

(APPROVED: 10/22/08)

**MOLOKAI PLANNING COMMISSION
REGULAR MEETING
AUGUST 13, 2008**

*** All documents, including written testimony, that was submitted for or at this meeting are filed in the minutes file and are available for public viewing at the Maui County Department of Planning, 250 S. High St., Wailuku, Maui, and at the Planning Commission Office at the Mitchell Pauole Center, Kaunakakai, Molokai. ***

A. CALL TO ORDER

The regular meeting of the Molokai Planning Commission was called to order by Chairman Steve Chaikin at approximately, 12:37 p.m., Wednesday, August 13, 2008 at the Mitchell Pauole Center, Meeting Hall, Kaunakakai, Molokai.

A quorum of the Board was present. (See Record of Attendance.)

Mr. Steve Chaikin: Alright, we have all of our Commissioners here that are gonna show up for today so we might as well get started. It is the 13th day of August, 2008, and at this time I'd like to bring this meeting of the Molokai Planning Commission to order.

First, I'd like to thank the members of the public that took the time to come here today and -- and just be part of this process. I'd like to start off the meeting by just introducing the members of the Maui County Planning Department that are with us today. We have Mr. Clayton Yoshida, and just outside we have Nancy McPherson. Sitting over here at the table we have Suzie Esmeralda. And sitting to my immediate left, keeping all of us within bounds, is Corporation Counsel, Mr. Michael Hopper. And for our Commissioners here today, we have over there against the back wall Commissioner Williams; we have Commissioner Napoleon; Commissioner Feeter; Commissioner Kalipi, and our Vice-Chair, Mikiala Pescaia.

I'd like to just briefly go over what we're going to do today per our agenda. We are going to start by letting the public have any testimony if they want to, and then go into the approval of a couple of sets of draft minutes, and then we're going to move into some unfinished business. This is a SMA assessment by Desmond and Christy Manaba, and then we have another SMA assessment and that's, excuse me, that's by Tanya Davis-Mendja or Mendja, excuse me. And then under Communications we have -- we're going to discuss improvements to the Molokai integrated solid waste facility, and then we're going to move on to some discussions of jet ski regulations, enforcement, and any potential action that this Commission might decide to take. And then we're going to move on to my chairperson's report and we'll speak a little bit about the policy of the chair to send out letters on behalf of this Commission, and then we'll move into the process in which we, as a Commission, send our recommendations to the Council for bills and ordinances, and then we're going to talk a little bit about new enforcement procedures that are in effect here on

Molokai, and then we'll move into the West End water delivery issues, and that will be followed by some ways that we can look at that we might be able to improve this process. And then after that we have the director's report, pending and closed applications, and I think Clayton wants to say something about the August 27 public hearing on the Duke Maliu baseyard project. After that we'll go on to schedule a date for another bill for an ordinance that's going to come before this Commission, and then we'll follow that by taking a look at any potential future agenda items that we may want to put on our agenda.

Alright, the agenda, in case any of the members of the public that are here that want to take a look at the agenda, there is one in that folder that's sitting on the table over there, that's what we're calling our "master meeting folder" and it has, not only the agenda, but all of the documents that we are going to be reviewing here today. And it's important to note that on some of the issues, there is not only testimony that we hear here at the meeting, but there is potential other testimony that has been sent in by individuals for that that's not necessarily presented here in public but is in that folder. Yeah, that's the folder. We only ask you, whoever wants to look at that, that they just sit there and look at them so we don't lose the documents. You sit there -- you're welcome to look at anything. Also, if anybody wants a copy of anything in that document at the end of the meeting or at a later date, you can go to the Molokai Planning Commission office, request a copy, pay a nominal fee, and get that.

B. PUBLIC TESTIMONY ON ANY PLANNING OR LAND USE ISSUE

Alright, at this time, I would like to open it up for any member of the public that wants to provide testimony on any land use or planning issue or any other agendaed item today. Alright, state your name just for the record. Thank you.

Ms. Judy Caparida: My name is Judy Caparida and I'm here in -- in agreement with the plans that the Manaba need to do is to fix up whatever they needed to do, and I agree that they've been here twice already so, you know, they wanna do what is right. So I support them in trying to do everything that needs to be done. That's it.

Mr. Chaikin: Alright, thank you, Aunty Judy. Does anybody want to make any follow-up questions on that? Okay, seeing none. We can go ahead and move on. Is there anybody else from the public at this time that would like to provide testimony on any of the agenda items or any planning or land use issue? Alright, seeing none.

C. APPROVAL OF MINUTES OF THE MAY 28, 2008 AND JUNE 12, 2008 MEETINGS

We're going to move right ahead into -- we have some housekeeping that we need to do here and that's the approval of some draft minutes. We have two sets of minutes. One is

from May 28, 2008, and the other one is from June 12, 2008. Commissioners, do you have any comments or corrections, or do you have any -- any comments on any of those sets of issues or sets of -- of minutes? Alright, seeing none, is there any motion out there to accept the May 28, 2008 and the June 12, 2008 minutes?

Ms. Mikiala Pescaia: I would like to make a motion to accept both the May 28 and June 12, 2008 meeting minutes.

Mr. Chaikin: Alright, we have a motion to accept. Is there any second on that?

Mr. Don Williams: I'll second.

Mr. Chaikin: Alright, thank you, Commissioner Williams. Any further discussion on this issue? Alright, seeing none. I would like to move this to a vote.

There being no discussion, the motion was put to a vote.

It has been moved by Ms. Pescaia, seconded by Mr. Williams, then unanimously

VOTED: to accept both the May 28 and June 12, 2008 meeting minutes.

Mr. Chaikin: Okay, unanimous. Thank you, Commissioners.

D. UNFINISHED BUSINESS

- 1. MR. JEFFREY S. HUNT, Planning Director, requesting concurrence from the Molokai Planning Commission pursuant to their Special Management Area Rules, as amended, that a Special Management Area exemption can be issued for the following:**

DESMOND & CHRISTY MANABA on behalf of D&J OCEAN FARMS requesting a Special Management Area Assessment determination for the D&J Ocean Farms Restoration Project for the restoration of wetlands (0.60 acres) and removal of sidecasting material (0.25 acres) per the EPA mandated Restoration Plan, minor trenching for electrical repairs, replacement of drainage pipe "T", and removal of mud from harvest boxes at TMK: 5-6-002: 024 and 034, Kaamola and Keawanui, Manae, Island of Molokai. (SMX 2008/0166) (SM5 2008/xxxx) (N. McPherson) (Considered at the July 23 meeting but Commission was unable to reach a decision. *Commissioners: Please bring your documents.*)

The Commission may act on whether or not to concur with the Planning Director's determination that an SMA exemption be issued.

Mr. Chaikin: Alright, this allows us to keep moving on with our agenda here to our Unfinished Business. And this is an issue that we spent a significant amount of time on at our last meeting, it concerns Desmond and Christy Manaba, and they are requesting a special management area assessment. And just to give the Commissioners that weren't here last time a little recap on this, basically what it is is the EPA is mandating that they do a restoration project to the wetlands. In addition to that, they had stuck a few more minor things in with the permit just to get it all done at one time so they don't have to come through multiple times. The additional things in addition to the restoration project is trenching for some electrical repairs; the replacement of a drainage T; removal of some mud from the harvest boxes. So we discussed this pretty much at great length last time and we were unable to come to a consensus to take action. At the last meeting, there was only five Commissioners present, so that means we would have needed unanimous consent in order to approve this. Normally, if we had nine Commissioners present, we would only need a simple majority of the nine, but there were only five and we could not obtain that. So it didn't pass and we deferred it to this meeting. There were other motions that came up as well. One was to actually go out and have a site visit. That didn't pass as well. Where we stand right now is they have 30 days -- well we have 30 days in which to take action on this. And if we don't take action within those 30 days, it automatically gets approved. We have already eaten up most of that 30 days. So our choices right now is -- are either to approve or concur with the Planning Department that this should be exempted from the SMA permit process, or we can take action not to concur in which they would have to go through the SMA permitting project -- process, or we can do nothing. If we do nothing, after 30 days, it will automatically be approved and they can move forward. Right now, they are only waiting for our approval to move forward with this project.

So at the end of our last discussion, I think Commissioner Feeter had some additional concerns that weren't addressed so he had some additional questions, I think. And then, Nancy, did you wanna make some further comments to this? I'm sorry, we don't have the minutes from our last meeting yet so the Commissioners might be out of the loop, some of them that weren't here last time, of exactly what we went over.

Ms. Nancy McPherson: The only new information that I have to add to the original report that was submitted to you for the last meeting is that with -- per conversation with the applicant, Item 3 on the letter, dated July 7, 2008, that states: "The project will require a flood development permit." I'd like to revise that to state that the project will not require a flood development per phone conversation with Francis Cerizo of the Planning Department. So because there's no above-ground structures that are actually being constructed, that's what triggers a flood -- special flood hazard development permit. So all of their application information has been transmitted to Francis so he -- he's been taking a look at it and the answer has changed. So that's all I have to report. I don't know if the applicant has

anything additional to report or if you would like to ask myself or the applicant anymore questions about the project.

Mr. Chaikin: Well let me defer that question over to the Commissioners. Commissioners, do you have any further inquiries or concerns or questions that you'd like to ask either Nancy or the applicants at this time? Okay, Commissioner Feeter, the floor's yours.

Mr. Bill Feeter: Thank you. Nancy, question about the SMA, special management area rules. Correct me if I'm wrong, these are -- these are -- this is a tool to protect and sustain the coastal resources and to manage adverse impacts to the coastal resources.

Ms. McPherson: Yes.

Mr. Feeter: Is that a correct statement?

Ms. McPherson: Yes.

Mr. Feeter: That's all I had. Thank you.

Ms. McPherson: Yeah, by recommending exemption that means that I have found that the project will meet all of the goals of the special management area rules and the coastal zone management program of the State of Hawaii, you know, so that's how -- what I'm evaluating it against. If it didn't, then I would have to recommend an SMA permit.

Mr. Chaikin: Thank you, Nancy. Any other Commissioners have any other questions or inquiries? Clayton, did you have anything to add to this?

Mr. Clayton Yoshida: Yes, Mr. Chairman. Clayton Yoshida with the Planning Department. I guess we didn't produce the minutes but tapes of that portion of the last meeting where the D&J Ocean Farms item was discussed, they were made, and they were circulated to the members who were not present at the last meeting. So they've been afforded the opportunity to listen to the audio of that discussion on that item.

