

WATER RESOURCES COMMITTEE
Council of the County of Maui

MINUTES

September 2, 2015

Council Chamber, 8th Floor

CONVENE: 9:05 a.m.

PRESENT: VOTING MEMBERS:

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

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)

ADMIN.: David Taylor, Director, Department of Water Supply
David Goode, Director, Department of Public Works
Scott English, Lieutenant, Fire Prevention Bureau, Department of Fire and Public Safety
Jennifer Oana, 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

OTHERS: Hugh Starr
Joseph Blackburn
Sherman D. DePonte
Tom Croly
(5) additional attendees

PRESS: Akaku: Maui Community Television, Inc.

WATER RESOURCES COMMITTEE
Council of the County of Maui
September 2, 2015

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, September 2nd, and it is approximately 9:05 a.m. I would like to ask everyone before we do anything else if you please check your cell phones to make sure that we have them on the silent mode. I'll check mine too just to make sure. It's a good thing I did that. I am the Chair of the Water Resources Committee, Gladys Baisa and I'd like to welcome everyone to this meeting this morning. My Committee is here this morning. I'd like to thank them for their promptness. I'd like to thank Mike Victorino from Wailuku, my Vice-Chair.

VICE-CHAIR VICTORINO: Good morning and aloha, Madam Chair.

CHAIR BAISA: Good morning. Bob Carroll, Council, I'm sorry, Bob Carroll from East Maui.

COUNCILMEMBER CARROLL: Good morning, Chair.

CHAIR BAISA: Good morning. We have our Council Chair Mike White. And Mr. White represents Makawao, Haiku, and Paia.

COUNCILMEMBER WHITE: Good morning, Chair.

CHAIR BAISA: Good morning. We also have Elle Cochran from West Maui.

COUNCILMEMBER COCHRAN: Aloha. Good morning, Chair.

CHAIR BAISA: And Don Couch from South Maui.

COUNCILMEMBER COUCH: Aloha and good morning, Chair.

CHAIR BAISA: And Stacy Crivello from Molokai.

COUNCILMEMBER CRIVELLO: Aloha, Chair.

CHAIR BAISA: Everybody is all checked in. Thank you so much. The non-voting members of this Committee are Vice-Chair, Council Vice-Chair Don Guzman and Riki Hokama so they are not required to attend as they are not voting members. From the Administration this morning we have Dave Taylor the Director of Water Supply.

MR. TAYLOR: Good morning.

CHAIR BAISA: Good morning. And we have Jennifer Oana, Deputy Corporation Counsel.

MS. OANA: Good morning, Chair.

CHAIR BAISA: Good morning, Jen. Mr. Kushi is excused. And we also have with us a number of other people that have come to help and I'd like to introduce them. We have Lieutenant Scott English from the Department of Fire and Public Safety. Good morning, Scott. We also have Mr. David Goode our Director of Public Works.

WATER RESOURCES COMMITTEE

Council of the County of Maui

September 2, 2015

MR. GOODE: Good morning, Chair.

CHAIR BAISA: Thank you very much. We also have Paul Meyer the Deputy of the Water Department. And Herb Chang who's rushing in. Thank you for being here, Herb. And I think we have others and as we go we'll introduce them if we have to bring them up here to help us. Also have Committee Staff, my wonderful Staff. I have Kimberley Willenbrink, my Legislative Analyst.

MS. WILLENBRINK: Good morning, Chair.

CHAIR BAISA: And we have Clarita Balala our Committee Secretary. And in our District Offices this morning we have Denise Fernandez in our Lanai Office and Ella Alcon in Molokai. Unfortunately, Dawn Lono in our Hana Office is on leave. She's had a little bit of excitement in her life and we wish her well. And so that's who's here for the meeting today. We are going to do public testimony this morning and it will be limited to the one item on our agenda today, which is WR-28. If you wish to testify please sign up at the desk located in the lobby or if you're in one of the District Offices please go and sign up there. Testimony will be limited to three minutes and upon request an additional minute to conclude. At three minutes the light will turn yellow and at four minutes the light will blink red. If you're still talking at four minutes I would please ask you to stop out of courtesy to others. When testifying would you please state your name and who you are representing if anyone besides yourself. We have established a connection to the District Offices to be fair and those are the offices in Lanai and Molokai. We will rotate through the sites if there are folks to testify. Hana Office is not with us. The Lanai Office we have Denise Fernandez. Do you have anyone wishing to testify?

MS. FERNANDEZ: Aloha, Chair. There's no one waiting to testify on the Lanai Office.

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

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

CHAIR BAISA: Thank you so much. Ms. Willenbrink, do we have testifiers in the gallery?

MS. WILLENBRINK: Yes, Madam Chair. Our first testifier is Hugh Starr and he will be followed by Joseph Blackburn.

...BEGIN PUBLIC TESTIMONY...

CHAIR BAISA: Good morning.

MR. STARR: Good morning, Madam Chair, Members of the Water Resources Committee. I'm Hugh Starr from Makawao. Just briefly I'm testifying in support of WR-28. I think it's really practical. I think it's compassionate. Thanks to the Corp. Counsel, the Council,

WATER RESOURCES COMMITTEE
Council of the County of Maui
September 2, 2015

Staff, and stakeholders who have asked for this and especially you, Chair. So thank you very much.

CHAIR BAISA: Thank you, Mr. Starr. Any, Members, any need to clarify the testimony? Seeing none, Hugh, thanks a lot. Ms. Willenbrink?

