

WATER RESOURCES COMMITTEE

Council of the County of Maui

MINUTES

June 17, 2015

Council Chamber, 8th Floor

CONVENE: 9:05 a.m.

PRESENT: VOTING MEMBERS:

Councilmember Gladys C. Baisa, Chair
Councilmember Michael P. Victorino, Vice-Chair
Councilmember Robert Carroll (in 9:35 a.m.)
Councilmember Elle Cochran
Councilmember Don Couch
Councilmember Stacy Crivello (in 9:14 a.m.)
Councilmember Mike White (in 9:16 a.m.)

STAFF: Kimberley Willenbrink, Legislative Analyst
Clarita Balala, Committee Secretary

Ella Alcon, Council Aide, Molokai Council Office (via telephone conference bridge)
Denise Fernandez, Council Aide, Lanai Council Office (via telephone conference bridge)
Dawn Lono, Council Aide, Hana Council Office (via telephone conference bridge)

ADMIN.: David Taylor, Director, Department of Water Supply
Jase Miyabuchi, Civil Engineer, Department of Water Supply
Scott English, Lieutenant, Department of Fire and Public Safety
Jennifer Oana, Deputy Corporation Counsel, Department of the Corporation Counsel
Edward S. Kushi, Jr., Deputy Corporation Counsel, Department of the Corporation Counsel

Seated in the gallery:

Paul Meyer, Deputy Director, Department of Water Supply
Herbert Chang, Engineering Program Manager, Department of Water Supply
Tammy Yeh, Civil Engineer, Department of Water Supply

OTHERS: Thomas Croly
Richard H. Pohle, Founder, Upcountry Meter List Association
Michael Clements
William Jacintho, President, The Maui Cattlemen's Association
Charles Jencks, Manager, Pacific Rim Land
Rosemary Robbins
Tom Blackburn-Rodriguez, Consultant, Go Maui, Inc.
Sherman D. DePonte

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Mercer "Chubby" Vicens
(1) additional attendees

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

ITEM 28: UPCOUNTRY WATER METER INSTALLATION (CC 15-174)

CHAIR BAISA: . . .*(gavel)*. . . Will the regular meeting of the Water Resources Committee please come to order. Today is Wednesday, June 17, 2015 and it's about five minutes after 9:00 in the morning. Before we get into introductions, Chair would like to remind everyone if you could please put your cell phones on silent mode, really appreciate that. I have to remind myself and so while I'm at it I remind everybody. Thank you very much. Thank you for being here this morning, Members, and I'd like to introduce the Members of the Committee that are here this morning, the Vice Chair of my Committee, Mike Victorino.

VICE-CHAIR VICTORINO: Good morning, Madam Chair.

CHAIR BAISA: Good morning, Mike, and thank you for being here. Also like to introduce, Elle Cochran from East Maui.

COUNCILMEMBER COCHRAN: Aloha. Aloha. Good morning, Chair.

CHAIR BAISA: Good morning, Elle. Thank you. I know these early mornings are tough for everybody. Also, Mr. Couch from South Maui.

COUNCILMEMBER COUCH: Aloha. Good morning, Chair.

CHAIR BAISA: Good morning. And that's pretty much the Members that are present at this time. Excused this morning are Bob Carroll who will be joining us and Ms. Crivello, and Council Chair Mike White I believe might be joining us later so we have a quorum and we can go. The Committee has non-voting Members but they're not here this morning and that's Member Guzman and Mr. Hokama. I mention that so if you're wondering why they're not here, they are not voting Members of the Committee and as such are not required to attend. From the Administration this morning we have Mr. Dave Taylor, our Water Director.

MR. TAYLOR: Good morning, Chair.

CHAIR BAISA: Good morning. And we have Mr. Ed Kushi our Deputy Corporation Counsel.

MR. KUSHI: Good morning.

CHAIR BAISA: Good morning. And we also have a representative from the Fire Department, we have Lieutenant Scott English, welcome. And we have a few other water folks and as we progress here the Water Director will probably introduce them. I think that'll

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make it easier. I also have my wonderful Staff, I have Kimberly Willenbrink the Legislative Analyst.

MS. WILLENBRINK: Good morning, Chair.

CHAIR BAISA: Good morning. And we have Clarita Balala our Committee Secretary. And out in the District Offices we have Dawn Lono in Hana, Denise Fernandez in Lanai, and Ella Alcon in Molokai. Members, we're gonna have public testimony this morning and it'll be limited to the item on our agenda today. If you wish to testify, please sign up at the desk located in the eighth floor lobby or at one of the District Offices listed on the agenda. Testimony will be limited to three minutes and I will be happy to offer an extra minute to anybody so that they can conclude. At three minutes the light will turn yellow and at four minutes it'll blink red so please stop talking if you hit that four minute mark. I will kindly ask you to stop if you forget or get too passionate. When testifying, please state your name and who you are representing. We have established a connection to the District Offices to be fair and we'll rotate through each of those. So we'll start now, Members, without objection, to the Hana Office, Dawn Lono, do you have anyone wishing to testify?

MS. LONO: The Hana Office has no one waiting to testify, Chair.

CHAIR BAISA: Thank you very much, Dawn. The Lanai Office, Denise Fernandez, do you have anyone wishing to testify?

MS. FERNANDEZ: There is no one waiting to testify at Lanai.

CHAIR BAISA: Thank you, Denise. And in the Molokai Office we have Ella Alcon, do you have anyone wishing to testify?

MS. ALCON: There's no one here on Molokai waiting to testify.

CHAIR BAISA: Thank you, Ella. There is no one wishing to testify in the District Offices so we are going to proceed with testimony here in the Chamber. Ms. Willenbrink, if you could please call the testifiers.

MS. WILLENBRINK: Yes, thank you, Chair. Our first testifier this morning is Thomas Croly and he's testifying on the only item.

CHAIR BAISA: And who will he, who will follow him?

MS. WILLENBRINK: He will be followed by Dr. Richard Pohle.

CHAIR BAISA: Thank you. So we're prepared here. Okay. Good morning, Mr. Croly.

. . .BEGIN PUBLIC TESTIMONY. . .

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MR. CROLY: Aloha, Chair. Aloha, Committee. I'm Tom Croly and I'm speaking on my own behalf, fire flow. I support this measure to grant an exemption from fire flow for the folks on the Upcountry water meter list. I believe this is a practical solution, something that the County often sorely lacks and that is practical solutions. Fire flow has been used for years to stop many, many projects. I'm not sure when it's used in that way that it's always being applied universally or in the most practical manner. What is proposed here is not unprecedented, throughout the County we have homes that do not have, according to, you know, the current code, proper fire flow. I live in Maui Meadows for example, the first two homes or the first two structures that are built on a property are currently exempt from fire flow; however, I can tell you from my neighbor's experiences that when they come in and say I want to build a garage all of a sudden the fire flow is now inadequate in our area and this person is told they have to put a fire hydrant in, in order to build a garage. This has happened numerous times. As you well know, Chair, this use to happen for every bed and breakfast application that would come in. A bed and breakfast application would come in and all of a sudden the fire flow would be inadequate. Now again, I live in a subdivision that was built in the late '60s and early '70s. I suppose at that time the subdivision standards were not the same as they are today but my point is we're not creating something that is totally an unsafe condition because it exists throughout the County right now. So while I am supportive of this measure I would like the Committee to consider extending it beyond just the Upcountry water meter list. Again we, if we're going to have a policy I believe the policy should be, should extend to everyone from that standpoint. If as in your deliberations you consider that there is a serious health and safety risk or that County liabilities override this, then I would think it reasonable to maybe say that the new structures that are built have sprinkler systems. But the idea that every building that is built from this point forward should be served by an eight inch water meter or an eight inch fire hydrant is really just impractical, and I, again, I applaud this measure for its practicality. Thank you.

CHAIR BAISA: Thank you very much, Mr. Croly. Members, any questions for the testifier? Seeing none, Mr. Croly, thank you. Ms. Willenbrink.

MS. WILLENBRINK: Our next testifier is Dr. Richard Pohle to be followed by Michael Clements.

CHAIR BAISA: Good morning, Dr. Pohle, welcome.

MR. POHLE: Morning. Aloha. I am Richard Pohle a protea farmer on Crater Road No. 598 on the list and the founder of the Upcountry meter list association. I support this bill and thank this Committee and its Chair for their efforts. This is an important exemption, qualification requirements should be very explicit. The qualification for this exemption reads, if the water meter application is for a single meter or a single meter upgrade per lot for three lots or less. Does the phrase per lot for three lots or less apply also to the single meter or only to the single meter upgrade? Does a subdivision of one lot into four lots qualify or only one lot into three lots? I bought my parcel in 1986 but applied to the list in November 2003 not because I wanted to subdivide but just to preserve a position in a time stamped list. I requested five new

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meters, the maximum my parcel was only allowed. When my meter award letter arrives in the year 2030 will I be able to reduce my five meter request to two meters and an upgrade so as to qualify for this exemption? On June 30, 2015 the 2014 meter list will be updated to show an advance of 75 parcels. Some applicants have been removed from the list because they could not afford the fire protection improvements required before this exemption. Since these applicants cannot reapply to the list, it seems fair to offer them a chance to reconsider their choice. In view of these observations, I suggest that the wording of the bill be changed to, if the water meter application or a revised application made at the time of the meter award requests meters and/or meter upgrades for a subdivision into three new lots or less and, and two would be the same. And E, Section E applicants removed from the meter list pursuant to Maui County Code 14.13.50 will be offered an opportunity to modify and resubmit their meter application in their original position on the list. This exemption from upgrades to the County fire system, water system is important to allow the development of smaller parcels on the meter list, without it many small projects are not economically feasible. However, this bill will not hasten the end of the meter list, it will delay it since fewer people will be forced off the list. DWS planning forecasts show an annual allowed growth rate of 1 percent for Upcountry water consumption, this limits Upcountry meter awards to about 100 new meters each year. Central and West Maui systems are allowed 2 percent annual growth but Upcountry has always been special. Upcountry growth is controlled by limits on meter award limits, fixture counts, fire protection and fire protection requirements. Lack of new wells are the real limitation on Upcountry development. According to the 1 percent per year growth rates specified by the Council the next new well is needed in the year 2023. The 1,887 parcel meter list will be satisfied by about 2080. Affordable housing projects such Kula Ridge will not be built without further Council action. Incidentally, the legal requirement for publication of an annual update to the meter list in the Maui County Code has been repealed. Publication of the update to, by DWS is now voluntary. Thank you very much.