Mr. Chaikin: Well thank you, Clayton. I mean that is a major advancement and I really appreciate you guys taking the initiative to move forward and implement that kind of a strategy cause we have always been out in the dark if we missed a meeting. So I appreciate that, Clayton. Commissioners, do you guys have any other questions or considerations? Commissioner Feeter, go ahead.

Mr. Feeter: Still concerned about the ditch right adjacent to the highway. Going back through some old material, I found a picture in the --

Mr. Chaikin: Okay, Commissioner Feeter, can I just interrupt you for just a second. Nancy, is this is a part of this proposed action, the ditch that's in front of the -- by the road?

Ms. McPherson: No, it's not. And I'd just like to let Commissioner Feeter know that I have made notes of all the Commissioners' concerns and when the property owner, Bishop Estate, Kamehameha Schools, Bishop Estate, comes back in to do the rest of the permitting that needs to happen for this property, I'll make sure that that issue is addressed during that review process.

Mr. Chaikin: Alright. Thank you, Commissioner Feeter, and thank you, Nancy. And, Commissioner Feeter, this is a very important issue. I don't mean to, in any way, you know minimize the importance, but it's not exactly relevant to what we're taking a look at right now. So is there any other Commissioners that have any other final comments? Okay, this is a -- a public meeting so let me first check and see if there's any additional members of the public out there that would like to have any testimony on this item. Okay, seeing none. I'm going to close the public portion of -- of this process. And if you have nothing further, I would entertain a motion if anybody wants to make a motion on this particular issue.

Mr. Williams: I'd like to entertain a motion to accept the recommendations of the Planning Department in regards to Desmond and Christy Manaba project. I think it's apparent that it needs to be done and they can go on, fix it, get it nice, get it right.

Mr. Chaikin: Alright. Thank you, Commissioner Williams. We have a motion on the floor. Is there any second for this motion?

Mr. Joseph Kalipi: I'll second the motion.

Mr. Chaikin: Okay, we have a second by Commissioner Kalipi. Is there any further discussion on this item? Seeing none. I'm going to call for a vote on this.

There being no further discussion, the motion was put to a vote.

It has been moved by Mr. Williams, seconded by Mr. Kalipi, then unanimously

VOTED: accept the recommendations of the Planning Department in regards to Desmond and Christy Manaba project.

Mr. Chaikin: Okay, unanimous consent. Thank you, Commissioners. And I'd like to also thank the applicants for your patience in the process. And I'd also like to thank Nancy cause, you know, we get a lot of these staff reports and I think as a Commission, we kinda take them for granted, but if we look through this, there's really a lot of time and energy and

effort that gets put into these staff reports and I just wanted to take a moment here to recognize Nancy for that.

Okay, so we can move forward now into our next SMA assessment and this one is for a small dwelling, it's kind of an ohana unit, and I think we could probably get Nancy to give us some additional background on this, and then after that we'll have an opportunity to ask questions or comment on the project. Nancy, are you ready for this?

E. COMMUNICATIONS

- 1. MR. JEFFREY S. HUNT, Planning Director, requesting concurrence from the Molokai Planning Commission pursuant to their Special Management Area Rules, as amended, that a Special Management Area exemption can be issued for the following:**

MS. TANYA DAVIS-MENDIJA requesting a Special Management Area Assessment determination for a new 560 square foot, one bedroom one bath ohana residence on a 11,250 square foot lot at 275 Kolapa Place, TMK: 5-3-008: 007, Kaunakakai, Island of Molokai. (SMX 2007/0470) (SM5 2008/xxxx) (N. McPherson)

The Commission may act on whether or not to concur with the Planning Director's determination that an SMA exemption be issued.

Ms. McPherson: Good afternoon. Thank you, Chair. Good afternoon, Commissioners. Nancy McPherson, Staff Planner. This is a permit for a small home to be built on a lot at 275 Kolapa Place. There's already an existing home there. It's a one-story single-family residence, 560 square foot, 210 square feet of covered lanai. It is not adjacent to the shoreline. It is not in the flood zone. The valuation is \$75,000. There is an existing home on the property. The way that the zoning and enforcement division is handling the building permit application is that they are stating that the home that is existing will then become an accessory dwelling. So I've evaluated this and determined that this is a single-family dwelling and, therefore, is exempt under the SMA rules of the Molokai Planning Commission and I'm recommending that you concur -- I'm requesting, respectfully, that you concur with that.

I did check with State Historic Preservation. She says, in general, if the property has already been cleared and built on for previous residential development, that unless there is a presence of sandy soils that's known in the area, that normally they just recommend that the usual concerns be taken to -- an event that any historic or cultural resources or deposits are discovered inadvertently, that construction activities cease immediately and the find

is protected from additional disturbance and State Historic Preservation shall be contact immediately. Another thing that we're discussing with SHPD is that in case State Historic Preservation cannot be contacted immediately, there is the possibility that a DLNR person here on Molokai could come over and check on the find as well. So we're kinda working through the protocol for all of that but that is an additional communication that I've gotten from State Historic Preservation that -- so that, you know, in case it's a weekend or, you know, someone can't come over from Oahu immediately that -- or Maui. No, I guess Maui doesn't come over. So, you know, that someone here on Molokai could be responsible for identifying that and making sure that those protections are in place as quickly as possible. So I just -- I don't have that -- I think I have it in an email so if -- if you'd like, I could print out the email and give you a copy of that. I'm sorry I don't have that right now with me.

And it's a fairly simple project; fairly straightforward. So I'd -- you know, assessing it against the, again, the SMA guidelines, goals, and objectives, I -- my evaluation is that this does not create any impact on coastal resources.

Mr. Chaikin: Thank you, Nancy. Commissioners, do you have any questions? Commissioner Feeter, go ahead.

Mr. Feeter: Nancy, is there a separate water meter?

Ms. McPherson: Oh gosh. You know, I don't -- I don't think they're using a separate water meter but the -- the applicant is here today so maybe what I could do is defer to the applicant to answer that question if I may.

Mr. Chaikin: That's fine. Would the applicant like to come forward at this time?

Mr. Feeter: Well, I might add that this is not a major determining question. It's -- obviously there is an existing water meter and in view of a rental possibility why they might wanna put in another one so --

Mr. Chaikin: Well, Commissioner Feeter, this is -- you know, it is important because it's important that we, as Commissioners, basically get educated as far as, you know, how these ohana units work and whether they have separate meters or not cause that is important. So I'd like to defer this question over to the applicant. Go ahead.

Mr. Tanya Mendija: Okay, my name is Tanya Mendija. No, there won't be a second water meter but our home is small, so it's less than 800 square feet, the current home, so it's an old plantation home built in the 1920's, so one-and-a-half bedroom home, so we're putting another smaller ohana. It is just for our own purposes to get out of our old house and get into a newer one. Well, start -- start something new. But, no, we won't be getting another meter for that.

Mr. Chaikin: Thank you for that clarification. Does any other Commissioner have any questions? Yeah, Vice-Chair Pescaia?

Ms. Pescaia: This is actually for Nancy. So even though they're putting in this -- they're building a second house and they submitted it as a permit for a second dwelling, because the first -- the second one is bigger than the first house, the original house, that's why they're going to treat it as the primary residence?

Ms. McPherson: Yes.

Ms. Pescaia: And just for learning purposes, the 560 square foot plus the 210 covered lanai, I mean do they include the lanai, the covered lanai as part of the total square footage of the home and that's what puts it over the 600 square-foot limitation?

Ms. McPherson: Yes, they do. They count the covered lanai as well.

Ms. Pescaia: Oh, okay, so it's really like a 770 --

Ms. McPherson: Yes.

Ms. Pescaia: Construction?

Ms. McPherson: Yes.

Ms. Pescaia: And that's why -- no, I was thinking it doesn't make -- 560, 572, they kinda the same size --

Ms. McPherson: Right.

Ms. Pescaia: It didn't matter but I guess it does. That's good to know. Okay. Thanks.

Ms. McPherson: Instead of one small home, there's going to be two small homes on the property so -- but we have, you know, we have ohana here on Molokai and we have, you know, families that like to live together and, you know, I just think that we need to use our best judgement when handling these kinds of projects to make sure that they're, you know, if they're appropriate for the community and, you know, and meet the -- meet the rules, then, you know, I support that. It's a more affordable option for people.

Mr. Chaikin: Thank you. Is there any further questions from the Commissioners? Commissioner Feeter, go ahead.

Mr. Feeter: Am I allowed to make a comment?

Mr. Chaikin: The floor's yours.

Mr. Feeter: Thank you kindly. This isn't a burning question but in visiting with some other folks that have gone through this, and I admire you for -- your family for taking the step to have a home because that's where our future lies in leadership and in health and good community so congratulations, and my comment is that are you going to have solar for hot water and/or net metering for your production of electricity?

Ms. Mendija: That's a good question. But, yes, we were considering that since we live in Kaunakakai and it's hot - how many days in a year? 365 days in a year so that's expensive stuff but we will look at MEO and all those rebate programs they have for families.

Mr. Feeter: Please keep us posted on that because, as a community, we've got to -- got to do this and I think that I would make this comment to the Maui Planning people that in the future that the -- that they design in the photovoltaic into the -- into the plans, I realize they're not architects, but I'd like to see that as a highly recommended advent and, hopefully, that will open up some financial support for people on this island. And that \$18.00 a month electric bill is a good thing. Just a comment and, hopefully, in the future the Planning Department will require that the photovoltaic be put into -- into the planning process and, hopefully, the financial people will pick up on that. Thank you very much.

Ms. McPherson: Chair, may I just do a quick response?

Mr. Chaikin: Yeah, go ahead.

Ms. McPherson: I believe that there's a -- been a bill that's been passed by the Legislature to require all -- is all new homes in Hawaii to have solar hot water starting in 2010, I think. You know, I thank you for the comment, Commissioner Feeter, because I should be looking at all new housing construction at least to the extent of what is the siding of the house, what is the alignment of the roof, the plains of the roof, and if people can just tweak their design a little bit so to, you know, create a southeast facing roof and maximize the potential to collect solar energy at least for hot water. Photovoltaic can be a little pricey. Right now it's pretty pricey. But I think that solar hot water, you know, everyone on Molokai should have solar hot water unless they're way up in Kalae and it's even then. I know people who, you know, heat their hot tub with the panel so --

Mr. Chaikin: Alright, thank you, Nancy. Any other Commissioners do you have any comments on this? Seeing none. Nancy, I just have a couple things here. When I read through this staff report, one of the things that you talked about a little bit earlier was that if there is these sandy soils and if they -- if they do encounter sandy soils, then archaeological monitoring shall be required. That almost sounds like a condition. Is that mandated by law or is that something that you had put in there?