MS. WILLENBRINK: Yes. Joseph Blackburn.

CHAIR BAISA: Good morning.

MR. BLACKBURN: Good morning. Good morning, Madam Chair. Councilmembers, I'm Joseph Blackburn. I'm testifying for myself. I just would like to plant a seed as we move forward in this Committee. It's called Sprinkler Systems NFPA 13D and its Home Fire Sprinkler Systems. And basically what it will do will reduce the need for residential fire flow as you move forward for anybody who wants to build that you could do home sprinklers instead of putting in waterline improvements. And there's a couple real interesting points to this. Eighty-three percent reduction in civilian deaths with sprinklers. Sixty-nine percent reduction in property damage with sprinklers. And here's the one that I really think would be exciting for the Fire Department, 65 percent reduction in firefighter injuries at the fire ground per 1,000 home fires. And real quickly it's NFPA 13D. I've put it in all my testimony. There is a Chapter 6 which talks about water supply and basically if you don't have adequate water supply there are a number of options to 13D. A stored tank, a pump on the system. There's multiple options that would allow the homeowner to put in a regular fire sprinkler system in their home even if the domestic supply, pressure or flow was not adequate. So I'm just excited about this and think it's something that goes along exactly with what everybody is trying to accomplish here today and just want to plant the seed for the future. The last thing is kind of interesting it's called travel time. Basically there's a total response time for the Fire Department. The time the alarm comes in, the time it's received, the time it's dispatched, the time the Fire Department needs to get on scene. The standard is about seven minutes. So if you're outside that seven minutes, you know, it's give or take. So, this is an alternative to trying to solve all the world's problems and providing safety for the homeowner and the firefighter. Thank you.

CHAIR BAISA: Thank you, Mr. Blackburn. Members, any need to clarify? Mr. Couch?

COUNCILMEMBER COUCH: Thank you, Madam Chair. And thank you, Mr. Blackburn, for your testimony. Do you have kind of an estimated cost for an average system that would be adequate to help?

MR. BLACKBURN: You know it would depend on whether it's, you know, you have to put in a pressure tank or you'd have to put in a pump. So, say maybe about ten grand give or take.

COUNCILMEMBER COUCH: Okay.

MR. BLACKBURN: And, you know, when you activate these systems only one or two sprinklers goes off at once not the whole system. So the water supply doesn't have to be that large.

WATER RESOURCES COMMITTEE
Council of the County of Maui
September 2, 2015

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

CHAIR BAISA: Thank you. Any further questions?

VICE-CHAIR VICTORINO: Yeah. Thank you.

CHAIR BAISA: Mr. Victorino?

VICE-CHAIR VICTORINO: And thank you, Mr. Blackburn, for being here. My question to you is I understand the internal structure has sprinklers. How about the external? Because you do bring this up as far as external limitations of external sprinkler systems on the buildings themselves. And when I talking external on the outside walls, you know, most buildings do not have that, right?

MR. BLACKBURN: Correct.

VICE-CHAIR VICTORINO: Yeah. So, if there was a fire, a brush fire or some other fire from your neighbor or something, another pertinent structure it has no bearing as far as the fire catching on to the house.

MR. BLACKBURN: Correct.

VICE-CHAIR VICTORINO: But then when it got in the house then these sprinklers would go off, right?

MR. BLACKBURN: Right. And we try to educate the people on, you know, doing a green belt or boxing out your eaves or putting, you know, roofing material that doesn't catch fire. In these areas that, you know, would be outside, the rural areas outside a normal urban response district.

VICE-CHAIR VICTORINO: And the rural areas is exactly what we're dealing with at --

MR. BLACKBURN: Yes.

VICE-CHAIR VICTORINO: --you know in totality in this respect.

MR. BLACKBURN: Yes.

VICE-CHAIR VICTORINO: So, and if we've been watching California, Oregon, Washington, and many of the western states many of the homes that go up had the sprinklers had no help because once the fire caught, attached to the house the house was gone before even the sprinklers could help 'em. So anyhow but I understand for the internal structure and for the purpose of fire flow this is something that we can move ahead especially to help our Upcountry area.

MR. BLACKBURN: Correct.

VICE-CHAIR VICTORINO: Thank you. Thank you, Mr. Blackburn.

WATER RESOURCES COMMITTEE
Council of the County of Maui
September 2, 2015

CHAIR BAISA: Any further need for clarification? Seeing none, Mr. Blackburn, thank you.

MR. BLACKBURN: Thank you very much, Council Chair and Members. Aloha.

CHAIR BAISA: Ms. Willenbrink?

MS. WILLENBRINK: Yes. Sherman DePonte.

CHAIR BAISA: Good morning.

MR. DEPONTE: Good morning. I'm still in the red shirt.

CHAIR BAISA: I noticed.

MR. DEPONTE: I did wash it.

VICE-CHAIR VICTORINO: Oh, thanks for telling us that one.

