

County of Maui Water
Supply

BOARD OF WATER SUPPLY

COUNTY OF MAUI

REGULAR BOARD MEETING

Held at the Kahului Shopping Center, Kaahumanu Avenue,

Kahului, Maui, Hawaii, commencing at 10:00 a.m. on

April 24, 2003, pursuant to Notice.

REPORTED BY: JEANNETTE WALTI IWADO RPR/CSR #135

IWADO COURT REPORTERS, INC.

A P P E A R A N C E S

BOARD MEMBERS: Michael Nobriga, Chair

Clark Hashimoto, Vice Chair

Stacy Helm Crivello

Kent M. Hiranaga

Kenneth M. Okumura

Ginny Parsons

Dorothy R. Pyle

Sally Raisbeck

Michael Victorino

Staff present: George Tengan Director

Jeffrey Pearson, Deputy Director

Herb Chang, Engineering

Ellen Kraftsow, Water Resources and Planning

Bryce Fukuyama, Plant Operations

Robert Vida, Field Operations

Paul Seitz, Water Treatment Plant

Jacky Takakura Public Information Officer

Alva Nakamura, Engineering

Alan Murata, Engineering

Holly Perdido, Fiscal

Ed Kushi, Deputy Corporation Counsel

Cathy Howard, Board Secretary

IWADO COURT REPORTERS, INC.

TRANSCRIPT OF PROCEEDINGS

BOARD OF WATER SUPPLY

REGULAR MEETING

APRIL 24, 2003

CHAIRMAN NOBRIGA: I would like to convene the

Department of Water Supply regular meeting. We are at the

Kahului Shopping Center in the Board of Water Supply

conference room. In attendance we have board member Kent

Hiranaga, board member Kenneth Okumura, board member Clark

Hashimoto, board member Ginny Parsons, board member Mike

Victorino, which will be back momentarily, board member

Stacy Helm Crivello from the beautiful friendly island of

Molokai. We have board member Dorothy Pyle, board member

Sally Raisbeck, and myself, board chair Mike Nobriga. Also

in attendance we have Director George Tengan, Deputy

Director Jeff Pearson, Corporation Counsel Edward Kushi,

Junior, board secretary, Cathy Howard.

Announcements. Announcements? We never had

announcements before.

MS. HOWARD: Due to the change in the Sunshine

Law, the memo that we got from Corp Counsel, we have added

that in case you want to change the date of the meeting or
make any announcements if it's not -- if it is pertinent to
the board members.

CHAIRMAN NOBRIGA: Thanks, Cathy. Is there any
announcements, Mr. Director George Tengan?

MR. TENGAN: Mr. Chair, Ellen has some
announcements to make.

CHAIRMAN NOBRIGA: Thank you. Ellen, come up and
use the microphone. We're asking everyone to come forward
and use this microphone up here next to our court reporter.

We'd also like to ask everyone to turn off their cell

phones. Put their pagers on shake shake, please.

MS. KRAFTSOW: Actually, I thought this was to go into the section at the end you have where they say public interaction and stuff. But today the signing of the state wide MOU for a statewide watershed partnership, forest watershed partnership will be signed by the governor.

Last Saturday we had a booth at the Earth Day fair. We haven't finished entering all the data, but it looks like we gave away on the order of 600 showerheads and

as many landscape brochures. This coming Saturday --

MS. RAISBECK: Mr. Chairman, I can't hear.

CHAIRMAN NOBRIGA: I can't hear too.

MS. KRAFTSOW: Sorry. Okay, today the governor is signing the statewide MOU for the watershed partnership for statewide watershed partnership. Last Saturday we had an Earth Day fair booth, and we haven't finished entering the data, but it looks like we gave away about 600 showerheads and about as many landscape brochures.

This coming Saturday we'll have a booth at the Efficiency Fair at Kaahumanu Center. There will also be

low-flow fixtures and brochures and some native plants to give away, and displays. Also this coming Saturday at the Ulupalakua Fair, we won't be there, but the Ho'olawa Farms native plant booth will be giving away our brochures, and that's all. That was just for the end of the meeting, the public section. Sorry.

CHAIRMAN NOBRIGA: Thank you, Ellen. Any other announcements?

For the board members, we will have a nomination committee in June to elect officers at the July meeting.

Next on the agenda is the approval of minutes.

Under separate cover in your agenda package you will find the minutes for our budget workshop on February 13, 2003, the regular meeting of February 27, of 2003, and the regular meeting of March 20, 2003. Motion is in order to receive these minutes subject to a 30 day review, at which time, if there are no corrections or additions, deletions, the minutes shall be filed. Do I hear a motion?

MR. VICTORINO: So moved.

MR. HASHIMOTO: Second.

CHAIRMAN NOBRIGA: Moved by Mr. Victorino,

seconded by Clark Hashimoto. Any discussion? All those in

favor -- yes, Sally?

MS. RAISBECK: Mr. Chairman, in past years the minutes included a machine index that had, you know, it was several pages. It had every word that was in the minutes with a page reference or page references. And this turns out to be quite useful if you're sort of looking at past minutes for a particular subject, because otherwise it's difficult to find. And I would like to ask that the board consider adding those. They aren't in the minutes that were given out this time. They always were in the past.

So I was just wondering if we could have them.

MS. HOWARD: We have them, but I just didn't
copy them. If you need a copy of the index I'll send it to
you.

MS. RAISBECK: Okay, thank you. It turns out to
be very useful when you are looking through past minutes,
since they're so bulky.

CHAIRMAN NOBRIGA: Thank you, Sally. All those
in favor of the motions signify by saying "aye."

(A chorus of ayes).

Opposed, "nay."

(No response).

Motion carries. Testimony from the public. We have a number of people wishing to testify on items before the board this morning. Testimony from the public. I'm asking everyone to come forward, use the microphone on the table in front of here, and make sure the microphone is on. The first person wishing to testify is Lester Yokote.

MR. YOKOTE: Good morning. My name is Lester Yokote, and I'm here this morning to testify pertaining to my request for water meters that we paid and received reservations for. At this time I would like to tell you my

story related to my request for water meters.

In September of 1998, my wife Debby was rear-ended and sustained severe injuries to her cervical neck region. After undergoing treatment, her condition still worsened, and in August of 2000 she had to undergo surgery to correct a herniated disc, which also involved the fusion of the bone. Then in November of 1998 I was also rear-ended and suffered extensive injuries to my neck. From the testing, I also suffered a herniated disc, a traumatic brain injury, and fracture to my sinus area.

Due to these injuries, I had to undergo two neck

surgeries, which also involved bone fusion. I had to seek treatment from my traumatic brain injury that also involved the damaging of my sensory area. My doctor informed me at this time that I was unable to continue any type of farming, which our family has owned a carnation farm in Kula.

Also then in October of 2000 I suffered another accident where I was rear-ended again at 50 miles per hour, and this was a hit-and-run accident. At this time I suffered a collapsed colon, fractures to my back, fractures

to my sinus again, and I was sent to Stanford University in California to see a neurosurgeon who specializes in treatment for these kinds of injuries. My diagnosis again showed that I could not farm. I underwent surgeries and treatment to correct as much as I could.

Previous to these accidents my family and I worked on a full-time -- on a part-time flower farm and flower business which was family owned. We worked full-time at our jobs, my wife at Wailea as an accountant, and me as a psychologist for the Department of Education Special Services. With our permanent injuries our doctors

told us we no longer can farm or do our florist business.

At this time the land is only being used for minimal

farming by my dad.

Now, due to these conditions, I had to go and talk to the United States Department of Agriculture Farm Service Agency. We were told to immediately concentrate our efforts in trying to develop a family subdivision. My father and I pledged our assets, life savings to develop our farm. We received preliminary subdivision approval for our family tract. We spoke to Mr. David Craddick in June of 2002 for our water meters. Furthermore, we got

reassurance that with the new Po'okela Well being done and developed, in all probability we would get our water meters.

Then in December of 2002, after reading the good news about the Po'okela Well being developed, we received a letter to come in to reserve our water meters. It was a long haul, we were waiting for this day. Then the day before Christmas we were finally able to meet with Mr. Craddick, who signed and authorized our reservation for six water meters. Consequently, we paid the Department of Water Supply, who cashed our check, and we later also

received a receipt for the reservation of the six water meters.

Then in March of 2003, we received a letter from Mr. George Tengan, and later our check was also returned to us. Imagine the devastation that we felt at this time. I had to go back to the United States Department of Agriculture and let them know and notify them what is going on with my property, because at this time they have the mortgage. And I am unable to farm at this time, so I no longer fit the rules or the requirements.

We have an opportunity at this time. We are going to go into construction plans which has been submitted for final approval and review. With this letter, having our check returned and not being able to get the six water meters, our family is facing financial hardship. At this time I have also been diagnosed and classified by the Americans with Disability Act 504 of being permanently disabled. The United States Department of Agriculture can no longer help us already. At this time we may be facing a foreclosure.

Now, we have followed every rule that the County

of Maui has set forth. We have waited over a number of years. We have met with the water director previously and present. And I only can say right now I only hope that compassion can be given to my case. We have tried everything, and we hope and God pray that this issue can be resolved. Thank you.

CHAIRMAN NOBRIGA: Thank you, Mr. Yokote. Any questions, members? Miss Parsons.

MS. PARSONS: Mr. Yokote, what number are you on the Upcountry water meter list as it has been accepted.

MR. YOKOTE: At this time I'm number 112.

MS. PARSONS: And you are number 112. And in --

what was the date of the letter that was sent to you by Mr.

Tengan?

MR. YOKOTE: It was somewhere in the latter part

of March, at the last week of March, I believe.

MS. PARSONS: And in that letter did it denote

that there was more than one TMK or more than one

application for a water meter?

MR. YOKOTE: Yes.

MS. PARSONS: So you had another number as

well?

MR. YOKOTE: Yes, I believe it was in the high,

269 or somewhere around there.

MS. PARSONS: So you were 112 and 269. And were

they the same application? Did you change -- what I'm

asking you is, did you change your request from your first

112?

MR. YOKOTE: I don't think so, because it seems

like it was the first original six lot application.

MS. PARSONS: Okay.

MR. YOKOTE: I also did some checking homework

on myself, and going on the Internet, there seems to be a lot of duplication at this time. And I couldn't understand. It seems to me the list is not an accurate list at all at this time.

MS. PARSONS: Thank you.

CHAIRMAN NOBRIGA: Any other questions, members? Kenneth.

MR. OKUMURA: Mr. Yokote, how come you ended up paying -- I'm sort of new at this, but I was just wondering, how come you ended up paying the deposit? Everybody who signed up has to pay the deposit?

MR. YOKOTE: According to Mr. Craddick when he signed, he gave me this paper and he said this is the signature that shows the reservation for meters. You can come in and put your name for a meter, but it only gets you the information on the list. But consequently you have to make a payment and they will cash it, and you have a receipt back, and that was all done for me.

Taking that information back to the United States Department of Agriculture, they released the land, you know, from their Washington office. So at this time I am being held responsible. And also along with the

financing that we incurred to get the subdivision going.

We have the preliminary approval already also, too.

Construction plans are going on.

So receiving a letter like this brings me right
down to a total financial collapse, you know, of my plans.

You know, and being disabled I can no longer farm, so the

United States Department of Agriculture cannot help me

anymore. So that's the reason.

MR. OKUMURA: Thank you.

CHAIRMAN NOBRIGA: Clark?

MR. HASHIMOTO: For your agricultural ventures

at that current location what size meters did you have?

MR. YOKOTE: Five-eighths.

MR. HASHIMOTO: Only five-eighths meters?

MR. YOKOTE: Only five-eighths meters.

MR. HASHIMOTO: I was thinking if you had larger

meters you could downsize, but just five-eighths.

MR. YOKOTE: Just five-eighths.

CHAIRMAN NOBRIGA: Miss Parsons?

MS. PARSONS: You said that you did see Mr.

Tengan, you saw Mr. Craddick and Mr. Tengan regarding the

subject. Did Mr. Tengan give you a reason why he returned your money.

MR. YOKOTE: Well, at this time I'm still a little confused as to why. I didn't really get a real explanation. But he did say that he is going to try and help me on the Po'okela Well. But I thought the Po'okela Well was on to be used already at this time. According to the press, it was that the Po'okela Well was being developed, you know, so that's my understanding.

My confusion in this whole total thing is I talked to Mr. Tengan is that the check was cashed already.

And I have taken that to the United States Department of Agriculture and they're holding me on that. So I'm really at this time, you know, I don't know how to explain it any more further, because I was given the okay, you know.

CHAIRMAN NOBRIGA: Thank you. Miss Pyle.

MS. PYLE: I'm just confused because I'm new at this too. Perhaps we can have an explanation from Mr. Tengan about what the department's policies are or have been in the past. You know, I don't know. Does everyone deposit money, are all the checks cashed, is that meant to be a sign that this is absolutely approved? I don't know,

and I just would kind of like a little bit of additional information. Thank you.

CHAIRMAN NOBRIGA: Mr. Tengan?

MR. TENGAN: Mr. Chair, I wouldn't mind answering the question, but the concern I have is is this an appropriate time to discuss this matter? Because we will be discussing the Po'okela Well on item Director's Report 03-07.

CHAIRMAN NOBRIGA: Is this like a specific instance that would need to be like separately agendaed or could we discussed that?

MR. KUSHI: Mr. Chair, if I may, I believe the Director is saying that he can answer procedural questions under your Director's Report 03-07. What this guy, Mr. Yokote is testifying I'm assuming is on that matter, because his item is not on the agenda. So the procedural generic process I think it's better to discuss it at that time.

CHAIRMAN NOBRIGA: Thank you. Any other questions for the testifier? Thank you, Mr. Yokote.

Oh, I'm sorry, Sally, Miss Raisbeck.

MS. RAISBECK: Thank you. I just wanted to say that I would really prefer this to be an agenda item say next meeting where we could have copies, you know, we could be provided with copies of the documentation that you received and a statement of policy from the Director. We could have something on paper to go on, because four of us are brand new at this, haven't been on the board before, and to understand your -- I mean I understand your concern, it's a very great financial hardship for you, but I'd like to be able to have more information in front of me on paper, you know, to ask questions about. Thank you.

CHAIRMAN NOBRIGA: Thank you, Miss Raisbeck.

Thank you, Mr. Yokote. The next testifier will be Carol
Dickson.

MS. DICKSON: Good morning. My name is Carol
Dickson. I'm here out of frustration. Our application for
a family subdivision in 1993 was deferred because of lack
of water. Placed on a priority list as number 80. Ten
years later we are 176 and holding. After meetings and
promises in 2002, we were informed water was available and
that the priority listed people were the first in line to
get water and meters, and this was forthcoming.

My surveyor received a letter from the water department and I went to the water department and put a deposit on meters, or water, or just to get on, to get the money in there, and they refused to take my money. They said they weren't receiving anything. That things have changed and the new mayor was on -- everything was on hold.

So here it is April 2003, and no one will give me any information if there will be any water coming. And in the meantime, I wonder how others got meters and are building around me. Is there water? Is all the water

going, gone? No one has the answers and I sit and I wait

and things get more expensive. And I hear the mayor say,

"Affordable housing, oh, we've got to attack this

problem." Well, I have three boys that cannot build. I am

in a cottage; my son, one of -- my oldest son is in my

house, and we're waiting for meters so that somebody can

get affordable housing.

Is this another ten-year wait with no

information, or what? Is there anybody that has the answer

for us? I'd like to know. Thank you.

CHAIRMAN NOBRIGA: Thank you, Miss Dickson. Any

questions, members, of the testifier? Miss Parsons.

MS. PARSONS: Hi, Carol. Did you say you had

your money returned? Were you one of the --

MS. DICKSON: They refused to take it. They

said they were not accepting any money.

MS. PARSONS: And when was this?

MS. DICKSON: Let's see, when did we get that?

I don't have the date here.

MS. PARSONS: Approximately when, was it this

year?

MS. DICKSON: Last year.

MS. PARSONS: Last year. Do you remember --

MS. DICKSON: It was soon after the last meeting

that we had here and the water was available, and it seemed like everybody got notices. It went to my surveyor, I just didn't get it. I have changed addresses several times and I do believe I might have gotten one, but it went to California and was sent back. But I did speak to the girl in the water department and they said that the letters were stopped. There was not going to be a follow-up on that letter until the mayor made some kind of a decision.

MS. PARSONS: So this was the end of December,
the very end of December?

MS. DICKSON: I'm not sure.

MS. PARSONS: When you say that you've moved and
that you're not there, are you still the owner on the TMK?
Are you on the tax for the Department of Finance, can they
find you to send you your tax bills?

MS. DICKSON: Oh, yes, yes.

MS. PARSONS: So they have an address, right?

MS. DICKSON: Yes.

MS. PARSONS: So if our department really wanted

to find you they could do a search in the department.

MS. DICKSON: Oh, yes. And if I didn't get it my son would get it, because he's on the property.

MS. PARSONS: He'l also on the property, but is he on the tax bill?

MS. DICKSON: He is a a co-owner.

MS. PARSONS: Co-owner.

MS. DICKSON: Yes.

MS. PARSONS: So when the tax bill comes it does have your name on it and it has the correct address that

you can be reached.

MS. DICKSON: Yes.

MS. PARSONS: Thank you.

CHAIRMAN NOBRIGA: Any other questions? Miss

Pyle.

MS. PYLE: I'm still a little confused, and it's

going to be so for a few months, I guess. I'm wondering

where are we on this agenda? She's testifying, and I'm

happy to hear what you have to say, but what agenda item

does this apply to?

CHAIRMAN NOBRIGA: This is public testimony.

She's testifying on the agenda item -- which one?

MS. PARSONS: The Upcountry priority list.

CHAIRMAN NOBRIGA: The Upcountry priority list,

which is item C.

MS. PYLE: It would really help us newcomers

here if when people came forward to testify, if they cannot

themselves tell us where they fit into this agenda, if

perhaps the Chair would like to do that for us at least for

a little while until we pick up where we're supposed to

be. Otherwise, it's really confusing, because we just

don't know, you know, I don't know where you live, I don't

know any of that kind of information. You may have testified before and brought information like that. So you have to forgive us for our lack of knowledge. Thank you very much, Mr. Chair.

CHAIRMAN NOBRIGA: Any other questions, members, of the testifier? Mr. Okumura.

MR. OKUMURA: You made a statement that one time you were 80 on the list. What year was that?

MS. DICKSON: See, we put in for a family subdivision. It's a two-acre parcel and it's up on the Lower Kula and Omaopio, around the corner there. I wanted

to subdivide it so that I could give my children a piece of property to build. We were put on hold for the subdivision because of the lack of water. Now, this is ten years later, and it's started up again because the water became available.

MR. OKUMURA: I just wanted to know, you made a statement that in 1980 you were number something and then what?

MS. DICKSON: Oh, yes, yes. When we were put on the priority list we were number 80. I remember being told

number 80.

MR. OKUMURA: What year, what year was this?

MS. DICKSON: 1993. And now we were informed we are 176. And I don't know how we got, you know, put to rest back there, but I still can't even get a response as to if I'm going to get the meters or not.

MR. OKUMURA: Thank you.

CHAIRMAN NOBRIGA: Miss Raisbeck.

MS. RAISBECK: Mr. Chair, I think as new members it would be very helpful to us to have a chronology of lists and the reasons why people were denied at different

times and then what happened to the list. I vaguely remember that in 1994 there was a new list created, but I don't have any of those details. And especially for those of us who are new, if we had a chronology that told us about different lists, different situations as far as water availability, and we could sort of slot people when they come to us, and I'm sure there will be many more.

And I really apologize for the hardship this causes people, that when they come to us we can sort of say, oh, that was when the department had this policy and was doing that, and that was when the water was especially

low, and follow what they're saying in terms of department,
of the water situation and department rules and regs at
that particular time. That would be very helpful for us.

Thank you.

CHAIRMAN NOBRIGA: Thank you, Miss Raisbeck.

Next testifier will be Audrey Antone Blaak about water
meter priority lists, item B and C on our agenda. Miss
Blaak comes from Makawao and Haiku area of East Maui.

MS. BLAAK: Actually, Kaupakalua.

CHAIRMAN NOBRIGA: Which has been very --

MS. BLAAK: In the area of Koakomo, which is now

called Kokomo, but was anciently called Koakomo when the
koa forest started and you entered Koakomo in the koa
forest.

Aloha and good morning. My name is Audrey

Antone Blaak. Number one, information is knowledge, and

knowledge is power. There is one copy today of a letter

that was dated April 24, 2003, which -- is it today or

yesterday? That is signed by Mr. George Tengan, that is

not available to anybody here in the audience except those

of us that fought over the one copy. I think it's page

number 17 on your handout. And I think for the public's

information, this letter is saying that based on findings,

the Director feels the department can proceed with the

reservations for water meters, and respectfully requests

the board's concurrence. I am assuming this means that we

will go forward on the waiting list.