Ms. McPherson: That came straight from State Historic Preservation. I did have the archaeologist check this particular property and she says that there is not a presence of sandy soils in that area. They use a lot of different data sets to analyze these projects that come before them and I guess one of them is probably some kind of soils maps or analysis, and she said that that area was not subject to sandy soils but other areas that may be closer to the ocean, let's say like the Goodman property that just came before you recently, would be much more likely to have the presence of sandy soils. It's along the shoreline. We have a lot of jocus sand deposits along the southeast shoreline of Molokai. And for those properties, I mean I do, when I get the chance, I do look at soils maps for various properties. So we just need to be careful in certain areas on the island.

Mr. Chaikin: Thank you, Nancy. I guess what my question was focusing on I was trying to figure out whether or not, universally, if anybody's digging and then digs into sandy soil, do they need archaeological monitoring or I'm just wondering why in this particular application there is a mandate in here or it seems like --

Ms. McPherson: No, I think that's the policy that's coming down from State Historic Preservation.

Mr. Chaikin: Okay.

Ms. McPherson: They're in the process. They have a, you know, a new -- an acting director of the archaeological division and she's -- she's also our archaeologist, Nancy McMahan, so, you know, they're developing their policies. I'm sure they're trying to tighten things up and make them better. So that's why she gave me that --

Mr. Chaikin: Yeah, Vice-Chair --

Ms. McPherson: That language isn't just for this property.

Mr. Chaikin: Okay. Alright. That's what I wanted to find out. Vice-Chair Pescaia?

Ms. Pescaia: Yes, State Historic Preservation, these rules have been place for a long time. They've had trouble over the past few years implementing and enforcing a lot of their policies and they're kind of going through a transition and a reformation now. They have a new head of DLNR, who I've been able to speak with over the past two weeks with another incident that just arose at One Ali'i with a inadvertent find of human remains out there. And so I'm sure, because the attention is being brought back and the Molokai Island Burial Council is just one member short of being active, we're looking for someone, they're trying to be more -- participate more and be more effective in these new upcoming applications. So look forward to seeing their comments being a little more present and they're involvement being improved, I guess, and also their communication, they're trying

to rebuild this relationship with the community because there have been a lot of instances in the recent couple of years that has worn away the integrity of the process. And kind of like us, they're going through this transition period so -- generally, their antennas perk up when there's sand present because Hawaiians traditionally buried their ancestors in sandy areas, it's clean, and so those are the triggers, I mean right off the bat, and I'm sure you know those things. But because this particular property is considered still in this SMA area but it's away from the actual sand, it should be safe.

Mr. Chaikin: Thank you for that update and that clarification. Alright, is there any other, Commissioners, have you got anything else? Yeah, Commissioner Feeter, go ahead.

Mr. Feeter: How come this never got on the pending project list?

Ms. McPherson: I think that there are some fields of information that if there's no data in there, the project itself doesn't show up on the report. It may be the scope; that sort of thing. And I may have been remiss in entering the scope code or the scope description. And if that happens, then it just doesn't show up. So I will endeavor to put more time into making sure that all those required data fields have entries in them.

Mr. Chaikin: Alright. Thank you, Nancy. And thank you, Commissioner Feeter.

Mr. Feeter: No, that wasn't an -- as Mikiala said, that's a learning question, not a criticism.

Ms. McPherson: Yeah, well, I've just recently learned this myself so --

Mr. Chaikin: And thank you, Commissioner Feeter, for being so diligent to be able to actually notice that it wasn't on there. Alright, today Commissioner Buchanan wasn't able to attend but she did have some comments on that, specifically, for -- I'm sorry? Okay. We got Corp. Counsel here.

Mr. Michael Hopper: Just a caution. The Sunshine Law prohibits commissioner participation - she couldn't participate, for example, by phone conference. She could participate by video conference. My only concern is this could be seen as someone -- you know, normally you can get public testimony but it could be seen as a commissioner participating remotely, you know, I don't want you to not consider what Commissioner Buchanan has to say, nothing against her, but I just need to advise you on what the law says on that, which is that I would have some concern about a commissioner not being present at the meeting but still offering comments in a situation where she's actually a commissioner who could vote on the project at some point. So I haven't researched specifically this type of situation but I would predict that if we contacted the OIP about it, they would have a problem with a commissioner submitting written comments at a meeting and not being present at the meeting itself.

Mr. Chaikin: Well, that is an interesting observation. We did get written testimony from her. So actually commissioners have less ability to influence the commissioners than the public. Like the public can come here and provide testimony or give us written testimony but commissioners that cannot make the meeting are not allowed to do that?

Mr. Hopper: Yeah, commissioners have substantially less rights than the public in this situation. It may mean that you're subject to the Sunshine Law and the public, in general, is not. That's one of the issues that arises when you become a commissioner and -- and that's, I believe, that would be problematic. Now, if you would like me to double-check on that, I certainly will talk with the OIP. Next week we have a conference where we will be meeting with the OIP over on Hawaii Island so I can discuss that with them there. But I can tell you that if Lori wanted to participate in this meeting via telephone, for example, that is prohibited, and they've already ruled on that issue, so I don't really see who this is any different than that, and, you know, that's the concern. You know I can ask them to, you know, maybe give more of a clarification on why that situation is but that is certainly the case that a commissioner could not participate via telephone, they have to participate via a video conference, that is -- that is okay but telephone is not.

Mr. Chaikin: Alright, thank you, Corp. Counsel. And I think what we should do at this time is just err on the side of caution and just wait and, at a later date, you can update us on whether or not this is or is not prohibited or permitted. Okay, Nancy, I just have a -- this is more of a learning thing than anything else, but when you have a lanai, is that part of the square footage? That's one question. And then how do you determine how big of a house when you have ohana units that you can put on the lot?

Ms. McPherson: Well, Don might know even more about this than me, but the covered lanai area is, I believe, counted as part of the total square footage. The maximum size of an ohana is determined by the size of the lot and this -- this lot is -- this lot is big enough to have this size house on it. So it's in the -- it's in Title 19, under ohana units or accessory dwellings. I don't have it printed out in front of me. If you'd like, I could run back to my office and get it and bring it back.

Mr. Chaikin: Well, I don't think we really need it right now. Just for general knowledge, it was good to kinda know what you can and what you cannot do with ohana units in terms of the size in relation to the lot. But, you know, it's not that important that we need that information right now.

Ms. McPherson: Well, it's directly related to the lot area.

Mr. Chaikin: Okay. Is there any other Commissioners that have any concerns or questions? If not, let me open this up to the public. Does the public have any comment? Okay, we do have a member from the public.

Ms. Judy Caparida: My name is Judy Caparida. I have something to say because this is just a ohana. I need to stress that. This is a small little house. A family house. That's what it's all about. Having your family have a little hale next to your other family even if they are hooked up to one meter. The thing is they're going to solve the problem of who's going to pay the bill; how much they're going to pay the bill. Because on Molokai, there's a lot of homes that is hooked up that way and it was never stated from before anything about this. See everybody is learning. In the meantime, this has been many years ago that this has been done. So for me is that where they're at, I know where they're at, they live, there is no more burial or anything. This place has already been rolled over, cleaned up, and it's solid ground. They just want to add a little hale next to the parent's hale to bring her family and live in it. So this is what I'm saying, I have not -- I say I have no complaints about what her plans is because it's honest. There's a lot of other things that's happening that you know what? That is really not pono. But for somebody to come up here just for her family's needs, I would say, eh, this is Molokai. That's what it's all about. Looking to our needs. So that's what I have to do -- I have to say. I have just been blessed with a place on Hawaiian Homestead, after 35 years. And I'm really blessed. And there was already passed that Linda Lingle, who has passed the bill for our solar system. The only thing about solar system is that Hoolehua is not a good place to have solar system. It rains a lot. So we gotta go to the cares and the needs of all the areas on Molokai. Kaunakakai, Kawela, hello, that's the place to put 'em because there's hardly any rain. So to be something we gotta balance things. You cannot say you gotta take it because that plan it already said you gotta do it. No. You look to the needs and how we can set it up for what? For how we can pay it and make sure that it's going to be worth paying for. So this is where we at now. I want solar because solar is cheaper. That's what I got. I got solar up Mana'e. But you know what? It's not guaran. I still have to have electricity because if no more rain -- I mean if no more sun, it ain't going to generate. Tell me. I been through death. I been through -- eh, I been through everything so I know what I'm talking about. Being in a big family, you make researches on your own life. That's why I said if you live the life, you can talk. I lived the life so I know, mountain to the ocean, that's our life. Plant to get bread out of it. So, for me, for her needs, I say you know what? We should let her have it because there's not anything that she has on that land that will stop her from doing anything that is not pono. And I think that solar is good only if it's going to help the family and be useful. So mines one I going have two. Two things. Gas, solar, and a kick in, which is electricity. But electricity is very expensive. Everything is expensive. Close your eyes to the deal and say, "Lord, help me." So that's what I needed to share that being open and honest is what we're looking for. Something that matters to our life and our families. Thank you.

Mr. Chaikin: Thank you, Aunty Judy. Commissioners, any questions? Just a comment, Judy. You know I wanna just thank you for coming up and providing testimony cause that's what this whole thing is about. It's a public meeting. It's a public process specifically designed for people to come up and provide testimony on these kinds of issues and I'm just

glad you're here and being part of the process cause that's why we're all here is for the public so thank you. Commissioners, you guys got any other questions? Anybody else out there in the public that wants to provide anymore input? If not, Commissioners, do you have any motion that you'd like to make on this at this time? Commissioner Feeter?

Mr. Feeter: That this Commission grant this permit.

Mr. Chaikin: Okay, what it is that we're doing is either to concur with the Planning Department on giving them this exemption or not concurring. So do you wanna restate that motion?

Mr. Feeter: Yeah, that this Commission concur with the -- what is it? the Maui Planning Department in granting the building permit for the Mendija.

Mr. Chaikin: Okay, this is, basically, what it is is we would concur with the Planning Department's assessment that they are exempt from the SMA permitting process that would be -- is that your motion, Commissioner Feeter?

Mr. Feeter: That's correct. I'm sorry. I overlooked the SMA aspect of it, so yes.

Mr. Chaikin: Okay, so we do have a motion that's on the floor right now. Is there any second? Okay, Commissioner Napoleon second this. Any discussion? Seeing none.

There being no further discussion, the motion was put to a vote.

It has been moved by Mr. Feeter, seconded by Mr. Napoleon, then unanimously

VOTED: to concur with the Planning Department's assessment that they are exempt from the SMA permitting process.