MR. DEPONTE: In any case, I'm Sherman Dudley DePonte. This bill came forth before you simply because pressure from the public, public to me. I'm a licensed professional land surveyor. Licensed in three states. I'm been doing this surveying for 40 years now and I've watched literally a lot of this subdivisions, Upcountry subdivisions especially go up in smoke basically because lack of water or the infrastructure. What we're explaining about the private fire protection sprinkler system it just didn't come out, you know, as being oh this is the Holy Grail of everything but it is when you look at Upcountry when the Fire Department cannot reach your house. The bill that I put together, the wording that I presented to the Councilmembers, it's a wording, it's wording that was fair. And I was hoping that Mr. Victorino was here because he wanted it for all of the island for everybody and I was looking at everybody getting taken care by this bill not just the people on the priority list. And it's fair for the County especially and for the landowner. The reason is the landowner we're paying for Rural zoning. We're paying for Ag zoning. We're paying for Urban. Whatever we're paying for taxes we're paying for that. So the infrastructure is supposed to be matched up to that. It's not like we're changing our zoning. Upcountry there's very little changing of zoning. On all the subdivisions that I'm doing there's no Change of Zoning it's exactly what it was zoned 10, 20 years ago, 30 years ago, whatever it was. So we're not asking for, you know, this new higher density. It's been there. It's been there for years. What we're asking for is a fair shake. For me and I keep using my example \$3.8 million before I can put up even a garage in my property. I think it's outrageous. We had to go to a private sprinkler system and like Mr. Blackburn was saying it goes from 5,000 to 30,000. It can be more elaborate systems that you can. But the system that we're talking about holds the County zero, holds them harmless, zero, the County for that. You have to sign off on it. So which system would you want? The 3.8 million that the County is fully liable for? That if I have a fire on my house they'll be coming out putting out ashes and I will be suing the County. Simple as that. I sent a letter to the Water Department back in 2000, whatever it was, demanding adequate fire flow. We do not have it. We still do not have it. And that letter is on record. So, it's kind of like we need this bill and we need it to be fair. We

WATER RESOURCES COMMITTEE
Council of the County of Maui
September 2, 2015

need it for all lots not just one extra meter. We need more. It's three lots or less that I was saying before and that needs to come back into play. That ordinance got destroyed, taken out in 2007-2008, we need that back because the people, I mean, all the way up Olinda you're going to be putting in what sidewalks and, you know, improvements along the road for what? There's nothing there. Well you can defer it to a later date when the County decides to put it. And same with this bill that I had there. I want to finish it up with that it's just basically the thing is we give the County enough time, when it's time, when they can. When it's practical I put on there. When it's practical for them to fix the infrastructure. We as citizens do not have that time. We only have two to three years to bring the system up to par before we can, before we lose our place or we don't, we lose our meter. So the fairness on that bill, on the original. I had handouts but I forgot it at the house. I was rushing to get down here.

MS. WILLENBRINK: Four minutes.

MR. DEPONTE: I wanted you guys to look back on what it was...what the original was. We need it to go closer to that. This is...we're running away from where it needs to be. Anyway thank you for having me.

CHAIR BAISA: Okay. Thank you very much. Members, any need to clarify the testimony?

COUNCILMEMBER COCHRAN: Chair?

CHAIR BAISA: Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you. Thank you. And good morning, Mr. DePonte.

MR. DEPONTE: Good morning.

COUNCILMEMBER COCHRAN: Thank you for being here. But you submitted some testimony prior the last time we heard this. I was just trying to, Chair, I was trying to find his written if there was some as you're referencing verbiage that you had presented to us. So I know today you forgot your paperwork but I believe you've been here many numerous times --

MR. DEPONTE: Since '92.

COUNCILMEMBER COCHRAN: --and I was trying to find ...

CHAIR BAISA: Ms. Cochran, he has submitted testimony many, many times --

COUNCILMEMBER COCHRAN: Right

CHAIR BAISA: --and it should be in the binders.

COUNCILMEMBER COCHRAN: Okay. Okay.

MR. DEPONTE: You're missing the...I think what she's asking for is that red, the copy that I presented to your office I think with the red section that shows the wording that I had.

WATER RESOURCES COMMITTEE
Council of the County of Maui
September 2, 2015

And that's what I wanted to bring today and I forgot it. I can have it shipped...e-mailed to your offices.

CHAIR BAISA: Thank you.

MR. DEPONTE: Today it will be there.

CHAIR BAISA: That information is not part of the Committee record.

COUNCILMEMBER COCHRAN: Okay.

CHAIR BAISA: Yeah. It's just something that has been going on in the office.

COUNCILMEMBER COCHRAN: Okay.

CHAIR BAISA: Okay.

COUNCILMEMBER COCHRAN: Thank you.

MR. DEPONTE: And thank you, Gladys.

CHAIR BAISA: Any further need for clarification? Seeing none, Dudley, thank you.

MR. DEPONTE: And thank you for helping us bring this out.

CHAIR BAISA: Trying.

MR. DEPONTE: We need something moving.

CHAIR BAISA: Trying. Ms. Willenbrink?

MS. WILLENBRINK: Madam Chair...Mr. Croly, do you want to testify?

CHAIR BAISA: Go ahead, Mr. Croly, you can do your paper later.

MR. CROLY: Thank you, Chair. Thank you for bringing forward this item. I don't have anything to do with it but I've watched it progress and it's gained a little bit of complication here but I think it is ready for prime time now and ready to be voted out of Committee. I really appreciate seeing the Water Director here, seeing the Public Works Director here and seeing Lieutenant English here because the key thing here is that this results in someone actually building a house. And it's a three-step process. First they have to get their water meter approved then they have to get their subdivision approved, and then they have to get their Building Permits approved. So, I just hope that with all those folks here everyone is working on the same page and working towards the end goal which is getting the home built for someone and that we don't get stuck at any one of those stops along the way. And that the people who can benefit from this will truly get to the end result which is building that new home for their family on the lot. So, again, thank you for bringing this forward and I hope to see it move to full Council soon. Thank you.