I have copies actually of every waiting list

from the beginning, so if that ever is not found in your

archives, I will gladly provide it for you. The

discrepancies is unbelievable, unbelievable. People

appeared on the list mysteriously, mysteriously, and oddly

enough some of the names are tied to real estate

salespeople.

Number two -- sorry, I get nervous when I talk.

Unbelievable after all this time, yeah? Okay, Number two,

I have been talking about the rural utility service, and

I'll actually at this time say that I can provide this

information later. But Ted Matsuo is located on the Big

Island of Hawaii, and he is in charge of the USDA, which

last year provided grants, loans to states and countries,

including Alabama with \$30 million, Puerto Rico with \$60

million, Texas with \$57 million, and the State of Hawaii

was provided with \$2 million.

I think it's a travesty that we are not using federal funds that is available. And Mr. Matsuo is on the Big Island; he was out on a vacation. Also there is an agency that we are not a part of, Hawaii, the State of Hawaii is one of the few states in the entire nation that does not belong to this Rural Community Assistance Program. This is all available on-line. We have no association with them. They meet yearly, they go to all the federal funds available, they give each other references, they give each other help. We are one of the few states --

and again, I'll provide this information later -- that's not even affiliated with this association. They have conferences, workshops.

There was a woman who was on the water board several years ago who did gain federal money which is now being reserved, the 80 water meters that you see reserved up in Haiku. I can't remember her name.

UNIDENTIFIED SPEAKER: Natalie.

MS. BLAAK: Natalie Powell. She was a board member and she got federal money for the street that she

lived on. And they are now installing 80 water meters on that street that was federal money that she got while she was a board member.

So anyway, at this time I'd like to ask to please make copies available of what you put on the -- as we enter that you have, because I'd be willing to pay for it, honestly, if this information was available to me so I could study it. This has all the information on the Po'okela Well, what they found, et cetera, et cetera. And believe me, you know, waiting ten years for a water meter, if I am going to spend 20 bucks on information that's going

to help me, I'll be more than glad to spend it. Because that water meter is gold, and every single person in this room knows that. That water meter is worth hundreds of thousands of dollars to these families.

And I know, and I suffer with every one of you that comes before the board, because our life has been on hold for ten years too. We have everything, we have our zoning, we have our water lines, we have our fire hydrants, we have everything in place, and our six acres has five horses on it.

CHAIRMAN NOBRIGA: Thank you, Miss Blaak.

Members, any questions for the testifier? Miss Parsons.

MS. PARSONS: What number are you currently on
our list?

MS. BLAAK: I knew you would ask me that. If I
go through my records, I believe I am 257. I should know
that by heart.

MS. PARSONS: Do you know your TMK offhand?

MS. BLAAK: It ends in 26. Wait, I have it.

MS. PARSONS: What number did you think you
were, .

CHAIRMAN NOBRIGA: 257.

MS. PARSONS: 257? It ends in 37?

MS. BLAAK: 246, 246.

MS. PARSONS: Do you have the first numbers of

it?

MS. BLAAK: 2-7-02026.

MS. PARSONS: I have the list in alphabetical

order and I have got them about three different ways, so I

do have it in TMK order. 2-7 --

MS. BLAAK: 02026. That's the two-acre parcel.

My brothers and sisters, we have three two-acre parcels,

and we're zoned rural.

MS. PARSONS: 02 --

CHAIRMAN NOBRIGA: 27-02026.

MS. BLAAK: 2 dash 7 -- actually, it's -- when

you go on the Internet they add that extra zero,

2-7-002026.

MS. PARSONS: Okay. Number 247 on the list.

And you came in in 1997 with a subdivision, correct?

MS. BLAAK: Yes. Well, no, see, we never

applied for a subdivision because we knew at that time that

water was not available. So we had gone back to our

original zoning, which was zoned rural in 19 -- when my dad bought the property I think it was 1953 or '52, somewhere around there. Our original zoning was rural.

And this is a long story that many of you probably don't want to hear, but the State of Hawaii did change the zoning in the area in which we live to agriculture without notifying any of the landowners in that area. We bought property state-zoned rural, as did many other landowners, paid taxes on it, and the property was changed, the zoning was changed to agriculture in 1969 without notifying any of the landowners. So when I went before the

County Council we got our zoning changed back to rural.

Sorry that was the history.

MS. PARSONS: No, that's all right. So you're really not a subdivision, you're just asking for how many meters?

MS. BLAAK: We are asking for meters so we can begin our application for subdivision. It's ridiculous. Like many of these people, to apply for your subdivision when there's no water available you are going to incur all these expenses.

MS. PARSONS: How many meters are you asking

for?

MS. BLAAK: I'm asking for two additional meters

because I want to do a subdivision to give my daughter a

piece of land.

MS. PARSONS: So you're only asking for two

meters?

MS. BLAAK: Yes.

MS. PARSONS: And have you downloaded -- you

have all the lists. Have you downloaded the list off the

Internet that gives you the TMK's in order? Because you

can go either way on it. You can get a listing that's just got them in numerical order as you apply to the list.

MS. BLAAK: I have gone into each tax map key, and I hope it's not snooping on other people's business, but I have gone into each individual tax map key and found the owners and the acreage.

MS. PARSONS: Okay. When you download the list -- now I am just going -- one of the things that I have here you will see duplication. So one of the things we probably need do is weed out. I mean you may not be 247, you may be 99. I mean --

MS. BLAAK: Well, you know, I believe in fairness. And in all honesty I really do believe that whoever is on the list ahead of me, if they are there properly I believe that they should get the water first. I really truly believe that, because I know how hard it has been waiting since 1997. So if somebody has been waiting since 1993, they should get water meters first.

But I just feel that there has been -- there has been changes made to the list, and I think this was something that a company was hired to look into. So I don't understand why this is happening when there was a

legal firm, I believe Mr. Tengan, last year that was hired,

am I not correct? Wasn't there a legal firm that was hired

to look over the list and confirm that it was accurate?

CHAIRMAN NOBRIGA: There was an audit done by a

CPA firm.

MS. BLAAK: Right. Did that also involve the

way it was listed, the priority?

CHAIRMAN NOBRIGA: No, not all, just the first.

MS. BLAAK: So maybe the problem that we are

going to address as a county, as a board, as the mayor and

the councilmembers is how are you going to verify? You

know, that to me would seem like a real problem. How are you going to verify who, you know, who was on the list legally?

CHAIRMAN NOBRIGA: That will be part of our deliberations today.

MS. BLAAK: Okay. I don't want to --

CHAIRMAN NOBRIGA: Thank you. Any other questions of the testifier? Miss Raisbeck.

MS. RAISBECK: Could you give me the name of that rural utility service you were describing, what's the

name?

MS. BLAAK: Okay, it's on-line. And it's -- the federal government has only one office on the Big Island, and the person in charge is Ted Matsuo, and it's called Rural Utilities Service. You can go on-line under USDA Rural Utilities Service. But his -- should I give you his phone number or his email?

MS. RAISBECK: Sure.

MS. BLAAK: Email, Ted.matsuo@hawaii.usda.gov.

CHAIRMAN NOBRIGA: Thank you, Miss Blaak. Any

other questions from the members of the testifier? Thank

you. We will take a five minute recess.

(Whereupon a brief recess was taken).

CHAIRMAN NOBRIGA: We will reconvene the

meeting, thank you. The next testifier will be Dionne,

Diane -- Miss Gannon. Miss Gannon will be talking about

Upcountry water meters items C and D on your agenda. She

lives in Wailuku.

MS. GANNON: Hi, my name is Dionne Gannon, I

live in Wailuku. We have been on the wait -- the priority

list since '98, 1998, and I think right now we're at 289.

And we're also listed at 298, and we're also listed at

another number. So the list is just totally bull. I mean there's people on there that's probably shouldn't be on there. There's probably, you know, I mean I'm 289 but who knows, maybe I'm 150 or something. I have no idea. And oh, it's just really frustrating. I don't even know where to begin.

On January 10th of this year I called and talked to a Herb Kogasaka, he's with the water department, and I asked him for a date, if he could at least tell me are we talking about months, years, what, when they will issue meters from that Po'okela Well. And he told me a

conservative figure would be six months. That means I expect my meter by June, or maybe by next month, how about that? Can anybody tell me if that's true? No, nobody else can tell me anything.

I called somebody else in the water department and it's like oh, yeah, maybe six months from a year from now, but not six months from January, and it's like our whole family is on hold. We have land up there that's in my brother-in-law's name because we couldn't subdivide it, so our grandma had to -- she just signed over the whole

property to my brother-in-law, so now everything is in his name. If something happens to him, if somebody sues him or something he could lose that land, and that's partly ours.

We cannot build, we can't put it in our name because we can't subdivide. Why? Because we can't get water.

My son is going to be a sophomore in high school, and our name was on the list from when he was in the fifth grade. So he may not even be able -- be able to live with us in this house that we are going to build one day. And it just really upsets me because we're sitting waiting for water and nobody can tell us anything. I mean

we meet with the Director; he can't give us an answer.

It's like, "We will get back to you." And it's like when,

when are you going to get back to us? We're sitting here

waiting. It's not a priority for you, but it is for us.

And regarding the issuing of that extra 300

thousand gallons, or whatever of water, you know, I call

and it's like, Oh, we issued 30 letters so far, the first

30 on the list. So it's like, okay. And two months later

I call back, "Oh, we have issued maybe about 60 letters so

far." 60 letters in five months? Give me a break. In

that case it would take over two years for you to ever get

to number 200 on the list, or whatever. That's

ridiculous.

Everybody on this list should get a letter and just say meters are available and it's up to the person, you have 60 days or whatever, to come in and show you own the land, you're ready for your meter or whatever you're going to pay for it. If you're going to take five months to issue 60 letters and there's hundreds of people waiting, that would just take too long. We want our meters like this year. I mean I want my meter by the summer of this year. I am tired of waiting.

The guy told me six months. I expected it in June, unless somebody can tell me otherwise. So I think something needs to be done. I don't know if this board can recommend that meters be issued from the Po'okela Well. I mean the well is there, you know there's water in there available. Just get on it, issue meters. You know there's water there. There's no reason to make us wait years more so that you can put in the pond, you can do this and that. Just issue the meters, you know there's water. Thank you.

CHAIRMAN NOBRIGA: Thank you. Members, any

questions for the testifier? Miss Parsons.

MS. PARSONS: Dionne, I have your TMK here. You are number 90, 299 and 569. Was there any change? I mean there was a submission originally. Was there any change at any time with the number of meters you were requesting in any one of those three positions?

MS. GANNON: No, no, there was just one request.

MS. PARSONS: And you were asking for how many meters?

MS. GANNON: One.

MS. PARSONS: One extra meter?

MS. GANNON: Right.

MS. PARSONS: In those three?

MS. GANNON: Yes.

MS. PARSONS: Thank you very much.

CHAIRMAN NOBRIGA: Any other questions? Thank
you. The next testifier will be Mr. Dudley De Ponte.

Dudley will be testifying on items C and D on the agenda.

Dudley has been before this body before. And he lives in

Kula and formerly on Crater Road. Mr. De Ponte.

MR. DE PONTE: I'm Sherman Dudley De Ponte,

licensed professional land surveyor. I was taken by the

last person here, and I have got to collect myself a little bit. I listen to a lot of this on a daily basis because I deal with subdivisions, that's what a surveys does. I personally am involved on one of these because up on Crater Road from 1992 when I bought the property, after I purchased the property this was after, shortly after I went into the department to find out, you know, what was the fire protection. What would it take for me to subdivide if I had to subdivide for my kids. Because I bought property that was rural, half acre rural, and at the time there was no question about it. If you have any questions, that's

another story.

In any case, at the time I met with Herb Chang,
definite name, with an engineer of mine, Stacy Otomo,
another definite name, a prominent engineer in the county.

We discussed what it would take. He said fire protection.

To get fire protection you need to cross across this one
property where the line is like a two-and-a-half inch line,
fire protection.

Okay, I said, "Well, how much is that going to
be, Stacy?" He said, "Well, we're looking at about \$50,000

to \$80,000 to improve that line to make it to fire

protection." I said, "Well, I just put all my life savings

on this property here in Kula so that I can have something

for my kids later on 20 years down the line. I don't have

\$50,000 to be throwing right at that." Okay, so I said,

"Well, I'm going to have to wait" and I went through the

waiting process, 1992 until whenever. Until now, still

waiting.

About 1999, 1998-99 I noticed that there was a

list building up for the water meters. So I decided to

throw my name on the list so that I could get my meters,

because I figured man, I'm doing all this subdivision and people are waiting for meters. I'd better put out for my meter because there's no, you know, what am I going to get in the future? And I said, if it's going to take ten years I'd better get on it, you know. Hopefully I can be a little bit sooner because they're saying, oh, they're finding more water sources and we might be able to do this a little bit faster.

Okay, I'm feeling a little bit more comfortable with fixing this \$50,000 piece of line, but yet in the back of my mind I'm going, well, this subdivision was done in

1945 and now I've got a definite date from Mr. Tengan. In
1945 a county engineer, accepted 1948. I've got the
depository declaration in here to the county engineer. And
it makes it really beautiful that also all the lines are
supposed to be maintained now by the county and brought up
to fire protection, because I believe that's the law.
We're supposed to be fire protected by the county.

The next thing that happens is I get into a
meeting with these guys that is we are talking about a more
accountable administration here. What is accountable about
this administration when Mr. Tengan right here cannot

answer a single question, or he don't want to answer
because it's about a Po'okela Well? Come on, we're locals
here. Born and raised here. I know the ship my
great-grandfather came on, you know. We have been around
here awhile. Baloney.

I told him the other day this is what you would
call shibai, which is bullshit in Japanese. He took it
personal, and I had an attack from him. Will we deny
that?

CHAIRMAN NOBRIGA: Mr. Dudley, please get back

to your testimony. Thank you.

MR. DE PONTE: It goes onto the CIP's. There's a CIP. We want to know how did it get there, how it gets in there, what's going on with it. What design is on the CIP for a certain line, a certain area. We have \$300,000 for the CIP for Haleakala Acres. \$300,000. The way they want me to put the line now, they gave me a curve ball. They want the line to go around the switch-back, which we're talking a lot more feet, a lot more money. Just to put that line in we're looking at over \$300,000 okay.

But then they throw a curve in. The new thing

is going to -- the new requirements is going to be for an 8-inch line instead of a 6-inch line that is in place. Not only changing that 2-inch line. And not only that, let's see, our fire protection will need 120,000 gallons. Your water tank on the top there has only 50,000 gallons, so now we've got to add another what, 70,000 gallons, \$2 a gallon, \$140,000 on that. And all this 8-inch line now got to be put in up to my driveway, up to my house, plus my infrastructure. This is what gets added on to me.

My dreams and hopes for my kids is down the tubes because there's no way. That amounts to several

million dollars we're talking about. I gave him several reasons why it shouldn't go around the curve. I said, there's solid blue stone for digging. It's not going to work. Federal highway, this is the road that goes up to the crater, so putting it across the road, putting in action blocks, crisscrossing that road is not feasible.

It's going to stop traffic. You cannot work it at night, you cannot do it during the day because you're going to be stopping major traffic going up to the national park.

Also, cost. That's not good enough. Okay,

there is a two-and-a-half inch water line that is holding

back the pumps just to change that line. They want me to do the research that I found, that we have legitimate that we can go through that easement.

They said, "Oh, it's a two-and-a-half inch line. You cannot throw an 8-inch line into a two-and-a-half inch line now because that owner will not like it." Well, I don't know about you guys, but I do this, again, on a daily basis. When I put together an easement for over a property, a sewer easement, water easement, drainage easement, we don't go, oh, there is a

72-inch drainage easement or a 4-inch sewer easement and that's it, 4-inch sewer line easement. It's stated sewer easement so in case that lines needs to be replaced or whatever it can be brought up to standard, the standards that we are getting thrown at us.

I'm hoping here, and on my coming forward, is I would like the department to be a little bit more accountable. As you can see, I get frustrated, I'm mad, you know, direct or whatever. But after listening to the people over here coming forth in front of you and talking to you, I have been in front of you as a board, when you

were a board. Now you are an advisory committee. My
advice to you is advise. Advise the mayor that we need
help in that department to be more accountable and get
somebody that will stand forward and do something for us,
the people that voted for him to get in there. Thank you.

CHAIRMAN NOBRIGA: Thank you, Mr. De Ponte.

Questions, members? Mr. Victorino.

MR. VICTORINO: Mr. De Ponte, is it possible to
get copies of that 1945 memorandum?

MR. DE PONTE: Yes, I will give you copies of
that.

MR. VICTORINO: We would like that. And has Mr.

Tengan and the department been provided those papers?

MR. DE PONTE: Yes. I will be putting together a report also showing why the engineering would be better to come down, you know, between the lots and all that.

MR. VICTORINO: And then this is a comment, not a question, and I say this in all sincerity. I understand your frustration, I understand all the peoples' frustrations. But also name-calling and getting upset publicly only tends -- brings out emotional and then sometimes not the facts. If we can stay with the facts,

ladies and gentlemen, it helps us to make good decisions,
okay. I understand the frustrations, like you, born and
raised here. We know the problems that exist, but that
doesn't change the problem. The problem can be only
changed if we can get the facts and work together to find
reasonable and fair solutions. So thank you, Mr. De Ponte,
I do appreciate your comments.

MR. DE PONTE: I apologize if there was a
name-calling. I want a specific name so you understand you
can go to that specific person and ask if him if I'm

telling baloney or whatever.

CHAIRMAN NOBRIGA: Thanks, Mr. De Ponte. Any

other questions, members? Thank you, Mr. De Ponte. The

next testifier will be Nancy -- I cannot read your last

name.

MS. HOEFFKEN: Hoeffken.

CHAIRMAN NOBRIGA: Hoeffken, thank you. Miss

Hoeffken will be speaking to item B, and she lives in

Kula. Thank you, Miss Hoeffken.

MS. HOEFFKEN: Hi, I'm Nancy Hoeffken and --

CHAIRMAN NOBRIGA: Turn on the mike. Thank you.

MS. HOEFFKEN: Oh, here we go. Hi, everybody.

My name is Nancy Hoeffken, I live on 651 Papipi Road. We used to be Ahinahina, but the county decided that my road name should be Papipi these days.

We have five acres of an 18-acre parcel. We have owned this land approximately -- excuse me, but I just found out about this meeting late last night and I don't have everything together that I would have normally, but I believe we bought the property in '77 or '78. We have been trying to subdivide since that time. The people we bought the property from promised us that they would try to

subdivide, they were going to take care of the

subdivision.

The reason we wanted two pieces, we just wanted

to subdivide our 5-acre parcel from the 13 acres on the

other side. A gulch divides our property. 13 acres is on

the side of Calasa Road. My five acres is a paper road.

It used to be called Homestead Road, okay. We are right

below Kula School.

Now, hallelujah, I have been offered a water

meter. However, there's a big, long string attached that's

choking my neck, and it's about turning me blue with my

tongue hanging out. I couldn't get this water meter

because of the fact that there needs to be \$1.2 million

worth of improvements. Now, how do I know that? Okay, you

might think I'm a little crazy. Well, most people do, but

that's all right. The reason I know it's \$1.2 million is

my husband looked at the improvements.

Now, who is my husband? My husband is Tom's

Backhoe and Excavation Company. We do this for a living.

We put water lines in for a living. We do road

improvements, we do all kinds of major excavation. In

fact, we're doing a federal job up on Haleakala putting in a big septic system for the federal government right now.

Granted, we're not poor people, but I can't afford \$1.2 million worth of improvements, you know. I have been trying to subdivide this property, and again, it's just like everybody else, for my children. I want the property in our name. When my kids were in college -- and I have been very lucky, I have got four kids, three of them are graduated with degrees. But when my kids were in college I couldn't even take a loan out on my property because it wasn't subdivided. It's not in my name, it's a

hui. I don't think this is fair.

We've been trying to subdivide for years and years and years. We have gotten deferred for years and years and years. Who can afford all this money to get a water meter? It's totally unfair, and I think it should be looked at again, and I would appreciate if someone would help. Thank you for you time, I really appreciate it.

CHAIRMAN NOBRIGA: Thank you, Miss Hoeffken.

Board members, any questions of the testifier? Miss

Raisbeck.

MS. RAISBECK: Mr. Chairman, I just wanted to

ask the testifier, are you aware that four of us are new, and waivers of rules are something that we aren't yet familiar with, what waivers would be allowed, what waivers aren't allowed. Furthermore, the whole situation has changed now because the water board is only advisory, and changes in the rules would have to go through a process. They need change, but they need to go through a process.

So that everybody here needs to be aware that

the change in the charter, and also I would say personally

the departure of the previous water director and the

changeover to a new administration of a water director and

the mayor, with other rights of the council, this has complicated the issue of how do we make the rules more fair to the people who are experiencing such frustration.