Mr. Chaikin: Passes unanimous. Commissioners, thank you very much for that. That means we can keep moving right along with our agenda, so let me look at the agenda.

F. COMMUNICATIONS

- 1. Discussion on improvements to the Molokai Integrated Solid Waste Facility with a presentation by Kamehameha Environmental LLC. on a technically advanced waste disposal system.**

Alright, we're going to move on to Item No. F, which is Communications, and this has to do with two mountains that we have here on Molokai, I'm not even sure if those mountains

have names yet, but these are mountains of trash, and it's really not something that we, as a community, should be very proud of. The Hawaiians had been here for hundreds if not thousands of years and left hardly even a trace; yet we, in the last 50 years or so, have built two large mountains of unwanted and probably toxic waste, and we continue to add to these landfills at an alarming rate. And the County, I think they had stepped up and recognized the magnitude of this problem, and they have taken a couple strategic moves. One, they hired a private company to assist the County up at the landfill to work the recycling center to help divert a larger portion of the waste from going into the landfill. The other thing they've done is they've commissioned a integrated solid waste management plan; basically, it's a blueprint for us to follow over the next, I don't know, 20 years or so. So that is in the process and it's gone through most of the process already. I think it's at the Department of Health right now getting some final recommendations. Then it's going to move on to the Council for some sort of a ratification. And let me just take a minute here and just give you couple of the highlights from that solid waste management plan.

First of all, the landfills that we have up there right now is scheduled to be used until the year 2015. If you can see how high it is right now, and then add another eight years or so on top of that, you can see it's going to be a fairly tall mountain by the time that we get done. After that, they have an additional nine acres that's adjacent to the landfill right now that they could use as an expansion to the existing landfill. Now, that additional nine acres would take us all the way - they project to the year 2029. So we have, more or less, 20 years left at that landfill. To put things in perspective, that first phase or the first parcel that we're working with right now until the year 2015, the total capacity of that is 387,000 cubic tons. Whatever that looks like. That's 387. The second 9 acres will be more than that amount. It would be 440. So the bottom line is what I'm saying is there is a whole lot more trash that's going into that site before we are done. And I think that the -- one of the things that's in this draft plan is a way to really just slow that whole process down. Right now they're estimating approximately 30 percent in Maui County gets diverted from going into the landfill and goes to various different recycling centers. They wanna double that rate to 60. And then that's going to leave approximately 40 percent of waste left. And with that 40 percent that's left, they wanna bring in some high tech approaches to deal with that 40 percent. And what they're saying -- what they're calling this high tech approach is "waste tech." Waste tech is where you bring in infrastructure to turn that 40 percent into potential energy, and you can do that by -- there's a number of different technologies out there. One of the technologies is an incinerator, which you would actually burn the stuff, and you would have an end product that you can actually use for energy. Another set of technology is a digester, which you would actually like compost this stuff, and break it down, and a byproduct of that would be gas of some sort that they would be able to utilize. There are a bunch of other technologies out there, and I'm not going to sit here and even pretend that I understand what they are. But we were supposed to, today, to have a presentation here at this Commission meeting on one of those waste tech processes. They canceled on us. And so at this point, we may have to reschedule them to a later date. But this time around,

Clayton, I'm going to have them work directly with you if they wanna come back on one of our future agendas. I would only ask that this time around that we do it in writing. We get a request from them in writing to have a presentation to this Commission, and then we also get a confirmation from them in writing as to whether or not they're going to come to present here at a certain date so we don't agenda them when, in fact, they may not be able to make it. Do you have any comments on this, Clayton?

Mr. Clayton Yoshida: Yes, Mr. Chair, members of the Commission, Clayton Yoshida with the Planning Department. We did receive a email yesterday from Christy Manaba stating that the Kamehameha Environmental had intended to make a presentation at today's meeting, however, they also were requested to make a presentation to the Governor and Lieutenant Governor at the same -- today, and so that created a conflict, and so they would like to be rescheduled. But this other request from the State came up very recently creating the conflict but they had intended to make a presentation to the Planning Commission today.

Mr. Chaikin: Thank you, Clayton. That would be good. But I'd still like to get a confirmation from them in writing as to whether or not, you know, they're going to come on a certain date, and then you can put it on your agenda per the information that you get from them. Okay, just a -- just to finish up this plan here, this integrated solid waste management plan. It's a good plan. This is just an overview and it's a half-an-inch thick. The thing is very thick and it has a lot of good information in there. The only road block that we have in implementing this is the same road block that you come across with a lot of the different innovative approaches that are out there and that's funding. Okay, this particular plan is going to require more than double the annual budget that is currently budgeted for solid waste. It's also going to require 200 million dollars worth of some kind of capital infrastructure of some sort for all of Maui County. So this is something that the County Council is going to have to take a good hard look at and it's going to be challenging with the economic and financial conditions that we're currently confronted with.

But the reason, you know, one of the reasons that I brought this up is that, you know, for us, as a Commission, and for the community to be thinking of ways that we can reduce the amount of waste that goes into our landfill cause this is our island, we wanna take care of it, not only for us, but for future generations as well, so we all have to be part of the solution. So I just bring that up and throw it out to everybody, you know, if there's anybody out there that has ideas that, you know, we can send forth up to the County to see if they would implement, it would certainly be setting us in a better direction than we are right now. So that's all I have on this. Commissioners, do you have any other comments or do you have any suggestions of what we could do at that landfill to improve the situation? Anybody or anybody? We can, you know, I realize that you didn't have a lot of time to think about this so we will bring this up again when Kamehameha comes to do their presentation to us so I would like the Commissioners to think about it, I would like the public to think

about it, if there's anyway that we can improve our situation up there at the landfill. I think it would be all in our best interest to do that. Does the public have any comments on this? Yeah, come up and state your name for the record.

Mr. Jay Bruyel: My name is Jay Bruyel and it seems like the landfill's just full of stuff that's worth something, and one of the largest amounts of stuff that goes into that landfill is automotive. Most communities around the United States have a junkyard for automobiles where you can take these parts and use them again and it's going to really help the public because they can get parts for one-tenth of the price. Probably the only people that wouldn't wanna do that is the automotive parts people but they still have their business, they probably won't be shunted too much, but a lot of those parts could get used well and also one of the things that this dump has a problem with is getting rid of batteries and old oil, and all that, and toxic waste like that, and this junkyard could take care of that. They could be disposing of oil in a proper way, which we don't have right now, I believe. We don't have oil disposal up there. What do you do with the old motor oil and transmission oils and all that that people don't have a place to put it so they pour it in the ground. This place can get used. We need employment on this island. They could employ probably five or six people just taking care of the automotive parts industry. And there's plenty of land that isn't going to get used for anything else. It's just red rocks sitting there that need something to do with. All the old tires, they could make a little go-cart track for the kids that they use photovoltaic power or electric power or something like that. Have a little go-cart track. You can use those towers. There are all these little automotive parts are -- they're probably the biggest thing at the dump, and it's the hardest thing to get rid of, and it's worth gold to some people, and it could employ people to have a junkyard here. I don't know if that would be a County sponsored or private industry. But it's worth considering as an option for getting rid of some of our opala. And that could be called "pu`u opala."

Mr. Chaikin: Thank you, Jay, for that testimony. Does anybody else here have any follow-up comments on that? Well, let me just say that automobiles are only one of many items that can be reused. Let me just say that, you know, I used to have people that worked for me at my farm that considered the landfill to be an asset, not a liability. Whenever I would send them up there, they would get excited because they consider that the Molokai Wal-Mart, okay, and they would go up there and I would go, "Oh no, what are they going to bring back this time?" And they would always surprise me and come back with this stuff that's pretty valuable and I think the old adage, you know, holds true that, you know, one person's trash is another person's treasure, so that's one improvement that we could make with our landfill by having a little leave center where people could drop off things of value before you get into the landfill because nowadays, as soon as you drop that stuff, man that bulldozer is right over that stuff and it gets ruined right away so there's no -- there's no opportunity anymore to go up there and try to see what you can get. So thank you, Jay, for bring that up and any other comments here before we move on? Commissioner Feeter?

Mr. Feeter: Along -- thanks, Jay. Along those -- this is supposed to be funny. But you know there's old adage "want not-make do" or "do without" and thanks, Jay, for that concept. More on a serious side. This is a job for the experts. A few years ago the *National Geographic* had a great article by a professor at the University of Arizona who teaches students how to go through landfills and they found 20-year old intact Big Macs, hot dogs, on and on, and the point is here they've made a study of man-made mitten, and Mikiala mentioned the term mitten, and what our forefathers threw away but was biodegradable, and so this is a really serious thing, and this came up kind of as a surprise, but not really. The point is this seem like this reflects right back to the County Council and all the way up to the Governor, and that there really is experts out there who can gather data and you gotta have an overall market for this material so sell it and being on an island, we all know that it's costly to take that material and sell it. We gotta have a market, FOB, and so I would -- I think we would all agree that we need some really expertise on this. That pretty well summarizes it.

Mr. Chaikin: Thank you, Commissioner Feeter. And I think the County, you know, they did do that. They went and found the leading local experts that could and put them on some kind of a commission or committee of some sort to work with a consultant to come up with this draft plan. So the plan is a good plan. The only thing it kinda lacks is a little kind of an umbrella and kind of guideline that lacks real specific, you know, implementation action, so that's what's going to have to be, you know, thought up and it still needs to be developed after this gets approved by whoever ends up approving it, the Council or the Mayor. So anyway, I think the good news with this integrated solid waste situation that we are in is that it is all relative. I mean we here on Molokai, I mean our situation, however big it is, dwarfs the magnitude of the problem that they're seeing over in Oahu and Maui and other places. So we really have a situation that we are in a position to deal with and successfully. So, hopefully, we can come up with some more innovative solutions, like we came up with one here today, to try to reduce the negative impacts in the years to come.

Alright, we're going to continue to move on, but before we do that, let's just take a shore five-minute break, and then we'll come back, and we're going to have a short discussion on the issue of jet skis around Molokai.

(A recess was called at 1:38 p.m., and the meeting was reconvened at 1:48 p.m.)

Mr. Chaikin: Alright, at this time, I'd like to bring this meeting of the Molokai Planning Commission back to order. And just a couple of follow-up things on the last agenda item that we had just talked about, about the landfill. The Vice-Chair had brought to my attention that they actually did write us a letter to request a date, which was the 27th of August that they're asking to be put on the agenda. So when we get to future agenda items, we can talk about that in more detail.