WATER RESOURCES COMMITTEE
Council of the County of Maui
September 2, 2015

CHAIR BAISA: Thank you, Mr. Croly. Any need for clarification? Chair would like to thank you, Mr. Croly, that's all that we're trying to do here. Trying to get some folks a home. Thank you. Ms. Willenbrink, any more testifiers?

MS. WILLENBRINK: No, Madam Chair, there's no one else signed up to testify in the Chamber.

CHAIR BAISA: Okay. Let me check with the district offices to see if anyone has shown up. Lanai, Denise, is anyone wanting to testify?

MS. FERNANDEZ: There's no one waiting to testify on Lanai.

CHAIR BAISA: Thank you very much. Molokai, Ella, has anyone shown up to testify?

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

CHAIR BAISA: Thank you very much. Members, it appears that there's no one else in the gallery or in the district offices that wants to testify. So, without objections the Chair would close public testimony for today.

COUNCILMEMBERS: No objections.

CHAIR BAISA: Thank you very much. So ordered.

...END OF PUBLIC TESTIMONY...

CHAIR BAISA: Members, testimony is closed and so we're going to get into the discussion of WR-28. The Committee is in receipt of correspondence dated August 26, 2015, from the Department of the Corporation Counsel, transmitting a revised proposed bill entitled A Bill for an Ordinance Amending Chapter 14.13 and Section 18.20.040, Maui County Code, Relating to Water Meter Issuance Provisions for the Upcountry Water System. The purpose of the revised proposed bill is to provide that applicants on the Upcountry priority list offered water meters from the Department of Water Supply who are able to connect to the Department's existing water system shall not be required to make further infrastructure mainline improvements for fire protection or improvements to existing streets under certain conditions. We have met here in the Chamber and in administrative offices numerous times to put together a piece of legislation that works and overcomes some costly hurdles and barriers for our residents to take advantage of available meters. At the last meeting, it came to my attention that we may need to incorporate language into the proposed bill that gives relief to applicants when they apply for a Building Permit. Mr. Goode has assisted the Department of the Corporation Counsel to include amendments to Title 18 to exempt subdivisions of two lots from expensive street improvements. Mr. Goode, I'd appreciate it if you could come forward and explain what your current practice is and how the amendments will help residents not only Upcountry but across the entire County. Thank you, Mr. Goode.

WATER RESOURCES COMMITTEE
Council of the County of Maui
September 2, 2015

MR. GOODE: Good morning, Chair Baisa, Members of the Committee. Dave Goode here, Department of Public Works. Thanks for the opportunity for joining in on this bill that's important for Upcountry water users. We were, just by way of background for the Members, Ms. Baisa brought us into a meeting with the Water Department and a room full of others to basically look at the question of well if they were to pass the bill that was before the...this body, would it address all aspects of say doing a...it essentially amounts to a two-lot subdivision as I understand it, and the answer was no certainly not for our Department. If a two-lot subdivision is proposed the subdivider for our needs would have to do road improvements to existing streets. So that would be the streets fronting the subject property as well as potentially the street leading up to the property. And so we discussed that at length and we've also had numerous instances in the last few years where people have come in for variances for this very same thing. Where they're doing a simple two or three-lot subdivision, generally, older properties that folks have had in the family for years, maybe generations, and find that the requirements for a small subdivision to do road improvements is too onerous. And the BVA has agreed with them maybe every time but once that we're aware of, and we've been getting these types of variance requests about every 6 months. And it actually reminds me of a conversation I had with Director of Planning Will Spence once after he came back from a conference and I asked him what did you learn at the conference and he says I learned a lot about variances. And I said what did you learn and he says well one thing if people come in and ask for the same kind of variance over and over again you probably have a problem with the law. And I remember that because, you know, as one of the Departments that process variances generally for Title 18 it's the type of variance we've been getting requests on repeatedly and they've been almost on every case approved. So, for us, for our Department we're seeing a recurring issue that if for small subdivisions folks can't necessarily approve...improve the adjoining streets. And the BVA on almost every case has said this isn't really affecting public health and safety and agrees with them and they get the variance. So if we could look at the proposed ordinance.

CHAIR BAISA: We have it up on the screen.

MR. GOODE: Oh, you have it up there. Okay.

CHAIR BAISA: Yeah.

MR. GOODE: So currently there are cases where you don't have to do improvements to adjoining streets if you're doing a subdivision just to provide a road widening lot. If you're providing...doing a subdivision that's a consolidation and a resubdivision of three lots or less you don't have to do it. What we're proposing here is that if you're going to do just simple two-lot subdivision you can basically be exempt from improvements to existing streets. This would comport well with the proposed ordinance related to fire protection so it would be the same as it relates to the number of lots. And it would be a one-time only allowance. So if say it's a larger parcel that could be divided into four lots or six lots or more, you could do the two lot, get the additional meter under this proposed ordinance, be exempt from the roadway improvements. At least for our ordinance...our purposes you wouldn't have to enter into an agreement but you simply couldn't do that two-lot exemption again on those

WATER RESOURCES COMMITTEE

Council of the County of Maui

September 2, 2015

two parcels. So it's a one-time deal. And essentially it would move the threshold of when these types of improvements are required concurrently at any subdivision creating additional lot to a subdivision...a three-lot subdivision. And finally, Chair, if I could add, the --

CHAIR BAISA: Please.

MR. GOODE: --Building Code also can trigger subdivision improvements and that's at four dwellings. So looking at our Building Code if you have a large older lot and you're allowed to put on a number of dwellings under the zoning, you wouldn't have to do any road improvements until the fourth dwelling. So, to me the having two lots is kind of equal to four dwellings. It's really more or less the same. I had one more final thought I just thought of.