MS. HOEFFKEN: The biggest problem with this is that the water meter now has to be placed on the property. To be placed on property, and it says to come down Calasa Road. And the old water lines, because Calasa is -- we have got blue rock up there, you know, in Kula, and because the old water line came right on top of the road, you know. But now, according to this, we have to bury it.

So that not only means digging with a backhoe,
that means blasting or digging with a hoe ram. Our hoe ram
rents minimum \$1,000 a day. And you figure you're going to
need many, many days of hoe ram work. No matter what
company you get to try to do this, it's going to be very,
very expensive. And I feel for everybody who has been
trying to get their land subdivided.

Thank you, and I'd like to go along with the
rules, but I have to figure out where they are and how they
affect me.

CHAIRMAN NOBRIGA: Miss Parsons.

MS. PARSONS: Hi, how are you?

MS. HOEFFKEN: Hi.

MS. PARSONS: You were asking for just one
meter, is that correct?

MS. HOEFFKEN: We were given one meter, but we
can't take it because they asked us to do all these
improvements. We don't have the money to do that.

MS. PARSONS: I have a copy of your letter, so I
have read your letter. Did you speak to the department
directly when you got this letter, did you call the
department?

MS. HOEFFKEN: I've spoken with engineers on and off, and the engineer that I spoke to said, "Well, a lot of people want to get water meters there. Why don't you just go and gather all these people and see how much each one will be willing to pay, and then petition the water department to come in and maybe give you back some of your money." That's what I -- that's the scenario I was given.

And it's just -- it's just come at a time where the people we own the land with are in bankruptcy, so that puts another, you know, it's just a hardship. And we just looked at this, we threw up our hands in disgust and went,

"Oh, well, what's new," you know.

MS. PARSONS: Did you discuss with any of the engineers if there's any CIP, which is where we're preparing to correct lines -- well, let me first ask you, could you read 2-A out of your letter for the board to hear?

MS. HOEFFKEN: My letter on what they gave me?

MS. PARSONS: Yeah. Read number 2 on the letter that you received. This may help some.

MS. HOEFFKEN: Now I've got to get my glasses

out, hold on.

MS. PARSONS: I'm sorry.

MS. HOEFFKEN: This is what we have to do.

"2. Construct water system improvements for the subdivision. The improvements consist of the following:

A. The existing water system is inadequate in providing water service and fire protection. Construct off-site improvements to provide adequate flow and pressure for water service and fire protection. Off-site water improvements shall consist of approximately 5,000 feet of six-inch water line along Calasa Road, and approximately

1,500 feet of six-inch water line along the Homestead

Road. A pressure break tank will be required along Calasa

Road."

"B. Provide water service to each lot in

accordance with standards. Relocate the existing meter to

the subdivision site." We have a meter that is now with

about five other meters on Ahinahina Place. "The

subdivider shall deliver to the department perpetual

easements required for the water system improvements within

private property and the Homestead Road. The subdivider

shall convey to the department fee simple title to all

sites on which tanks or pumps are constructed."

Now, this, that kills me, because they never did anything to me, for me, and they want my land. "All improvements shall conform to the department standards.

Note that these requirements may change as new standards may be adopted shortly."

MS. PARSONS: Now, my question prior to that was, when you talked to the engineer did you discuss with the engineer any improvements that might be going on in your area and in the near future?

MS. HOEFFKEN: From what he said, they had no

improvements scheduled in my immediate area.

MS. PARSONS: Okay. Now, you received this letter. Would you have preferred to have met personally with the department to determine a solution rather than receive a letter like this? I mean if there's questions that you needed to do something and the department is aware of it, would you have just preferred to have had a meeting in there and looked to see what was going on, and discuss maybe what you could do to ask for improvements to be considered in your area maybe sooner?

MS. HOEFFKEN: Yeah, sure. I mean we just want our property in our name. My husband and I aren't local people, we're kamaaina, but we're kamaaina. We celebrated our 30th anniversary of coming to Maui January 18, 2002. 30 years here. We came with \$600. My husband and I have worked hard. We do have quite a bit of property on Maui. But like I said, I couldn't even get a loan on my property to send my kids to college, and I would have appreciated being able to do that. Luckily we didn't need that and I got my kids through college without it.

But it's been a long time since I have owned

this property and, you know, I would like subdivision so

the TMK can be in our name. And I'm just asking for one T

-- you know, two TMK's to be separated. They have theirs,

and we have ours. It's just a subdivision in two parcels.

Thank you for your time, I appreciate all your concern.

CHAIRMAN NOBRIGA: Thank you, Mrs. Hoeffken.

The last person signing up to testify is Leslie Blair, but

you have a -- it's going to come up on the agenda.

MS. BLAIR: I'll wait.

CHAIRMAN NOBRIGA: Thank you. Anyone else in the

audience that testified -- that had not signed up to

testify that would like to? Yes, sir.

MR. UWEKOOLANI: Yes, my name is William --

CHAIRMAN NOBRIGA: Please come forward and sit
on the chair, put on the microphone, and talk inside.

MR. UWEKOOLANI: My name is William Moanalia
Uwekoolani. My name is William Moanalia Uwekoolani, and I'm
here on behalf of Dorothy Uwekoolani. We have been trying
to get that meter for so long, I even forget how many years
went by. And from what I heard, and I took Mr. Chang
horseback and showed him every meter was up there. So he
knew where the meters was. And then he denied us after.

And then other people moved in and they started getting meters. And I went through like about seven trucks hauling water back and forth. So I am just here for Dorothy Uwekoolani, because I live up there too. And so I got to get back work, so thank you.

CHAIRMAN NOBRIGA: I am very familiar with your plight, as well as Dorothy's plight in terms of trying to get water to that area. Thank you very much, thank you.

We will move to the regular meeting agenda item VI, Director's Reports. Item A, Director's Report 03-05,

update on the emergency drought status. Mr. Tengan?

MR. TENGAN: Mr. Chair, I have prepared a report on the drought status. At the time we prepared the report the reservoirs were at 78 percent capacity. But due to the recent rain last week the reservoirs are nearly full, and I believe the Wailoa ditch is running at about 90 some-odd percent of capacity.

However, I would like the board to retain the status quo as far as the emergency drought is concerned.

Both the Hamakuapoko wells are down, they're inoperable.

Repairs are being made to it.

MS. RAISBECK: I can't hear you, George, sorry.

MR. TENGAN: Okay, I'll start all over,

Mr. Chair. As my report states, at the time it was

prepared the reservoirs were at 98 percent capacity.

However, during the past week, because of the rains we've

had up there, the reservoirs are nearly full, and the

Wailoa ditch is running at about 90 some-odd percent of

capacity.

Although the conditions have improved over the

past week, I would like the board to take no action on the

emergency drought that was declared last year. Both of our

Hamakuapoko wells are down and are in need of repair. One of the wells has been pulled out and we're doing the necessary repair there. We have another purchase order being issued to the contractor to pull out the second well to assess the repairs that need to be made. And following that, we would need to run the pumps. The only way we can run the pumps is to have a drought emergency in place as declared by the board. So I would recommend that no action be taken at this time.

CHAIRMAN NOBRIGA: Thank you, Mr. Tengan.

Members, any questions? Mr. Victorino.

MR. VICTORINO: That's okay, no need. Well,

just for -- and I think I see our new members with some

questions in their, in this presentation. To understand,

we declared a drought in the Upcountry area back in I think

November, if I'm correct, October or November of last year,

and at that time things were fairly dry.

CHAIRMAN NOBRIGA: Could you have the new

members ask the questions and then Mr. Tengan can explain?

I'd prefer that, than for you to explain and you are going

to miss something.

MR. VICTORINO: Well, Mr. Tengan wasn't the Director at that time either, so I mean it's just a Catch-22. But anyhow, put it this way. And also, what we'll do is, I guess what he's asking is so we can get these pumps back up on-line and test them, we need to keep the emergency drought status in place. If not, these pumps would be repaired but are unable to be tested because of that fact. If it's not under the emergency drought status those pumps cannot be used. That's the only way the wells can be used. Am I correct, Mr. Tengan?

MR. TENGAN: That's correct.

MR. VICTORINO: Now if you have any questions
you can go ahead.

MS. PYLE: I just wanted to be sure. Actually,
that's not exactly where my question was going. My
question though really does center on the fact that I think
now that there has been a change in the status of this
board, which is now an advisory board, it really does not
make decisions or I don't assume that it makes decisions
concerning drought status or anything of that type. So I
guess my question is, we can be advisors and certainly I
would agree with what you say, that we need to advise that

the pumps we taken care of and all of those kinds of things.

But I guess I would like to know from now on who is going to make the decisions, the action part of it that we no longer can do, about drought status. Does that come from the department, does the mayor sign this, must it be approved by the County Council? Maybe Mr. Kushi can help us. This is one of those rules that seems to be in conflict.

MR. KUSHI: Yes, board member, I am looking at your rule Section 4-1, which is entitled Declaration of

Drought. And there's some conflicting language that says that basically the board shall issue a proclamation declaring a drought to an existing area which the board did, and at the time they did they were authorized to do it. It goes on further and says, the director, with the approval of the board, is authorized to restrict use, et cetera. The director, with the approval of the board, may prohibit certain rules and so on. The director, with the approval of the board, may also prohibit the installation of new meters and service.

Again, as I stated before, with the change-over

this may be in conflict. I would say it's not totally

inconsistent. I would say the Director, with the advice of

the board, may do so and so.

MS. PYLE: But does that still have to be --

does that still then have to be approved by the mayor's

office?

MR. KUSHI: It doesn't mention anything about

the mayor in this one.

MS. PYLE: Is that one of the issues where the

rule may have to be relooked at?

MR. KUSHI: Correct. This may be one of them
that you may want to review.

MS. PYLE: Well, yes. So we are right now kind of
in a muddy water area concerning this particular issue.

MR. KUSHI: Right. I think the Director's
intent in bringing this to you is to get your advice and
your consent.

MS. PYLE: Absolutely, and I totally agree with
that. But I do think the public should understand also
where the decision-making along these lines will be made,
okay. Thank you.

CHAIRMAN NOBRIGA: Thank you, Miss Pyle. Miss

Raisbeck.

MS. RAISBECK: Thank you, Mr. Chair. I do feel

that the language of Section 4.1, which refers one, two,

three, four, five, six, seven times to the board as the

operative decision-making authority, I think that probably

all is in conflict with the charter change. So I would

assume, for myself at least, that I would totally concur

with Dorothy that if George wants advice from us that's

great. He has utter authority on his own now to change or

keep the drought emergency that was declared before.

And one thing that hasn't been mentioned, you didn't quite explain, Mike, why it was that the H'Poko wells could only be pumped during a drought emergency. That's, I believe, in response to a court order that the wells were considered contaminated, and therefore they should only be pumped if there was a dire need for them. So that's the reason for the drought emergency, if I recall correctly. Thank you, Mr. Chairman.

CHAIRMAN NOBRIGA: Thank you, Miss Raisbeck.

The report from Mr. Tengan is at my request. I asked for

this update. Any further questions of the Director? Mr.

Hiranaga. Would you please pass Mr. Hiranaga the

microphone? Thank you.

MR. HIRANAGA: Point of clarification on why the

pumps went down at H'Poko. Was it a lack of use?

MR. TENGAN: The report I got from our plant

personnel is that when the pumps were put in some bushings

were put in reverse order. So after awhile the pumps

became inoperable and they had to be pulled out.

MR. HIRANAGA: Thank you.

CHAIRMAN NOBRIGA: Any further questions?

Mr. Kenneth.

MR. OKUMURA: I just wanted to say that, you know, I live Upcountry and the weather has gotten really dry. Although it's raining on the other side, the weather has gotten really dry. So I think it's always good to be cautious. We are not out of the woods yet.

CHAIRMAN NOBRIGA: Thank you. Any further comments, questions? There being no action required of this communication, the memorandum will be filed.

Moving to the second item on the agenda, item B, Director's Report 03-06. It is answering some of the

questions that we had at a previous meeting under the discussion of the priorities. Mr. Tengan.

MR. TENGAN: Mr. Chair, I have asked the engineering division to handle this item, so I'll call up Alva Nakamura. And I believe he has Alan Murata with him.

CHAIRMAN NOBRIGA: Thank you. Alva?

MR. NAKAMURA: If you have any questions, we can answer, or at least we will try to answer anyway.

CHAIRMAN NOBRIGA: Thank you. Miss Parsons.

MS. PARSONS: I have a few, so bear with me. I understand, and it's on the record, that there was an audit

of the top 50 of the people that you were sending this

registered letter out to, is that correct?

MR. MURATA: Yes, that's correct.

MS. PARSONS: Who performed the audit?

MR. MURATA: You know, again, I'm not real

familiar with how everything was handled. Herb Chang, my

supervisor, was in total control of this part of the

situation, and it was my understanding that when the audit

had to be performed Herb submitted all the written

documentation needed for the auditors to confirm the place

on the list and that the tax map key numbers were accurate.

MS. PARSONS: He did?

MR. MURATA: Yes.

CHAIRMAN NOBRIGA: The audit was performed by

Russell Yamane and Company.

MS. PARSONS: And that all the tax map keys were
correct?

MR. MURATA: Yes.

MS. PARSONS: Okay. Going down this list that
you have right here, I'm going to go for the hot button
first. There are two unknown TMK's on this list. Can you

explain why they are unknown to us and why they are not on our master lists? One is PF-Three Partners. That TMK is not on our list. And the other one is Thomas Arp. He is neither on the Internet list nor the list that I have, the confidential list from inside the water department.

MR. MURATA: Could you explain that further?

MS. PARSONS: Well, when you cross reference your TMK's -- we have several different lists. We have, on the Internet we have a list which you can get the priority list in a line. You can also get it by TMK so that you can see the duplicity in this list.

So when you look for these TMK's, and one of them is 2-4-13-181, that's the PF Partners, and when you look for the other TMK, which is 2-3-65-025, Mr. Arp, they are neither on the list nor anything close to them, nor are their names associated with our names, our list of names that we use confidentially inside the water department. So can you explain to me how they came on your priority list for your certified letters?

MR. MURATA: I can't say, I don't know why. I know the PF Three Partners, that's a subdivision application. It may be that the tax map key number was

listed, has changed since the first request was made. We have numerous instances where the original TMK number has changed over the years based on what the owners of the properties have done over the years. So the TMK numbers were adjusted to reflect -- it's the same physical parcel, but the tax numbers have changed. I am not sure if that's the case in this particular situation.

MS. PARSONS: So you are telling me that somebody in here, 1 through 50 here that we sent out letters to, would have had to have done something to the

property, and that's why there would be another TMK. But that person that got the new TMK is -- the old TMK probably didn't go away. He may have subdivided the property, or whatever he did, unless that TMK went away. This new TMK person got placed ahead of the rest of the list?

MR. MURATA: You know, I don't know exactly what happened on those particular requests, again, but if tax map key numbers were changed it's, again, we verify that it's the same physical parcel and we ask for supporting documentation to show in what manner the TMK numbers had changed, if they did. And if, again, the parcel number is

the same or the parcel, the physical parcel is the same,
you know, it would be a reasonable request.

MS. PARSONS: Well, I know it's not number one
because I know Craig Rasmussen, and his hasn't changed, so
he's probably already got his water meter, but he's missing
on the list. Number 41, number 10, number 38 and number 48
are the only ones out of the top 50 that are missing.
Could it possibly -- are you telling me that these people
in number 41, number 10, number 11, number 38 or number 48
don't exist? And also, why weren't they in this priority
list of certified letters?

So 41 is Haleakala Homesteads. I know they still exist. Number 10 was Cusack. I think they still exist. Number 11 is Piiholo Farms. I know they still exist. Number 38 is Todd Preseault. He still exists. And number 48 is Kitada, and I know they still exist.

MR. MURATA: You're saying they are not on the list of certified letters?

MS. PARSONS: No, they are not on the list of certified letters. They are also the only ones that are missing out of the top 50 here that you sent letters out to. So we're back to the same question. How did PF Three

Partners sneak in here and Thomas Arp?

MR. MURATA: I can't answer that for you. I'd
have to check with Herb Chang.

MS. PARSONS: I would appreciate an answer for
that.

MR. HIRANAGA: Where is Herb?

MS. PARSONS: Herb is on maternity leave. All
right. When we look at this certified list --.

MR. MURATA: Excuse me. Somebody just notified
me that PF-Three Partners is the same as Piiholo Farms. I

guess their partnership name has changed.

MS. PARSONS: But the TMK's don't match.

MR. MURATA: Okay, I have to verify that for
you.

MS. PARSONS: And if they got a new TMK, I think
we have to discuss whether they can move themselves up on
the list if that old TMK still exists. We don't swap it
out, that's not fair.

MR. MURATA: Yeah. I mean we do verify that if
the TMK number has changed physically the parcel is the
same parcel. If the number has changed then it's a tax

office thing then, you know, nobody can prevent that. I mean it just happens.

MS. PARSONS: Why would a number change, that's a good question?

MR. MURATA: I am not sure of all the circumstances. I know in one case that I dealt with the owner had gone through a subdivision process through a private water system, and he had one meter. The one meter was allocated to one of the TMK's. The other parcels were off a private system so they were not under our jurisdiction, but the parcel he was on the list for was

given a new TMK number.

So he essentially came in with -- through the years he came in and he said, "Hey, I'm on the list for this TMK number. The tax office changed my number, not by my choosing, but they changed my number, so can you revise my number to reflect that? " That's just one instance. I don't know in what other cases the tax map key numbers got changed.

MS. PARSONS: We need to look at that, because if that TMK still exists, 97, then we also have to make some kind of recommendation on how to handle this. Because

if 2-4-13:097, if that still exists that's where the water meter is registered, and it was registered to Piiholo Farms. Now, if that did change without subdividing itself into another TMK, then that's an issue we have to discuss. If they subdivided and this is a separate TMK and a separate ownership, we have to discuss and recommend what to do with that. It's got to be fair to the rest of the list.

MR. MURATA: I'm sure Herb Chang does have that information. He's been very careful to document

everything. It's just, you know, sometimes it's hard to go back and figure out things.

MS. PARSONS: Have him put it together so we can go over that, so that there's no discrepancies there.

Going back here, when you have, for instance, on this list you will have a Eugene Taniguchi, and then you have got his TMK, which is 2-3-03:061, you have got a comma 203, comma 202, what does that comma 202 and 203 mean?

MR. MURATA: Does somebody have an extra list I can look at?

MS. PARSONS: It's in the back on page 14. It's

under the field of TMK or file number.

MR. MURATA: On the -- and again, that one I'm pretty certain they had subdivided their property and they received final approval based on the 216 agreement. So 61 was the original parcel. They received new tax map key numbers for the second and third parcels. In order to get the meters they needed to complete the improvements, and so those two numbers reflect the two other lots that were subdivided.

MS. PARSONS: Okay, that makes sense. Out of this list how many of these are subdivisions, how many are

water requests, how many are applications on the top 50?

Do you know it offhand? If you don't, you can detail it

for us next time.

MR. MURATA: I think there was a question and
answer sheet.

MS. PARSONS: I saw usage, I didn't see how many
results.

MR. MURATA: It doesn't give the breakdown, but
if you refer to the priority list, the subdivisions are
denoted by SD. The water requests are denoted by WR's, and
the building permits are denoted by BPA's.

MS. PARSONS: Would you please, for the next time that you give us a report like that, note on here how many there are so that for the other board members too? There are, I have that list, but could we have that, please? Yes, and I'd like to have Herb Chang here next time, please. Thank you.

MR. NAKAMURA: He should be back.

MS. PARSONS: Good. Do you know how much water usage this is estimated on? How many of these people in this top 40, or whatever, 40-ish, have responded yes

positively to the meters?

MR. MURATA: The only way I could determine as far as positive responses were by the number of reservations placed. Those are definite, "We are going to proceed, we want the meters" and I think that number is given in the report.

MS. PARSONS: What page is that?

MR. MURATA: Page five. There are others who have responded saying that they are interested in getting the meters but they want to discuss the requirements further. And, you know, granted these guys have been on

the list since '93, and it's hard for them to make a decision within 30 days. So we have had ongoing meetings with several of them, and the Director has extended, you know, given them more time to make the decision. You know, again, a lot of these people are -- they need to spend money to decide whether they're going to get the meters or not.

MS. PARSONS: Are we giving them more time?

MR. MURATA: Yes.

MS. PARSONS: We are. Okay. So is that

something that you just decided internally that you are

going to give them more time to make a decision?

MR. MURATA: No. These people have met with the Director personally and explained their situations, and the Director has acted on his discretion.

MS. PARSONS: How much time are we giving them for a deadline?

MR. MURATA: I am not certain. I am not keeping track of those. I haven't been in on all those meetings. I do know that one person I have worked with, his request was extended two weeks. But as far as I understand, it's not an indefinite amount of period.

MS. PARSONS: So would you like a recommendation from the board on how long that that should take? Because we need to move through this list.

