of that. For those of us who dared to
6 visit that area at risk of life and limb it's
7 something that, that I think we need to advocate.
8 That was such a sore point in that and, and that
9 never, of course that never came up at the meeting.
10 Why don't we have water and but then, anyway.

11 VICE CHAIR LUCK: Mr. Chair.

12 CHAIR HOWDEN: Please, Scott, go ahead.

13 VICE CHAIR LUCK: I think I would just recommend
14 given this situation as I understand it, if we
15 could have a brief presentation of what the plan is
16 that would suffice. It wouldn't require a special
17 meeting. I believe we got through it in about an
18 hour and a half the last time, something like that.

19 DIRECTOR ENG: What, you mean the budget?

20 VICE CHAIR LUCK: Yes.

21 CHAIR HOWDEN: We could probably do it at our next
22 meeting I think even. Unless, unless we let Paul
23 talk forever.

24 MS. HAYASHIDA: Oh, yeah, whatever, whatever you
25 want.

26 CHAIR HOWDEN: Yeah, I'm, why don't we try..

27 VICE CHAIR LUCK: That's my personal...

28 MS. HAYASHIDA: We can hold it on the 23rd.

- 1 CHAIR HOWDEN: Why don't we try to put it in on our
2 next meeting.
- 3 MS. HAYASHIDA: October 23rd, not the next meeting,
4 October.
- 5 DIRECTOR ENG: Yeah, September we won't be ready
6 but October.
- 7 CHAIR HOWDEN: Yeah, yeah, October. Yeah.
- 8 MS. HAYASHIDA: October 23rd. Yeah, we could do
9 that, if you want so, ok.
- 10 VICE CHAIR LUCK: That'll be great.
- 11 MS. HAYASHIDA: Ok
- 12 VICE CHAIR LUCK: Thank you.
- 13 CHAIR HOWDEN: Gaye sent me some information, I, I
14 assume we all got but some of the issues before the
15 Water Resources and one of them was amending the,
16 or actually throwing off the restrictions on the
17 Hamakuapoko Well in times of drought, being able to
18 use that in the municipal supply. I don't really
19 understand that myself. That, what is that 6-700
20 foot elevation? I think Hamakuapoko's a lot more
21 valuable to HC&S than it is to the Department of
22 Water Supply. Maybe we can amend our agreement
23 with HC&S or EMI on, at Kamole Weir and take more
24 water at higher elevation than even Hamakuapoko,
25 which is, would not be a popular decision and I was
26 surprised to see that Mike is pushing that.
- 27 DIRECTOR ENG: It's on Tuesday's Water Resources
28 agenda.

1 CHAIR HOWDEN: Yes.

2 DIRECTOR ENG: Should be pretty interesting day.

3 CHAIR HOWDEN: Yes.

4 DIRECTOR ENG: I'm looking forward to it.

5 CHAIR HOWDEN: Oh, I bet you are. Ok, anyway. I
6 like Hamakuapoko. That may be done by then. So,
7 anybody else have any other agendas? Done.
8 Adjournment?

9 MR. KUSHI: Division Reports.

10 CHAIR HOWDEN: Oh, Division Reports. There are no
11 division, oh. Eric, you have any Division Reports?
12 Ha ha, just kidding. Ok. Any comments on the
13 Division Reports?

14 MEMBER MYERS: I had a question.

15 CHAIR HOWDEN: Oh, wow. Ok.

16 MEMBER MYERS: On, um...

17 CHAIR HOWDEN: Good call, Ed.

18 MEMBER MYERS: Maintenance. There was Defensive
19 Training classes. Is that...

20 DIRECTOR ENG: What page is that on, Kelli.

21 MEMBER MYERS: Page 7. I was just curious about
22 what it was for.

23 DIRECTOR ENG: Eric, are you aware, is this a typo,
24 was this Defensive...

25 MEMBER LESTER: Training.

26 DIRECTOR ENG: Driving?

27 DEPUTY DIRECTOR YAMASHIGE: It was Defensive
28 Driving.

1 MEMBER MYERS: Oh!

2 DIRECTOR ENG: Yeah. We have enough people beefing
3 up there already.

4 (laughter)

5 MEMBER MYERS: I think that was fun.

6 MEMBER LESTER: Driving not training.

7 DIRECTOR ENG: More people on the offense so maybe
8 people do need to learn defense. Yeah.

9 MR. KUSHI: Defensive Driving Training.

10 VICE CHAIR LUCK: Good question.

11 DIRECTOR ENG: Yeah, most of us went through that.

12 CHAIR HOWDEN: Very good.

13 DIRECTOR ENG: It's a real good class.

14 CHAIR HOWDEN: Any other comments or questions?

15 Ok. Let's adjourn.

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17 (The meeting adjourned at 11:19 a.m.)

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Prepared and submitted by:

Gaye Hayashida
Commission Support Clerk

Approved on: _____