CHAIR BAISA: Thank you very much, Dr. Pohle. Members, any need for clarification of the testimony? Seeing none, thank you. Chair would also like to note the presence of Member Crivello.

COUNCILMEMBER CRIVELLO: Aloha, Chair.

CHAIR BAISA: Aloha.

COUNCILMEMBER CRIVELLO: Sorry for my tardiness.

CHAIR BAISA: And also, Council Chair Mike White.

COUNCILMEMBER WHITE: Good morning, Chair.

CHAIR BAISA: Welcome, thank you for being here. Ms. Willenbrink.

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MS. WILLENBRINK: Thank you, Chair. Our next testifier is Michael Clements and then William Jacintho.

CHAIR BAISA: Good morning.

MR. CLEMENTS: Good morning, Madam Chair, Councilmembers, everyone. Speaking on my own behalf this morning, my name is Michael Clements and my wife Nori and I have been on the Upcountry priority list for a water meter for nearly 16 years. Our application is for a single 5/8 inch meter or upgrade in size and is a one acre R-3 zoned condominium property. I am in support of this bill today. Our property is located on Lower Kimo Drive, one of the oldest residential roads in Kula. There are 3 fire hydrants within 250 feet of our property and 1 is less than 150 feet away. There is actually a fourth fire hydrant but I'm uncertain of the actual distance but it is less than 500 feet. The location of these fire hydrants provide fire protection from each side of our property. I can actually say I am surrounded by fire hydrants which is a good thing as I'm relatively confident that there is protection should there be a fire. Over the course of the last 16 years I have applied for and been granted building permits that have had to take fire protection into consideration. The latest was in November of 2014. So it is with some surprise that one of the requirements listed for my having the ability to obtain a water meter is to provide a fire hydrant along Lower Kimo Drive fronting the property. I believe this proposed bill would allow for some leeway for applicants such as myself to not have to bear an additional cost to what has already become a costly 16-year wait for water service to our property. I can only speak for myself, but I know the frustration that is felt by those who have been waiting for the ability to utilize their property and have been in limbo while building codes, fire protection standards, material costs, et cetera, continue to change. I ask that this Committee do all that it can to be fair and to work to find solutions to providing priority list applicants with water Upcountry. And I thank you for your time, your consideration, and your service to our County. Thank you.

CHAIR BAISA: Thank you very much, Mr. Clements. Members, is there any need to clarify the testimony?

COUNCILMEMBER COUCH: Madam Chair?

CHAIR BAISA: Yes, Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Madam Chair. And thank you, Mr. Clements, for being here and for your testimony. You mentioned there are four fire hydrants around your property?

MR. CLEMENTS: Yes.

COUNCILMEMBER COUCH: Are they fire hydrants or fire stands? The fire stands are the tall gray ones I think.

MR. CLEMENTS: They're fire hydrants.

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COUNCILMEMBER COUCH: They're fire hydrants. Okay. Thank you.

CHAIR BAISA: Any further questions? Seeing none, thank you, Mr. Clements.
Ms. Willenbrink.

MS. WILLENBRINK: William Jacintho, followed by Charles Jencks.

CHAIR BAISA: Good morning, Mr. Jacintho.

MR. JACINTHO: Good morning.

CHAIR BAISA: Thank you for coming.

MR. JACINTHO: Good morning, Chair Baisa, Chair Victorino and Members of the Water Resource Committee. My name is William Jacintho, President of the Maui Cattlemen's Association. The Maui Cattlemen's Association supports the proposed bill and would like to entertain the idea of accepting catchment systems for areas applicable. Catchment systems would help speed up the process for ag landowners to acquire water in order for them to utilize their properties. It is a waste to let thousands of gallons of valuable water go down the road while it is raining when a property owner can develop a system, store water and use it when needed. We also encourage the Council to utilize budget funds for infrastructure and not rely on trickles of service charges to cover those costs. The Maui Cattlemen's Association is a nonprofit organization representing small and large livestock producers in Maui. Thank you.

CHAIR BAISA: Thank you, Mr. Jacintho. Members, any questions for the testifier?
Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Madam Chair, and thank you, Mr. Jacintho, for your testimony. You mentioned catchment systems.

MR. JACINTHO: Uh-huh.

COUNCILMEMBER COUCH: Are you asking that the catchment systems be allowed to hook into the water system or be separate from the water system?

MR. JACINTHO: Be separate.

COUNCILMEMBER COUCH: And that's not allowed now?

MR. JACINTHO: I believe it's allowed but it kinda holds up things in planning if you don't have a meter and, you know, or you want to like subdivide for your families or something. I don't know exactly if they count for that. So I guess what we're asking is to look into that.

COUNCILMEMBER COUCH: Okay. Thank you.

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MR. JACINTHO: Yeah. Thank you.

COUNCILMEMBER COUCH: Thank you, Chair.

CHAIR BAISA: Any other questions? Mr. Couch, we'll look into that when we get to talking with the Department today. Thank you.

MR. JACINTHO: Thank you.

CHAIR BAISA: Ms. Willenbrink.

MS. WILLENBRINK: Charles Jencks, followed by Rosemary Robbins.

CHAIR BAISA: Good morning, Mr. Jencks.

MR. JENCKS: Good morning, Madam Chair. Good morning, Members. I'm testifying today in support of this bill, I think it's a great idea. I sat on the Mayor's water taskforce reviewing the water availability ordinance and coming up with some recommendations and we, you know, Mr. Taylor came to the, to a number of the meetings and shared with us his tough job and we talked a little bit about the Upcountry water system and focused a lot on the Central Maui system because of all of the economic benefit of that system. But in a number of meetings came back to Upcountry, how can we solve that problem, what can we do and its, it is admittedly a very long term issue that I think David is struggling with and he's got a tough road to hoe and I don't envy him at all. But with regard to this bill I think it's a good start, I think it helps people. If there is indeed water available, meters can be issued. It gets people on their land if we have, and my caution here would be these should only go to legal lots that exist today as the effective date of this ordinance, not allowing re-subdivision because I think you want to serve the people that are there now that have been waiting. I would also say that I would compare this bill to sections of the subdivision ordinance for example for family subdivisions because there are sections in there that require improvements to be made, you can't get a Building Permit until such and such happens. Just make sure that this bill is coordinated with the subdivision ordinance and provides the staff when they look at a subdivision and they're looking at the water service that they understand that this bill plays a part of that. If you have a legal lot for example and you want to get a water meter and you don't have to do these offsite improvements, make sure that's adequately coordinated 'cause you don't want to get a stop for another reason down the road after doing all this work. But other than that, Madam Chair, I think it's a good bill and I think it'll help the folks Upcountry, and I think you should in some fashion in this bill restrict it to one meter per lot because we have a limited source of water, a limited number of meters. Everybody wants an opportunity, give them that opportunity but let's be judicious on how many meters go per lot in the bill, and that would be my only comment. Thank you.

CHAIR BAISA: Members, any --

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VICE-CHAIR VICTORINO: Chair?

CHAIR BAISA: --questions for the testifier? Mr. Victorino.

VICE-CHAIR VICTORINO: Yeah thank you, Madam Chair. Thank you, Mr. Jencks, for being here, and I appreciate that last comment. However, if someone and this is, you know, I, you saw how the bill addresses it, but if there is a family subdivision and they have waited all these years like some had mentioned, how long do you think they can continue to wait if they wanted to build let's say four homes on that family subdivision and it's for their children? How much longer do you think they can wait?

MR. JENCKS: I...

VICE-CHAIR VICTORINO: Trick question.

MR. JENCKS: That's a great question. Thank you for the loaded question.

VICE-CHAIR VICTORINO: Yes. And you know I would do that.

MR. JENCKS: I live Upcountry so and people know where I live.

VICE-CHAIR VICTORINO: Yes. Yes.

MR. JENCKS: Look I stated here you have a limited resource --

VICE-CHAIR VICTORINO: Absolutely.

MR. JENCKS: --you have a difficult problem getting water out to people, you have a limited number of meters, limited resource, one meter per legal lot is how I would handle this because --

VICE-CHAIR VICTORINO: Okay.

MR. JENCKS: --it is limited. And people have waited, this will give them the opportunity if they have a legal lot to get a meter and start that process. But I think everybody has to understand, once again we have a limited resource and the limited availability of water and the ability to serve.

VICE-CHAIR VICTORINO: Thank you for that answer, Mr. Jencks.

MR. JENCKS: And I just would add, with respect to the Fire Department, you know, I think they would appreciate, okay look, we like the idea the hold harmless agreement, release of liability but if you start getting more and more units and by the way you're limited on how many fixtures with a 5/8 meter what you can do on your property. Helping them help you and help the public is a good way to go.

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VICE-CHAIR VICTORINO: Thank you, Mr. Jencks, I appreciate that answer. Thank you, Madam Chair.

CHAIR BAISA: Are there any other questions for the testifier? Seeing none, thank you very much.

MR. JENCKS: Thank you.

CHAIR BAISA: Ms. Willenbrink.

MS. WILLENBRINK: Yes, Chair. Rosemary Robbins, followed by Tom Blackburn-Rodriguez.

CHAIR BAISA: Good morning.