CHAIR BAISA: Oh, yes, please go ahead.

MR. GOODE: Is that there's certainly a cost to this and it varies greatly depending on the property where it's located, what improvements may already be there, the length of frontage, and those costs could be easily be more than the value of that one additional lot. And that's why...that's another reason why people come in and ask for the variance. So we think, you know, I appreciate being a part of this and it does address a need that we have...we've been seeing so we're pleased to be participants.

CHAIR BAISA: Thank you very much, Mr. Goode. You know this addition came about because after we had spent a whole lot of time talking about the fire protection, one of those nights where I couldn't sleep I was thinking I'm going to have a whole lot of people that are really angry with us. They're going to say thank you very much you helped me with the fire protection but now I go for my Building Permit and they're going to want me to do all this road stuff. So I can't afford it so I still can't get my meter and go ahead. And that led me to ask Mr. Goode and DSA if they would come and meet with us also and see what they thought. And I was really, really actually thrilled at their response because their response was immediate and supportive. They said look we have a problem and we see all of these things being approved by BVA and this rule doesn't make any sense and yes we want to be a part of it. And, you know, it was very nice to have that kind of cooperation and they of course wanted it included in this bill so that when we pass this we take care of the whole package. So it kind of just evolved. And I know, I just know 'cause, you know, every time we spend a whole lot of time on a bill and we're so sure that we've thought of everything there may be something that comes up later after this hopefully passes. But I think this is a good start. It does give people an opportunity to get a meter and to go ahead and build those dwellings that we know are the best way to do affordable housing. When you have the property you're halfway there. You're more than halfway there. You know trying to find the land and pay for that is a big barrier then when you can and you can get your meter that's wonderful and now you don't have to worry about spending a whole bunch of money on doing a little road improvement that really is not going to make much of a difference. I just, you know, it's exciting and I know that we, you know, there will be something that we didn't think about but we will watch this very carefully to make sure that if anything comes up that we can go back and we can tweak this thing some more. But we got to start somewhere. We have to start

WATER RESOURCES COMMITTEE
Council of the County of Maui
September 2, 2015

removing real barriers to building housing. We are, you know, I had a conversation last night with someone who was really concerned about this and said oh you're going to have development and I said well I don't know about you but when I look at my family it's growing every day. And when you look at the people graduating from high school, the babies that are being born, the seniors that are living forever, our population is not getting smaller. We have got to be realistic about how we find housing for people and you just bite away at this a little at a time. We don't have a silver bullet. It's not going to solve the housing problem but it will help a few people and so that's where I'm coming from. And I really want to thank Mr. Goode and I want to thank the Fire, I want to thank everybody who has, seem, is really focused on trying to solve a problem. And this is to me what our job is and we're not going to do a perfect job. Nobody does a perfect job but we're trying and I think that somebody has to give us A for effort. And I'm really excited to be here today. I think this is really wonderful. So, anyway, Mr. Goode, anything more you want to say about this?

MR. GOODE: No, I'd be happy to respond to any questions the Members may have.

CHAIR BAISA: Any questions from the Members? Mr. White?

COUNCILMEMBER WHITE: Thank you, Chair. And thank you, Mr. Goode, for your cooperation on this. The question that comes to my mind, this has to do with improvements to County roads but my recollection and it may have changed in the meantime but I looked at doing a family subdivision on my property I don't know 15 or more years ago. My recollection is that the onsite improvements would require me to put in a roadway that was 16 feet wide with 4-foot shoulders. So, we've taken care of the street side improvements but if somebody comes with a 2-lot subdivision in this case are they going to be required to do the same 16-foot roadway with 4-foot shoulders or is that going to be exempt as well or is that still a condition?

CHAIR BAISA: Mr. Goode?

MR. GOODE: Okay. Thank you, Chair. And, Mr. White, I'm not sure what your subdivision would look like but if the subdivision requires its own internal roadway that would still be required. Normally on a two lot you can do like a flag lot and so it will have just a long driveway but it would not exempt the need to do any internal roadways.

COUNCILMEMBER WHITE: Well, that's a big problem, Chair, for some people. I mean for mine it requires putting a culvert in over a, you know, over a gully and I just ...

CHAIR BAISA: Well, Mr. White, I have no problem with us looking at that next.

COUNCILMEMBER WHITE: Yeah.

CHAIR BAISA: You know we can bite away at all these problems and hopefully we can keep the ones that we need and get rid of the ones we don't need. You know we made all these laws and we live with the result of it.

COUNCILMEMBER WHITE: Right.

WATER RESOURCES COMMITTEE
Council of the County of Maui
September 2, 2015

CHAIR BAISA: So to me if, you know, if that's another issue then we'll go to that. I'm fine.

COUNCILMEMBER WHITE: Yeah, it, again, it gets to the cost issue of having to put in way more than you need to, you know, to service two lots. I've got several places where we pull off and let somebody go but doing a culvert and all the grading it just exposes a lot more dirt than we need to and really it just doesn't make much sense.

CHAIR BAISA: Thank you. I will be more than happy to look into that. Thank you.

COUNCILMEMBER WHITE: Thank you, Chair.