2. Discussion on jet ski regulations and writing a letter to the State Department of Land and Natural Resources concerning the use of jet skis in the waters surrounding Molokai

Alright, at this point, let's move on to our next issue on the agenda, and that's the discussion on jet ski regulations and enforcement and whether we, as a Commission, wanna take any action to do anything on this. And just for clarification, we, as a Commission, have no direct authority over jet ski operations around Molokai. All as we can do is, as a bonafide entity, try to nudge the people that do have authority in the direction that we would like to see them go. So that's basically where we're at. This issue got brought up to our attention and so we put it on the agenda and now we are having some discussions on it. Is there anybody from the public out there that has any comments in relation to the operation of jet skis around Molokai? We have one. Aunty Judy.

Ms. Caparida: Hello again. I'm Judy Caparida and I'm here to talk about jet skis and the reinforcement. We just had a meeting, let me see, about two weeks -- two weeks ago we had a meeting where the DLNR came over and explained. He didn't say nothing about jet skis but he told me that they're trying to put reinforcements out; where there's three different ways they can do it. We can either get like we get a fine for our cars. You get a fine. You get to say you know what? I no like pay. So they end up going to court. What they really trying to do is trying to keep them out of the court system for these kind of minor stuff but, at the same time, letting them know that there is laws. So I told him that I really agree with them because at least no matter how minor the problem is, at least they're going to know that there is laws set in place. So they're talking about coming -- they talking about all kinds of minor stuff that's going be happening, you know, like you go down to the beach and you do something wrong down there, they no need to take you to court right away. They give you a chance to make up your mind. You wanna pay the fine? You know, or you wanna challenge it? Or you wanna go court? But if there's really big hot stuff, you know, and you keep on doing all these little minor stuff and it adds up to be big stuff, then they will have to do something about it, you know, you cannot consistently take it for granted, in other words, so they're going to be numbering how many times you get yourself into trouble. So I think that this was part of the answer we was trying to get that at least we know that something will be done about the reinforcement of the law, okay? And I was kinda satisfied at that meeting. Thank you.

Mr. Chaikin: Alright, thank you, Aunty Judy. Any questions? Okay, this is an issue we had talked a little bit about at the last meeting and I asked Clayton: "Hey, Clayton, the next meeting, could you bring some information to us on the regulations relating to jet skis?" And then I thought to myself: "This might be a little bit outside of the realm of his responsibility in looking to State laws." But I don't know. Clayton, did you come up with anything on that? Well I did. I mean I don't know. I mean after I asked him to look into that, I thought that, well, maybe I shouldn't have asked him to do that cause that's really

more of a State DLNR issue than it is a County issue. So I thought if this was going to get done, I would have to do it myself. So what I did is I just Googled on the -- I went to the Hawaii Revised Statute, Googled thrill craft, and it just, boom, came right up, so I made a copy of that. And then I went to the Hawaii Administrative Rules and found the sections on thrill craft and made copies of that, read that stuff, and then I called up DLNR to ask them: "Hey, what's the deal with jet skis around Molokai?" And he said they are absolute prohibited. They're prohibited all around the State of Hawaii with the exception of some designated areas that they have set aside for thrill craft. So then I asked him if he could cite the specific rule or statute that he was getting his information from, and that's where he had difficulty because when you read through it, different people could interpret the rules in different ways. For somebody that doesn't -- that's not a lawyer and I don't really understand everything, what I see that they've done is they've divided the oceans into different areas. They've designated certain areas to be of prime importance and they call them "designated ocean recreational areas," like areas like Waikiki, Kailua Bay, Hanauma Bay, off of Lahaina. There's all these very important areas all around the State of Hawaii and they've made them designated ocean recreational areas. And then within those designated areas, some of the areas have approved areas for thrill craft. Around the Island of Molokai, I asked them: Is there any designated, you know, ocean recreational areas? And he said, "No, there is none around Molokai." But when you read the -- the statute, it is very clear. It says that you cannot operate thrill craft unless the department has set forth a time and a place that you can do that. It also gave them the authority to adopt rules, okay, and that's where it gets a little bit confusing because they did adopt rules, okay, and that's where all these designated areas come around. But around here, there is no designated areas. So the problem is is they put in a section here for non-designated ocean recreational areas. And let just read what it says: "In non-designated ocean recreational management areas, recreational thrill craft may operate," they may operate, "only in State waters between 500 feet from the shoreline," so off-shore, 500 feet, "or the outer edge of the fishing reef, whichever is greater," and then it goes on to say, "and two miles off the Islands of Kauai, Oahu, Maui, and Hawaii." So I was wondering if these waters out here are non-designated ocean recreational management areas and he couldn't answer that. So I said, "Well, it sounds like -- it sounds like you can actually operate as long as you stay off-shore outside of the reef, it sounds like you can operate them." And the answer was: You're absolute prohibited from doing that. And so I called up, to get a second opinion, and I called up -- this guy -- first guy I was talking to was Doug Smith and he's a boating regulations officer, and then I called up Keith Apo, which works here on Molokai, and he works for DLNR and he's responsible for enforcing the jet ski ordinance, and he told me that it is absolutely prohibited. So I asked him: What is the rule that you're specifically getting that information from? And he said that, well, the statute is very clear and it says that you have to designate a time and a place and there has been no designated time and a place so you can't do it. So there seems to be, you know, ambiguity in the rules and the law. I mean so he concurred that the rules that we currently have are unclear. It's hard for the lay person to read them and figure out whether or not you can use or cannot use a jet

ski around Molokai. So we talked, well, what do we do now? And he says, "Well, what we have to do is institute a clarifying rule amendment." So that's something that he said that they were considering doing and they would do that - he was talking about the next legislative session or something like that. So whether or not that's just conversation or they're going to actually do that, I don't know, but I think that's step number one because what's important about that is a clarifying rule amendment allows the public the opportunity to come here and present their concerns to the people that are clarifying the rule. So both sides of this issue, there are people that are for jet skis, there are people that are against jet skis, and they can all come, they can say their piece, and the people with authority can make a clarifying rule, and then we can enforce that rule. So where we are right now is however they interpret it, they interpret it, and they're going to enforce it, and the interpretation is they're absolute prohibited, and so that's what they're going to do, and that's fine, but in the meantime, I think that we should try to move them in a direction of clarifying the rules so it's absolutely clear exactly what you can and what you cannot do with relation to jet skis.

So I don't know, I think at the last meeting, didn't we ask Commissioner Buchanan to come up with a letter? Does anybody recall that? I had thought that she was going to write a letter. So I think that, you know, we should wait to a future meeting to make any definitive decisions on what we should do with this cause she was going to, I think, make a letter for us to tell DLNR, hey, enforce the laws that are in place. And so -- but I think we ought to at least maybe add to that that, hey, we need to clarify the rules so there's no ambiguity into what it is that we're -- we're enforcing. So anyway, that's where we're at right now. Commissioners, do have any further thing to add to this or anything? Okay, Commissioner Feeter, go ahead.

Mr. Feeter: I think I said -- mentioned last time that I didn't feel that was in our ballpark, even though this is a public forum, and I respect that. The -- one of -- I might recommend that this be taken to the Governor's Council that meets monthly here and that seems to be a pretty direct path to all agencies at State level, and enforcement is one thing, but it's very difficult to enforce even all track -- what do you call them? Any terrain vehicles, ATV's, those are, as far as I'm concerned, in the same category. They're running over turtle nests and archaeological sites, and making noise and hazards, and injuring people and so forth, even though they do have some rescue capabilities, but my vote would not be to put this on this Commission, frankly.

Mr. Chaikin: Thank you, Commissioner Feeter. And yeah, let me just reiterate what I had said earlier, this -- you know, we do not have any authority over jet skis. I think what Commissioner Buchanan was saying is that we, as a Commission, should be concerned about the traditional cultural rights and activities of the community, and jet skis disrupt that substantially, so that's one of the reasons that we were taking a look at this. But again, we have no direct authority over that just to -- yeah, Commissioner Feeter, go ahead.

Mr. Feeter: Well, lastly, like ATV's and those kinds of vehicles, there's a tremendously powerful lobby with some really financial clout that's making an inroads on our legislatures and, unfortunately, you have to look at that, take that into consideration, but I agree, I've seen what jet skis can do. First of all, they erode the beaches; they run over people; they seem to have a zero mentality - the people that drive 'em; they often are not licensed by the operator or the machine itself; there's no educational pattern; they're terrible on the environment; they're strictly thrill craft. All of these are negatives. For rescue purposes, they're fine, and our firemen do respect that. Thank you.

Mr. Chaikin: Thank you, Commissioner Feeter. I mean what I would like to see this Commission do is push the people that are in an authoritative position in regard to this to clarify the rules so everybody is on the same page and everybody can, for themselves, read the rules and not look at them and be confused as to what they can and cannot do. So I would, you know -- I think we had asked Commissioner Buchanan to write a letter or something, maybe a draft letter, I'm not sure about that, so why don't we just let this be for now, and we can put it on a future agenda or leave it on, and we can continue to take a look at this briefly and see if we want to do something like write a letter to DLNR and tell them whatever it is that the Commission decides they want to tell them.

G. CHAIRPERSON'S REPORT

1. Policy pertaining to the authority of the chair to send letters on behalf of the commission.

Alright, so if there's no further comment on this, we can just move on to our Chairperson's Report. And the first thing on that is the policy pertaining to the authority of the Chair to send letters on behalf of the Commission. And this is an issue that was brought up by Commissioner Feeter, he had brought it up I think at the last couple of meetings, and this is an important issue to Commissioner Feeter, and I think it's an important issue too, not only for Commissioner Feeter, but for all the Commissioners for any item that they think that is not being handled according to proper procedure, or if there are ways in which we should be doing this better, or if their voice is not being heard as it should, or whatever the issue might be, I think it's important for any of the Commissioners to bring up concerns because I think the work that we do here is too important to somehow have unresolved issues allowed to fester and begin to undermine our ability to be productive. So I'd like to thank Commissioner Feeter for bringing this up and I encourage any of the Commissioners, if they have any concerns like this, to bring them up and give us an opportunity to address the issues and, hopefully, resolve them or if not, just be sensitive to the fact that the issues exist. In this particular issue I think Commissioner was questioning whether or not I had the authority of the Commission to send out a letter on behalf of the Commission in relation to a letter to the County Council reaffirming our recommendations on B&B's and TVR's. And as I went back and tried to reconstruct what happened prior to sending out that letter,

I would have to say that I think that Commissioner Feeter is absolutely correct. I think that when I went back and reconstructed what happened, I asked the Commission if they thought we could send a letter to the Council reaffirming our recommendations, and they said, "Well, why don't you make up a draft, bring it here to our meeting, we can take a look at it and see if we have any concerns." And after a couple of meetings in which we lacked quorum, I finally was able to present that letter to this Commission, and in fact, the Commission did have concerns with the content of that letter. Also, Corp. Counsel had some concerns with the content of that letter. So then I said, "Well, why don't we just remove all of this stuff that could be construed to be controversial, and just write a very generic and simple letter asking the Commission to make sure that they take our recommendations into consideration." And then I asked the Commission if there were any objections to me doing that, and I heard no objections. So I went forward and I sent that letter out. But in retrospect, thinking back on that, I think it was probably a leap of faith to think that just because nobody stood up to object, that that somehow translates into five affirmative votes. So what I probably could or probably should have done is asked or asked this Commission for a vote and voted on whether or not we should have sent that letter out, and the letter has already gone out, I can't take that letter back, but I do, at this point, apologize to Commissioner Feeter, I apologize to the Commission, and I think that all we can do at this point is try to learn from this experience and try to set up a policy which is basically an unwritten rule that if we're going to send out letters on behalf of this Commission, that it will be by five affirmative votes to do so. Commissioner Feeter, does that seem satisfactory to you?