MS. ROBBINS: Good morning, everybody. Rosemary Robbins, doesn't need a water meter, thinks that the people who need them should have had them long since. Just a few elements in terms of reality check. According to the State Constitution water is a public trust, nobody owns it. According to the Water Department, by way of water all things find life. Question is how healthful the life and how long does it happen. I remember being here with Aunty Ruthie DePonte right under this ceiling and she was so apprehensive about coming up before a microphone, she has since died on the list of generations waiting for water. Okay, so in terms of what we're dealing with today and keeping that on the focus with the Water Department right now, also coming from the Charter the County of Maui, Page 31, in order to protect and manage the water resources in the County the Department of Water shall make studies, surveys, and investigations relating to the locations and sources of water supply within the County: the amounts available for current and perspective uses, the water resources which may be available for such uses, and the maximum sustainable yields of those sources. The Department of Water Supply shall implement the County's General Plan and community plans in the administration of its affairs. The Department of Water Supply shall prepare and annually update a long range Capital Improvement Plan and an updated Water Use and Development Plan which shall be subject to the approval of the Council as provided by law. This is from '88, all of the water things are from '88, that's however many years ago and 23, 25 whatever and we're still in trouble. When we're driving down we can see the reservoirs that are filled with water by way of private sector people. . . .*(inaudible)*. . . these water, we're sitting on water all of our islands is sitting on water we just continue to talk about wells and who can get them and who can't and how soon, dead or alive. So we need to be able to not just have at whim it seems when you look at the history, I went back and got the water situation from 14.12.060 also 14.12.040, this has been around for a long time, where is it going? It's not going to the wellbeing and the health of the people who need water. We have water under us, we need to do whatever it takes to get that water out and to keep it wherever it's gonna be needed, not just for development, where we're having water transported from one section of the island to another and then not developing at either of those on their own to the degree that the growth would require and for the generations to be accommodated from Upcountry. So let's make sure that we don't continue on with what has been going on because it's gotten us to where it has gotten

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us. We got this, I don't know how does that go? Multi-thousand pound elephant in the room that nobody's talking about. Where's the work going in the CIP for reservoirs and other sources of water? So please, let's make sure everybody is accommodated evenly. Thank you.

CHAIR BAISA: Thank you. Members, is there any need to clarify the testimony? Seeing none, thank you.

MS. ROBBINS: You're welcome.

CHAIR BAISA: Ms. Willenbrink.

MS. WILLENBRINK: Yes, Chair. Tom Blackburn-Rodriguez, followed by our final testifier to sign up, Sherman D. DePonte.

CHAIR BAISA: Good morning, Mr. Blackburn-Rodriguez.

MR. BLACKBURN-RODRIGUEZ: Good morning, Chair Baisa, Members of the Council. Thank you very much for the opportunity to testify this morning. On a personal note, my family, the most recent generation moved here in 1998, two days later I was driving on Mokulele Highway and all of a sudden it dawned on me it's the water, and it's been the water as you know for very long and it's very difficult to bring big solutions to this problem. But it is possible to reduce and to mitigate the negative effects of our challenges in delivering water and sourcing it by taking steps, single steps and I believe this is one such step. I'm representing Go Maui today and I am a resident of Kihei. This legislation allows a person or a household family to get a water meter without having do the offsite improvements. It eliminates liability for the County if the property owner agrees to the conditions in the legislation. And it reduces the cost of housing. It may not be a big step but we need to provide safe housing for our residents and water is linked to that housing. This is one step, it's an important step and we respectfully urge passage of the bill and your full consideration. Thank you very much for the opportunity to testify.

CHAIR BAISA: Thank you very much. Members, is there any need to clarify the testimony? Mr. Blackburn-Rodriguez, just one question. You mentioned you represent Go Maui, exactly what does, who are they?

MR. BLACKBURN-RODRIGUEZ: Go Maui is a nonprofit organization that's a policy advocacy group and we advocate on behalf of jobs, a healthy environment, we advocate on water issues, agricultural issues of that nature. Our focus is on employment and a healthy economy.

CHAIR BAISA: Thank you very much. Any other need for clarification? Seeing none, thank you very much.

MR. BLACKBURN-RODRIGUEZ: Thank you very much, Chair.

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CHAIR BAISA: Ms. Willenbrink.

MS. WILLENBRINK: Yes, our final testifier in the Chamber is Sherman D. DePonte.

CHAIR BAISA: Good morning.

MR. DEPONTE: Good morning, I'm Sherman Dudley DePonte, 17529 Haleakala Highway, Upcountry resident and licensed professional land surveyor with Akamai Land Surveying. This bill is very important to me personally and also to a lot of our client, my clients in the County and the Upcountry people. We really need something to change and this is a start. Commend Gladys for doing, for getting it moving, also Victorino, Mike Victorino and Mike White getting on it. And in any case the last time I gave you an example we gave, we had a whole bunch of fire hydrants, millions of dollars of improvements on one hand, the other hand we had a private sprinkler system. The one on the left from my place anyway it was 30 to 40 minutes to get to my house, the Fire Department, when they get notified. Now when we get notified is something like you get an emergency call, by the time you get that emergency call the fire is underway and the house, it's going down unless we have a system in the house that'll notify the Fire Department right away. In any case the next thing is getting to the house. A lot of problems in Upcountry is getting to it, so we had that problem. And that was on the left, we had millions of dollars here, for me it was \$3.8 million of improvements, on the right we're talking about 5 to 10, 5 to 30,000 for each house that we'd put in private sprinkler systems. No liability to the County, this one liability to the County, this one here will put out the fire. We have about 600 to 1,000 gallons on this one, what we're talking about is private sprinkler systems in the house. I think this one will work to save lives, in fact I know it will because it's right now it happens, water will be going in there. Waiting for the Fire Department, I don't want to put down the Fire Department at all but they only can do what they can do, they're away from us, they're, hard to get places and they do a really good job at getting there and trying to get it, but again it puts a liability on the County. If we're trying to improve the system, spend millions of dollars to improve the system to get a better rate on the insurance which Don Couch brought up last time the County spent millions to do that. I've got a, you know, my insurance company says we're more than 15 minutes away from the Fire Department, there's no break. You put in a fire protection system, private fire protection in there and it goes down by 5 percent to 20 percent. And if you're on stuff, we have the insurance companies that will do that, so in any case that I feel as resident, as an Upcountry resident we are significant. We're very significant and we should be looked at. We've, I wear this red shirt here because every time I'm coming in there the church is over hundred years, 120 years now that we've been praying for water. We did our part, you saw the water, we got water here, now we need the Council to do their part to help us out to get our water meters so we can get water meters and not hold it because of fire protection not even for subdivisions, because our people, the Upcountry people, families, family subdivision 'cause the family subdivision is nothing if we cannot get permits. And if you can't do all of the improvements which is this millions of dollars improvements for nothing to save my family's life, I see it as a waste, waste of money, waste of tax dollars, waste of the County. Let's look at it, this is a step forward, let's step even more forward, make

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it for subdivisions, for family subdivisions, for people that need it, and I ask you the Council to step forward and do this for us. Thank you.

CHAIR BAISA: Thank you, Mr. DePonte. Members, any need for clarification of the testimony? Seeing none, thank you. Thank you very much. Ms. Willenbrink.

MS. WILLENBRINK: There's no one waiting in the Chamber.

CHAIR BAISA: No one waiting in the Chamber. Chair is going to offer one more opportunity for folks in the gallery. Anybody wants to testify? Seeing no one, we're going to check with the District Offices. Hana Office, Dawn, is there anyone there?

MS. LONO: There's no one waiting to testify at the Hana Office, Chair.

CHAIR BAISA: Thank you. Lanai Office, Denise, anyone there?

MS. FERNANDEZ: There is no one to testify at the Lanai Office.

CHAIR BAISA: Thank you. Molokai Office, Ella?

MS. ALCON: There's no one here on Molokai waiting to testify.

CHAIR BAISA: Thank you very much. Members, there are no people waiting in District Offices and obviously no one here in the gallery waiting to testify. So without objections, I would like to close public testimony.

COUNCILMEMBERS: No objections.

CHAIR BAISA: Thank you very much. Public testimony is closed.

...END OF PUBLIC TESTIMONY...

CHAIR BAISA: Chair would also like to note the presence of Bob Carroll. Thank you, Mr. Carroll. Okay, Members, I'd like to again thank all of my Committee for being here this morning, we have a very important issue before us. As you know the Committee is in, one issue, it's WR-28 Upcountry Water Meter Installation. Our Committee is in receipt of correspondence dated June 9, 2015 from the Department of Corporation Counsel, transmitting a proposed bill entitled, A Bill for an Ordinance Amending Section 14.13.060, Maui County Code, Entitled "Water Meter Issuance Provisions for the Upcountry Water System", Relating to Fire Protection. Chair wants to emphasize Upcountry water system. The purpose of the proposed bill is to provide that applicants on the Upcountry priority list who have been offered water meters from the Department of Water Supply and are able to connect to the Department's existing water system shall not be required to make further infrastructure improvements for fire protection under certain conditions. On your desk, folks, is a copy of the entire chapter if you want to use that for reference. For years we have been faced with water issues of all kinds Upcountry and we have sat here for hours and hours and hours

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trying to creatively find a way to solve this problem. It was mentioned by one of the testifiers that this is the 800-pound elephant in the room. Well the Chair has discovered since I got the wonderful job of being the Chair of this Committee, I did sit on it when Mr. Victorino was the Chair and I really didn't have a whole lot of empathy for what he was going through but I have learned in the last six months what this is about. Because it is such a huge problem and it has existed for so long, it's very intimidating and everything we try to do becomes very complicated because you're looking at many, many facets of this issue and it's legal, it's all kinds of emotional things, well if you're gonna take care of Upcountry what about down country, whose gonna pay, whatever. And getting lost in all of that I don't have a whole lot of time left to Chair this Committee. As you know I have a year and a half left on the Council and I came, I am an Upcountry person, I am a third generation Upcountry person, I have listened to this agony for years and years and years and I really would like to make a little dent in this issue before my term is up, and if I can make a big one I'd like to try to do that too. I'm desperately looking at the ways we can bite away, you know, they tell you how you eat an elephant it's one bite at a time, well I want to take a bite out of this elephant and I see the bill before us today as going in that direction. I think there are many other things that this Committee can take and make a difference. It'll be things like were mentioned today, somebody mentioned catchment, I think we can look at that and see if we can enhance that. I also, as you guys know have been interested in gray water before I came to the Council. I want us to seriously look at that. I also want to look at the number of fixture units, is there any way that we can deal with that 'cause it makes absolutely makes no sense to me. I want to look at sprinklers that were mentioned. I mean there's many, many little ways that we can make this better. We probably can't solve it but we can make it better, and if we can make a few people qualify for meters, hey we're moving things along, it's better than having very few people get meters. So that's where I'm going with this. I don't know, you know, the big answer but again let's just work at it. My hope is that this will ease some of the financial burden on applicants who are offered a meter. It's very disconcerting to me to hear that people finally get the letter from the Water Department and then they cannot meet the financial requirement and so they lose their turn. I just think that's really sad. I can't imagine waiting for 16 years, 20 years, 30 years, however long you've been waiting and all of a sudden here's your letter and they say well you need to invest 100, 300, 3 million, whatever it is, and you say I can't do it and so you lose your opportunity. So we gotta try to do something and that's what your Chair is trying to do. Mr. Taylor, let's get going. If you could please explain the purpose of the bill and what it may help to accomplish, Chair would really appreciate that, and then we'll get into some of the big issues and discuss them. Go ahead.