MR. MURATA: If you guys want to provide some recommendation, that's fine. I think, you know, a lot depends on each individual's situation. Some of them, you know, again, you know, like you hear a lot of these people they have got to invest tens, hundreds of thousand dollars, and they need time to line up their ducks and make sure they're going to proceed.

MS. PARSONS: The board stated in a previous meeting that the first hundred folks on this list be notified, and it's taken us nearly six months to get 40-ish letters out. And it's -- no, it's not, the 79 certified letters is another issue I want to go over, but there's only 48 people on here supposedly that have been notified. And we need to move through this a little more rapidly. We can't take years to get through the top 100.

My understanding -- and this is from 1993 and 1994, right, these early ones. And just like Mrs. Hoeffken, there are issues that need to be addressed for

fire flow and whatever else. It would seem more prudent that instead of -- and as I understand, maybe you can tell me more about this -- when Mr. Chang was doing this, each one of these applications were reviewed. And he did this outline like he did for Mrs. Hoeffken, okay. And he's telling her that we don't have adequate water for fire flow and she's got to do the upgrades.

So he's gone through each application that's ten years old. I don't know that that was the board's intent at the time we wanted you to issue the hundred letters.

What we wanted were people that were going to respond to

it, and we wanted to know how many people would be wanting the meter, and then we could figure out -- we may want to give those people that say yes they want the meter the opportunity of six months to figure out how they're going to correct this. That may be a possibility.

But I think rather than waste the time to define each and every old application that's out there, let's find out if these people still want the water. And if they do, then we get more detail, we check them, they stay on the list, and we move forward. Those that don't want it, we won't worry about it. We will just move forward to the

next section. I mean that would be my suggestion.

CHAIRMAN NOBRIGA: I don't think the board's position was specifically as stated, Miss Parsons. The board's position was that a priority list was -- a priority list was created and the board wanted the department to work through the priority list on a first come, first served basis as expediently as possible.

MS. PARSONS: Right. That's what I was saying. That we just move forward with it, and if they want it, if they want the water then they want the water. But if we

can't find them and they don't respond, or they don't want

the water, my suggestion is you send the letter, let them

come in, bring in their new plans, review it, see if you

have any CIP's in that area. If you run into a Mrs.

Hoeffken problem and you know that you're not going to be

creating any -- there's no chance that you are going to be

able to do any improvements and it's way out of their

ballpark to be able to do the improvements themselves, and

there's no other alternative then, you know, tell them in

person rather than taking that time to analyze something

that you have wasted all that time for, so that you can

move forward more expeditiously and to get through the
first one hundred, right? Right.

CHAIRMAN NOBRIGA: Any more questions? Miss
Parsons.

MS. PARSONS: Yes, I do. When you did the --
when you did this review here and you sent out all of these
certified letters, I mean there's duplicity in the
certified letters, correct?

MR. MURATA: Yes.

MS. PARSONS: Wouldn't it have been more prudent
maybe to go to the Director of Finance and find out who is

on the tax map key, TMK letter for, or card for the taxes

on that the TMK, and send the letter directly to one

person, rather than send 78 certified letters out to reach

48 people?

MR. MURATA: I think Herb Chang decided to send

it to the people on record within our files, the contact

person on record, and he verified that against tax office

records. If there was a difference he sent them to both.

Tax records, a lot of times there's multiple owners, and I

think, you know, he had to make a choice as to which owners

he was going to send them to. So again, yes, there is

duplication, but I think he tried to cover that he reach

somebody who can -- who would follow up on the letter.

MS. PARSONS: Okay. Well, I don't know that we

are giving everybody equal shots when you send out eight

letters to one TMK, and only one letter out to another.

MR. MURATA: Well, in those instances he's

showing that that letter is reaching the person that it's

intended for. These people have been making contact with

the department over the years, and we have verification of

their addresses and everything.

MS. PARSONS: Should Hawaiian Homelands for the

Keokea and the Waiohuli be on the priority list?

MR. MURATA: They are not on the priority list.

From my understanding, it was a commitment given in return for their contribution towards the Kahakapao reservoirs, so they in essence created their own source. And they are not subject to the priority list, again, because they -- but it's a commitment by the department that has not been handed out yet. So it's a so-called liability right now because it's unissued water that we are still committed to giving them.

MS. PARSONS: Is that a duplication then?

Because number 14, Diego, is Keokea/Waiohuli Homestead.

MR. MURATA: The Diego property is a private property. I believe that's associated with a subdivision.

MS. PARSONS: Can you check that out for me, because I have it down here as Waiohuli Homestead.

MR. MURATA: The Waiohuli/Keokea area, you know, because it's in that area, all the subdivisions carry on the same name. The parent parcel was Waiohuli/Keokea Homesteads, then every lot subdivided thereafter, a lot of them carry that same name. It's, you know, instead of lot

two, a subdivision of lot three, but it's the name parent
subdivision name.

MS. PARSONS: Okay. Did Corp Counsel review the
letters that you sent out prior to sending them out to Mrs.
Hoeffken?

CHAIRMAN NOBRIGA: Is that a question for Mr.
Kushi?

MS. PARSONS: I don't know. Well, do you know if
he did or do you want to pass it on to Mr. Kushi?

MR. MURATA: To my knowledge, I don't think it
is, but I think he can answer that.

MS. PARSONS: Mr. Kushi, did you review this letter or any of these letters?

MR. KUSHI: Mr. Chair, board member Parsons, I reviewed the letters on the priority lists that went out. I did not review a letter from Kimo Apana and David Craddick.

MS. PARSONS: I know you and I spoke about some other letters that you didn't review, but you did review these.

MR. KUSHI: Yes.

MS. PARSONS: Why is there not a CC to you on these letters?

MR. KUSHI: It's not my business, it's the water department's business.

MS. PARSONS: When we get into the duplicity of this list, what is your position with regard to the fact that there is -- I mean just on the list on the Internet there's over 207 duplicated TMK's in 689 lists.

MR. MURATA: I don't know the full answer to that. I know for the ones that I am familiar with there's duplication because the properties have changed hands and

the new owners have requested to be placed on the list. So their request, although the tax map number is the same, the request might be different.

You know, they might be -- they might have different intentions for the property, so the request may be different. Sometimes they just want to get on the list again. There's no rules that tell us we can't put these people on the list. If they request to be put on the list and they're being denied water because there's no source, we have to put them on the list.

MS. PARSONS: Well, if their TMK's already on

there. Can you provide for us the duplicity breakout on how many of these -- we had testimony this morning from what, two people that the same, they're on there two or three times but the same request, for the same request.

And maybe can you provide for me how many there are and we can start to purge this list maybe?

MR. MURATA: Yes.

MS. PARSONS: Just check. I mean I can understand if they went for one water meter in '93 and then in '98 came in and needed a subdivision. I can understand that they're on two different places on the list. But when

the request is the same, it seems to me we can whittle down this list a little quicker, and we can move people up in the priority realm if we can purge this.

CHAIRMAN NOBRIGA: I'm sorry, Miss Parsons, we are unable to purge anybody from the list. The priority list must stand as listed.

MS. PARSONS: Well, I'm not trying to purge a person.

CHAIRMAN NOBRIGA: You are. You are asking to purge applicants. This body will not condone any purging

of any applicant for water service.

MS. PARSONS: It's not purging them away.

CHAIRMAN NOBRIGA: Any other questions, Miss

Parsons?

MS. PARSONS: Well, right now that's it.

CHAIRMAN NOBRIGA: Oh, thank you so much.

MS. PARSONS: You're welcome.

CHAIRMAN NOBRIGA: Members, are there any other
questions? Mr. Hiranaga.

MR. HIRANAGA: Thank you. My understanding of --

my understanding of the purpose of real property tax

numbers is for the collection of real property taxes. And it should not be considered a final determination as to who the legal owner is, because you can have a sale or transfer in title from a name to a partnership or an LLC, to a corporation, and it's up to the title company to notify the real property tax division of the change in ownership. But how quickly that occurs, who knows.

I know that there are subdivisions allowed through the ordinance that does not require issuance of water meters, and it is now -- my understanding is it's taking the County of Maui approximately two years to assign

a new tax map key number to newly created parcels. So

there is a large time lag between numbers being assigned.

So I can see where there could be several parcels having

the same TMK number at this point, because the records have

not been corrected.

I think that Herb's decision to provide

duplication of notice was a prudent thing, because again,

real property tax addressees for bills is for the payment

of the bill. It doesn't necessarily determine who has a

legal interest in the property. So these bills could be

sent to a CPA, an attorney, to any entity that the owner

requests that the bills be sent to. So it doesn't

determine who legally owns the property.

So I think it's better to caution, to err on the side of -- or it's better to err on the side of caution versus err on the side of trying to process this list as quickly as possible. A lot of these people have been waiting a long time, and I think they should be given the appropriate time to make a determination as to what they want to do, if they want the meter or they don't want the meter.

And also, I believe that the position on the priority list should run with the specific property and not with the TMK number. The TMK numbers can be transferred, but the right should run with the land. Thank you.

CHAIRMAN NOBRIGA: Thank you, Mr. Hiranaga. Any other questions? Miss Raisbeck.

MS. RAISBECK: Thank you, Mr. Chairman. I wanted, if I might check out with the Director a little, some information again, this is -- I understand the thing, I think, but I'd like to check out that it is what I understand it to be, if that's all right. And his answers

to the questions, I sort of made a little table. And that in the 60-day period allowed there were 23,000 gallons, 100 issued, 109,000 gallons were reserved, and Maui Ranch Estates 40,000 gallons, so that made 172, I believe it was, thousand gallons. And then he mentioned the 500,000 for the DHHL. And then the next one on the priority list that the people who had been notified accounted for 137,000 gallons. And I assume that some of those were the 27 meters that were actually responses, those were included, the 28,000 gallon, 780 gallons for the ones who actually submitted, that's included in that 137,000 gallons. Would

that be correct?

CHAIRMAN NOBRIGA: Mr. Tengan, would you be able to answer that question?

MR. TENGAN: I'm sorry, but I don't understand where you get the 137,000.

MS. RAISBECK: Well, the answers to the question, if you sort of tabulate the figures, there were 38 meters that were issued, and they account for 23 thousand gallons. This is under the 60-day period. And then you said that 108 meters were reserved for 109,000 gallons. Is that correct? That was a different answer.

MR. TENGAN: That's in the report.

MS. RAISBECK: Yeah, this is in the report. And

then Maui Ranch Estates had 81 meters for 40,000, and those

all totalled 172,000 gallons per day.

MR. TENGAN: Right.

MS. RAISBECK: Then if you go onto the priority

list -- well no, and then you mentioned the DHHL with

500,000 gallons.

MR. TENGAN: Right.

MS. RAISBECK: That's also water we will be

needing to provide, correct?

MR. TENGAN: Correct.

MS. RAISBECK: And then people on the priority list, 79 certified letters were sent out for the first 48 properties, and those were 27 positive responses. And I believe somewhere here it said something about -- I don't have my reading glasses on. Somewhere I read that that was 28,780 gallons. Yes, the estimated consumption of the 27 reservations submitted is 28,780 gallons per day. And then of the -- that was part of the 48 properties which were on the list, and the estimated consumption for the 48

properties is approximately 137,000 gallons. So I assume

that those 27 are part of the 48, it's sort of a subset.

MR. TENGAN: That's correct.

MS. RAISBECK: Okay. So my question really is,

if you take gallons per day per meter of all of these

bunches of people, the first -- under the 60 day period the

first set is 605 gallons per day, and of the ones reserved

the gallons per day jumps up to about 1,000 gallons per

day. Maui Ranch Estates is about 494 gallons per day, and

then when you come down to those who are notified, 48

properties that are notified, that's way up at 2,800

gallons per day for those 48 properties. And I just wondered why. Is there someone on the list below the 27 that has a really large amount of water requested?

I guess this is getting me to the point of saying it would be helpful in looking at the reservation list to understand how many gallons are being asked for for each reservation so that we get an idea of which of those reservations are extremely large.

MR. TENGAN: I believe the priority list has the estimated consumption for each request.

MS. PYLE: It's not on the list we got.

MR. TENGAN: It is not on that list, but it's on the priority list. The list you are looking at is the list that the certified letters are sent out to. We can get you a copy of the priority list.

MS. RAISBECK: That would be very helpful.

MR. TENGAN: To explain the difference in estimated consumption there, you know, without looking at the details, I would say that the requests are for different uses of water. So an ag request would require more water than let's say a residential request in Haiku.

MS. RAISBECK: It would be helpful to have what the uses are on the list as well. Is that on the priority list?

MR. TENGAN: I am not sure if the use is, but the estimated water consumption is noted on the priority list.

MS. RAISBECK: Thank you, Mr. Chairman.

CHAIRMAN NOBRIGA: Thank you, Miss Raisbeck.

Miss Parsons, subsequent follow up, I guess.

MS. PARSONS: I count on my list in reviewing this that we only sent out 44 certified letters, or just 44

parcels, rather than the 48. When you review this

yourselves if you come up with a different number I'd like

for you to share it.

You know, when you stated that the audit was

done and the TMK's were all correct in that first 50, I'd

like to point out that number four on the list, Mr. Ito, is

listed on our lists as 166, 2-3-03:166, and on your list

here he's listed as 168. And Ann Lopes which is number 29,

is listed on our list, and what's on the Internet, as

number 14, and on your list you have her number 22. She's

listed as 2-2-14:014, and on your TMK's you have it as 22.

So I don't know when you made the corrections, but when we adopted this list those TMK's apparently hadn't been checked and matched.

CHAIRMAN NOBRIGA: Thank you.

MS. PARSONS: One more thing.

CHAIRMAN NOBRIGA: We will stand to recess for 20 minutes.

(Whereupon a brief recess was had).

CHAIRMAN NOBRIGA: We will reconvene the board meeting. Returning back to Director's Report 03-06, any other questions for the directors on the priority list

notifications? Mr. Victorino.

MR. VICTORINO: I would like to point out to the fellow board members if they have not noticed outside of one return mail, I took notice that on many times the return mail, one person from that specific TMK got the mail and maybe two or three others that were listed on that TMK the mail was returned. So I am going to go, based upon what I've read here, that every TMK on this list at least had one recipient of this mailing, so that no one should be coming back and saying "I didn't get it." One person from

each TMK at least got a copy of the notice. Thank you,

Mr. Chair.

CHAIRMAN NOBRIGA: Thank you, Mr. Victorino.

Miss Parsons.

MS. PARSONS: Is it prudent to make a motion? Is

it prudent -- is it prudent to make a motion at this

point?

CHAIRMAN NOBRIGA: On what? Make a motion, I'll

tell you if it's in order or not.

MS. PARSONS: Okay. Based on the fact of the

testimony brought forth to us, and recognizing now that the

list has a lot of misrepresentation and duplicity, I'd like to make a recommendation that the names on the list -- that the list be halted from any further names being put forth until the list is thoroughly reviewed, cleaned up, and then brought back for approval.

And I'm asking that because I think that the way the list is right now we recognize as board members that we approve this list based on what the department has told us, based on the fact there was supposed to be an audit, based on the fact that we know now that this audit is incorrect. And so I bring this motion, I bring this motion forth for

recommendation to recognize the inadequacies of the
Upcountry water meter list.

MR. VICTORINO: Inadequacy or inaccuracy?

MS. PARSONS: Inaccuracy, excuse me.

CHAIRMAN NOBRIGA: Please restate your motion,

Miss Parsons.

MS. PARSONS: That we recommend that the list be
halted from adding any further names until the list is
reviewed, cleaned up, and brought back for approval based
on the information that we have received today, and for the
purpose of the board acknowledging the fact that there are

inaccuracies in this list.

CHAIRMAN NOBRIGA: The motion is out of order.

You are into rule making with the motion. The motion will
be not allowed.

MS. PARSONS: Why is it rule making?

CHAIRMAN NOBRIGA: You're making one rule, the
motion makes a rule.

MS. PARSONS: No, I'm asking for a
recommendation. I am not making a rule, I'm asking for a
recommendation for the Mayor to review, or whoever is going

to make this determination, that the list right now is going on and on, people are still being added to this list, okay. It's not being taken care of properly. We know that there are inadequacies in it, and we know that we have problems with it. And the board has approved this in the past, this list, based on information given to us by the department that we now know is faulty.

So therefore, I'm making a recommendation in this motion that no more names be put on this list until it's cleaned up, reviewed, and approved.

CHAIRMAN NOBRIGA: Restate your motion, please.

MS. PARSONS: I made a motion for a

recommendation that we halt - that the list be halted from

any further names until such time that it is cleaned up,

reviewed, and then approved.

CHAIRMAN NOBRIGA: Call for a recess.

(Whereupon a brief recess was had).

CHAIRMAN NOBRIGA: Back in order. Miss Parsons.

MS. PARSONS: So my motion is to recommend that

the list -- that no more names be added to the list until

the inaccuracies have been corrected.

MR. VICTORINO: Second.

CHAIRMAN NOBRIGA: Moved and seconded. Moved by

Miss Parsons, seconded by Mr. Victorino. Back to Miss

Parsons, you have the floor.

MS. PARSONS: Oh, I do. I basically stated why.

We recommended it. It's history; we recommended it. It's

time for us now to recognize that it has inaccuracies and

it needs to be taken care of so we know what the real true

list is.

I'd like to clarify one more thing. I was not

talking about when I said purge the list, I was not talking

about eliminating any TMK's. What I'm asking them to do is

to review and see if there are duplicities. If there are duplicities in the request, that the duplicities be removed. The higher number, take it off. If it's the same thing that the lower number is, take it off of there, and let's see what the real true list is.

CHAIRMAN NOBRIGA: Thank you.

MS. PARSONS: You're welcome.

CHAIRMAN NOBRIGA: Any other discussions for the motion? Miss Pyle, followed by Mr. Hashimoto.

MS. PYLE: I only just have one very small

little thing, and I would truly like to change the word

duplicitous or duplicity to duplication, because I think

that the word duplicity has a really negative connotation

that I am not sure that we want to have in our motion. So

duplication, I think, is a better choice. Thank you.

CHAIRMAN NOBRIGA: Mr. Hashimoto?

MR. HASHIMOTO: First of all, is there going to

be a timetable on this? Because if we are going to be

carrying this one again then the people waiting on the list

are going to be waiting a little longer. Are we going to

put a timetable on this?

CHAIRMAN NOBRIGA: Miss Parsons?

MS. PARSONS: I'm not talking about eliminating them moving forward with what they're doing with the list,

I am not talking about that. This is in addition to it.

So people that are on the list, they should move forward.

This may help them if the recommendation comes down, and if

an order comes down from the hierarchy, that they can --

that all the recommendation is going to do is stop from

adding any more people on here. Let's clean this up.

Don't add any more people on it, let's clean this up and

take care of this. And then once it's cleaned up we can

make a recommendation that you can add more people. You
might find that this whole list is only 200 people.

CHAIRMAN NOBRIGA: Miss Crivello? Crivello,

sorry.

MS. CRIVELLO: From what I understand, and I
guess for clarification purposes, the department rendered
the services of auditors Russell Yamane and Company. And
did the board receive a copy of the audit report.

CHAIRMAN NOBRIGA: Yes, we did.

MS. CRIVELLO: So with the report it shows that
this is all their findings, this list?

CHAIRMAN NOBRIGA: The auditors looked at the first 50 on the list to verify that the department followed specific procedures in regard to the first come, first served procedure that was being followed.

CHAIRMAN NOBRIGA: Miss Raisbeck?

MS. RAISBECK: This would reinforce my earlier request that we as a board receive information, like a report basically, of what the history of the different lists has been and what the reasons for denying water service at various times if that changed, so that we have a

little more, those of us who are new have more historical knowledge about how the list developed, and I would like that much information.

I also would like to ask someone to explain to me as a new member what the effect if we -- why would it be necessary to stop adding names to the list in order to clean up the list, in Ginny's terms, clean up the list that already exists, why is it necessary to stop adding names?

CHAIRMAN NOBRIGA: Miss Parsons?

MS. PARSONS: My feeling is it's just a prudent matter, because everyone that's on that list at this point

has an issue with us since this list has been presented as being inaccurate. So therefore I don't think we want to add any more names to that list already. We already have 702 or 700 something in one list, and the one that's posted on the internet is only 689. So there's too much discrepancy. I don't think we need to add anybody else to have more discrepancy with.

CHAIRMAN NOBRIGA: Mr. Hiranaga.

MR. HIRANAGA: I'm sorry, people, names are being added to the list or there's new applications being added to the list? I'm asking the department.

MR. TENGAN: Yes, we are adding onto the list as requests are made, as requests for meters are made.

MR. HIRANAGA: I guess my memory is not what it used to be, but I thought there was a cut-off date. Was it June 30, 2002?

MR. TENGAN: I believe the cut-off list was or the cut-off date was established for the purpose of determining what rate on the meter fees would apply.

MR. HIRANAGA: People can still get on to that Upcountry priority list?

MR. TENGAN: Right, but they would be added on

at the new rate.

MR. HIRANAGA: At the bottom of the list?

MR. TENGAN: And at the bottom of the list,

right.