CHAIR BAISA: Any further questions? As you can see we have been through the bill quite a bit in terms of the matters that referred to fire protection. The addition that we really had not taken a whole lot of look at today was the road issues. So, Members, rather than going through the whole bill I would like to leave it open to you and if there is something in here that you want us to back up and take a look at again we will scroll down to that and do it. So it's up to you guys. I don't see anybody clamoring to, you know, spend further time going through this again. Mr. Taylor, any comments? Or Ms. Oana?

MR. TAYLOR: No, the Department of Water Supply has no comments. I think the water issues were dealt with a couple meetings ago --

CHAIR BAISA: Right.

MR. TAYLOR: --and we've really just been trying to deal with the last Fire, and now the Public Works issues. So we completely support the bill in its current format.

CHAIR BAISA: Thank you, Mr. Taylor. Ms. Oana, any comment?

MS. OANA: Thank you, Chair. I just want to note or clarify with regard to 14.13.065-A --

CHAIR BAISA: If we could ...

MS. OANA: --Sections 1 and 2.

CHAIR BAISA: Ms. Willenbrink, can you pull that up? Okay.

MS. OANA: So these are the subsections ...

CHAIR BAISA: Jen. Jen, wait until we get there.

MS. OANA: Okay.

MS. WILLENBRINK: ...*(Inaudible)*...

MS. OANA: One and two, yeah.

COUNCILMEMBER COUCH: One and two.

WATER RESOURCES COMMITTEE
Council of the County of Maui
September 2, 2015

CHAIR BAISA: Further down.

MS. OANA: Okay. Right there.

CHAIR BAISA: Okay. Go ahead.

MS. OANA: So, I just want to clarify this part when they're talking about the two-lot subdivisions. This bill would give the applicant at most two water meters. One water meter for each lot. So I just want to clarify that because if the subdivider already has a water meter they would be getting only one additional water meter and that goes along with the rest of the chapter. Chapter 14.13.040-C where it says requests for new or additional water service shall be limited to one meter size upgrade to the next larger meter size or a single 5/8-inch meter per request or planned subdivided lot but shall not exceed the number of lots created by the subdivision. So I just wanted to clarify that for anyone listening today.

CHAIR BAISA: Thank you, Ms. Oana. Any questions in regard to what she said? Mr. Couch?

COUNCILMEMBER COUCH: Well, not so much...in Section A-1 I just still have the question of residential and associated purposes. What are associated purposes?

CHAIR BAISA: Ms. Oana, can you help?

MS. OANA: We're talking about any kind of structure that would be necessary for residential purposes. So we're not talking about you can build a house on one lot and then you can do some commercial on the other lot. These are strictly for building homes for essentially your family members.

COUNCILMEMBER COUCH: A garage counts or no?

MS. OANA: That would count.

CHAIR BAISA: It's part of your house.

COUNCILMEMBER COUCH: Okay. I just wanted to make sure 'cause you can get all kinds of...you can get into the weeds there so I just wanted to make sure that that's clarified on the record at least. Thanks.

MS. OANA: Yeah. This is for the purpose of, you know, our citizens building homes for their family on their property, not for them to do any commercial type activities besides, you know, farming or whatever.

COUNCILMEMBER COUCH: Thank you.

CHAIR BAISA: Ms. Cochran?

WATER RESOURCES COMMITTEE
Council of the County of Maui
September 2, 2015

COUNCILMEMBER COCHRAN: Thank you, Chair. And yeah that was the question I had in reference to that verbiage associated purposes. In Maui Cattlemen's Association testimony they were asking if any part of this language will affect allowable farm employee type housing. So is that considered associated purposes, farm worker house?

CHAIR BAISA: Ms. Oana, please.

MS. OANA: If they wanted to build housing for their farm employees if it's, you know, I would say that that goes...that is acceptable in this for this bill.

COUNCILMEMBER COCHRAN: Okay. So that verbiage does relate to --

CHAIR BAISA: Yeah.

MS. OANA: Uh-huh.

COUNCILMEMBER COCHRAN: --that particular kind of housing. Okay. Okay. Thank you. Thank you, Chair.

CHAIR BAISA: Thank you, Ms. Oana. Further questions, Members?

COUNCILMEMBER COUCH: On those sections?

CHAIR BAISA: On any part of it. Any part.

COUNCILMEMBER COUCH: Yeah.

CHAIR BAISA: Yes, go ahead.

COUNCILMEMBER COUCH: Thank you, Madam Chair. On number 4...A-4.

CHAIR BAISA: Give us a chance to pull it up.

COUNCILMEMBER COUCH: Sure.

CHAIR BAISA: I think it's helpful that everybody can see what we're talking about. Go ahead.

COUNCILMEMBER COUCH: So...can we kind of have that explained in English? It seems like it's kind of recursive but I just wanted to see how that is supposed to be interpreted.

CHAIR BAISA: Sure. Ms. Oana, please. By the way, Ms. Oana has spent a great deal of time on this ordinance --

COUNCILMEMBER COUCH: Yeah.

WATER RESOURCES COMMITTEE
Council of the County of Maui
September 2, 2015

CHAIR BAISA: --along with Mr. Kushi and I'm sorry he couldn't make it today but she's our expert. Go ahead.

MS. OANA: Thank you. So, basically this relates to Section 14.04.020 the fire protection requirements for Building Permit applications. So right now the first and second dwelling is exempt from fire protection requirements. However, this section would still require...well this section says that that exemption, it does not apply. The Fire Department would review this for fire protection requirements. So right now the first and second dwelling is exempt from fire protection but because this is a special exemption we are...we do want the Fire Department to review for fire protection.

CHAIR BAISA: Mr. Couch, we can bring Lieutenant English down.