MR. TAYLOR: Okay. Thank you, Madam Chair. As Chair knows, our staff worked with the Chair, with the Fire Department, with Corporation Counsel to help draft this bill. So the root problem I think has already been talked about today, when people come in to get their meter Upcountry, when their name, their number comes up on the list we look at their specific site and apply the existing ordinances. The limiting factor with infrastructure improvements tends to be fire flow. You need a certain amount of infrastructure, let's say pipeline sized for your normal domestic flow but a greater flow

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for fire flow. So fire flow tends to be a limiting factor which takes someone who might otherwise be able to accept their meter with no improvements or limited improvements and the fire flow improvements can be much, much more than that. So what this bill does is says essentially that if you fit into these criteria where you're not asking for a large subdivision as defined in here by, you know, one or, I think, what is it, up to a three-lot subdivision I believe it says, then only the domestic flow requirements apply to you and the fire flow requirements don't. So it would just make it easier for these relatively small applicants to not have to meet fire flow requirements. So what it does from a policy standpoint, it says in this more rural area the Council's okay with a little lower, lesser level of fire protection, it's been talked about, in exchange for making it easier for people. So that's what it does, the Department has no problem with it, we would just ask that somewhere in your discussion just so we can hear the reason and pass it on to our applicants that the Council's very clear about why it's being applied to only Upcountry and not other areas. We're just expecting that when people come in, you know, Waihee or Hana or Molokai and say well what about me, we just want to be able to say well the Council discussed this and they either decided to include those other areas or not to for these reasons. So we have no problem with the language, we would just ask just to hear some commentary about why it is just Upcountry so we can pass that on to applicants when they talk to us. Besides that, with me I have Jase Miyabuchi who's an Engineer VI in our Engineering Division. Jase is the senior Upcountry engineer, he implements our ordinances with applicants on a day-to-day basis, so I imagine most of your questions are going to get into the weeds as far as exactly how some of the ordinances work and Jase is really our expert on that. So with that, Madam Chair, we'll be more than happy to help the Council in their deliberations.

CHAIR BAISA: Thank you very much, Mr. Taylor. And I do want to thank the Fire Department, I want to thank the Water Department, and the Legal Department who have worked very, very diligently on this. You know it may seem like a very simple bill that's sitting in front of you but I tell you, it was complicated to get to where we are, and I especially want to thank the Legal Department that I don't know, they pulled off a miracle in order to get the bill ready for posting and I want to thank them big time. Jennifer and Ed, thank you very, very much for your extra effort. I also would like to hear from Mr. Kushi and the folks, Members, and from the Fire Department and then we'll get into questions. Mr. Kushi, if you could tell us the legal ramifications that you've heard about and your recommendations.

MR. KUSHI: Yes, Madam Chair. As you did state, we did go over this bill quite a few times with yourself and your Staff. I got, just to let the know, the Council know, there's couple of ramifications if this thing passes. One that Director Taylor did mention is that it applies and we're talking about only Upcountry, okay, so it applies only to the Upcountry and the water meter priority list. So what about people in Wailuku, Kahului, Lahaina, Kihei, they're different, they gotta comply, no matter if it's one lot or three lots or whatever. Yeah. So but it's a policy decision, that's up to you guys. Plus we only talking about Upcountry. Secondly, the possible free shot, I call it a free shot from fire protection improvements, possibly if you go to max lots of three lots, there's no fire protection. Each of those lots can apply for two dwelling building permits and

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there's a first and second dwelling exemption, so possibly you have six dwellings without any fire protection. Okay. That's the possible ramifications. That's why in this bill we recommended that the applicant sign a release for any claims that may happen because of this no fire protection. So you guys have to know that. Aside from that we signed off on the bill.

CHAIR BAISA: Mr. Kushi, do you need a break?

MR. KUSHI: No.

CHAIR BAISA: Okay.

MR. KUSHI: Thanks.

CHAIR BAISA: Anything that Jennifer might want to add or is that it? You okay? Thank you very much. Okay. The other person we'd like to hear from of course is Lieutenant Scott English who's here from the Fire Department and he worked with us and we'd like to hear his comments. Mr. English, please.

MR. ENGLISH: Good morning. Thank you, Chair Baisa. Right now the Fire Department as far as existing lots, it was subdivided many years ago, it met all the rules and regulations at the time, we have no jurisdiction as far as requiring any upgrade of Fire Department, fire hydrant. It was subdivided back then, it's existing, we cannot come back and enforce any kind of fire flow. So if meters are given to these lots, right now it's gonna be County water exempt from the two dwellings so Fire would not even have a say in it except less when it comes garage or a utility building then we have our requirements of being 500 feet from a fire hydrant, on site tank, or a fire sprinkler installation. As far as the new requirements, as far as three lots or less subdivision, right now our rules still require fire protection for these lots. We will have to probably amend our rules to be similar to what we are proposing today 'cause if Water approves these new rules we have to adjust ours to match because we're gonna be stuck in the same situation, Water is gonna say approve, we're gonna say we need fire protection. So we still have to work on our rules to amend it. And I'm gonna throw some things out there, seems okay with the three lots subdivision. We're gonna put in regulations as far as building size, maybe a larger setback, and for our position is if one building is burning it's pretty okay, our trucks and our tanker trucks probably have enough supply but if you have closer buildings with exposures, now we have a larger fire, more water is needed to protect the exposures. So like I said, we, we'll have to adjust our code and we're gonna put some amendments in there to help our guys out there. Thank you.

CHAIR BAISA: Thank you very much, Lieutenant English, very clear. Actually, you know, I was very surprised at the wonderful cooperation that we have received from the Fire Department. You know poor things, they're often held to be the people that hold things up. But they hold them up because of the laws that exist and they have to comply, and so, you know, they're working very closely with us in trying to reach our objective and I want to thank Lieutenant English for that. Okay, Members, you have

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heard the testifiers and you've heard pretty much the experts, so the floor is open to question. Shall we start with Mr. Victorino as my Vice-Chair?

VICE-CHAIR VICTORINO: Thank you, Madam Chair, and I want to thank all of the departments for coming together. You know let me say this is not something new, we've been working on this for years, and also you've just culminated what was started three, four years ago so and I'm thankful that it finally got to this point. I thought it was very curious that, Mr. English, I'll start with you, that you mentioned that the two dwellings really you don't have any say in it, you know, they can go ahead and build it but if they add an extension, a carport, a garage, a utility building then you would step in as far as fire flow restrictions. Am I correct in hearing that when you were speaking earlier?

MR. ENGLISH: The way the rules are written now between the Water rules and Fire, yes that's what's...

VICE-CHAIR VICTORINO: Okay. No, no, I not blaming you I just saying I just wanted to be to make sure I was clear on that so that the public's clear on that, and I find that strange so that's why I think some of these amendments are necessary. I like the idea of you having farther setbacks because I agree, Madam Chair, if we're gonna give these guys less fire flow they're not gonna be able to fight the fire.

CHAIR BAISA: Right.

VICE-CHAIR VICTORINO: And if you've got buildings very close to each other you're talking a disaster waiting to happen, and so and to answer the question earlier about insurance, if there's, you are more than five miles radius from a fire station, I don't care what fire protection you put in, you don't get any discount. Excuse me, except if you do an internal sprinkler system, so I can tell you that, you can put ten fire hydrants in front of that house, it doesn't make a darn difference as far as insurance and saving money in that respect. Let me go on to the next area which I thought was very important. I know, Madam Chair, you have and for many years we've looked only at Upcountry but I going tell you right now and I'm not gonna speak for my colleague from Molokai but I'll speak for all my areas and I got as many as Upcountry out there, Kahakuloa, I got Waihee, I've got areas that are in the same predicament, and so if we're gonna change something I tend to agree with the testifier, let's do it all around. 'Cause to me if you're gonna do for one, you should do it for all. Just like when we kept the water meter hookup charges, the fee same for all not just for Upcountry. So I believe that there's some importance that I may be proposing it as we go down the road and making some amendments to yours. I think you covered most of the areas that I agree with, and I'm happy that we finally culminated after years of going back and forth, back and forth, back and forth, you know. And again, all these people through the years I was there always was very gracious in trying to work out the problem but we always had these one or two stumbling blocks, and then again Fire Code has been changing over the last few years, we've adopted new fire codes which then put new restrictions, it's like whoa, I can never get ahead of the curve, every time I think I'm gonna get it done, something new comes out. So I think right here and

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now I think I'm willing to make a decision today, I'm willing to take what you have and incorporate some of the amendments that I'm gonna propose, and one of them is that, all the County of Maui not just Upcountry be covered 'cause this doesn't do anything as far as Upcountry water sources or adequate supplies for Upcountry. This just takes care of a problem called fire flow, and if somebody's willing to take that option and take that risk then to me I want to give Molokai, I want to give Waihee, I want to give other areas, Waikapu, other areas that are farther away from the fire station and don't have adequate fire flow the same opportunity. So I'll let others ask questions, there's a lot more questions I want to ask but I don't want to just dominate the meeting, I'll allow others to ask questions. If my questions are not answered when we come back second round, I'll ask them then. Thank you, Madam Chair, for all your hard work, and thank you, departments, for their cooperation.

CHAIR BAISA: Thank you, Mr. Victorino. And you raise a very, very good question and I was wondering if maybe our Water Department might want to respond to the idea of instead of limiting this just to Upcountry just making it open to Maui County, all of Maui County. Mr. Taylor.