MR. HIRANAGA: One other comment. I guess for

the new members, if you feel you need to have some type of

briefing or need to catch up on issues, I believe you can

schedule an appointment with George personally. When you

see -- you get your package of the agenda items and you

feel you need some background information, in the past

David would allow us to contact him so that for the other members who may be familiar with the issues we don't get unnecessary documents. Just a suggestion.

CHAIRMAN NOBRIGA: Any other comments on the motion? Mr. Okumura.

MR. OKUMURA: I just wanted to get the staff's feedback on the idea of putting a halt to adding the names to the list. What's wrong with that? What would be a good remedy if there's anything wrong with that?

MR. TENGAN: Mr. Chair.

CHAIRMAN NOBRIGA: Yes, Mr. Tengan.

MR. TENGAN: I think this is the appropriate

time for me to comment on the motion, if I may.

CHAIRMAN NOBRIGA: Yes, please.

MR. TENGAN: I don't believe that we should stop

adding names to the list because it's not going to affect

the accuracy of the list, if there's any inaccuracies. The

other comment I have is that we would need clarification on

what the motion means by "clean up the list." As far as

we're concerned, the list is what we're working with and

it's accurate enough for us to work with.

With regard to duplication, I don't see where

it's a detriment to anyone by having duplicate entries on the list, and I don't think we should just, you know, remove names from the list by being presumptuous and saying that it's a duplication. I think we need to afford those on the list the opportunity to respond at the appropriate time.

CHAIRMAN NOBRIGA: Go ahead.

MR. MURATA: I'd just like to talk to this duplication thing. You know, I do know that several people have duplicate requests, because if they're high up on the list and they're waiting for the department to complete

some CIP projects in order to get the meters, the project may not be complete in time before the name comes up. So they get on the list again in anticipation that maybe it's not going to be done this year, but if their project gets done in two years their name will come up after that two-year period.

So there's many of them that do duplicate the request in anticipation of somebody else completing a project in their area that will allow them to get their meters at a lesser cost as far as improvements are

concerned. So I don't think, you know, you should just automatically take these guys off.

CHAIRMAN NOBRIGA: Thank you. Any further comments on the motion? Since you are ready for a vote, all those in favor of the motion, which is to recommend that there be no additional names added to our list until all the current list can be what?

MS. PARSONS: The current list can be -- sorry. The current list can be reviewed, cleaned up, if necessary, and reviewed and then approved.

CHAIRMAN NOBRIGA: Thank you. All those in

favor signify by saying "aye."

(One Aye).

Opposed "nay."

(Nays).

Motion dies. First time I had to say that. Any

other questions about the priority list? I have some.

I guess, Alva, now all the people on this list

originally were denied service. Sorry, huh, I never get my

chance. The list, everybody on the list was denied service,

correct?

MR. MURATA: Yes.

CHAIRMAN NOBRIGA: Previously.

MR. MURATA: Yes.

CHAIRMAN NOBRIGA: They were denied service because one -- they were denied service because of inadequacies in the system, correct?

MR. MURATA: Inadequate source.

CHAIRMAN NOBRIGA: Okay, source. Weren't there also some applicants that were denied because of inadequate distribution?

MR. MURATA: There are services that are denied because of inadequate distribution system, but those people

are not put on the list based on that reason. We need to be sure that source is adequate. We need to be sure the transmission and storage and distribution systems are adequate. The source was the only one where we denied meters. If source was inadequate, meters were denied.

CHAIRMAN NOBRIGA: So now that we have defined additional source, you're saying it's not the department's position to deny a meter request because of inadequate distribution?

MR. MURATA: Well, with the passing of the new

rule, we cannot deny meters based on source any more because, as you're saying, source is there. We're issuing meters again by the rule that says that we have to go down the priority list to issue meters. Distribution is another issue that these people on the priority list have to meet before they can get their meters. The distribution system has to also be adequate.

CHAIRMAN NOBRIGA: So when the rule was passed on satisfying the meter issuance to people on the waiting list, it had nothing to do with the distribution system. If the distribution system was inadequate they still

wouldn't be able to get a meter until they fixed up the
distribution system?

MR. MURATA: Yes. To my knowledge, yes.

CHAIRMAN NOBRIGA: Many of these people who are
on the waiting list because of inadequate source, I don't
want to say a lot of them, but many of them were family
subdivisions, correct?

MR. MURATA: Yes.

CHAIRMAN NOBRIGA: Now a lot of these family
subdivisions was resubdividing a family subdivision? You
don't know?

MR. MURATA: Possibly, yeah.

CHAIRMAN NOBRIGA: Because of that, there was historical agreements with the department that required the new, any new subdivisions to assist and pay for distribution services, yeah, to the system, to the subdivision prior to the subdivision being issued and meters being issued.

MR. MURATA: You're kind of losing me.

CHAIRMAN NOBRIGA: So now we have capital improvement projects that went into place. Property is our next -- the property that was denied service because of

distribution and source does not have any difficulty with
distribution and source. Yet because they were placed on
the priority list, priority list, they still cannot get
their meter?

MR. MURATA: Correct, until their name comes up
on the list.

CHAIRMAN NOBRIGA: So part of the retiring of
the priority list was to take the low numbers, the people
that were not able to provide infrastructure, and move down
the list, right, to the guys that are ready to go. Because

there's a lot of guys ready to go.

MR. MURATA: Yeah, and I think that's the reason for the 30-day period for them to make a commitment or give up their place on the list.

CHAIRMAN NOBRIGA: For many of the applicants on the waiting list, it's not a question of source, it's a question of capital improvement projects within that area being prioritized before other CIP projects. This board has never acted on that. So a more applicable motion when speaking about the priority list, when recognizing the testifiers this morning, was a motion to recommend that the

priorities for CIP projects to increase pipeline service in the Upcountry area be elevated in engineering. Ask the engineers. Elevated, you know.

MS. PARSONS: I'll make that motion.

CHAIRMAN NOBRIGA: Maybe you guys like talk about that but.

MS. PARSONS: I'll make that motion.

CHAIRMAN NOBRIGA: Okay. Thanks, huh.

MS. PARSONS: I'll make what he said.

CHAIRMAN NOBRIGA: Is there a second?

MS. RAISBECK: Say again, what is the motion?

MS. PARSONS: To make the CIP projects -- what he's saying is some of the people were denied because there was no source at one time. Some of them don't have their, even if there was source, they don't have the infrastructure, it's not adequate to be able to take the water, and a lot of that has to do with fire flow issues. So what he's saying is and we're trying to fix a lot of those issues. Those are called CIP's.

So what we're saying is that those on this list be elevated in the list of CIP priorities so that they can receive the water meters, since they've been waiting for

ten years at the most, and sometimes in cases 20, 25 years to even get water to their family subdivisions. So maybe it's time we focus on their needs as well.

MR. VICTORINO: So what you're recommending is that we change our CIP priorities to match up with the Upcountry priority list, is that the motion?

CHAIRMAN NOBRIGA: Yes.

MS. PARSONS: We really haven't seen a CIP priority list per se.

MR. VICTORINO: I'm asking is that the motion,

because everybody is asking what the motion is.

MS. PARSONS: Is that the motion?

CHAIRMAN NOBRIGA: Yes.

MS. PARSONS: So that it can be -- it can focus
in the area of Upcountry.

MR. VICTORINO: So you want a regular motion
just to understand what we're trying to do?

MS. RAISBECK: I think it's been stated now. I
didn't hear it before.

MR. VICTORINO: Okay, so that's the motion, to
recommend our priorities in the Upcountry area to match

this priority list in the area of CIP.

CHAIRMAN NOBRIGA: Thank you. Is there a

second? No second? Okay. Thanks, though.

MS. PARSONS: We tried.

CHAIRMAN NOBRIGA: Anything else under Upcountry

priority list? We will move on then. Item C, report on

water quality of the Po'okela Well and processing the

reservations for water meters. Mr. Tengan.

MR. TENGAN: Mr. Chairman, the reason for this

item on the agenda is, as you know by now, on the page

following my report is a copy of the letter that was sent

out by Mayor Apana and David Craddick in December. This letter basically invited applicants to submit their names.

CHAIRMAN NOBRIGA: Mr. Tengan, you have got to speak up. The mike is not working. Sorry, huh. You're making all da kine sexy kind voice. (Laughter).

MR. TENGAN: Mr. Chair, the reason for this item being on the agenda is that at the time in December, Mayor Apana and David Craddick got together and issued this letter inviting applicants to submit their names and to put down a reservation deposit to place for meter

reservations. This was based on the Po'okela Well being

able to produce 1.5 million gallons per day.

However, when I was appointed to the position I felt uncomfortable at that time because we didn't know the quality of the water at that time. We didn't know whether it was infested with contaminates or not. We wanted to show that we could use that water and place it into our water system. So I had instructed the staff to halt the receiving of reservations. And I also instructed the staff, because I didn't know at the time how long it would take us to get the water on-line.

However, upon receiving the report for the well, basically the amount of water that could be produced and the quality of the water, I am now of the opinion that we can proceed with the receiving of reservations. So at this time I'd like the board's concurrence that the department go ahead and start receiving reservations once again.

CHAIRMAN NOBRIGA: Thank you, Mr. Tengan.

MR. HASHIMOTO: So moved.

MR. VICTORINO: Second.

CHAIRMAN NOBRIGA: Moved by Mr. Hashimoto.

Seconded by Mr. Victorino that the board does vehemently

recommend to the department that they begin taking

reservations again, not only for the Indians, but for all

the people of Upcountry Maui.

MS. RAISBECK: Process.

CHAIRMAN NOBRIGA: Process reservations, thank

you. Any discussion? Miss Raisbeck.

MS. RAISBECK: Yes, I have some questions, Mr.

Chairman. First of all, I am very glad that the Director

was cautious when Mayor Apana and the former director sent

out a letter before they tested the well. And also I

noticed they sent out their letter before the six day

pumping test. And it's wonderful that there's a really good well there.

But as far as taking new reservations, what is the expected on-line date for this well and this excellent source of water?

MR. TENGAN: Right now we are closing up the, wrapping up the -- at the present time we are wrapping up the design contracts with the consultant, so the consultant is already on board, and we expect the design process to take another three, four, maybe up to six months, and then we will go out to bid. That might take a couple of

months. And hopefully within eight months or so following

the award of the contract we can get the well on-line.

So I would think a year and a half would be an

optimistic estimated time. Two years would be probably the

maximum time we would need to get the well on-line. And in

the process, you know, it's going to take us awhile to

contact all the people on that priority list to determine

what their requirements are. So this will give the

department some time to process the reservations and issue

the meters.

MS. RAISBECK: May I continue, Mr. Chair?

CHAIRMAN NOBRIGA: Yes, Miss Raisbeck.

MS. RAISBECK: I am not real familiar with the difference between an exploratory well and a production well. And is it the same hole that is now producing 2 million gallons a day? You aren't going to redrill something, are you?

MR. TENGAN: No, we are not. When we do the exploratory well we normally do the hole the size of a production well, so that in case the well can produce high quality water in sufficient quantities we can good ahead

and develop the well without having to rebore the hole.

MS. RAISBECK: And again, in light of my ignorance, if you will, what is going to take the two years? I mean what is it that takes the two years before it gets on-line?

MR. TENGAN: Well, it's the design of the well, design of the pump, the design of the control station, the design of the connecting pipelines. That all takes time. And then following the design we need to put it out to bid. Then the contractor would have to go and order the pump and all the motors and the motor controls and

construct the control building. So it takes awhile to get
all of these things done.

MS. RAISBECK: I see. Thank you.

MR. TENGAN: And oh, yeah, I forgot to mention,
as the contractor or the consultant is going through the
design phase, I believe we are also going to be requiring
him to file an EA on the project, environmental
assessment.

MS. RAISBECK: Okay, and that takes time?

MR. TENGAN: Yes.

MS. RAISBECK: And may I continue, Mr. Chair?

CHAIRMAN NOBRIGA: Yes, Miss Raisbeck.

MS. RAISBECK: Somewhere somebody in some venue said something about a private well that was being drilled nearby, and I wondered if you knew how close that private well was going to be to this well, and would it take water from the same aquifer, I presume.

MR. TENGAN: I don't know if you are referring to the well that Maui Pine had originally planned to drill. But when they saw that we were interested in drilling a well at Po'okela, they pulled out their plans to

drill a well nearby.

MS. RAISBECK: And you don't know of any other private well in the area?

MR. TENGAN: None that I know of. But Maui Pine is still pursuing a well of their own, and they're working with us as to the location of the well.

MS. RAISBECK: Would it be within a mile or two miles?

MR. TENGAN: That hasn't been determined yet, but we would make sure that that well wouldn't affect our well.

MS. RAISBECK: Because the three that were drilled in Waiehu long ago, they did interfere with each other, right? I mean it would have been better if they had been more widely separated.

MR. TENGAN: They might have been. But normally when we put two wells close to each other one is intended to be a backup in case something goes wrong with the main well.

MS. RAISBECK: That's all, Mr. Chair.

CHAIRMAN NOBRIGA: Thank you. Mr. Hiranaga.

Mr. Okumura. Mr. Hiranaga.

MR. HIRANAGA: I guess I'm a little concerned about the need to start processing these reservations. The monies are being held by the county for 18 to 24 months. The engineers are working on the list from the top down, so if people on the bottom of the list are putting their reservations in they're going to be calling the department to see if their need has been analyzed. It just seems like you are going to create this large wave of applications all at once.

I mean I am assuming you put the money in an interest-bearing account. Who receives the interest over

those two years? It seems a little premature to me. If you're working with the first 50, right, and then after that you go to the next group, why have someone who is 700-something put a deposit on a reservation?

MR. TENGAN: Well, we are going to be working with the list in a chronological manner as the names come up, and our engineers will be evaluating the system to see what kind of improvements need to be made. So it will give the applicants time to decide as to whether they want to proceed or not.

MR. HIRANAGA: Wouldn't it be more orderly to have the department contact the applicants as their name comes up on the list, versus having someone who is number 650 come in and place a deposit?

MR. TENGAN: It's going to be the applicant's choice to place the deposit with us. I believe all applicants know that there is a rule in place in receiving the reservations, which is one year in most cases, you know, especially if they're way down the list. One year would be sufficient time for us to even get to them. But anyway, you know, the choice is going to be the applicant's

choice.

MR. HIRANAGA: Thank you.

CHAIRMAN NOBRIGA: Mr. Okumura?

MR. OKUMURA: Mr. Chairman, so it looks like if

this well comes along you can pretty much go down the list,

you know, and it would cover a big portion of that existing

list?

MR. TENGAN: With the 300,000 gallons we're

working with today, we estimate that we would be able to

cover about 100 of the people on the list. And if the well

can produce one million gallons per day, you know, that's

another 300,000, maybe another 300 or 400 people on the list.

MR. OKUMURA: So if we put like maybe a person signs up and he's 725, maybe, or number 700, would we be sort of saying, oh, we're building up his hopes that he will get a meter as opposed to he might not?

MR. TENGAN: I don't know if we will be able to get to that person within the next two years, because it does require an extensive evaluation of the system. And the engineers right now are able to get about, at the most, ten letters out per week without beefing up our engineers

that we have today.

I have instructed the engineering program manager to get the other engineers involved so that we can get more letters out, rather than only relying on Herb Chang. So that's something we are going to be working on, and hopefully we can get to more people. However, if somebody is on the list that is number 700, you know, then in all likelihood we wouldn't be able to get to that person for awhile. It's going to be his choice whether he wants to put in the reservation deposit or not.

CHAIRMAN NOBRIGA: Miss Raisbeck.

MS. RAISBECK: Thank you, Mr. Chair. The question of the list and if it's going to be two years before water is actually, extra water is actually available, brings up a subject I was planning on asking to be put on the agenda next month, but I will just mention it now. Which is that the Mayor in speaking to us when he came and talked to us, he talked about reserving water for affordable housing. And the Council, if you look at their water resources subcommittee, they have some proposed ordinances that have been hanging fire that involve use

allocation of water.

And also, when I went to the budget committee of the Council, their hearing, some of the questions, they were asking very pointed questions, gave me the impression that the Council may be moving to use allocation, which they have the power to do under -- already under the County code.

In the Iao Aquifer where it's well above 70 percent and has been for a long time, they do have the authority to allocate water to the different uses, residential, agriculture, hotel, all of those. And I

believe they haven't explicitly said it, but I think
Upcountry too, they would have the power to do use
allocation. And that's going to really sort of run head-on
into the priority system, which is first come, first
serve.

So I would like to see this board at some
appropriate time have a workshop with the Council and the
Corp Counsel's office and work out what's going to happen
to the priority list if the Council goes to use allocation
of water. Thank you, Mr. Chairman. I just wanted to bring
up the subject.

CHAIRMAN NOBRIGA: I will note it.

MR. TENGAN: Mr. Chair?

CHAIRMAN NOBRIGA: Yes, Mr. Tengan.

MR. TENGAN: I don't think I want to get back

into the situation where we were in December, where we had

300,000 gallons of water to work with and we invited

everybody to submit their reservations. So I think what I

want to do is to determine what would be the capacity for

the well.

This might take a couple of months in working

with the consulting engineer, but once that amount is determined, then we can set -- because we are working with accumulated amounts of water based upon the requests that have been submitted, we can kind of estimate how far down the list we can go with this well.

So at that point, you know, we can make a determination as to let's say if we could reach number 600 with this well here we would invite all the people on the list up to number 600 to submit their reservations. In the meantime, I would feel comfortable with working with the next 500,000 gallons. So I think with the board's

concurrence, I would like to proceed in that manner.

CHAIRMAN NOBRIGA: Thank you. Any further discussion on the motion? Mr. Hiranaga.

MR. HIRANAGA: I'd just like to encourage the department when they're contacting these people, I think you briefly went over the process to bring the Po'okela Well on-line. You mentioned the involvement or assessment. I think that's one area the department has very little control over, if there is opposing parties to the development for a well, which could then extend the time period from which the water will come on-line. We

have seen that with the East Maui well plan, which has been delayed for ten years now.

So I guess we're all assuming no one is going to oppose the Po'okela Well, but we really don't know that for sure.

CHAIRMAN NOBRIGA: Any further discussion on the motion? Miss Parsons.

MS. PARSONS: You know, we don't know whether Saddam is going to drop a bomb on us either, but we have some problems Upcountry that the Po'okela Well can help, that are beyond even the priority list. We have a C-9

issue that even though we have changed the phosphates the people Upcountry would prefer not to have additives in the water. So with that Po'okela Well being groundwater, possibly surface water might eliminate any need for additives. And the folks Upcountry have stated they don't want additives of any kind in their water.

So I don't think we can look at the what if's, if we're going to get sued. We have got health issues, we have got a priority list, and there's nobody out there shaking a stick at us right now that says they're going to

sue us, other than the people who got their money returned and had detrimental reliance on the county and the department for the previous administration allowing them to come forth and register for water, on their beliefs that the well was sufficient. So we knowingly know, and I have stated this on the record, that the list is an issue and these people have good cause. So we need to be able to go back out.

Now, of the 300 letters that the Mayor sent out, that Mayor Apana sent out, only 20 people came forward and were ready to put their money up. And I don't think you're

going to have a whole lot more than that, because people are not ready to put that kind of -- put those kinds of funds in. If they are, I'd be surprised. If we limit it maybe to the first three hundred on the list, if George feels that that's something that's doable, and we go down the list that way and we get to 300 and we still have room, we can up it again.

But I think right now the actions that have gone on in the last six months have caused us quite a bit of liability, and liability as board members. And knowing from what I'm told from JP Schmidt, because I called him

about this list issue, knowing what I know now, our veil can be pierced. And we made the recommendation and approved this list based on the department. That doesn't hold any water. We know now the difference.

CHAIRMAN NOBRIGA: Mr. Victorino.

MR. VICTORINO: No, I don't need that. I just want it known to the entities, the Mayor, the Council, that this priority list and many of the people that sit on this priority list, it is my hope that they are not somehow sidetracked or stepped aside for the guise of affordable housing or allocation, or whatever other means. Because if

it is done, then I want you to understand it was not our wishes nor our desire, nor the department to do that. But entities that are above us who have what we call the control of it all will be the ones that make that decision, and then you have to turn your attention to them, okay.

So let that be known, that we stand by you, but if that's changed by those in the power to be, then I'm sorry, there's not too much I can do from that point forward. Or we can, I should say, we. Thank you.

CHAIRMAN NOBRIGA: Any further discussion on the

motion? Mr. Hiranaga.

MR. HIRANAGA: Clarification. Was Mr. Victorino speaking for himself or for the board?

CHAIRMAN NOBRIGA: For himself.

MR. HIRANAGA: Okay, because he kept saying "we." It should be "I."

CHAIRMAN NOBRIGA: Portugee style. Sorry.

Mr. Kushi.