COUNCILMEMBER COUCH: Yeah.

CHAIR BAISA: He's sitting there just chomping at the bit. Come down, please. He's been suffering with us the whole time. We might as well have our expert comment. Thank you, Lieutenant. If you could help address the question.

MR. ENGLISH: Thank you, Chair. Basically, if you come in for a Building Permit and you're on County water service, the present Code exempts you from any fire protection for your first two dwellings. If you are not on a County system the Building Permits are reviewed by Fire Department and our Code requires you to be within 500 feet of hydrant or standpipe. And if you're beyond that you either provide fire sprinklers in the house or onsite water tank. So basically what this section is saying is once you have this ability to build you do not qualify for the two lot exemption from water. The Building Permit will be viewed by Fire and we will require either sprinkler in the house or onsite tank if you're beyond 500 feet from a hydrant or standpipe.

CHAIR BAISA: Okay.

COUNCILMEMBER COUCH: Yeah, that's kind of what I thought but isn't that what this bill is to get around is the fire flow or fire requirements? Or is this saying if you don't have fire flow you need to have other?

MR. ENGLISH: Correct. So this bill will allow them to build and receive a water meter and not do any --

CHAIR BAISA: Main line.

MR. ENGLISH: --Fire Department infrastructure improvements if the ...

COUNCILMEMBER COUCH: To the waterline.

MR. ENGLISH: To the waterline if the waterline...first have to fulfill the needs of the water meter use first --

COUNCILMEMBER COUCH: Right.

WATER RESOURCES COMMITTEE
Council of the County of Maui
September 2, 2015

MR. ENGLISH: --and then no additional improvements as far as for fire protection.

COUNCILMEMBER COUCH: Fire flow but you do need --

MR. ENGLISH: Fire flow, yes. So basically ...

COUNCILMEMBER COUCH: --you do need fire protection like sprinklers or ...

MR. ENGLISH: Correct.

COUNCILMEMBER COUCH: Okay.

CHAIR BAISA: Okay.

COUNCILMEMBER COUCH: Okay.

CHAIR BAISA: Thank you.

COUNCILMEMBER COUCH: Thank you.

CHAIR BAISA: Any further questions? Mr. Couch, some more? Ms. Crivello? No? It appears...yes, Mr. Couch?

COUNCILMEMBER COUCH: Yeah, on 8-B.

CHAIR BAISA: Okay. We'll scroll up to that.

COUNCILMEMBER COUCH: Yeah.

CHAIR BAISA: There we go.

COUNCILMEMBER COUCH: And it I mean we already explained in 4 that you need fire sprinklers if this...if you don't have anything else. Should we just actually put that in there just to double clarify that sprinkler system or? I mean I know it says you need it in 14.04.020-A I guess or 16.04-C.

CHAIR BAISA: Ms. Oana?

COUNCILMEMBER COUCH: One of the two that requires the sprinklers.

CHAIR BAISA: Ms. Oana, any comment on that? I think they were trying to keep this as simple and when it's already written in laws or policy or somewhere else didn't want to bring it all in here but we'll see.

MS. OANA: So, you wanted to add something to the, for the agreement?

COUNCILMEMBER COUCH: Well, you're saying that for the subdivision or request for Building Permits may require the installation of water system improvements such as

WATER RESOURCES COMMITTEE
Council of the County of Maui
September 2, 2015

water mains for potable domestic irrigation and fire protection water demand and fire hydrant for fire protection. Oh, so this is for further subdivision.

CHAIR BAISA: For further, yeah.

COUNCILMEMBER COUCH: Okay. Alright.

CHAIR BAISA: If you want to go beyond what we're authorizing.

COUNCILMEMBER COUCH: Okay.

CHAIR BAISA: Yeah.

COUNCILMEMBER COUCH: Alright. That's fine.

CHAIR BAISA: We're exempting, yeah. Yeah it is confusing.

COUNCILMEMBER COUCH: Yeah I know you have to put it together.

CHAIR BAISA: Yeah.

COUNCILMEMBER COUCH: I can imagine somebody who just is getting involved in the process looking at this saying well can I or can't I. So we obviously need to suggest that they call DSA or the Fire Department --

CHAIR BAISA: That's always a good idea.

COUNCILMEMBER COUCH: --when they're up in that section. Okay. Those are the questions that I had and I just wanted to note that it's extremely complicated. It's an extremely complicated reality here.

CHAIR BAISA: Well, I can tell you that it's been an education.

COUNCILMEMBER COUCH: Yeah.

CHAIR BAISA: You know you don't realize how complicated a lot of our laws are, as you know 'cause you do the Planning stuff. When you get into Fire or you get into anything with Water the rules are complicated. There's a lot of technical stuff that is difficult for people like myself to understand but we're very lucky that we do have the experts and we do have the people that do this every day. And it's like, you know, Water, they just do it and they understand it and they're very good at explaining it. People need to be not afraid to ask. I encourage the public that if you are confused or you don't understand to please contact them. They're really, really good about helping. So I think it's important. I think, Mr. Couch, you raise a very good point that people should ask rather than assuming. And don't ask your friend because your friend doesn't know and may give you really bad advice. You know sometimes people think they know and they'll tell you yes or no but they really don't know. So it's better to check with the experts. Okay. Any further questions from the Members? Anything from our resources? Seeing nothing, the Chair is ready to make my recommendation.

WATER RESOURCES COMMITTEE
Council of the County of Maui
September 2, 2015

COUNCILMEMBER COUCH: Recommendation.