MR. TAYLOR: That's really something, that's something I brought up in my opening testimony, it's something we wouldn't be against. This is something that I'm glad we're talking about it in Water Resources but I'm glad the Fire Department has been so cooperative with this. It's really a fire issue, not a water issue. Whether or not there's enough water to fight fires is really their role, our role is to say how much water we can get to a certain place. If from a fire protection standpoint this is deemed good policy in more rural areas, it's okay with us, we don't have a position on that. So as long as it's clear and we can implement it, we will, we have no problem with whatever action the Council takes in that area.

CHAIR BAISA: Thank you very much. Follow up.

VICE-CHAIR VICTORINO: No.

CHAIR BAISA: Mr. Kushi.

VICE-CHAIR VICTORINO: Oh, Mr. Kushi.

CHAIR BAISA: Yeah.

MR. KUSHI: Yeah. Just to...

CHAIR BAISA: I saw the hand going up.

VICE-CHAIR VICTORINO: Oh, no, no.

MR. KUSHI: Madam Chair, if I may? Just to kind of back up Director Taylor, when our office looked at this bill and we asked the same question, why are you distinguishing Upcountry versus everybody else? There may be some, you need a justification, and

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the justification is the priority list is only applies to Upcountry, everywhere else there's no waiting list. That's the distinguishing characteristic and the justification to apply this just to Upcountry. Now without that, you want to open it up to everybody, well again, that's a policy decision, but I think the bill as is can be supported and defended because of the priority list.

MR. TAYLOR: Madam Chair?

CHAIR BAISA: Yes. Go ahead.

MR. TAYLOR: If I may add one more thing to think about is although it's hard to define, I knew legally we might have some definitions of urban and rural and these kinds of things, we sort of know it when we see it. There's clearly a difference between Kahakuloa, Waihee, Central Wailuku, and Central Pukalani. I would consider, you know, built up Pukalani more urban if you want to call it that but as you get to Ulupalakua that's really more rural. Whether or not you want it Countywide, Upcountry-wide or just certain areas that sort of fit this very vague definition of, you know, where, when are you in town and when are you sort of outside of town. That might be something you want to consider, is this just something you want to apply in these areas that are considered, you know, sort of outside of town where as if you're in town you know you have to meet the standard requirements. So that's also something I think it might be hard to define in the same way we had the difficulty with infill, it's gonna be hard to define what we mean by, you know, in town and rural areas. But that's also maybe something you want to keep in the back of your head.

VICE-CHAIR VICTORINO: And, Madam Chair, if I may?

CHAIR BAISA: Yes, Mr. Victorino.

VICE-CHAIR VICTORINO: Now I'd like to respond.

CHAIR BAISA: No. Go ahead.

VICE-CHAIR VICTORINO: And thank you, Mr. Kushi. Yes, I understand and I wholeheartedly agree about the meter list and the priority of that but I'm also saying we're changing this for fire flow issues. And that becomes in my mind, you've opened up just like when we did the water meter fee, we wanted originally for just Upcountry and then we said no, you have to open it to all because Molokai, Waihee, other areas have the same problem and the problem exists Countywide. So again. I won't try to hold this up just because of that issue but I will say the Upcountry meter list is just one issue for Upcountry, there is the rest of the County and I'm gonna tell you now, this is gonna lead to a suit somewhere along the line. Somebody says well if they can, why can't we. And I guarantee you that's gonna come down somewhere along the line. My feeling is if we're gonna make fire flow the issue and this seems to be what we're trying to get at this point in time then I'd like to see the whole County done. If you're talking sources, you're talking other issues then there's a differentiation between Upcountry and central system, no question in my mind. But, you know, Madam

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Chair, I don't want to go into a long dissertation, I just believe when we come to that point I will make that amendment to include the whole County and we'll see where that goes at that point in time. Thank you, Madam Chair.

CHAIR BAISA: Thank you, Mr. Victorino. This is excellent discussion. Of course this is very similar to what went on in our little staff committee and, you know, there's a lot of back and forth before we finally came to agreement with the Legal Department and Fire and Water to put what is before you, but it's very good, everybody needs to understand why you have what you have before you. So, Mr. English, did you have a comment on any...I want to tell the resources up here, if you have something you want to contribute please let me know and we don't have to be very formal here, I don't need to call on you. If you're hearing something and you want comment, just let me know. Okay? Let's try to keep this going, I want to make it worthwhile and when we get too formal sometimes things don't happen, so if you hear something just let me know you want to talk. You okay for now, Mr. English?

MR. ENGLISH: Thank you, Madam Chair. Right now I have no comments, I'm just waiting for any questions from the Members.

CHAIR BAISA: Okay. Alright, we'll proceed. Ms. Crivello? We're gonna go down the row here and then we'll go back and forth.

COUNCILMEMBER CRIVELLO: Okay. Thank you, Chair. You know I really appreciate you, you know, you take action. So this bill at least starts the wheel making it for real. I've heard about the Upcountry list for many years, even if I'm from Molokai it's something that has been ongoing. I guess my question first of all would be how many meters are we talking about that would meet this list?

CHAIR BAISA: We'll ask...Jason, looks like you're the one. Go ahead.

MR. MIYABUCHI: Yeah. Jase Miyabuchi, Department of Water Supply District Engineer.

COUNCILMEMBER CRIVELLO: Yes, do you know how many are on that meter list that would qualify say we say go for it right now?

MR. MIYABUCHI: Yeah. I do not. I mean the meter list is comprised of subdivisions, water service requests, and building permit applications. And as far as specifically how many are specifically three lot divisions I couldn't tell you offhand. I apologize.

COUNCILMEMBER CRIVELLO: Okay. And for me to understand too when we say, you know, an exception for the fire flow, will the Department sort of explain as to what will not necessitate additional charges or infrastructure for the fire flow?

MR. MIYABUCHI: Could you repeat the question? I'm sorry, I'm not sure what you're asking.

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COUNCILMEMBER CRIVELLO: I just want to know on the average, are we saying no capacity for fire flow in this bill is necessary?

MR. MIYABUCHI: Yeah. So the way the bill seems to read is as long as the system is adequate for domestic and irrigation amounts that yes, we will not be requiring fire protection improvements, line extensions, main upsizing, hydrant installations, those types of things.

COUNCILMEMBER CRIVELLO: Okay. And this is where Fire Department agreed to all of this? Okay.

CHAIR BAISA: Ms. Crivello, let me offer some information. You know when we started working on this, we initially said well let's put in the law, well instead of eight inch line you can put a four inch line, a three inch is enough, a six inch is this and it got so complicated that it was our decision to keep it very simple and simply say that you will be exempt from these requirements and it makes it simpler. 'Cause if, you know, like say for instance if you have a four inch line they want an eight inch line, here we're talking about hundreds of thousands of dollars and yet that four inch is adequate so that you have water in your house for, that you need and for your garden or whatever. And so we didn't want to get too detailed because then it becomes so cumbersome and so big that you get into this inertia of we can't do anything here because we might miss something, so it was our decision to try and keep it as broad as possible.

COUNCILMEMBER CRIVELLO: Thank you, and I appreciate it. And I also understand where Councilman Victorino is coming from, but again we're gonna say you can't do this, you can't do that, and I like your simple approach that we're gonna take some small steps and see how we can make it happen and make it real. From my understanding it's been talk, talk, talk for many, many years and so this is an opportunity for us to, I think put our families in their homes.

CHAIR BAISA: Well thank you very much. The Chair's focus is on being able to build affordable housing. You know we're all sitting here waxing eloquent about how we're gonna deal with affordable housing. I see this kind of development as really giving affordable housing, and if this is one small way to make some people build a cottage for their kids or a home or whatever then I think we need to get out of the way, I really do. And I understand it's complicated and we can worry about what if and what if and that's why we don't do anything.

COUNCILMEMBER CRIVELLO: I appreciate it.

CHAIR BAISA: Thank you.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

CHAIR BAISA: Mr. Couch?

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COUNCILMEMBER COUCH: Thank you, Madam Chair, and thank you for bringing this up. I fully support this with the same caveats that my colleagues have mentioned already. The question I have since the Water Department is up there and so we don't go bouncing back and forth between Water and Fire. Do you have any idea how many meters have been declined by people who couldn't afford the improvements for fire flow? A testifier had mentioned what about those guys?

MR. MIYABUCHI: Yeah. From the numbers that we've been accumulating so far it's been about a 50 to 60 percent acceptance rate overall, as far as the people who have declined and for what reason, I can't say specifically. Some people they don't even respond at all so I don't know the rationale for not responding, so, you know, then they're taken off the list.

COUNCILMEMBER COUCH: Yeah. And then that, Madam Chair, I don't know if you've discussed that in your group but that might be something we want to take a look at after this gets...I mean I fully support getting this in and then tweaking where we need to tweak including going the other districts, et cetera. The other question I have is Madam Chair talked about affordable housing, affordable, I mean housing generally uses a 5/8 or 3/4 inch meter is that right, Department?

MR. MIYABUCHI: Typically.

COUNCILMEMBER COUCH: Are there any meters on the list, are there any requests on list for anything higher than the 3/4 inch meter?

MR. MIYABUCHI: Well the way the code reads as far as water service requests, they are allowed either a secondary 5/8 meter or one meter size upgrade from whatever their existing size is, so if their existing meter is a 3/4 inch then they're applicable for a 1 inch meter.

COUNCILMEMBER COUCH: Is there, do homes typically get a one meter, one inch meter? Because it sounds like that maybe that might be moving into the commercial realm and I'm not sure that, that goes to the Chair's desire for affordable homes.

MR. MIYABUCHI: From what we've been seeing, I mean as far as building permits, not typically. I mean even in the central section 5/8 inch, 3/4 is typically the norm. One inch is kind of an outlier.

COUNCILMEMBER COUCH: Would it be beneficial to limit it to a 5/8 and 3/4 or is that gonna cut somebody off from potential home? I mean a one inch meter at a home, that's a pretty big home, that's not going to be an affordable house.