MR. KUSHI: Mr. Chair, just for technical clarification for the department's benefit. If the department goes on and accepts reservations to whatever

number deems advisable. And George said 500,000. I am not sure what that equates to in terms of numbers. I need to remember, recall, or remind the board that once somebody gets a reservation, applies for a reservation, your new rules state that they have two years, plus six month extensions, a total of three years to install a meter.

If they can't install a meter within that time period, they forfeit the money, unless any event or occurrence is not caused by the board. If it's something occurring that the board has no control over, let's say the source is not there, it's out of our control, then we need

to refund the money with interest, okay. But if it's something that we have the source and they wait three years and they can't put it in, like this Mrs. Hoeffken, and it's their fault they can't do it within that time period, your rules say they forfeit the money.

So you may have situations down the road where they say, "Well, you know, I can't do the improvements" and you have no further extensions. So I just want to advise the board of that.

CHAIRMAN NOBRIGA: Thank you. Any further

discussion on the motion, which is to recommend that

reservations be accepted based on the quality report for

Po'okela Well. Since you are ready for a vote, all those

in favor signify by saying "aye."

(Ayes).

Opposed "nay."

(Nays).

Motion denied.

MR. KUSHI: Hands, please. She didn't get it.

CHAIRMAN NOBRIGA: All those in favor -- let's

have a hand count. All those in favor signify by saying

"aye." Raise your hands.

(Ms. Parsons, Mr. Hashimoto, Chairman Nobriga).

Okay, "nays" likewise.

(Mr. Hiranaga, Mr. Okumura, Ms. Crivello, Ms.

Pyle, Ms. Raisbeck).

CHAIRMAN NOBRIGA: Motion is denied.

MS. PARSONS: Mr. Victorino didn't vote.

MR. VICTORINO: I abstained.

CHAIRMAN NOBRIGA: So an opposing majority,

okay. Next item of business --

MR. HIRANAGA: Mr. Chair, just for clarification.

CHAIRMAN NOBRIGA: Yes, Mr. Hiranaga.

MR. HIRANAGA: Because the other board, an
abstention was considered an aye. Our rules say an
abstention --

CHAIRMAN NOBRIGA: An abstention goes to the
prevailing party. So since the ayes prevailed, the
abstention goes to the ayes. (SIC).

MR. HIRANAGA: Is that in our rules?

CHAIRMAN NOBRIGA: It's Robert's Rules. Thank
you. Next item is report on Iao Aquifer chloride levels.

MS. RAISBECK: Mr. Chair.

CHAIRMAN NOBRIGA: Yes, Miss Raisbeck.

MS. RAISBECK: May I ask one question about the preceding item before we move on?

CHAIRMAN NOBRIGA: Sure.

MS. RAISBECK: I just wanted to make clear that even though the board voted against this motion, I firmly believe that the Director has the power, regardless of what we recommend, to do what he wants to do. Thank you.

CHAIRMAN NOBRIGA: But the Director asked us for our input, and if our input was no, then that means no.

But he still does have the authority to proceed,

definitely.

Okay, report on Iao Aquifer chloride levels.

Mr. Tengan.

MR. TENGAN: Mr. Chair, Ellen will be giving the report on this.

MS. KRAFTSOW: The chloride levels for -- the three chloride levels as of March 31st were 124.4 for Mokuahu. You have the graph on page 64 of your packets. 124.4 for Mokuahu, 14.1 for Kepaniwai, 77.3 for Waiehu Heights, 36 for Waiehu, and 48.9 for Wailuku Shaft. Those

numbers are graphed on page 64, and the three numbers you see next to them in the legend are the caution, alert, and critical levels as defined in the chart.

CHAIRMAN NOBRIGA: Any questions? Miss

Raisbeck.

MS. RAISBECK: Thank you, Mr. Chair. Thank you

for a lovely presentation of the data. It certainly is

understandable and easy to read. There are some criteria

that we have to be sure to meet, otherwise there's

automatic designation of the Iao. Could we also routinely

get those numbers?

MS. KRAFTSOW: Yeah. Pumpage must be less than 18 million gallons per day. As of March 31st it was 17.44. The mid-point of the transition zone must be less than 680 feet at the Waiehu deep monitor well. The most recent number we have from the State Water Commission is August of 2002, they're just about to remeasure it, but that was 695 feet below sea level, so we're okay there.

They also mention that the current estimated rate of rise is 4.75 feet per year, which they note is slowing down. That's good news. At Waihee the water levels at the Kanoa test hole must be greater than six feet

above mean sea level on an annual average moving -- moving average basis. And the most recent MAV was 7.13, according to the commission.

CHAIRMAN NOBRIGA: Any other questions? If

there's no action to be taken, the report will be filed.

The next item, Director's 03-10, Maui Community

College irrigation class sponsorship. Mr. Tengan. Oh,

Jacky.

MS. TAKAKURA: I have one correction to make.

It's not actually an MCC irrigation class, although it is

being held at MCC. It's sponsored by the University of

Hawaii Cooperative Extension Service, which is part of the
College of Tropical Agriculture and Human Resources, which
Clark Hashimoto is a member of.

The workshop is actually a series of three
classes taught by a professor from the University of
Hawaii. I went to the first class and it's quite
well-attended by a lot of landscape companies and other
organizations here on Maui that work in landscaping. And
the focus of the class is how to optimize landscaping, not
only in terms of the kind of soil that the property has,

but also using water. And it really benefits the water situation on Maui, because not only is it educating this group on using the right amounts of water, which saves water, but also it protects our groundwater resources.

Because by not using too much water we don't worry about pesticides and things getting down into the groundwater.

The classes are three dates, March 28th, the next one is tomorrow, irrigation systems and irrigation scheduling, and the last class in May will probably be at the MCC campus. It will be out in their field behind the classroom. We participated by giving them a grant of

\$1,350.

CHAIRMAN NOBRIGA: Thank you. Any questions, members? No action is required, so the report is filed.

Director's Report 03-11, the fiscal year 2003 write-offs. We ask for Holly Perdido to give us the report. Uno momento.

MS. PERDIDO: Good afternoon. This is -- every year we bring before the board the amount that we write off of uncollectable accounts. This year the amount is a little bit higher than last year. But due to bankruptcies a good portion of it, \$9,000 of it, is for bankruptcies.

The total write-off this year is \$16,285, which is a very small percent of our total billing revenues. We just bring it before the board in the past for approval to write them off. It's still with collection agencies to collect. The bankruptcies, of course, we can't, but any of the others are.

CHAIRMAN NOBRIGA: Thank you. Any questions members? No further action is required and the communication will be filed.

Unfinished business, communication 02-32, a letter from Hugh Starr requesting to amend the Department

of Water Supply rules and regulations to amend the
definition of subdivision with written testimony from
Thomas D. Welch, Junior. Mr. Hugh?

MR. STARR: Thank you very much, Mr. Chairman,
Hugh Starr, members of the board. Congratulations to the
new members, welcome, good luck. If you could indulge me
for just a minute to diverge a little bit, I want to just
reflect on some of the comments that I heard this morning
and share some of my thoughts, and this has to do with some
of the things I have spoken with the board about previously

regarding fire protection and distribution lines, and this

sort of thing.

It's clear that many people Upcountry need

water. They're on this list. They have expectations. And

what most people have not yet realized who are on this

priority list is that when they actually go in to apply for

their water meter they are going to be faced, many of them,

with exactly what you heard from Tom Dago's wife. You

know, \$1.2 million, five thousand lineal feet of

distribution line, et cetera.

This has always been a concern to me, and I

think that Dudley De Ponte said it in his talk this morning, that is this not the responsibility of the government to provide fire protection and water to communities? Our system right now is such -- and I don't know how many are aware of this, and I don't have the exact numbers, but I was shocked to learn that when you have a \$6,030 meter charge when you go to get a water meter from the department, there is in the rules, I believe, a breakdown of what that \$6,030 represents. And I am going to generalize, because I don't have the exact numbers. And I asked a couple of people and they didn't have them

either, so pardon me if I'm incorrect.

Roughly \$2,000 of that is for source

development, wells, whatever. About \$2,000 of it is for

transmission lines, getting the water from the new Po'okela

Well to Keokea, et cetera, Waihee to Makena. And the last

third, or \$2,000, is for water storage. And I don't know

if anybody has realized that there's something missing from

that meter fee. That's distribution lines.

There is no allocation in our meter fee for

distribution lines. And all I can think of, having been

around here awhile, is that it was from Elmer Cravalho's

time when the first guy that came through the door was the
guy that paid. There was no -- it worked. Maui was a
different place in the 1970's.

Today what's happened is we have this
accumulation of lack of capital improvements, and we're at
a kind of a point now where a single applicant comes in for
a five-eighths inch water meter in Kula and is told by the
department with an absolutely straight face that, "You are
going to spend \$1.2 million if you want that five-eighths
inch water meter."

Now, what that tells me, because I'm a

businessman, is there's something wrong with this picture.

So one of the things that I would ask that the board

consider is to encourage dialogue with the department to

address this issue of distribution systems, and how we do

this. There are many jurisdictions on the mainland, and

all you have to do is spend eight or nine hours on the

Internet and you will find many communities who have their

rules and regulations and their procedures and policies

right there on the web.

And I've -- in the searching that I've done,

just through my frustration with the fire protection issue,

I don't think I have found one community that even comes close to the system we have here on Maui. So we've got is

we've got guys like Dudley De Ponte, I mean we could all feel his frustration. He is born and raised, and he's frustrated. And I think, my personal opinion, he has a right to be frustrated. But I want to help, so I make myself available to you all in any way I can. And I would hope that you would have the opportunity to take the opportunity to discuss this with the department and encourage them to address this issue, to look at it. Just

to open it up and think about it and discuss it.

So I wanted to share that, because what's going to happen is what you've seen this morning is just the very tip of the iceberg of what you are going to see down the road when Po'okela comes on-line. And we are talking 500 reservations; you are going to have 458 issues like you saw this morning. Thank you. So the reason that -- I appreciate the indulgence, thank you very much.

The reason that I'm here to speak, I'm on the agenda, is with respect to the issue of condominiumizing CPR's. I have been working with the department and the

board on this issue. I think it's been almost three years now, maybe four.

CHAIRMAN NOBRIGA: Almost five.

MR. STARR: Almost five? That's scary. So I am frustrated, I have to say. I'm pretty frustrated by it. I try to manage it as best I can. There is a lot of confusion about it. You all have been beaten up pretty badly today, and I don't want to prolong the agony, so I am not going to get into a lot of details of it. Because I understand from Mr. Kushi that the whole issue of rule

making is you don't -- is in question right now.

But I would like to just make some general comments about CPR'ing and condoing. The water department, as I understand it -- well, in the water department's rules there is a definition for the word "subdivision," and that definition, in my opinion, is very poorly written because it can be interpreted at least two ways, maybe more. And so what's happened is that it's allowed the department to interpret that rule in one way, whereas others might disagree with that interpretation.

My understanding is the department had a policy

about condominiumizing that basically ignored the fact that it should be considered a subdivision under that definition until about three or four years ago. And then a decision was -- a policy was made in the department to consider all condominiums as a subdivision. Now what that means Upcountry is that you really can't do a condominium if you can't get another water meter, or if you can't meet fire protection requirements. And I think that we as a community, Maui, we're missing a real opportunity to provide for our people by encouraging this interpretation of policy.

Dudley De Ponte spoke to you this morning about family. Tom's Backhoe talked to you about family. The other woman that spoke about her three kids, family. Almost every one of them was family. And condominiumizing in some instances, in many instances -- in fact, in most of these instances that my son Brook and I were listening to today, at lunch we said, you know, almost every single one of these problems could be resolved if they were just allowed to do a condominium. And in the department they didn't have -- not a rule, but a policy that you couldn't do this.

So we're missing an opportunity to provide our people with more affordable housing. It is truly a way to help families in succession, as well as other ways of providing estate planning and the like. So it's an important issue and I would, again, in this instance encourage the board and request that the board try to keep this issue alive in the department. Because it's clear to me the department's policy is that they want to continue this policy of considering a subdivision, and I think that it needs to be discussed. It needs the light of day and

discussion, and we need some finality to it. And it doesn't require a rule change, it does not require a rule change, it simply requires a change in policy in the department.

So again, I would like to be involved in this process to the extent that I can. I appreciate your listening to me, and if you have any questions I'd be happy to answer them, and thank you very much.

CHAIRMAN NOBRIGA: Members, any questions for Mr. Starr? Miss Raisbeck.

MS. RAISBECK: I don't want to always be first.

CHAIRMAN NOBRIGA: No, all yours.

MS. RAISBECK; Yes. My question is, you say it doesn't require a rule change. There is no, nothing -- perhaps I could address this to the Director. Is there anything in our rules that say condominiums have to be treated as a subdivision whether the land is divided or not?

MR. TENGAN: Well, as stated in Hugh's letter to the board, the definition of subdivision, toward the end there it says "planned unit development and condominiums of three or more units for the purposes of this rule shall be

included in this definition." So right there it says that

a condominium should be treated as a subdivision.

MS. RAISBECK: So it is in the rules?

MR. TENGAN: Yes.

MS. RAISBECK: So it would require a rule

change?

MR. STARR: Technically, you know, I guess what I

would say is then what about all the condominiums that are

using one meter, are they illegal? Are we talking

consistency? In other words, there are many residential,

commercial, apartment, industrial condominiums in Maui

County that are all being served by one master meter. They are in contradiction to the rule, and yet it's been like this, it's been fine, it's worked fine until someone in the department two or three or four years ago decided that they didn't like the idea of people doing condominiums on residential property, so therefore let's enforce, as a policy, this rule.

Well, the rule has been abused since 1977.

Maybe abuse isn't the right word. It's been ignored. The contradiction or the vagueness of the rule has been

overlooked for 30 years, until someone in the Department of Water Supply decided that they would enforce it literally.

So my point is yes, ideally we could just change the rule, because I think the rule is poorly written. And I would encourage all the board members to read that subdivision rule, the last couple of sentences, and try to decide for yourselves what is it really saying. What is that reference to subdivisions and condominiums really referring to? And it's ambiguous, at best.

But what I'm proposing is because this is such an important issue and it's been handled in a way that it

has been for 30 years, why can't we just do it within the department as a policy, as it's been done for 30 years, until such time as the rule can be changed or not changed, but there's some clarity to it in a rule-making capacity.

In other words, go back to the policy that was, and forget trying to change the rule, which is what I have been trying to do for four years, until the dust settles on just who has rule making authority, at which point I will be back to encourage a change in the rule, I can assure you, because I don't think it's fair. And I don't think it's good for Maui County. And I don't see where there's a

disadvantage to it.

In other words, I would encourage someone from the department to come forward and explain to me where the county or anybody is damaged by going back to the policy as it was. It doesn't increase water consumption in any way. We had that debate with David Craddick, and it was put to rest. It's been proven it does not increase water consumption.

Every lot in a place like Maui Uplands that's a half acre lot, every lot has a house and a guest cottage on it. They are sharing one meter. You cannot increase

density by doing a condominium. You can build no more houses, the county zoning determines that. So the water meter is being used for the same number of units, the same water consumption. What's the damage? And the upside needs to be discussed, because it is affordable housing. It's affordable housing that is within reach of us without any of these other issues that come up with affordable housing.

For example, my son, Brook. You know, he's

trying to get started here. You know, last August what was

it, the median price of a house in Maui County was \$484,000. Now he's a graduate of Pepperdine University, you know. He's trying to get started back on Maui where he was born. And are we asking him to go take out a mortgage on a house for \$484,000? I've been here born and raised, lived on Maui 30 years, worked, done very well. I couldn't afford that.

So if he can go with his friend Kit, who is a young stockbroker and they went to school together, and the two of them can find a lot that has two houses on it, a 2-acre lot, half-acre lot, 10,000-square-foot lot and they

do a condominium on it, each one of them can then go to the bank and get their own financing so that they're huing up with each other, islandwide old tradition, but they're not partners. And it's a way for them -- in that situation they might be looking at a house and a place to live for half of \$484,000. That's available to us with a policy change in the department. What's the negative impact, what's the damage? I don't see it. There isn't any. It's just they don't want it.

And as someone from the outside, someone who has to like grovel in the business world, I'd like to

understand what the justification is. What are the costs and benefits of a policy? And that debate isn't occurring, we're stuck in the mud.

CHAIRMAN NOBRIGA: Miss Raisbeck.

MS. RAISBECK: If I could comment. I would like very much to see a debate on this issue, because as a new member I need to know pros and cons.

MR. STARR: Absolutely.

MS. RAISBECK: And there are many other policies perhaps where we need to go over again in the light of present day circumstances what the pros are and what the

cons are. And does it impact, I mean is there any impact on fire protection? Who is going to pay for the fire protection as we expand? There are a lot of interrelated issues interrelated with planning that need to be addressed. And I welcome any movement on the board to resolve some of these policy questions in order that we can advise the Director, advise the Council, advise the Mayor sensibly with the knowledge of all of the pros and cons basically.

MR. STARR: Yes. I appreciate that.

CHAIRMAN NOBRIGA: Thank you, Miss Raisbeck.

Anything else, anybody else? Mr. Hiranaga.

MR. HIRANAGA: My recollection under the previous chair, under the previous chairman we had a rules committee, and I think we recommended that change, but the recommendation was never brought to a vote. But unfortunately now we no longer have the authority to change the rules. But I don't advocate turning the other way. If the rule is the rule, that's the way we have got to conduct business. If you want to change the rule, which I agree it should be changed, but right now we have no means of

changing the rule. So it's an unfortunate situation.

I agree with Hugh that allowing

condominiumization does not allow any additional density.

That 2-acre ag lots you are allowed one main dwelling and

one 1,000-square-foot second dwelling. If you

condominiumize it, it still stays the same, you just have a

different type of ownership. It provides an opportunity to

create affordable housing. For someone who is willing to

live in a thousand-square-foot house who cannot afford to

buy two acres. I don't think there's a single lot for sale

in Haiku for two acres under \$300,000. But I cannot

advocate not following the rules.

MR. STARR: I appreciate that.

CHAIRMAN NOBRIGA: Miss Parsons.

MS. PARSONS: Hugh, I understand, I'm with you

100 percent. Have you been to see anyone in the County

Council, for example, Jo Anne Johnson?

MR. STARR: No. It's been working strictly with

the Water Board up until the charter amendment, and now I'm

just waiting for the dust to settle, and now it's time to

start working with the department. So that's where we have

been. I haven't taken it to the Council.

MS. PARSONS: It might be a good time, maybe simultaneous to Danny Mateo and Jo Anne Johnson. I know that they're looking at different forms of development.

And one of the comments that Jo Anne Johnson made to me was that in other cities in the mainland and in Honolulu people tend to have an apartment or a condominium or a townhouse first, and then move into a home, a lot. And for some reason out here in the neighbor islands we feel that everybody has to be on their own lot, they have to have a house first instead of an apartment or a

condominium.

And her whole take on it was to move it back to where we have starter homes so there is affordable housing. Because in the condominium area, even in Kihei there are some affordable condominiums that are out there, and they're good starter homes. So it might be a solution, another avenue to start looking at too.

MR. STARR: Thank you.

CHAIRMAN NOBRIGA: Anybody else? There's no disposition for this item. With no objection, we will defer this action to the next agenda. Thank you.

Communication 02-40, letter from Dorothy

Uwekoolani as an appeal for water. Miss Uwekoolani,

please. Hi, Dorothy.

MS. UWEKOOLANI: Hi. Good morning. I have

several things that have come up in the last letter that I

received, and one of them would be, to start with, we had

originally in 1974 requested water to the tank, which would

be parcel 18, not parcel 28. Parcel -- then we were asked

go to parcel -- where my husband's mother lived before she

died in 1966, because she had water there, but the water

company couldn't find any records so we could get her

meter.

But anyway, then -- and I didn't find out about -- when my husband had signed for the meter that was delivered to the church we didn't know at that time, the paperwork was filled out later that said that we had just gotten our meter. We only found that out in the last several years, that that was supposed to be the meter that was delivered for us, that was supposed to be delivered to parcel 18.

But then -- so then we found out that parcel 28 was not parcel 48, so for awhile we had asked for the meter

to be put on parcel 48. And then so we were back to parcel 48 about ten years ago, maybe 1984. And then in maybe 1985 it became 28 again. But actually, we had only wanted it to parcel 18, because my husband had worked for the ranch for, well, for all of his life and had actually installed the water lines. So he knew about the water crisis and everything, the system out there.

Anyway, and the ranch never refused to give us water, but they wanted to know what my husband's interest was under his mother's maiden name, and at that time when

he had become sick he didn't want to tell them anything about that, about how his interest was there. Which he since probably would, but he didn't want to then.

And I was wondering also if since it has been so long and I do have, I did find copies to show that I was in correspondence with Mr. Kaiama in the 1990's. But the reason that -- that's a copy. He had to send me another letter because the letter that he had sent was when the water company had called me and told me we had been approved for a water meter, and I send them all my paperwork.