Mr. Feeter: Yes, indeed, and it's well stated, well thought out, and I was motivated by the fact that we do have an ethical responsibility, not only to ourselves, but to the community, and the County, and the government which we serve, and that ethical citizenship is critical and without -- if we show bias, subjected bias, for any personal means whatsoever, then we are not serving the community. I might add one other thing. Thank you very much, Chair. That's a complete answer and I accept it very much. You know I've said this couple times now, we've got three public people in this audience: two reports and you can see the rest. Teri, I don't mean to omit you, we'll come back to you. AKAKU is here and I asked Josh what the listenership is. They don't know. They never took a survey. And, you know, there are people out there that are watching us right now and so that our -- our citizens that we serve are much greater than what's in this room. And so that, again, thanks very much for that. I did have some issues with the subject of bias in the letter writing and, as Steve said, in the future, it'll be voted on by all of us just as we would any other issue. And that goes for after we leave this board. I have an issue with past members that have -- getting credibility for being such and such, and that is enough said about that. Thank you very much.

Mr. Chaikin: Thank you, Commissioner Feeter. So once again, if there's any other, you know, members of the Commission that have anything that's kinda weighing in on them, you know, just bring it up when you feel it's appropriate.

2. Process for MoPC recommendations to county council

At this time, I'm just going to move on to Item No. 2 of the Chairperson's Report, and that's the process for the Molokai Planning Commission recommendations to be sent up to the County Council, and that was really the crux behind even wanting to send out this letter in the first place cause, you know, we spend a lot of time and energy at these Commission meetings going through all of these ordinances and finally coming up with a set of recommendations. And then it's basically out of our hands at that point and the Planning Department writes those up for us and sends them up to the County Council. And sometimes, when I take a look at what they sent up to the County Council, it's not exactly how I would have stated it. And not so much on the direct recommendations, but besides the direct recommendations, there's like a summary, okay, and the summary is often presented in a way that it allures to the benefit of the Planning Department cause a lot of times the Planning Department are the ones that are making up these ordinances. They bring them to us and we don't necessarily concur with all the things in the ordinances and we wanna make changes. So we're actually changing -- wanna change their work. And when I see the way it's presented, like the TVR would be an example, we made lots and lots of recommendations and changes that we thought would be best suited for this community, and then when you read the summary, it sounds as if we pretty much agreed with everything. And that happens more often than not. I mean we just -- this is one of the more recent ones - let me see if I can find that here - we talked about home occupations here, that bill and that ordinance, and we came up with some recommendations, and I don't know, the summary right here that I'm seeing is that the Molokai Planning Commission recommended approval of the department's proposed changes as presented. And I don't know -- I don't really know what that means. But anyway, I guess what I'm getting at is that we have to make -- take better care of what actually goes to the Council, which means that we should really be taking a look at what Joe's going to send to the Council before he sends it to the Council to make sure we, as a Commission, concur with what's being sent up to the Council cause all's we have right now is we, you know, it's an after-the-fact thing and if you look at it, you don't like it, it's already kinda too late. So Joe is not here and he can't defend himself so, you know, I'll just leave that be but next time we have a bill for an ordinance that comes before us, we need to make sure that we feel comfortable with what Joe is going to send up to the Council. Alright, does anybody have any further comments?

3. Enforcement of the Maui County Zoning Codes

If not, we can move on to the next agenda item, which is really the enforcement of the Maui County zoning codes. And this pertains to a kinda new process that we're trying out here

on Molokai or at least the Planning Department is in relation to enforcement, and so I would like Clayton maybe to bring the public and the Commission up to date on -- on what's happening in the enforcement division of the Planning Department. Clayton?

Mr. Yoshida: Thank you, Mr. Chair, members of the Commission. The department has implemented I guess the inspectors will be out to Lanai and Molokai on a regular basis. So for Molokai, the inspectors are here on the second Friday of the month to do their I guess follow-up work on complaints that are filed. Previously, enforcement was done more on an ad hoc basis. When they got so many complaints, then they would send the inspector so you couldn't say if it was on a regular basis but to enforce community outreach, they've designated one day a month for an inspector to go to Lanai, and one day a month for an inspector to go to Molokai to do their inspections.

Mr. Chaikin: So if I understand this right, you can make an appointment; you can go and meet with the inspection officer. What other alternatives are there if you think there's not, you know, something's not being enforced as it should?

Mr. Yoshida: That's right. You can make an appointment. I believe the inspector assigned to Molokai is Tammy Osuman. She was here before when the Commission dealt with the Panda Tours airfield at Kaluakoi. And I guess they keep an office here at the Mitchell Pauole Center for people who wanna meet. They could file a request for service if you wanna file a complaint ...(inaudible)...

Mr. Chaikin: Could you just explain to us how you do that? How do you file a request for service?

Mr. Yoshida: You could either call it in to the department or you could file it online.

Mr. Chaikin: Thank you. Is there any other questions about this from the Commissioner -- Commission? Nancy McPherson, do you have something to add to this?

Ms. McPherson: I just wanted to say that we have request for service forms in our office here at Mitchell Pauole and you -- we'd be happy to give them out or mail them to people who would like them. You can also get them off of the County website, and you can actually fill those in and mail them to the County and we'll process them that way also.

Mr. Chaikin: Okay, thank you. I guess I'd to just ask a general question cause it sounds like -- it sounds like the enforcement division is asking the community to assist in this whole enforcement thing by bringing things to their attention. Is there any initiation on the part of the enforcement division to actually do it themselves or are they relying exclusively on the community to bring things forward to them? Clayton, do you have any comment?

Mr. Yoshida: Mr. Chairman, members of the Commission, again, you know, due to the number of inspectors that we have, though we have had an increase in the number of zoning inspectors, you know, we are largely complaint driven and we try to keep up with and sometimes we have a hard time doing that, keeping up with the number of complaints that are filed. In terms of active enforcement, I guess that would have to be on the -- whatever priority list for the department. But, largely, we are -- they do respond to complaints.

Mr. Chaikin: Alright, well that was an honest answer. Thank you, Clayton, for that. So, Commissioners, do you have anything else on that? Public, do you have any comments on this? Alright, seeing none.

4. West end water delivery issues

We can move on to the next item, which is the West End water delivery issues and this is probably the most important issue that's really, you know, in front of the community at this time. Let me just clarify why this is even on our agenda. I mean we, as a Commission, don't have any action that we feel like we wanna take at this time. We are only -- I only put this on the agenda so that if there is somebody from the community that feels like we should be doing something that we're not doing, that we're in a position to hear that, and we're in a position to take action if the rest of the Commission concurs on that -- on this. But if we do not put this on the agenda, we are basically barred from even discussing it. And this is a very important issue in this community and that's why it is on the agenda. But let me just provide a little bit of an update. I mean I think everybody pretty has an idea of what's going on but on August 7, that was the last date that all the different parties to the rate hearing had an opportunity to present their position. So none of the positions changed except for the public utility Mosco. Originally, they were asking for a rate increase and as of August 7, they've decided that they don't need a rate increase that would be for that sewer system. Other than that, all of the parties have maintained their position. On August 8, the -- there was one group that filed for intervention to the PUC, that was the West End I guess homeowners association out there made a petition to intervene and that was denied by the PUC. So now we are only waiting for the PUC to come up with their rate declaration, I should say a temporary rate declaration, and that is actually scheduled to come out tomorrow, okay. Us, as the public, we're not directly notified. The people that are notified are all the parties and we can go on the PUC website and, at some point, that's going to be posted, but it's not going to be posted tomorrow because they have a lag time before that comes out, but the advocate, public advocate or consumer advocate, they will know right away tomorrow, so that's one avenue of finding out what the results of this rate determination is going to be. So anyway, after tomorrow, we should know what's happening with the rates and, you know, my guess is if they meet the Ranch's demands, that it is likely that the Ranch would continue to provide service. If they don't reach the Ranch's demands, feeling that for somehow they lacked merit for them to give them that

high rate, then I think it is anybody's guess what could happen. So at this point, we are just kind of waiting and seeing how this whole thing plays out. I think on the good news is that I think the County and the State have put down their boxing gloves and have decided that it's in the best interest for them to work together toward some kind of other resolution to this issue. So that's good news. So I think we're just in a wait and see situation right now, but if there's any members of the public that, you know, feel that they wanna provide testimony on this, this is an opportunity to do that. Does anybody wanna provide testimony? No? Okay. Alright, well thank you. And let me just say that if there's ever anybody that does wanna provide testimony, you could always email the Commission, you don't necessarily have to come down here to do that. Alright, we can move on.

5. Improvements to the planning commission's and planning department's service to the community

The next item that I have on my agenda is improvement to the Planning Commission's and the Planning Department's service to the community. This is really where we, as a Commission, can figure out if there's a better way to do what we are currently doing. And we had talked in the past about getting the agenda emailed out to the public. We thought that was -- would be a efficient way to do it. Right now, if you want to get an agenda, you can sign up and they'll mail you one. We're not encouraging people to do that because it's a very inefficient and costly way to do that. So we've also requested that we get our own email address but what's happening right now is they're coming up with a brand new website that was supposed to be out, and it's now being pushed back I guess until the end of this month or so, so we'll just have to wait and see what that new website looks like and whether the functions in that website work as advertised because the other website or the current one does not work as advertised, especially pertaining to get the email agendaed to -- agenda emailed to you. It's supposed to work but it doesn't work. Anyway, we're working on all that stuff.