CHAIR BAISA: Mr. Couch, I, for, just might, we'll get through a whole list of ideas that people have called and talked to me about and one of those ideas that we limit to two inches or less to prevent commercial.

COUNCILMEMBER COUCH: Right.

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CHAIR BAISA: Because some people might take this and, you know, go right ahead and do that.

COUNCILMEMBER COUCH: Exactly and that's my thought and --

CHAIR BAISA: I just got that . . .*(inaudible)* . . .

COUNCILMEMBER COUCH: --either less than two inches I would say less than two inches or even less than one inch.

CHAIR BAISA: Yeah.

COUNCILMEMBER COUCH: But I don't know if that affects the ag flow too, if they're gonna use that water for ag so.

MR. MIYABUCHI: Yeah. Like I said for Upcountry that's typically an outlier. I've maybe seen one instance where they've need a 1 inch meter 'cause their existing was a 3/4 inch but typically, no.

CHAIR BAISA: Yep.

COUNCILMEMBER COUCH: Okay. So that's something, Madam Chair --

CHAIR BAISA: We'll look at that also.

COUNCILMEMBER COUCH: --we can talk about. Just for now that's okay with water. I have maybe two questions --

CHAIR BAISA: Go right ahead.

COUNCILMEMBER COUCH: --for fire, if I may.

CHAIR BAISA: We're lucky to have our resources with us --

COUNCILMEMBER COUCH: Yeah.

CHAIR BAISA: --we might as well use them.

COUNCILMEMBER COUCH: Thank you, Lieutenant English. You mentioned, a couple times you said it's, you may have to change your rules and then, or the code. Is it a situation where, I mean 'cause rules, you have administrative rules or is it all done in code?

MR. ENGLISH: It's all in the Fire Code.

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COUNCILMEMBER COUCH: Oh, okay. So it would be an ordinance change then that we would have to do?

MR. ENGLISH: Correct. And that is only for the three lot exemption, when they come in for subdivision. Right now we don't have that exemptions, so if you come in for a new subdivision our rules as far as hydrants and hydrant spacing, fire flow will be, will still run with the type of subdivision.

COUNCILMEMBER COUCH: Okay. And you heard a testifier talk, a couple testifiers talk about this but and it's always been my little, it just it boggles my mind a little bit that, you know, we're requiring all these fire hydrants at a very rural, remote place or a fairly remote place, generally the response time, for instance one of the testifiers says they live on Lower Kimo Road. What is the general response time? I know you have a station in Kula and then the next closest one I believe is Makawao or no...

MR. ENGLISH: You know general like if you have a fire in the Upcountry area, we normally have a minimum two engine companies, probably Makawao and Kula responding, rescue truck and a tanker, and depends where they are from the firehouse. Is, like I say if they're closer to Kula, Kula might get there in five minutes, three minutes, ten minutes and then Makawao will be right behind. The key is hopefully they got a working smoke alarm, everybody's out of the house.

COUNCILMEMBER COUCH: Right.

MR. ENGLISH: Early notification, if we get there we can make a good offensive attack and hopefully save the house. If we get there too late we probably just cooling down nails.

COUNCILMEMBER COUCH: Yeah. Cooling down nails, I like that. And I'm asking these questions, I, you know, I talked about this, my brother-in-law's a high, was high up in the LA Fire Department and I was asking him about some of this stuff and he's saying that sprinkler systems are a much better fire protection, especially for rural areas. Because they just, they take care of a lot of the fires and if it were up to him, he would be more like requiring or heavily suggesting getting sprinkler systems in these remote homes. Is that something you guys push or?

MR. ENGLISH: Yes. Thank you for that question, Councilman Couch. Right now the 2006 Fire Code, Building Code all requires fire sprinklers. The State took a hold as far as not allowing any county to enforce it until 2017. Right now if you're coming for a Building Permit on County water for a dwelling, the permit will be reviewed by the Water Department and they're exempt from fire protection. If you're on a private system, the permit will be routed to Fire, our rules are simply you have to be within 500 feet of a hydrant, put an onsite tank or sprinkler your house, you have those options.

COUNCILMEMBER COUCH: You have those options. Okay. So, you know, and, Madam Chair, there are other options, yes we have the indemnification so that's great, and if somebody is far enough away from the station that they want insurance rates lowered,

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they're gonna have to put in sprinkler systems in my opinion. Mr. Taylor doesn't like that idea.

MR. TAYLOR: I don't dislike that idea, I just want to add, you know, because that sounds so easy I'll just have to make it a little more complicated. Our understanding is the sprinkler systems require a 3/4 inch meter to get enough volume, so a 5/8 inch meter will not support enough volume for a fire sprinkler system unless you put a tank up in the ceiling or something.

COUNCILMEMBER COUCH: Yeah. I'm sorry I should have...

MR. TAYLOR: There are solutions. We've been struggling with this about what happens if the Code changes, how do we support fire sprinkler systems when everybody has 5/8 inch meters, should we get rid of 5/8 inch meters and move everybody to 3/4. Should there be a second connection, just an unmetered connection with a separate connection, you know, how do we physically pipe this when you need a larger connection and we're all based on 5/8 inch meters. So there's a whole 'nother plumbing issue relating to this.

COUNCILMEMBER COUCH: But it's my understanding, and correct me if I'm wrong, Lieutenant, that if they have the tank and it's not a huge tank that they have to put in the attic or on top of the roof, that that is sufficient for a large amount of instances.

MR. ENGLISH: Yeah. There is different ways as far as the water supply for the sprinklers. It's a very low demand, it's like a two minute, two head calculation for ten minutes --

COUNCILMEMBER COUCH: Yeah.

MR. ENGLISH: --300-400 gallons of water. You can either get with a tank and a pump or you can come off of the, we prefer coming off the County supply, it's a little bit more reliable. You put a tank and a pump, hopefully it's working ten years from now. I know the water systems is always reliable because when you don't have water you call the Water Department. So if we can get the Water Department to supply the sprinkler system it'd probably be a much more efficient system.

COUNCILMEMBER COUCH: Okay. Alright, I have plenty more but I just, we'll, if, I'll hit 'em on the second round. Thanks.

CHAIR BAISA: Yes. Well let me tell you what the Chair's intent is. We're gonna take a break at 10:30 this morning, we're gonna spend our entire morning talking about this. What the Chair is trying to gather today is Members' feelings about the bill and Members' ideas. We will then take all of those back to our staff committee and will meet again and we'll try to come up with answering the suggestions that are made and if we can include them we will, if not, we won't, and we'll bring back another recommended draft for you to take a look at. We do not, we will not make a decision today. I think that there's many ideas and good thoughts that have come up in this process of review that we want to look at again and see should we incorporate them, shouldn't we and I want

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the group to have the opportunity to meet informally to talk about it. So just so you know, this is information gathering so ask your questions so that we will address them before we come back to you again. I'm into saving time, our time is too precious, I don't want to sit here and, you know, yak, yak, yak and then try to pass something and then come back and say, oh we forgot something. It's not good, okay, so let's take our time and do this right. I think we've waited all these years, we can wait for one more meeting. Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you very much, Chair, and thank you for bringing this forward. In relation to the initial, the first comments from Mr. Couch as in Dr. Pohle's testimony according to his, I don't know where he, his information came from but he mentions that a report as of June 30, 2015 states that 75 meters could not be approved or put, were, did not advance because of specifically due to fire protection upgrades. So that's his number in his testimony so I don't know where this came from and if Department has any comments to this, 'cause I think you mentioned, answered Mr. Couch's question with no idea. But there seems to be something written here so I don't know the validity of the figures here.

CHAIR BAISA: . . .*(inaudible)*. . .

COUNCILMEMBER COCHRAN: And with that, sorry, and the follow up if he's gonna answer.

CHAIR BAISA: Sure.

COUNCILMEMBER COCHRAN: Says that the 75 parcels will not be able to reapply, so we pass this out, these people will, if it had been in existence at the time, these 75 parcels would be allowed, but now are, will they have that opportunity to reapply then?

CHAIR BAISA: Thank you. We did discuss this in Committee so --

COUNCILMEMBER COCHRAN: Okay.

CHAIR BAISA: --I mean our staff committee. Okay. Water Department.

MR. TAYLOR: Reading Dr. Pohle's response, I believe what he wrote is the number from us saying we've moved the list forward by 75 names--

COUNCILMEMBER COCHRAN: Right.

MR. TAYLOR: --and that's a separate sentence from that some people have not been able to accept theirs. I don't believe and I see him shaking his head from the audience, that I don't believe his letter says that he's stating that 75 people didn't, walked away because they couldn't do improvements. We've advanced the list by 75 names.

COUNCILMEMBER COCHRAN: Okay. Well it says some so perhaps maybe not all 75 but there's a figure out of that 75 that seems were due to the cause that of the fire

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protection, and so if we change this code out my next question then is will they be able to reapply?

MR. TAYLOR: Oh. That's a question about --

CHAIR BAISA: Yes.

MR. TAYLOR: --if you, if the Council wants to write language into this proposed bill that says, if you were offered a meter within the past, you know, 30 days, 3 years, whatever, and you turned it down for certain reasons, you may reapply or we'll insert you at the front of the list. I mean if that's something the Council wants to do to give some people a second shot then you would have to add some language stating what those parameters were.

COUNCILMEMBER COCHRAN: Oh, okay. Well I think, if, it just happened a bit ago and now if we're gonna push this through on the next meeting and these poor people and their sole reason was because of fire protection and now we're exempting that, I think personally I feel like it should be fair for them to come back and say, hey great, now we can, you know, move forward with our water meter because of this exemption that we don't have to put forward all this money for upgrades and fire protection. That's one question, thank you. And the other for Fire, in regards to changing Fire Code, how was this going to be impacted by the international, you know, the fire codes I think we just passed through and all that. I mean I think because we cannot be less than but, you know, we can always be more stringent. This sounds like we're sort of downgrading in a sense, so is there any negative impacts?

CHAIR BAISA: Lieutenant English, please.