And the only thing I ever heard back that even let me know that they had received some of the paperwork was some of the negative things that came up, like that I didn't have the interest in my own name, which I do now, and we didn't have an easement. But the easement took so long because the easement had to go into probate. Guy Goodness got sick, and he was sick for a long time before he died. Then when he did die -- my husband's mother was with him when he did die, by the way, because she took care from the church. But she had lived up on parcel 48, which turned out to be not parcel 28, but then it went into

probate. Then the family had to all be contacted.

And it took years before there was any -- and then the ranch switched hands, interest from one parcel to other parcels, and it took about five years before it was ever completed. There was no way that I could have completed anything in 30 days, which I never received any letter telling me there was a time limit until after the fact. That could have happened when I was in Honolulu, because my husband had a heart attack. And then he had -- then we came back home and then he had kidney failure, and then we had to go back to Honolulu. And at that time there

was only -- you had to stay in Honolulu if you had kidney failure, because the waiting list here was like three years long or something. So we stayed an extra three months, and I only came home once a month, because I learned so we could dialize him at home. So then we came back home and I dialized him at home for three years.

And I didn't pursue the water thing maybe like I should have because we couldn't do it in Kanaio because he was too far from the hospital and that was -- and plus the water situation, if it's not reliable on the dialysis

machine once you are on it, it has to be eight hours. That was it.

And there was several other things that came up that made me think that it didn't sound right, and one of the things was that when we were told that we had to have the easement in our name, I know for a fact several meters that were delivered in 1973, 1974, maybe 1978 and they were not -- they have no interest in their name in parcels, and they have a meter on their parcel in their name. And one of them was my husband's nephew below, Kami. And then Eleanor Mendez, she already had a meter up there, but she

got another meter for the below property where she rents.

I just was wondering if there's any way that that could be grandfathered into your new rules. I mean that's because the bureaucracy always makes it to where I have to come up with some new thing to be on the priority list. And, you know, once in a while I'd call and find out if I was on the list and then somebody would say, well, no, but then they had parcel 28, parcel 18 or parcel 48, they weren't in the same place, or under Dorothy, or under William. And so I just -- after awhile it got to where Kanaio was just a name that they knew was associated with

me, I guess, so they just started calling it Dorothy.

I just really feel like we should have had water when they were given there. And the main thing is that the water meter that was delivered to the church, the church had a water meter and something happened to that water meter. I don't know what, if it started leaking or what happened. But they never had to have a request for a water meter put there. And if that was supposed to be our water meter, I did pay for the water meter. And I do have a cancelled check showing that I paid for that meter.

Why can't we have that meter then that was

supposed to be delivered to parcel 18, and instead it was delivered to the church. The church, they don't hold services there, a family lives there, you know. And I was willing to do that for awhile, but I just feel like there was a reason that we should have had our meter up there.

And I don't have a subdivision, and I am not reselling, and I am not, you know, we still raise our horses there, still hold water. My nephew takes care out there.

I just felt like maybe we should have been grandfather cloused in, or if the priority list, but I know

that I probably wouldn't be on there because I can't afford the infrastructure that you are going to require of me.

Well, it wasn't required of anyone else, and we have always known that there was an inadequate system there. And

that's just probably about all I can remember to say, other than the fact that we've collected numbers back and had

them faxed to Mr. Chang and also Mr. Craddick that said all of the meters that had been installed since we had

requested just from his term in office.

And if there's any questions or anything that I

have never done anything or not responded to something, if

I was aware that I was supposed to have responded to it is
all I can tell you.

CHAIRMAN NOBRIGA: Thank you.

MS. UWEKOOLANI: And they have told me from the
Department of Water that they were not installing meters.
We have -- personally, I have personally seen them install
a meter right down the road. And wondered why ours
wasn't. Mr. Hamamura grows strawberries on his farm, and
we had asked for the meter and he got a meter, and he used
thousands of gallons a day. But anyway, that's about it, I
guess, that I can think of.

CHAIRMAN NOBRIGA: Board members, any questions of Mrs. Uwekoolani? Mr. Hiranaga.

MR. HIRANAGA: I have a question for the staff. Has it ever been determined whether a meter was actually issued or not, and to what parcel, as Mrs. Uwekoolani has referenced in 1974?

MR. TENGAN: I haven't personally investigated that. Maybe Alan has some details on that. I'll call Alan up.

MR. MURATA: I'm not real familiar with the situation, but when I was looking at the staff report I

think she made -- the she made reference to a meter being granted was in 1970's a meter was installed for the church.

MS. UWEKOOLANI: It wasn't installed, it was replaced.

MR. MURATA: But it was signed by your husband.

MS. UWEKOOLANI: Because he was the Deacon of the church at the time.

MR. MURATA: That's why the meter got assigned to the church property instead of her property.

MR. HIRANAGA: So is the church contesting your

right to the meter?

MS. UWEKOOLANI: Oh, no, the church always had a meter.

MR. MURATA: I think it was -- the meter that the TMK that was applied for was the church property, and our -- I am not real sure --

MS. UWEKOOLANI: 14 was the church. They had seen my husband there and assumed that that was the meter we had ordered. It was just a mistake.

MR. HIRANAGA: So you're asking that an existing meter be reassigned to a different parcel?

MS. UWEKOOLANI: Yes, basically, because our meter get assigned to the church.

MR. HIRANAGA: And our rules do not allow for that. But under the previous charter we could have granted her a waiver, but we don't have that authority anymore.

MR. MURATA: It would also be difficult if there was use on the property that the meter was issued to initially, because you can't, you know, it's hard to take away service from somebody. The church was using the water.

MR. HIRANAGA: Unless the church acknowledges

that it's not their meter.

MS. UWEKOOLANI: The church always had their own
meter before.

MR. HIRANAGA: But we don't have the power any
more to do that.

CHAIRMAN NOBRIGA: Miss Parsons.

MS. PARSONS: Who is paying the bill?

MS. UWEKOOLANI: We were paying it, and then
when we were in Honolulu with my husband his sister paid
it. She just took it over. I don't know why, but she just
took it over and started paying it.

MS. PARSONS: So can we make the recommendation

--

CHAIRMAN NOBRIGA: Sure.

MS. PARSONS: That Dorothy be issued the meter

based on the history?

CHAIRMAN NOBRIGA: You can, I guess. Mr.

Hiranaga.

MR. HIRANAGA: Correct me if I am wrong, but I

think only the board could amend rules for specific

situations, but that authority has been taken away from

us. And I don't believe the director has that power to do that, to amend or waive rules. Only the board had the authority to do that. We no longer have the authority to do it.

MS. PARSONS: I am not saying that we do it, I'm saying we make a recommendation.

MR. HIRANAGA: We don't have the authority to do it.

MS. PARSONS: We are not only making recommendations to the director, we make recommendations that go to the council and to the mayor as well, is my

understanding.

MR. HIRANAGA: Is that correct, we make
recommendations the mayor and the council?

CHAIRMAN NOBRIGA: Yeah. So we can make a
motion to recommend anything.

MR. HIRANAGA: News to me. Thank you.

CHAIRMAN NOBRIGA: Okay. So a motion was made
by Ginny Parsons to recommend that --

MS. PARSONS: Based on the history.

CHAIRMAN NOBRIGA: Based on the history, we try
and get Miss Uwekoolani a meter.

MR. VICTORINO: Second.

CHAIRMAN NOBRIGA: Moved by Miss Parsons,

seconded by Mr. Victorino. Any discussions?

MS. RAISBECK: Mr. Chair. I am just appalled at what you had to put up with for 30 years or so, and I think we do have the power to recommend, and possibly the director has the powers that the board formerly had to waive rules. In any event, could I ask the director if he sees a way to provide a meter for Mrs. Uwekoolani? Do you see a way that can be done to provide a meter based on the history of this application?

CHAIRMAN NOBRIGA: Mr. Tengan.

MR. TENGAN: Yes, but I'm not sure whether it's within my authority or not. I would have to work with Corp Counsel to make a determination.

MR. KUSHI: Board member Raisbeck, Mr. Chair, I am not sure what the request is. Is it to put her back on the priority list at a certain date and time, or is it just to merely issue her a meter without any regard to the priority list?

MS. PARSONS: The way that I'm reading this, if

I'm reading it correctly, she was issued a meter.

MS. UWEKOOLANI: We were told we would get the
meter.

MS. PARSONS: In 1984.

MS. UWEKOOLANI: In 1974.

MS. PARSONS: In 1974, and it was incorrectly
installed by the department. So I'm saying let's give her
a legal meter. Let's recommend that they give her a legal
meter. She had a meter before the priority list was ever
established. She had authorization for one.

MR. HIRANAGA: Mr. Chair?

CHAIRMAN NOBRIGA: Yes, Mr. Hiranaga.

MR. HIRANAGA: I would be in favor of the department investigating the possibility of transferring the existing meter to her property if the church was in concurrence. But I would not be in favor of giving her a new meter because the department is saying the system is inadequate and it would impact other current users. So I would be in favor of seeing if there's a way of transferring the existing meter, but not giving her a new meter.

CHAIRMAN NOBRIGA: Mr. Hiranaga, that was an

amendment to the motion?

MR. HIRANAGA: No, it's just discussion.

CHAIRMAN NOBRIGA: Okay, thank you. Miss

Raisbeck?

MS. RAISBECK: Yes, I understood Miss Uwekoolani

to say that the church is no longer used as a church, it

has a family living in it?

MS. UWEKOOLANI: There is a family living there,

yes.

MS. RAISBECK: There is a family living there,

so that would be a hardship to them if the meter were taken

away from them and given to you.

MS. UWEKOOLANI: Yes.

MS. RAISBECK: But based on a 30-year history, I

hate to, you know, be nitpicking about rules that have

changed many times and policies that have changed many

times in 30 years. If anybody deserves a meter, I think

this situation demands it. So I would vote in favor of

Miss Parson's recommendation.

CHAIRMAN NOBRIGA: Any further discussion?

Since you are ready to vote, all those in favor of the

motion signify by saying "aye."

MR. HIRANAGA: Would you restate the motion,
please?

MS. PARSONS: Could I have one more question?
You said the church always had their own meter. What
happened to that when the family moved into the church?

MS. UWEKOOLANI: We don't know. Well, the family
came there after the water was there. The family wasn't
there before. We were restoring the church when the meter,
our meter came by and they put it there. And because my
husband had signed for it, there wasn't anyone living at

the church there. We were there painting and restoring the roof and painting the pews and like that.

MS. PARSONS: But what I don't understand is did the church have one before that point?

MS. UWEKOOLANI: Uhm-hmm.

MS. PARSONS: So there were two on that TMK then.

MS. UWEKOOLANI: There was always a meter at that church.

MS. PARSONS: There was?

MS. UWEKOOLANI: Yes.

MS. PARSONS: If that's the case, then - .

MS. UWEKOOLANI: The church, they replaced the church meter with our meter, and we never got ours.

MS. PARSONS: Okay, thank you.

CHAIRMAN NOBRIGA: The motion is to recommend to the appropriate powers that be that a meter be provided to the Uwekoolanis based on the history of the case dating back to the 1970's. All those in favor signify by saying "aye."

Opposed "nay."

Show of hands. All those in favor raise your

right hand. One, two, three, four, five. Thank you.

Opposed? One, two three. Motion carries. Thank
you.

MS. UWEKOOLANI: Thank you so much.

MS. RAISBECK: It is only a recommendation.

CHAIRMAN NOBRIGA: I think we need a break,
short break, okay, five minutes recess.

(Whereupon a brief recess was taken).

CHAIRMAN NOBRIGA: Reconvene the board meeting.

Next on the agenda communication 02-41, Petitioners are

here, Leslie Blair. Yes, ma'am, please come forward with your contingency to the official hot seat of the hot seats. Not as hot as was.

MS. BLAIR: Okay, I guess I just have a few points to note on our case. My name is Leslie Blair. Should I wait until --

CHAIRMAN NOBRIGA: No.

MS. BLAIR: You know, I would just like to -- I don't even know where to start. I would just like to add these points to my problem here. I understand that you don't really recommend this, but I have a house that's been

empty for six years now. It's a 13-acre parcel, 2-acre ohana. My parents sold the two acres to another lady who was never going to move, who after two years moved to Mexico. There's no way to contact her. Both of my parents have passed.

She was able to sell that 2-acre parcel and the ohana to a doctor for cash because that would be the only way he would have been able to buy it because of, again, the hui on the title. They have now all passed. The gentleman that is living there, we get along just fine, we have no problem. The problem is I cannot -- the house my

parents lived in and originally were the purchasers of the entire property is going downhill rapidly and it's become a big money pit at this point.

What we're asking is we're on the water meter list. We want the water meter. But as you all know, this could take two years, four years, we don't know how long it's going to take for us to be on the water meter. And we are on the list twice. And we actually should be on the list twice, but the original owner of the property, Mrs. Bohannon, I think made somebody upset because she's not showing up on any of the water meter lists originally. And

this would have been back in 1992 or 1993 or whenever that list came out. Either she was contacted and never did anything because she had already decided to sell, we don't know. But that's okay too.

If we can just get something from somebody so that we can say yes, we can subdivide this. And when the water meter comes up, hey, we're there. We want that water meter, but I can't afford to wait another four years.

I just spoke to my husband, we had pest control up there today. I have got a swarm of bees in my guest

room, dead everywhere. And I can't afford it. I pay the water when the water bill comes out. I pay electric because I have got to keep the pumps and everything on.

You know, I still have a gas tank up there which I pay \$7.29 a month so I don't shut down the service on that place. And I just don't know what to do any more.

I have a letter from the water department requesting all the linear feet from this and from that, and at the very bottom of the letter it says, "And there is no guarantee you will get a water meter." I can't afford the \$300,000 to \$500,000, which is what it would cost to do

this the way things stand right now, and I don't know where else to go.

We just talked to the County of Maui. The County of Maui has now sent us back to you folks, and I don't know what to do. And I understand the rules about, you know, the meter and the subdivision, and I understand that. But surely there's got to be some kind of person that can at least step up and tell me where to go, who to talk to, because I can't afford this any more. And it's not like I can move into the house. My sister is a co-trustee, and she doesn't want anybody up there. Well,

she has a whole lot more cash than I do, and we have to split this thing separately, everything that comes up on this. Landscaping, forget landscaping. You can't landscape this place, it's too big, and I don't know what to do, you know.

I'm looking for suggestions, help. I'm frustrated, I'm sorry.

CHAIRMAN NOBRIGA: Miss Parsons.

MS. PARSONS: Where is your property located?

MS. BLAIR: Our property is on Maukanani Road.

They have done the -- they put in a -- they increased the

line a couple of years ago. They had some real water problems there and they did a temporary fix. My parents years ago signed the fire protection waiver. We're okay with that. John and I are both okay with that. You know, we're okay with never building anything again. And if that's the case, they have to go back to the Council. That's fine, let's worry about that in ten years. But I can't even do anything at this point because I can't subdivide. And I can't subdivide because I can't get a water meter. And I understand we're willing to wait if we

can just get something temporarily so that I can have clear title so that somebody can actually go to the bank.

I can't even get the money to do the water -- to put the water line in from Polipoli because I don't have clear title on the thing. So I can't even attempt to say yes I'll spend \$500,000, hopefully I can get it out of the house, because the bank is not going to loan me money because I don't have clear title to the property. It's Hews Trust, you know, the Hews Family Trust and Rosberg.

I'm looking for guidance and help, and where do we go from here?

MS. PARSONS: What number on the list are you?

MS. BLAIR: I think we're either 240, 260 and
then we're 3 something.

MS. PARSONS: That's right. So it would help
you, even just going back to this again, because it was an
even vote, so this why I'm bringing it back up. It would
help you with this issue if Mr. Tengan, for example, could
give you an authorization for a request, take a request for
your water meter.

MS. BLAIR: I don't know. I don't know how it
would because I still can't get clear title to the

property. I can't sell. I cannot list this property. I
have a house and 11 acres.

MS. PARSONS: What are you asking for then?

MS. BLAIR: I'm just asking to waive the
requirement to have the water meter on that until such a
time as Mr. Rosberg is contacted to give him the water
meter so we could have like a --

MS. PARSONS: I'm saying if Mr. Tengan could
issue you the water meter do you have infrastructure you
would have to complete?

MS. BLAIR: Oh, yes.

MS. PARSONS: I mean is there a lot of
infrastructure?

MS. BLAIR: Oh, \$300,000 to \$500,000. That's
the problem. I can't afford that. Now, I know that
there's people building up above, below Polipoli, but above
Maukanani. I think they're building a house. I know they
don't have water meters.

MS. PARSONS: How large is your parcel?

MS. BLAIR: It's 11 point something acres, and
his is 2.

MS. PARSONS: But if you had a water meter you would have -- if you had the ability to get the water meter, whether or not the infrastructure was done, you could possibly unload that property if you had to, because somebody might come in and do the infrastructure. With 11 and a half acres up there, that's quite a value. So that's a good possibility. That would be a help.

MS. BLAIR: It certainly couldn't hurt.

MS. PARSONS: So the idea is, if we can, we want to get the water meter and we will worry about how the -- I mean the bank would even look at the water meter based on

the land.

MS. BLAIR: If I had probably something in writing that we could actually show that this was happening and that this shouldn't be a problem, and that they would go ahead and loan money on that, yes, anything at this point.

MS. PARSONS: Do you have any idea, have you contacted the department about what improvements might be going on in that area and when? Have you talked to the engineers about that?

MS. BLAIR: No. I know that we're on the list

for that, you know, improving the water line. But again, I have a feeling that the people up above, they're going to be requesting, if they haven't already.

MS. PARSONS: That's a good possibility. If there is development going on above you they may have to improve the water line. I would surely hope that somebody made that clear to them in the Planning Department and in our department that if there is a development going on above this one that the infrastructure would have to be taken care of. So I would think, right?

Is that a pretty good idea, Mr. Tengan, if

there's a subdivision above her subdivision.

MS. BLAIR: I know they're trying. I don't know
if they actually --

MS. PARSONS: I'm just saying if there is. If
there is, the requirement would be the same as if for her
to improve the water line to get meters, correct? So she
could jump on that line. It's like if we're all in the
same area together and I decide I am going to do the
improvement and she's below me, then she can jump on my
improvements. That's all we say, talk to your neighbors

and see if you can all work something out, right?

MR. TENGAN: I would agree with that summation, provided that the line to her property is extended to the proper size.

MS. PARSONS: So we need to find that out for you too, if there's anything going on that we might be aware of. And the engineering department can look at your TMK, look at the map, see if they know anything above you, and maybe that's something you guys can get together on. And right now the issue is, can you get your -- can you get a water meter.

And I go back to the fact that Mr. Tengan's request of the board was to recommend that he be allowed to issue, at least issue water meters on the Po'okela Well. You being in the 260's, from what I've seen in the list you may be in the one hundreds.

MS. BLAIR: Exactly.

MS. PARSONS: So that's something that -- she's very close. She's close to getting a meter, yet she's close to losing her property. Which one do we want to be responsible for? I mean, gosh, this is where this comes to the, you know --

MS. BLAIR: And you don't know what to do.

MS. PARSONS: Right.

MS. BLAIR: And I have no alternative. I can't rent the place out. My other half, she won't allow it. She doesn't want anybody -- she's right, she doesn't want anybody destroying the house. Well, we want to sell it, but then every month that we wait thinking, okay, we are going to hear something, and we don't. It's now turned into six years and it's sat empty this whole time. Anybody knows you can't leave a home empty, you need to flush the toilets, you need to have somebody living there.

I have now got bees up in the house, you know,
because I'm not living in that house to keep those problems
out, and I don't know what to do any more.

CHAIRMAN NOBRIGA: Any questions from members of
the testifier? Miss Raisbeck.

MS. RAISBECK: Okay. I am sorry that I am
confused, but I did read all the documentation that you
sent to us, and so basically the problem is the same as
it's been with other people, that the amount of
infrastructure required in order to make a subdivision and

to give you the water meter so that you can get the

subdivision, the amount of infrastructure required is what

is causing the problem. That you got preliminary

approval. Has that preliminary approval lapsed?

MS. BLAIR: Not yet, but it's going to, I think,

in December. We had to get an extension because Mr.

Craddick didn't get back to us in a timely manner the last

time. And we're not trying to build any more homes, we are

not going to be adding any more water on the line. It's

the same 19 meters that have always been on that line, but

I can't sell this house.

MS. RAISBECK: So it really is a big policy

shift if this board is going to start recommending waiving
required infrastructure or looking carefully at how much
infrastructure is required of individuals. And I am
awfully sorry but, you know, it isn't just a decision in
your case, there's so many.

MS. BLAIR: Oh, I understand that, I

understand. That's why I'm trying to find out where do I
go from here, because it is a Catch-22. We can't subdivide
without the water meter. We're willing to wait, but every
month that I wait longer and longer that house is going to

fall down on me. And it's a nice home and it shouldn't happen like this. And it's become a hardship. And if my parents were still alive and his parents were still alive, that would be one thing, but they're all dead. And they've left us with this mess and I can't do a darn thing about it.