Another thing that we've done is we've instituted a master meeting file, which is sitting over there on the table, and that has all of our documents in there that we needed for this meeting, and -- and I think that is important cause, as I said before, sometimes there's testimony that's presented that the public is not aware of unless they look in there and see what's in there. And I think documents are important and let me just take a moment to tell you what I do with my documents cause, as a Commission, we get a lot of documents and you look at them and some of them look like they're pretty important. When I started to be a commissioner, I would figure out which ones were important, I keep them, and I'd throw the rest away. And as time went on, I got more and more and more documents until it finally got to the point where one day I said to myself I really have to simplify my life, and I took all those documents and just threw them in the trash. And the reason I did that is because I thought if I really needed a document, that I could just go to the Molokai Planning Commission office down here at Mitchell Pauole and request that document. So I had an

opportunity to try doing that before this last meeting. In fact, I called ahead. I said, "Hey, I need this couple documents." And then showed up at the window and I was told, well, I don't know where those documents are. They might be in Maui. Nancy might have them. I couldn't locate them. So, Clayton, what I would like to do is since we have all the documents in that file, if we could just figure out how we're going to file those, then we would always know that we could go to that window and we could request any document that we needed and it would be there. So I'm just asking you if you can figure out with your staff how you are going to file the master meeting documents and then you can present that to us, you know, at the next meeting or so and so the public, or us, or whoever needs a document would know how to do get them? Is that something that you think you can do, Clayton? Okay, thank you, Clayton. I think that's all. You know, is there any other Commissioners that have any suggestions on how we can improve this process? Is there -- Commissioner Feeter, what do you got?

Mr. Feeter: Well, this is kind of an open forum. First of all, I'd like to, for the new Commission members, definitely, as Steve has done in the past, save the minutes from May 28 because Nancy's done an outstanding job. That business with the Goodman SMA was, I think, the classic textbook example of we can all learn and refer back to, and I wanna thank Nancy for -- for doing that and putting it in such a way that it is a reference, frankly, and it's the May 28 that we have in our packet and, by all means, keep that because you can go through there and answer questions to yourself and others. So thank you for that. The other thing is that I came across what is called -- it helps in the permitting process, and rather than the -- it's a way to coordinate the permitting activities. Now wouldn't be something? If -- if Don wanted to build something and that -- where he could have several things done at once rather than going from one knothole to another knothole to another office. And I ran across this again in a company that is doing windmills on Maui and they are suggesting that you coordinate the permitting activities among the various agencies, whether they be State or County, so that you can do things in a parallel fashion rather than sequential, and so you're doing two things at once, and that sounds like a really basic working concept. Again, it's a parallel fashion rather than a sequential and I would -- that's all I know about it but it sounds like it's something that could be incorporated in the Planning Department to facilitate this long long drawn out indefinite feeling of am I going to get a permit or when am I going to get it, and definitely that needs to be speeded up in that category. So, again, thanks, Nancy, for that textbook job and, hopefully, you can look into the parallel fashion. Thank you.

Mr. Chaikin: Alright, thank you, Commissioner Feeter. And I think Nancy heard what you said and I think Clayton heard what you said, and so, hopefully, we'll take that and take a look and see if there's any validity to that approach and whether or not that would help, I guess. Is there any other Commissioners that have any other comments or anything? Any of the public have any comments on this? Well let me just bring up one thing here. This is something that we have talked about at previous meetings. It's something that the

community has brought to our attention. It's something that I have heard outside of these meetings. Is that we really should be having some night meetings or night meetings. And we have addressed this issue in the past. We had heard from all the Commissioners. Most of the Commissioners really supported a night meeting. There was also the thought of maybe having an afternoon meeting, a late afternoon meeting that would span kind of a gap. And so what we did is we kind of asked the Planning Department to -- asked them what they thought about it and asked them what they would need to do in order for us to have a night meeting or to have night meetings, and they came back and, basically, said it's difficult for them, it's very costly to get a charter plane to go back, and basically it was an inconvenience to and a costly inconvenience to the Planning Department. And after some time, you know, we thought we would just let this issue sit for a while, think about it, and then just kinda see how the whole thing plays out. And after having it, you know, some time pass and after hearing people in the community, you know, ask us, you know, why you're having these communities -- these meetings in the day? I mean cause the community, the public really shouldn't be here. I mean they should be out working. They should be out doing -- being productive, not sit in here for this meeting. So, you know, I just bring this up to the Commissioners because I think that, you know, the way we had left it is that, you know, we would just keep the thing the way it was and if there was an important issue of some sort that maybe would be important to the community as a whole, that we would reschedule and have the meeting at night. But, you know, rethinking the whole thing, there is nine Commissioners here. We are all volunteers. Most of us work. So the fact that we are here, we have to give up our time to be able to make time to come here to this meeting. So I just bring that up as it's kind of an offset. It's going to cost the County more. My proposal is that we don't make any drastic changes. We try to make a small change, which we have a periodic night meeting. We would have one every so often. We would schedule to have one at night; that way if people in community wanted to come, they could. How periodic? I don't know. Maybe once every two months or once in a quarter. We could do that just to start, and let it run for a while, and then we could reflect back on the night meetings and see, you know, if that was potentially a good thing to do or if maybe if it -- if it wasn't working out or what. Commissioners, how do you feel about that? I mean do you feel like maybe we should be having a periodic night meeting or do you have any comments on this? Commissioner Feeter?

Mr. Feeter: Take a poll. Involve the community in a poll and by the media and -- or a simple questionnaire. You know, about a year ago, Akaula School did a magnificent survey and it was statistically accurate. They had the numbers so it was accurate. The questions were appropriate, and the results were unbiased. And maybe that would be a good job for Akaula again. In other words, take the poll to the community because we're not represented here and we haven't been for a long time. Thank you.

Mr. Chaikin: Well, this -- this issue came up because of the community. The community was asking for us to have night meetings. When some of these issues came up, they go,

“Well, why isn’t the meeting at night?” And that’s really why I’m even talking about it. That’s why I’m bringing it up. Because, for me, I can have these meetings in the day. That’s fine. But they are public meetings. They are specifically designed for the public to show up and present what they feel on the various issues, and we’re not doing a very good job of giving them that opportunity. So that was the reason that I brought it up. But, you know, why don’t we each give our own thought. I mean I would like to know what the Commissioners think. I mean, Don, do you have a feeling one way or the other about having a particular night meeting? You think it’s a good idea? Or should we just keep it the way we have it? Or what do you think?

Mr. Williams: As I stated last time, I was in favor of the evening meetings strictly from the workman’s standpoint. I think we would get more community involvement cause a lot of people here are working individuals. That was my personal preference but I strive to make the meetings anyway but it is a little bit of an inconvenience.

Mr. Chaikin: Alright, thank you, Commissioner Williams. Sherman, do you have a feeling one way or the other on this?

Mr. Sherman Napoleon: I think if the issue is -- it’s a hot issue, then probably we’ll probably get a good turnout at the evening meetings cause more people are involved and stuff, like maybe some of the stuff that like we did today, you know, was like single-family dwellings, that kind of stuff so I don’t think too many people show up unless they’re directly impacted, then they’ll show up because they’re directly impacted. But if we get some of these hot issues that come up and, you know, people are willing -- you know people are going to come out because it’s a hot issue, then an evening thing might be something that we should look at. But if you wanna do -- I still think that would be it. If the issue’s hot, then we get people coming out. And people who really wanna come out and participate, would definitely come out especially if they’re impacted.

Mr. Chaikin: Alright, thank you, Commissioner Napoleon. Commissioner Feeter, specifically in terms of -- what do you think?

Mr. Feeter: The other random thought would be location. Acoustics are terrible, it’s uncomfortable, and the setting is undesirable, and we can have other venues. That one yesterday down Kulana O Iwi was well attended, easy to control, the audio/visual setting is good, so Mitchell Paule needs to be redecorated. Thank you, Commissioner Feeter. Commissioner Kalipi, what do you think about night meetings or periodic night meeting? How do you feel?

Mr. Kalipi: I was very much one advocate for night meetings when I first started on the board. However, being here for a couple years and seeing attendance and issues and some of things that we go through, it is very much a convenience for me, as Don,

Commissioner Don Williams said, working wise. It's very convenient if it was night meetings. However, I'd like to think that population wise and how, you know, our taxpayer dollars are spent, I come to understand it's kind of a give and take type of thing and, you know, if I, you know, I've signed on for my duty as a commissioner, then there needs to be some sacrifices that I'm going to make for the sake of my community and for the process. I can see why I truly wanna be working with the County but I don't want them to cater for my personal agenda and so there needs to be some middle ground in here. And I like the fact that Commissioner Napoleon mentioned that on certain topics and issues, that gives the County liberty or gives us a liberty to say, you know, this is very important for us, we need a night meeting, and that's kinda been traditional also. So I don't know. Looking in these past years, if it works, then, you know, the old philosophy is if it's working, why fix it? You know, if it's not broken. However, it could be a trial period and look at the cost and expenses to it. Again, if it was my dime and if it's my money, you know, put into it, I wanted to spend the maximum use of it. And so that's kind of my input so thank you.

Mr. Chaikin: Thank you, Commissioner Kalipi. Vice-Chair, you got any comments on this?

Ms. Pescaia: No. I'll just reiterate what I've said in the past meetings - looking into the option of doing a hybrid and instead of starting at noon, starting later in the afternoon where it's more convenient. It's easier for people to take off my work or take off from duties if the meetings, I think, started at 3 or 4 in the afternoon and we set time limits and make sure that the Maui folks can catch their plane back in the late evening at a 6 or 7:00 flight. I know we're at the mercy of the airlines cause flights are limited. By looking at that option, I think it would be easier for people in the community to take off from work early, an hour or two, as opposed to taking off time in the middle and because our agendas are so -- are meetings are very fluid, you know, one agenda topic could take two hours or two minutes and it's hard to predict. I find a lot of people, they come, they stay as long as they can, they run out of lunchtime or whatever time they asked for off, and then they have to go back to work and they miss the very thing that they, you know, had hoped to participate in. And so that, you know, I just thought that would be a better option, well, so parents, families, you know, school finishes at 2, they get the kids home, they got them all set up on something, and they can come at 3 or 3:30, or they're bringing their kids and the kids are running around at the skate park, or at the youth center, or at the pool, and so there's this other -- to me, it seems more -- a more friendly situation for community members, you know. As with all of us, it's easier for me to take off an hour at the end and kinda give up my personal time in the evenings than it is to give up four hours of work. I mean I do it because it needs to be done and that's what we signed up for when we volunteered to take this position anyways, but that would help me out, it would help a lot of other people I know who -- sometimes it's not even about having a particular topic that they're interested in but they just wanna come and participate, like our kupuna, they come every meeting. They make every agenda item their business and I wish there were more people like that. It's just having more collaboration and more input and that's what, I think, the purpose of these

meetings are for anyway. So I'd be more -- leaning more towards that option and if not, I would support having our current situation in having periodic evening agendas if we can foresee something of interest coming up, you know, like the waste management, I think that's something a lot of people are interested in, having that be a evening meeting even though it's information only but it's something that I think a lot of people are interested in. So it's hard because we don't have that kind of foresight what's going to come up two months from now. A lot of our agenda items are popping up. We've been the two weeks prior so making those arrangements might be challenging but maybe you can -- if you pick out those dates, every three months we're going to have an evening meeting and kind of save the not -- the not imminent or, you know, the things that are not -- what is that? Crucial or, you know, urgent, things that aren't urgent and save them for those evening meetings, that's an option as well.