MR. ENGLISH: Thank you, Chair and Cochran. Right now the NFPA 1 Fire Code basically . . . *(inaudible)* . . . for residential homes is like minimum fire flow at 1,000 gallons a minute. We can come in and amend that, we can go less than what is required. If you do like a two-lot exemption or three-lot exemption it's up to this body to, you guys are the lawmakers and the code makers, and then we put that in our code as an amendment and that's what we're gonna be enforcing. Like I said, there is some language that I would like to put in there as far as size of the building. Yeah, I cannot expect to be waiving fire protection on a two-lot subdivision and they're building 10,000 square foot homes, no, that's not gonna happen.

COUNCILMEMBER COCHRAN: Yeah. Okay.

MR. ENGLISH: Because we're gonna, like when we met with Chair Baisa, when we do have fires in areas that there's no water we commit a lot of resources from other areas and we leave areas open like Kahului, Kihei we bring all the equipment, all our appliances up there to try and protect those homes because there's no water. So we gotta kinda get a balance between those two. If we're gonna ask for more tankers for the rural areas to help a quick attack and like I said save water, save the time fighting a fire, that might be one thing we might have to put in our codes as far as like I said a tanker

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fund. We're on a fire hydrant, okay, collecting a tanker fund. Sprinkler your house, collect a tanker fund for these building permits and then we can supply the Haiku, Makawao, Kula with tankers.

COUNCILMEMBER COCHRAN: Okay. And also, Lieutenant English, you mentioned setbacks, you'd want to create wider setbacks in areas too? Not just the size of dwelling but also, I mean if you're gonna put two homes on a lot and then the next lot they add two more and how much closer is that gonna be, so if one house caught it could, you know, catch to the other but if I guess if they're further apart there will be a better chance of not spreading?

MR. ENGLISH: Yeah. We'll probably put some setbacks so basically even though the basic theory on a fire fighter for residential is it's 1000 gallons a minute, you commit 500 gallons a minute to the home burning and 250 on each side to protect the homes on the side. That's the basic theory on firefighting. If we have only one home to worry about we can lessen that fire flow from 1,000 to 500, and if it's sprinkler'd we can probably pretty much exempt the whole subdivision from having fire protection. Like I said, we still do have some dry areas that we have called brush fires that sprinklers are not going to help and that's the fires that do probably the most devastation because we have, knock on wood, we haven't gotten it too bad over here but we do have a few fires that, few homes damaged from those types of fires that sprinklers are not gonna help so we still need some kind of fire protection in the area. Like I said we have to get together our office, Fire Prevention side with the Chief, discuss what we want and discuss it with Water Department so we can come up with a code that's pretty much the best for both worlds.

COUNCILMEMBER COCHRAN: Okay, very good. And lastly, Chair, if you don't mind.

CHAIR BAISA: No, right go ahead.

COUNCILMEMBER COCHRAN: In regards to, Mr. Jacintho's comment about rain catch systems, is it currently prohibited for people to utilize that as a fire protection method? I guess I mean it'd be just common sense 'cause I have rain barrels all around my house and my, I would grab a bucket and start dousing. I mean, you know, no one's gonna prohibit me from doing that, but as in I don't know, the tank and trickle down, I think, Mr. DePonte mentioned that he could create something from his water tank, so is there prohibition in our County for that type of use?

MR. ENGLISH: So, on the, when people come in for building permits in the areas that are off the County system, the plans are routed through us, and like I said they have the 3 options as far as if you're beyond the 500 feet from a hydrant on-site tank or sprinkler, a lot of them choose the onsite water tank. Basically it's a catchment tank. The size of the tank is based on the buildings, the size of the building that they are building. I would say the smaller size are, it's like a 5,000 gallon tank filled by catchment water and they have drafting hydrant that we can draft the water out of the tank and help fight the fire. We've been enforcing that since like 2002 and we, like I said, want to revisit that because the tank that we allowed 12 years ago are they still

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in operation and still have water, we don't know, and so we're trying to revisit that and try to get that tanker fund going. . . .(inaudible). . . because we know instead of making a tank, say you build a house, put some money into a tanker fund like \$3,000 and then the Fire Department always maintains our tanker so we always have 3,000 gallons rolling right behind the truck.

COUNCILMEMBER COCHRAN: Okay.

MR. ENGLISH: Yeah.

COUNCILMEMBER COCHRAN: Okay, very good. Well thank you, thank you for your information. And thank you, Chair, for that opportunity.

CHAIR BAISA: Thank you, Ms. Cochran. Excellent questions. We're gonna try to get through one round and then we'll take our break if that's okay with everybody.

UNIDENTIFIED SPEAKER: Take the break now.

CHAIR BAISA: You want to take a break now, everybody? Okay. We'll take a short break. Members, let's try to make this no more than ten minutes, if you could possibly get back here. We have a lot to talk about today, so meeting is now in recess. . . .(gavel). . .

RECESS: 10:27 a.m.

RECONVENE: 10:40 a.m.

CHAIR BAISA: . . .(gavel). . . Will the meeting please come back to order. Mr. White, your turn to ask questions.

COUNCILMEMBER WHITE: Thank you, Madam Chair.

CHAIR BAISA: Or comments.

COUNCILMEMBER WHITE: And thank you for bringing this forward. And I think, you know, I agree with you that this is, as I've said before, the Upcountry affordable housing issue is certainly one that this will help solve, and I really appreciate your hard work on this and I appreciate the Department and, both the Fire Department and the Water Department working on this. I do have a question for, Mr. English. The 1,000 gallons per minute fire flow requirement that's currently in place, what has that been historically for rural areas in both here and in, and around the country?

MR. ENGLISH: I would say ten years ago basically residential was always like a 1,000 gallons a minute, agricultural was down at 250 gallons a minute, and rural was at 500. Back, I going say 15 years ago we were, through a strategic plan through the County of Maui we were asked to try and lower insurance rating, and basically if you

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look at how the insurance gets rated it is the distance from a station and the distance from a hydrant that can provide 1,000 gallons a minute. So that's why when we did our new Fire Code we bumped everything in our code from rural to residential to 1,000 gallons a minute and we just cut agricultural from 250 to 500 gallons a minute, because it was, we were trying to work with the plan to try lower people's insurance costs.

COUNCILMEMBER WHITE: Okay. And I guess we'd have to ask Mr. Victorino to explain whether that has, how well that's worked for us, but I appreciate your willingness to look at other ways of providing for a level of protection. I, as Ms. Cochran mentioned, I think looking at the setbacks is a responsible thing to do if we're gonna lower the fire flow. And, Madam Chair, I also agree with Ms. Cochran that those folks that have been bypassed on the list should be offered a second shot, so whatever you can do to modify the language to allow for that I think would be certainly very fair. And with that, you know, I'm very supportive of the direction you're taking. I understand, Mr. Victorino's concerns about providing this for the Upcountry area and not other areas of the County, but at the same time, Upcountry is the only place where we have a waiting list. And so rather than applying this to the rest of the County at this time, I think it's appropriate for us to use this as a pilot project and see how it works out and what kind of challenges it brings to the Department and brings to the Fire Department as well. So I appreciate all of the work on this and thank you for getting us to where we're at now.

CHAIR BAISA: Thank you very much, Chair. I, we're on the same page. I too am concerned about the people that had to give up their opportunity, so we'll get together again and see what kind of language we can put in here to take care of that. Okay. Mr. Carroll?

COUNCILMEMBER CARROLL: Thank you, Chair. Usually when somebody says something and that's what I was going to say I don't repeat it but I'm gonna make an exception this time.

CHAIR BAISA: Please feel free to.

COUNCILMEMBER CARROLL: Because it's so important. Upcountry has been there forever and the problem's been there forever, and like Chair White has said, Upcountry is a special area, it's the only one with a waiting list, it needs to be taken care of. We've talked about other things and addressing other issues in different places in the County. If we're gonna address that, I don't think it should be today. I really think what before us is what we should be addressing. I would also hope that some of those people have that second chance because I won't get into it but I know there's some very extenuating circumstances why individuals passed up on it the first time, and it really wasn't the fault of _____ own it was just the circumstances in part that this County had put in place. And so I think we need to go over there and make it to where they have that second chance. I would hope we can get this bill out. If people have other concerns about other areas, great, but they should be addressed on their own at some other time, or Countywide at some other time, we really need to do this. I have known generations of people up there, generations, I'm so embarrassed to run

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into some of them where the husband or the wife has passed on because it's been so many years and never been able to get their water meter. Thank you, Chair, for bringing this up, I totally support it, and I would hope we could pass this out. Thank you.

CHAIR BAISA: Thank you very much, Mr. Carroll. Yes this sad story of folks that have, you know, not been able to accept a meter or who have passed on waiting, I just wanted to say that I was informed by the Water Department that the lady that was mentioned earlier, our dear Auntie Ruthie got her meter right before she passed away and she was really happy, and it sure makes me feel good because I sat through many of those meetings and listened to her heartfelt testimony over and over and over. So, you know, this is a big issue, it's been a big issue in our community for many, many years, and it deserves our attention, and we may have to do something that's a little unorthodox or, you know, something out of what we normally do but maybe that's what its gonna take. And like I'm always say, we put these bills not in concrete, we put them on paper and we put them in computers now which is even easier to change, and so we try and if it doesn't work it's our job to monitor or future Councils to monitor and say well, maybe we need to tweak this again. But, you know, trying to find that perfect bill and I'm channeling Mr. Victorino, I heard him say this so many times, trying to find the perfect bill puts us into inertia and we don't want to be there. Members, we'll go for a second round. Mr. Victorino?