MS. RAISBECK: I'll defer to others with questions.

CHAIRMAN NOBRIGA: Mr. Hashimoto.

MR. HASHIMOTO: So my understanding is that you are in co-ownership with your sister.

MS. BLAIR: My sister and I are trustees, and then Mr. Rosberg and his wife, Miss Sears, they basically -- his dad bought that two acres that you would consider that an ohana, however they can do that, and he's living in the little small cottage.

MR. HASHIMOTO: Well, why can't you -- why isn't anybody in the house again? I don't understand that.

MR. HASHIMOTO: Because it's a rather nice house and my sister doesn't want any tenants and I, you know, she's the other trustee and I just don't want to rock the

boat right now. I am not going to try to, you know, cause problems there. If we had thought back then we might have considered it. But at this point in time, again, we keep thinking we're fairly close here. And if we can just get an answer, you know, but everything keeps getting put off and put off.

MR. HASHIMOTO: Because I think, you know, getting a meter you are looking at one or two years down the road.

MS. BLAIR: That's why I'm saying we want the meter.

MR. HASHIMOTO: I think, you know, if you can work it out with your sister and somebody move in the house.

MS. BLAIR: I've tried that. Well, see, I've definitely thought of that option, but that wears the house down too.

MR. HASHIMOTO: Probably that's the only option you've got right now because, you know --.

MS. BLAIR: Well, why should that be? Now, why should I have this major problem? Why can't I get some help on this? Why does it have to be just go ahead and

rent the darn thing out and let the renters tear it down?

Because that's what happens in a lot of cases.

CHAIRMAN NOBRIGA: Miss Parsons.

MS. PARSONS: Just to clarify something, Sally,

I wasn't asking -- I wasn't asking us to recommend waiving

anything, I don't want to waive the infrastructure

situation. What I'm saying is if she had the opportunity

to get a meter, you know, for instance, if we took

reservations up to from 1 to 300, whatever it might be, the

1 to 300, and she had the opportunity to get a meter, she

could possibly take that meter reservation to the bank to

borrow against that for her subdivision, or whatever she might need to do with this property to do the infrastructure, because it would give her a legal title to go to the bank with.

She's got 11 acres, and so let's say that she takes this meter to the bank and now I have water assigned to this house specifically. And the bank says, "Okay, I'll lend you half a million dollars or \$300,000 to do your infrastructure." She could do that at that point. And then if they needed to, they could sell the house. She's

only asking for one meter, she's not asking for --.

MS. BLAIR: No, the meter is on the big parcel,
we need the meter for the little parcel. You know, right
now we're sharing water, and that's fine.

MS. PARSONS: Right.

MS. BLAIR: We pay the property taxes together.
But the problem is I can't list this with anybody because
they cannot finance this house.

MS. PARSONS: John is a grant, it's structured
as a grant. I'll just give you a little history on it.
John is a grant on that property.

CHAIRMAN NOBRIGA: Mr. Okumura.

MR. OKUMURA: Thank you, Chairman. You're Mrs.

Rosberg?

MS. BLAIR: No, he's Mr. Rosberg, I'm Mrs.

Blair.

MR. OKUMURA: Thank you. Thank you for coming.

I think, as they said, it's the same problem that a lot of other people have had.

MS. BLAIR: Right.

MR. OKUMURA: And frankly, I don't think,

although I feel for you, I don't think it's our role to

give you advice as to what to do, you know.

MS. BLAIR: Well, just put me in touch with the right people, because I don't know. I don't know the loop here.

MR. OKUMURA: I think you came to the wrong place. We are supposed to advise the water department, and I think you might want to -- like you did see the lawyer. I don't think we can do a better job than a lawyer in terms of giving you advice.

MS. BLAIR: Well, my attorney would have been here today, but he had to be on Oahu.

MR. OKUMURA: I don't see it as the role of the board to give you advice as to what to do.

MS. BLAIR: Okay, so I --

MR. OKUMURA: I don't think we can help you at this time based on the rules that we have to follow and the situation as it is. Knowing that it's very difficult for you.

MS. BLAIR: No, I understand that, but what I don't understand, and I'm not trying to cause trouble here, not that rules are meant to be broken, but you know once in

a while it sure would be nice if people could help other people, you know. And not say well, there's a rule that says I can't do that. Why can't somebody just help out a little here, you know?

I appreciate the fact that it would sure be nice to throw a renter in there. My hands are tied, the other half of the trust will not allow it. You know, I don't know what to do. You know, I've got bees in my house, you know. It's going downhill, and what do I do?

You know, just even a letter saying, you know,

"Great, here, you can subdivide, but when that water meter

comes in you need to get it." Fine, I don't have a problem signing that. I don't have a problem with no more building on anything. I don't have -- that will be in your disclosure, I don't care. But I need to do something.

CHAIRMAN NOBRIGA: Thank you. Mr. Kushi.

MR. KUSHI: Yes, Mr. Chair, if I may, maybe I could shed some light on this. I had discussed this matter with the director. I have also discussed this with the applicant's attorney, Mr. Crockett. For the board's information, this matter came up, the same matter came up, I believe it was earlier this year in January. Apparently

Mr. Crockett couldn't wait. He filed a Second Circuit Court action against us, just so that you know. The judge reviewed the case on summary disposition, kicked the case out, and remanded it back to this board. This is why it's on your agenda. Anyway, and for action by the board or the department.

I would like to propose a solution. If I understand the facts correctly, these two people are joint co-owners, undivided interest. They're not related. At one point in time one family owned it, but they're not related. And they went to Circuit Court to partition the

property like a -- well, something, but it's a Circuit

Court partition.

The partition laws state that cut the property

in half however you want, but you would have to go back to

the county to conform with the county subdivision codes.

They applied for a subdivision; they have two structures on

there already. They want to just divide and partition the

properties so that she gets one and he gets one, okay.

They have two structures on it, they have one

water meter. They're sharing one water meter, which was

issued before our laws, our rules came about saying that we need one per lot. Each building permit that they got for the residences was issued, was signed off by the department, and they signed off fire protection agreements.

My understanding is that they're not asking for -- they're asking the department to sign off on the subdivision application. They're not asking for any improvements, they're not asking for any building improvements, they're not asking for another water meter.

Is that correct?

MS. BLAIR: Correct.

MR. KUSHI: So they want to formalize the subdivision pursuant to the partition. Your rules say that in any subdivision you shall have meters for every subdivided lot. You shall have fire protection agreements. However, your rules also say that the director, with the approval of the board, can modify these terms. That's one of your sections in the rules.

In the board -- historically the board has granted modifications from subdivisions in terms of family-type subdivisions, what they call 3-16 agreements --

2-16 agreements, which basically is recorded against the property, but they're limited to family members. But in essence, these agreements say that we will allow you, the department will sign off on your subdivision, but any further improvements you want you have got to do all these improvements. Whatever, the water line, and you shall not ask for water meters until you do all of these improvements. Discussing it with the director and also with their attorney, I believe that can be worked out if this board recommends it.

So in essence, you're approving the subdivision,

a paper subdivision, with one meter, sharing meters, which

is illegal now but it was not illegal when it was issued.

Covered by fire protection agreements, if the house burns

down there's this agreement recorded against the properties

that it will not come back to us.

Maybe in hindsight we shouldn't have signed

these fire protection agreements, but we did. But when they

come in for the meter when their number comes up they

wouldn't be issued until they do all the improvements,

which I believe they may be able to do if they get

financing. Because now she would have her own lot, he would have his own lot, and they can do mortgages.

So that's the proposal I believe that may be able to work. But again these 2-16 agreements are specific to family terms.

CHAIRMAN NOBRIGA: Thank you. Any further questions, members? Disposition? Miss Raisbeck.

MS. RAISBECK: Just one clarification from Mr. Kushi. So you are proposing that the, well, the subdivision, the division of fee interest between the two parties could take place even though they share a water

meter, and that's a rule that George can waive. Is that basically what you're saying?

MR. KUSHI: Well, no. I am not going to have him waive legal current rules. But I'm saying that I believe it should be grandfathered in, because when they had -- they're sharing meters but they're still one lot, they're still one lot with two houses on it. But in essence what we're doing, we're waiving the new meter for the second lot until their number comes up. And when their number comes up on the priority list they would have to fulfill all these improvements, otherwise they won't get --

they won't be issued a second meter.

CHAIRMAN NOBRIGA: Thank you. Mr. Hiranaga.

MR. HIRANAGA: If we were to agree to this and her number came up and they were unable to pay for the required improvements then you would cut one house off of the existing meter? Because we cannot let the situation continue where the two houses on two separate lots are sharing a meter, so there's got to be some kind of a consequence for failing to perform.

CHAIRMAN NOBRIGA: Mr. Kushi?

MR. KUSHI: I wouldn't want to make that

decision now. Again, I had assumed that the agreement would have been when their number comes up they would apply for the meter and pay for improvements. Assuming that they don't, then you would have a pre-existing nonconforming situation.

MR. HIRANAGA: I guess my concern is that they would no longer be the owners of the property at that time because they would have gotten their subdivision and sold it, because someone would have been able to borrow the money to buy the lot. So then here we are trying to

enforce a situation saying but the new owner, "You owe the county \$500,000 worth of improvements," and he's saying, "I am not going to put it in." So we're saying, "Well, we will cut you off from the meter" and he's saying, "Well, I'll see you in court."

MR. KUSHI: Mr. Chair, that's just, you know, a possibility. We could discuss it with their attorneys now and come to an agreement. Any kind of an agreement the department would enter with them would be recorded, of course.

CHAIRMAN NOBRIGA: Miss Parsons.

MS. PARSONS: Mr. Kushi, in any kind of agreement that gets recorded we could make it so it's required that it be passed on if they had to sell the property for one reason or another. That the new owner, that that would have to be part of the sale of the property that could be worked out.

MR. KUSHI: Yes, board member, the agreement would run with the land. It would state that the parties agree that this runs with the land until released by both parties. So even if they don't want to do it, they don't want to perform, as long as we don't want to sign off on

it, it will be enforceable, assuming that there are

enforceable terms.

MS. PARSONS: So that takes care of that issue.

CHAIRMAN NOBRIGA: Disposition, members? Miss

Raisbeck.

MS. RAISBECK: I would, and maybe it's because

I'm new and it's hard for me to understand some of these

fine points, but I'd like to see this deferred. Well, I

move to defer it to next month, and with the hope that

Mr. Crockett could be here to discuss it. Is that

agreeable to anybody?

CHAIRMAN NOBRIGA: The motion is in order. Is there a second?

MR. HIRANAGA: Second.

CHAIRMAN NOBRIGA: It's been moved and seconded. Any discussion? Mr. Okumura.

MR. OKUMURA: Would another form actually be that the director work out an agreement and bring it back to the board at the next meeting?

MR. KUSHI: Mr. Chair, I would hopefully think that by the next meeting I would have a draft and

Mr. Crockett would review it.

CHAIRMAN NOBRIGA: Any further discussion on the motion to defer? Mr. Hashimoto.

MR. HASHIMOTO: I guess my fear is that what's happened, you know, when we were new board members cases like this came up and, you know, ten years from now they will apply for a meter and nobody knows anything of the history or anything that happened, and then they're going to pass it and say it's okay. So that's my only fear, because I have come up against a couple of those situations when we were new board members. So I guess we just have to

be cautious on what we approve.

CHAIRMAN NOBRIGA: Thank you. Any further

discussion on the motion? All in favor of deferring

signify by saying "aye."

(A chorus of ayes).

Opposed "nay."

(One nay).

Motion carries with one abstention. Next item

03-05, letter from Dennis J. Tobin requesting adjustment of

high water bill due to leak in dwelling. Motion is in

order to deny request.

MR. HASHIMOTO: So moved.

MR. VICTORINO: Second.

CHAIRMAN NOBRIGA: It has been moved and

seconded. Any discussion? Sorry, moved by Mr. Hashimoto,

seconded by Mr. Victorino. Any discussion? All those in

favor signify by saying "aye."

(A chorus of ayes).

Opposed nay.

(No response).

Motion carries.

03-07, letter from Sally Raisbeck regarding the

Hawaii Water Quality Conference. Miss Raisbeck, please.

MS. RAISBECK: Thank you, Mr. Chair. I received this because I am on a mailing list that sends out things like this, and I thought it sounded so good I'm just sorry I am not going to be here to go to it. I thought I'd give the other members the opportunity to know about it, and congratulations to your father.

CHAIRMAN NOBRIGA: Thanks, Miss Raisbeck.

Division reports are enclosed, and if there are any questions we can talk about it next meeting. We will put

it back on the agenda. The next agenda will have the same thing anyway. Mr. Hashimoto -- Mr. Hiranaga.

MR. HIRANAGA: Mr. Victorino.

CHAIRMAN NOBRIGA: Mr. Victorino. Two Portuguese together, like twins.

MR. HIRANAGA: I don't know if this is the appropriate time, but I look at the member list and we have ex-officio members of the Planning Department and Public Works. Should they be sending a representative to these meetings? Why are they listed here? We've never seen anyone here. For the past three years that I have been on

the board I have never seen any of them attend these

meetings.

CHAIRMAN NOBRIGA: Miss Raisbeck.

MS. RAISBECK: Could the board Chairman send an

invitation to them to send representatives?

CHAIRMAN NOBRIGA: Yeah, I think I can draft a

letter.

MR. VICTORINO: Mr. Chair?

CHAIRMAN NOBRIGA: Yes, Mr. Victorino.

MR. VICTORINO: Just for point of clarification,

that change came about because of the charter amendment.

CHAIRMAN NOBRIGA: No, always had the
ex-officios. Nobody ever came. Miss Perdido?

MS. PERDIDO: No, I'm here for -- I wanted to
comment on the reports before you adjourn.

CHAIRMAN NOBRIGA: Miss Raisbeck.

MS. RAISBECK: Yes, Mr. Chair. I would very
much appreciate it if -- I think the groundwater use
reports used to have all 12 months side by side, if I
recall correctly, and I really liked that format because it
showed you the seasonal variation and you get a better
feeling for what the 12-month moving average is. So either

as a graph or else in the figures, if we could have the

12-month figures for each individual month, I would

appreciate that.

CHAIRMAN NOBRIGA: Miss Perdido.

MS. PERDIDO: Yes, I think in the annual reports

that you received you have a copy of our audit for fiscal

year 2002, and I just wanted to commend our staff for

getting the audit out with no exceptions, and compliant

with the Gasby recommendation.

CHAIRMAN NOBRIGA: Mr. Cohen, please.

MR. COHEN: My name is Ian Ian, C-O-H-E-N, and

actually I'm not on the agenda to speak today, but I felt compelled to speak regarding the priority list and the Po'okela Well situation. I am going to give you a quick history. I have been on the list since 1995. I am now apparently number 126 on the priority list. And back in October of 1999 I made a request to the board for a water meter due to a hardship situation, which was denied.

At that point in time I was 284 on the list, and the reason the recommendation or the request was denied was because it wasn't fair to the other 283 folks on the list.

So at that point I pretty much felt, okay, I will be

patient and I tried to, you know, see if over the course of

time I might be able to get a meter at a later date.

In early December of last year, as you are all

aware, there was a statement issued by the director and by

Mayor Apana, and also an article that followed written by

Harry Eagar which stated that they were going to go down

the list and start sending out 540 or some-odd meters based

upon the Po'okela Well that they found, and that it would

be a viable source for water for Upcountry.

With that in mind, I went in and spoke with

several individuals in engineering, and there was -- and I was told that they were accepting water meter reservations over-the-counter. And so I went to the counter, and on December 24th I paid \$3,350 for the water meter reservation to reserve for Po'okela Well. I had no intention of demanding a water meter at that time, just basically trying to get in line to make sure that I was going to be getting a meter. Because in several instances I had been left out of correspondence from the board or from the water department regarding issues and Upcountry water situations. So I wasn't receiving letters, so I as a

consequence kept coming back to continue to give current information on who I was and my address and my subdivision.

I paid the money on December 24th. I had a meeting, actually, my significant other, Josephine, she went in and had a meeting with Jeffrey Pearson and I believe Herb Kogasaka, and the director. And we received a letter in return saying that we were 126 on the list, and that as soon as the Po'okela Well was approved then they would be going down the list. And that meanwhile they

would start issuing the certified letters, and at that point I would be, you know, be number 126.

So about a month or so later I called back and I spoke with Jeffrey Pearson and just was inquiring as to the status of the letters and where they were as far as the processing of the letters. And he said everything was being processed, but they were processing smaller numbers to make sure that they gave everyone adequate time to respond to the letters.

So two days after that I received a letter signed by the director with the refund of the \$3,350 and an

explanation of why the reservation wasn't signed. And so in sort of my frustration about the whole incident, it being that I was relying upon the department to honor the reservation, I went into my files and my records and I found that old list or a list that I had from April, I believe, of 1998, and I laid it up against the list that was on the Internet on December of 2002, and I audited the entire list. And in auditing the list I found well over 70 instances of including issues like leapfrogging in front of me on the list. People that were on the list that had meters. Additions and drop-offs on the list.

And I don't know that -- I'm sure there was a policy about giving 60 meters and that happened, it was a rule that was initiated by the board before the change in office, so there were some people that received meters.

But I just found an overabundance of what I felt was discrepancies in the list.

And so then I went to -- I had a brief meeting with Jeffrey Pearson, and he requested that I put together a report on the list. And what I did at that point is I actually went upstairs to Corporation Counsel and left a message there, followed up with a message to Corporation

Counsel, and the fellow referred me to Mr. Kushi. I called Mr. Kushi on the phone and I explained that I did audit the list out of my frustration and found the discrepancies, including additionally people that were on the list in 1998 that I knew for a fact had meters.

I brought up Peter Stahle, who had shown me photographs of people who were on the list who had meters in their boxes and that sort of thing. And he said he would agree to meet with me, so I went in and met with him I want to say about a month ago, maybe three weeks ago, and

I printed the lists and the discrepancies. I felt it was unfair that people had leapfrogged in front of me, and he said there may be explanations for some, but there may not be for others. He wasn't sure, but he said, you know, he would look into that.

But what he did -- at the end of the conversation I said that I wanted to present him with an entire recap of all of the issues on the list and all of the different leapfrogging situations and discrepancies that I had found, and he said, "Rather than us spending all the time going back and forth about the list, what do you

want, Mr. Cohen?" And I said, "Obviously I want a water meter, but I realize it may be unreasonable at this point. What I really want is I would like my reservation signed and I want to come back and pay the money to reserve my water meter to renew my position for the Po'okela Well."

When that came on-line that I would actually have a piece of paper that said that I would be receiving a meter that was paid for. Because after auditing the list I had seen where I was skipped over in instances, so I felt that there would be a chance I'd be skipped over.

There was another instance where many people

received a letter from the director, David Craddick, and I was passed over on that list as well. So anyway, that was what I said. He said that he was having a meeting that afternoon with the director and he would advise him to -- of the situation and ask him to or make a request to sign my reservation.

So when I went to follow up with that I was deferred to the board to this meeting. And I'm probably part of the reason why the Po'okela Well is being discussed now, because it wasn't part of the agenda as of last week, until I made a point about bringing it up.

Now what I see, what I just saw was a vote by the board where I didn't see all the members at this table expressing their opinions, I only saw, I think, eight. There was a person missing. It doesn't seem like a democratic system to me. I think all the parties should be involved. So I would plead with the board to reconsider deferring the vote to the next meeting when all the people are here to vote on that issue, where the director made a recommendation to go ahead and start allowing people to come in and pay their reservations.

It was wrong to have a vote and just to disregard the other say in the matter. It would have been a swing vote. As far as I counted, it would have been the vote needed to make it a positive motion. So that's basically what I'd like to say. I'd like to say that I'd like to see the vote deferred until the next time, and a revote on that issue or letters allowing people to come in. Maybe it's the first 300 people on the list come in to make a reservation.

I realize it may cause a backlog, I realize there are sentiments within the board that says, you know,

that it's going to cause a huge influx of people coming in,
but there's a lot of people on the list that I believe
don't care about that, they just want to know that they're
going to be guaranteed a position when the Po'okela system
comes on line. And so hopefully you will reconsider the
vote and defer it to the next meeting, and that way all the
members can be here to vote on that.

And also I would like to say that there was an
inconsistency with what Corporation Counsel said he was
going to -- that he would, you know, he would advise the
Director to sign the reservation, and then here the board

is basically contradicting what Corporation Counsel was saying, you know, to me. So again, there's an inconsistency there with what the one department and with what Corporation Counsel said, and what the board is now advising against doing.

So I'm not sure how to convince you folks to revote on this, but I am not a lawyer and I am not a person that knows the procedures that you have to follow. I don't know all your rules, but I'm just hoping that you will reconsider the request for allowing the reservations to come in.

CHAIRMAN NOBRIGA: Thank you Mr. Cohen. Any

further business to be brought before this body? Hearing

none, the meeting is adjourned.

(The proceedings were concluded)

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