COUNCILMEMBER WHITE: Recommendation.

CHAIR BAISA: And unfortunately my Vice-Chair had to step out for an appointment that he could not avoid so I will ask someone else if they would please do this for me. The Chair will entertain a motion to recommend passage on first reading of the revised proposed bill entitled A Bill for an Ordinance Amending Chapter 14.13 and Section 18.20.040, Maui County Code, Relating to Water Meter Issuance Provisions for the Upcountry Water System; incorporating any nonsubstantive revisions made today and filing of County Communication 15-174. Councilmember, do we have a volunteer?

COUNCILMEMBER WHITE: So moved.

CHAIR BAISA: Thank you very much --

COUNCILMEMBER COUCH: Second.

CHAIR BAISA: --Chair White and Mr. Couch. Mr. White for the motion and Mr. Couch for the second. Is there any discussion? Ms. Crivello?

COUNCILMEMBER CRIVELLO: Thank you, Chair. I would just like to comment. Thank you. Thank you to you and your team. I think when my colleague Mr. Couch mentioned that it can be so confusing. This sure makes it less confusing in my opinion.

CHAIR BAISA: Thank you.

COUNCILMEMBER CRIVELLO: And it does provide opportunities I feel for our local families who have been on the list for a long time. So thank you to you and your team and I'm sure like you mentioned so often this has been a team effort with Fire, Water, and Public Works, and you and your staff. So, I truly support this effort but I want to say thank you.

CHAIR BAISA: Thank you, Ms. Crivello. It's been a challenge but I think it's a step that we need to take and then we can follow up. Mr. Couch?

COUNCILMEMBER COUCH: Thank you, Madam Chair. And I too want to thank you for the discussions for a long time. You know it goes to the...this goes to the point that we have people out there in very rural areas and even further out than rural areas that don't have urban services and really shouldn't expect urban services. So this helps them to at least be able to build and have some sort of protection because even if you have the fire hydrant right next to the house if something happens by the time the Fire Department gets there because they're so far away everything is gone. This is just to help protect in apparently a large number of instances property damage. So this is really good. The thing I would like to do is, well, I want to see how this works. How well it works or what tweaks we need to make and then hopefully we can spread this

WATER RESOURCES COMMITTEE

Council of the County of Maui

September 2, 2015

out to other rural areas other than just Upcountry. So I hope that within a year or so that we can take a look, come back and see and say okay now let's extend this to, you know, other rural areas that may be affected by the same issues that are happening. So I appreciate all the hard work and looking forward to see how this goes.

CHAIR BAISA: Thank you, Mr. Couch. And the Chair commits that, you know, me I'm going to keep a very close eye on this to see how it develops. Mr. White?

COUNCILMEMBER WHITE: Thank you, Madam Chair. I want to thank you for your passion and persistence on this issue and I want to thank the departments that have been involved in helping craft this. Because I think this is a step in the right direction, it's going to make things move a lot, well, I think it will move a lot more rapidly. And this is a very fair step for us to take and I want to thank you for your leadership and pushing this forward. Mahalo.

CHAIR BAISA: Thank you, Chair White. I should thank you for the opportunity. I didn't see it but thank you. Any further comments? Mr. Carroll?

COUNCILMEMBER CARROLL: Thank you, Chair. I too would like to say that I think this is really a great moment and thank you for bringing it about. From long before I was on this Council this problem was here and I'm sure that all those out there that are at last and work so hard that we could get to this point are really happy today. Thank you, Chair.

CHAIR BAISA: Thank you, Mr. Carroll. Any further comments? Seeing none, all those in favor, say "aye."

COUNCILMEMBERS: Aye.

CHAIR BAISA: Opposed, "no." The Chair marks it six "ayes," and no "noes," and one Member excused, Mr. Victorino. So the motion carries.

VOTE: AYES: Chair Baisa, and Councilmembers Carroll, Cochran, Couch, Crivello, and White.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Vice-Chair Victorino.

MOTION CARRIED.

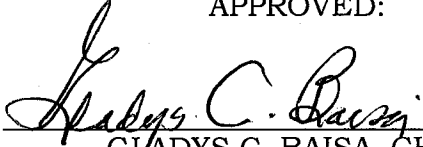
ACTION: Recommending FIRST READING of revised bill and FILING of communication.

WATER RESOURCES COMMITTEE
Council of the County of Maui
September 2, 2015

CHAIR BAISA: Members, this was our agenda item for today so without anything else, Chair would just once again like to give my heartfelt thanks to everyone who has been involved in getting us to this point today. I want to especially thank the Departments. You know, the Directors have been absolutely wonderful, and I want to thank Mr. Taylor. We have pretty much taken over his office and sit in his conference room for hours and he's very gracious about letting us sit there and rag on him. I want to thank the Fire Department. They have a serious responsibility to protect us and they have been willing to help find compromise. And I want to thank Public Works for their coming aboard and helping. So everybody, my Committee, thank you very, very much for your support. Let's take this forward and we'll keep an eye on it and see where it goes. And without further business the meeting is adjourned. . . .(gavel). . .

ADJOURN: 9:55 a.m.

APPROVED:



GLADYS C. BAISA, CHAIR
Water Resources Committee

wr:min:150902:cs

Transcribed by: Cathy Simmons

WATER RESOURCES COMMITTEE
Council of the County of Maui
September 2, 2015

CERTIFICATE

I, Cathy Simmons, 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 this 16th day of September 2015, in Wailuku, Hawaii.



Cathy Simmons