VICE-CHAIR VICTORINO: Thank you, Chair. And, you know, again I brought up the entire County, I have no qualms, I said I would not hold this back to make sure Upcountry is taken care of, you know. If anybody understands the situation up there, not because I live there because I did live there but I have family and friends that have more generations than some of you in this room, so I got the picture. And so I want to do everything possible to make this work, so but I want to make sure that the rest of the County understands. And, you know, it's funny how sometimes everybody says hey we should include everybody's district and other times, no. Whatever, you know, it's no big deal in my mind, moving right along. First of all, to answer your question about insurance, there's really three aspects when it comes to insurance. One is fire protection which is a key element, the second part is distance from the fire station itself which is a five mile radius and that's how the insurance companies determine that, and number three is the type of building material you put in your house. If you build hollow tile and concrete the likelihood of it burning down is lot less than plywood and wood, so I mean there's material, there's distance, and firefighting ability once the Fire Department gets to the scene. Hydrants always are more important than any other type of firefighting 'cause it gives you the pressure and generally you have enough water flow to give that pressure. Half of Upcountry is within the five-mile radius of Kula. Same thing with Paia, same thing with Makawao, but many of them still get rated nine and ten. Why? 'Cause they only have a fire standpipe and that doesn't do it. If you recently remember we had a major fire out in Kahakuloa, didn't do anything because they had standpipe and the Fire Department took too long to get there and that house went up in flames. In fact, they had to bring in helicopter to douse the fire. So I'm keenly aware, this is my world, I understand that, but with that being said, I want to expedite whenever and wherever possible. If people are willing to

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take the chance I'm willing to give them that opportunity. Sprinklers is one issue, but mister, Captain, Lieutenant, I getting one of those senior moments, I get 'em more and more nowadays, you know, I notice that. I notice. I was gonna call him Lincoln and I knew that wasn't right. . . .*(inaudible)*. . . Lincoln, same families right. I mean, you know, come on now.

CHAIR BAISA: Not a bad name.

VICE-CHAIR VICTORINO: Yeah. No, no, no, no, no, no. Sorry, Mr. English . . .*(inaudible)*. . . But the other part of this aspect is I agreed with you, you know when you have a sprinkler system that's great if the fire starts in the house but a lot of these areas fires are gonna start from with, outside of the house, brush fires and things of that nature. So, you know, that's not gonna help you because if you're house outside starts burning by the time that sprinkler kicks on, I'm sorry, you've lost about a third of your house already without even moving on. I think we're really close, Madam Chair, I think the other suggestions that I made, I agree, anyone that had a chance should be given a second chance and that wording can be worked out. I believe that can be done. And finally I will say this, you know, you get the icing, you get to finish the cake. We started this years ago, stirring the pot, right, and you were here, some of you were here, some of you weren't, we stirred the pot year in and year out, got the 75 percent for development fees so that we could take care of some of the infrastructure that was required, yeah. We did all these different things to make this possible, and I'm proud to say, Madam Chair, that we did live to the point of seeing Upcountry water meter being issued.

CHAIR BAISA: Yes.

VICE-CHAIR VICTORINO: And let me put another thing on the table. Hamakuapoko is online today because of a tremendous effort by this Council to take it from a nine zero shutdown to an eight one, and I don't care what that person says, it will help people Upcountry for years to come. It will help people for years to come, and I'm proud to say that is really the culmination so all of this can move forward now. Thank you, Madam Chair.

CHAIR BAISA: Thank you, Mr. Victorino, for your many years of chairing this Committee. I have great empathy and respect for how hard it is. Ms. Crivello?

COUNCILMEMBER CRIVELLO: Thank you. I will support whatever your recommendations will go, Chair.

CHAIR BAISA: Thank you. Mr. Couch?

COUNCILMEMBER COUCH: Thank you, Madam Chair. And I will echo everybody that, you know, if we get the second chance, that's probably, it looks like the only thing that we really need to add right now. We'll come back later for the rest of the County and a few other things. Just one more question for Lieutenant Lincoln.

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CHAIR BAISA: ...*(laughter)*... New name.

COUNCILMEMBER COUCH: You know you talked about it's 1,000, was it gallons per minute or? Okay. 1,000 gallons per minutes, but that changed because, I mean it used to be 500 for rural and urban, I mean agricultural it used to be 250. It just, it changed because of the equipment we have or why did it get bumped up?

MR. ENGLISH: The newer, the code that was adopted in 2006 I believe had residential buildings at all 1,000 gallons a minute for residents, and then when we did that strategic planning workshop back in 2001 or so to try lower insurance rating the, I called the Hawaiian Insurance Rating Bureau and that was one of the key things is a hydrant that gives you 500 gallons a minute will not give them a good rating. It's a hydrant that gets you 1,000 gallons a minute.

COUNCILMEMBER COUCH: But can you fight the fire at 250 gallons a minute?

MR. ENGLISH: I would say --

COUNCILMEMBER COUCH: You were able to...

MR. ENGLISH: --on an offensive attack our guys would probably not go in the building with that amount of...

COUNCILMEMBER COUCH: You wouldn't go in, okay.

MR. ENGLISH: Not with that much . . .*(inaudible)* . . .

COUNCILMEMBER COUCH: Again, we're talking about I guess, Mr. Victorino said there's about 50 percent of the homes are within the five minute, five-mile radius, but you have a lot outside too and by the time you get there you're already just kind of like you said, cooling nails or preventing fires from going to the next home or the brush.

MR. ENGLISH: Right. Basically when the older code, when it was set at 250 gallons a minute, I would say was for agriculture most of the time was large lots, not these two-acre lots, single home. Most of them --

COUNCILMEMBER COUCH: Okay.

MR. ENGLISH: --did not have cottages back then, it was just a single home, so if we did respond to a fire, we're just worried about one building. And the 250, you can probably make a somewhat good attack, our trucks like I said are way, I mean the older trucks carried 500 gallons of water, could barely pump 1,000 gallons a minute. Our newer trucks 750, 1,500 gallons a minute capacity, so our trucks have changed, we carry more water, we have quicker trucks to get there, we have more stations to back up the trucks. So we can make a...like I said, if we get there quick enough we can save the house. If we take too long to get there no matter how much hydrants, how much trucks, it's not gonna make a difference.

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COUNCILMEMBER COUCH: Okay. Yeah 'cause that, some of that fire flow it sounds like in all the discussion that, you know, if you only have 500 or even 750 gallons a minute then the house is gonna burn down. That's not quite there, it's, I mean you still have an opportunity to fight the fire and fill your truck up but just not as fast. 'Cause when you go there is it, am I understanding it right, you go there with a truck full of water and you, the hoses come off the truck and you fight from the water that's in the truck or do you go straight from a hydrant to the?

MR. ENGLISH: On a working fire normally the hydrant will be connected to the truck, at the same time we're probably gonna be fighting the first minute or so with the truck water, then we're gonna, they're convert to the hydrant water to the truck.

COUNCILMEMBER COUCH: Okay. Okay. Thank you. Thank you, Chair.

CHAIR BAISA: Thank you, Mr. Couch. Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair. And, Lieutenant...sorry, Lieutenant, and so the just hearing what Mr. Couch said again, the, and you mentioned may need another tanker so that meaning, is that what you mentioned earlier when we were talking earlier?

MR. ENGLISH: When we had our first discussion in this Committee meeting probably three months ago I was on the opposite, threw on the table to try and get the tankers to the . . .*(inaudible)*. . . area. Talking about like a tanker fund for people that are, instead of given the options already like put sprinkler in the house or put in money to a tanker fund that we could buy tankers and fund the positions. Like I said earlier, if a home catches on fire hopefully everybody gets out and we'll do our best to try and contain it, normally one/two trucks will be enough. If we have like a working brush fire that's approaching a whole neighborhood, we gonna, like I said, use a lot of resources from the other areas and leave them open because we don't have hydrants up there or tankers.

COUNCILMEMBER COCHRAN: Okay. Okay, so it's on the table to discuss perhaps another vehicle if, I mean you just have to I guess suss all this out and...I don't know.

MR. ENGLISH: You mean...on a fire standing, the more resources we have like either hydrants or a tanker we can put a more quicker attack on the fire and catch it when, before it spreads to a place that to a point that it's no turning back kind of thing. So if we can get a good offensive attack on a fire with tankers and engines there we can put it out and we can stop it. The worse feeling is you fighting a fire and you run out of water and then the fire just aloha, and like I said with the resource, the more resources we have the better chance we have of containing it and keeping the damage to a minimum.

COUNCILMEMBER COCHRAN: Okay. Alright. Well thank you very much. And thank you, Chair, again for bringing this up. I'm looking forward to pushing this forward.

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CHAIR BAISA: Thank you, Ms. Cochran. And we definitely can discuss and I'm sure it will be discussed in the future, these are budget issues that we'll have to talk about in terms of, you know, enhancing what's available. But we're getting to the right person. Mr. White?

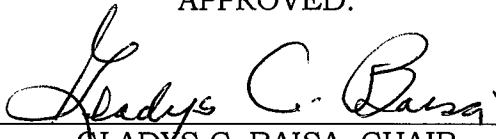
COUNCILMEMBER WHITE: Thank you, Chair. I have no further comments or questions. Thank you.

CHAIR BAISA: Thank you. Mr. Carroll, anything else? No. Any of the Members have anything more that you'd like to discuss or ask the resources that we have today? If not, the Chair would like you to know that we will take your suggestions back and the staff committee will get together again with our resources and we'll try to draft responses to the suggestions that were made today and include the ones that we can include, and if we don't include yours then we'll be able to explain at our next meeting. But I do want to thank all of you for your active participation and your positive remarks. I want to thank the public for coming out to testify, I know that it's very difficult for you to be here and I know you're all tired of it, I hear it over and over, I'm told over and over how many more times am I gonna have to come to the Council to talk about this, and I really appreciate your being steadfast. I promise you we're not gonna . . .*(inaudible)*. . . we're gonna try to do whatever we can. Like, Mr. Victorino says, we're getting to the point now we can, you know, take some actions and do some things. Everything is in place. We have certainly a group of people that want to make a difference and to me that's what it's all about, it's about political will and we can solve a lot of problems. I want to thank the resources very, very much. I want to thank the departments who work very closely with me, and thank my Staff. And without further business today, this meeting is adjourned. . . .*(gavel)*. . .

ACTION: DEFER PENDING FURTHER DISCUSSION.

ADJOURN: 11:00 a.m.

APPROVED:



GLADYS C. BAISA, CHAIR
Water Resources Committee

wr:min:150617cvk

Transcribed by: Cheryl von Kugler

WATER RESOURCES COMMITTEE
Council of the County of Maui

June 17, 2015

CERTIFICATE

I, Cheryl von Kugler, hereby certify that the foregoing represents to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 15th day of July, 2015, in Kihei, Hawaii

A handwritten signature in cursive script, appearing to read "Cheryl von Kugler", is written above a horizontal line.

Cheryl von Kugler