Mr. Chaikin: Alright, thank you for that. So I think that, you know, we haven't had -- we don't really have a super strong consensus one way or the other. I think that, you know, what Commissioner Kalipi said, if it's not broken, don't fix it, and it's not really broken, so I don't think we're, you know, going to make any rash decisions right now of what we're going to do. We can just continue to think about this and figure out what, you know, the different alternatives are and look at those -- the last flight that you can get back on, you know, that might decide whether or not we could have this hybrid, an afternoon meeting that would allow more people to come and allow us to spend more time at work during the day. So I think we can just let this lay for right now. We don't need to make any decisions. But, Clayton, you might wanna look at that and see what is the last flight that you guys can take back in which all of you can get back and --

Mr. Kalipi: Chair, the other thing that I noticed that is offered ...(inaudible)...

Mr. Yoshida: Unless they changed their schedule, the last flight is PW-Express at 8:05, and they only have nine seats available, so we're going to have to fight with the community for nine seats -- for at least three or more of those nine seats. If not, if we miss that flight, we have to stay overnight.

Mr. Kalipi: Clayton, what about da kine charter?

Mr. Yoshida: Charters can be very expensive. I think maybe about \$2400.

Mr. Chaikin: Okay, Clayton, so 8:05. I'm just going to leave this on the agenda. We can discuss it more at our next meeting when we have more Commissioners and we can continue this dialogue but it's good to know that there is that potential of having a little bit later start time. So any other -- use the mike.

Mr. Feeter: First thing in the morning? The staff could get here. We could start at 8:00 and --

Mr. Chaikin: Well, it's really difficult cause a lot of us work and so what we try to do is get some work done for the day and then get away and come to this meeting, so it might wreck the whole day instead of wrecking part of the day by starting early on that. Alright, any other comments on this before we move on? Public, you got any comment on this? Okay, here we got Aunty Judy that wants to say something.

Ms. Caparida: ...(inaudible)...

Mr. Chaikin: Talk in the mike, please.

Ms. Caparida: We're pretty good about when there's important meetings and they have to come over because let tell you, our community will let us know what is important and they wanna be here and they want them to be here too. So, you know, if it's a quarterly thing, that's fine. But when there is an important going on on Molokai, you better make sure you guys better show up Maui because our community will be here and you'll never hear the end. So I mean we've been really good about all this so that's all I needed to share.

Mr. Chaikin: Alright, thank you. Any questions? Comments?

Mr. Kalipi: I have a comment, quick comment before Nancy comes up. I really like the idea about an evening 3 to 6 meeting as a quarterly trial. You'll have, for example, you schedule your flights in advance, 2 to 3 months, cause you know you're going to have a quarter -- you're going to have a meeting and this is going to be an exception. We have a 3:00 to 6:00. It gives you a lot of time to get on the 8:05 and give you a lot of cushion to clean up and do that. So if we're going to head towards that, I like the thought that you can have it where it doesn't -- I think the more inconvenience is going to be the staff for their schedule but they -- they normally fly out in the evenings anyways. But I just -- I like that something new.

Mr. Chaikin: Alright, thank you, Commissioner Kalipi. And I think that, you know, that is a good point. I mean one of things that we have to continue to discuss is if we did have a hybrid of some sort, an afternoon meeting, if we would do that on a regular ongoing basis rather than just a quarterly thing cause that's something that, you know, they wouldn't have to get a special charter flight or something like that to be able to -- you know, we could just move this start time down and do that as a regular basis. But anyway, any other -- Nancy, do you have something to say on this subject?

Ms. McPherson: I just wanted to mention that *Molokai Times* does do an -- I think it's the *Times* or *The Dispatch* - help me out here. They do an online survey, both of them do it? Okay. So maybe if we ask them to do an online survey of their readers, you know, it might help people even be aware that there is a Molokai Planning Commission, that there are meetings, and that they happen during the day. So it might be a good mechanism to get some feedback from the community.

Mr. Chaikin: Well, Nancy, I think that, you know, what -- for me, the most important thing is the Planning Staff and the Commissioners. I think it's best for the community to have these meetings at night. So it's really a matter of what all of us can work out without inconveniencing the County too much and making it the best situation for us, as a Commission, cause we have to remember that the County is here, the employees, they get paid to be here. For us, we have to pay to be here. So it's a totally different situation. So I would like to accommodate, you know, us as much as we can, and I would like to accommodate the County as much as we can. So let's continue to discuss this and see if we can come to some decision on this on a future meeting. Alright that's all I have on this.

6. Molokai SMA maps and Molokai zoning maps

Just moving on to the next item, it's the Molokai SMA maps and Molokai zoning maps, and you're probably wondering why this is on every single agenda. And I just put it on there as kind of an illustration of what it takes to get something done around here. You know I requested this about four or five months ago and we are still waiting to get our zoning and our SMA maps. So I just put that on here and I'm going to leave it on until we do get the maps just as an illustration of how long it takes to -- to get things done. Do you have an update on this, Nancy? No update. Okay. Anyway, we're still waiting. Alright, moving on. We're going to move on to the -- I think it's the Director's Report now. Clayton, do you wanna take over at this point?

H. DIRECTOR'S REPORT

- 1. Pending Molokai Applications**
- 2. Closed Molokai Applications**

Mr. Yoshida: Yes, thank you, Mr. Chairman and members of the Commission. We have circulated our list of pending Molokai applications as well as closed Molokai applications. If you have any questions?

Mr. Chaikin: Commissioner Feeter?

Mr. Feeter: The perennial question on the Molokai Veterans permit going back to last fall. What's the status on that?

Mr. Yoshida: I think Nancy could answer that.

Mr. Feeter: And also on the Pawn dwelling.

Ms. McPherson: I'm working on both of those permits. I'm also having to get ready for the public hearing for the Duke Maliu Regional Park's baseyard structure so that's been taking up a lot of my time. So I am working on those two. I'm hoping to get at least one of them to -- to the next meeting. If I don't get them both, then the other one will be going to the subsequent meeting.

Mr. Feeter: Thank you.

Mr. Chaikin: Any other Commissioners? Okay, Clayton?

3. **August 27 Public Hearing on the Land Use Changes for the County Parks Department's Duke Maliu Baseyard Project, 1230 pm, Mitchell Pauole Center**
4. **Scheduling of date and time for a public hearing on County Council Resolution No. 08-55, A Proposed Bill for an Ordinance Amending Section 19.530.030, Maui County Code, pertaining to Administrative Enforcement. (J. Alueta) *(The Commission may select a date and time to conduct the public hearing on the proposed bill.)***

Mr. Yoshida: Under Item 3, we would remind the Commission that at our next meeting on August 27, we have scheduled the public hearing on the land use changes for the relocation of the Parks Department baseyard over to the Duke Maliu Park. So if you're interested in or the community is interested in that, that meeting starts at 12:30 p.m.

Moving to the next item, we did circulate copies of Council Resolution No. 08-55, containing a Proposed Bill pertaining to administrative enforcement at the last meeting on July 23. With these Council resolutions, the department has 120 days to take the matter to the Planning Commissions for public hearing, have their recommendations and transmit that back to Council. So I believe we received the Council Resolution in mid-July. We have until mid-November to schedule the public hearing -- I mean to submit the Commission's recommendations to the Council. So we're here before you to select a date and time to conduct the public hearing on the proposed bill. We would suggest that the earliest we could do this would be your September 23 meeting -- September 24 meeting, I'm sorry.

Mr. Chaikin: Okay, Commissioners, do you have any thoughts on that?

Mr. Feeter: What's the -- what's the subject other than administrative enforcement?

Mr. Yoshida: Administrative enforcement?

Mr. Chaikin: We can get a better explanation over here. Corp. Counsel?

Mr. Hopper: If I understand it, it is a change in the section for administrative enforcement. It currently says the Department of Public Works is the one that's going to issue the citation. It's obviously not accurate. The Department of Planning, the Department of Public Works, the Department of Environmental Management, and I believe the Department of Water Supply all can issue notices of violation. The problem was that under the old charter, the Department of Public Works was the department that would issue the fines. So it's making that change and it also may contain a change regarding, not really a change, but a clarification that appeals on a particular water issue would have to go to the Water Department. The only reason this is coming to you -- it would not go to the Water Department, it would go to the Board of Variances and Appeals. The only reason this is coming to you is because this is a change in Title 19, which is the zoning and enforcement title, which happens to use other -- other departments happen to use that particular section to enforce. So as far as land use, this would be beneficial because it would specify that the Planning Director would be the one that would issue the notice of violation in the case of a zoning violation rather than the Public Works Director. Essentially, it's main purpose is to update cause it just says Public Works Director right now and since -- the original was since -- was before the Planning Department was responsible for zoning violations. So this clarifies that they are responsible for those violations. That's going to be the substance of it.

Mr. Chaikin: Alright, thank you. Clayton, you wanna continue on that? I don't have any feeling one way or the other on that. I mean I think it's really a coordination with Nancy and how much stuff she wants to put on. If she's got a whole bunch of stuff stacked up on that day, then we wouldn't wanna do it there, and I see her shaking her head, so I don't see anything wrong with that -- what is it, 24th meeting?

Mr. Yoshida: Yes.

Mr. Chaikin: Yeah, 24th. So that's fine. We can go ahead and schedule that for the 24th.

Mr. Yoshida: At 12:30?

Mr. Chaikin: Okay, yeah. We'll keep that at 12:30.

Mr. Yoshida: Okay, thank you.

Mr. Chaikin: Clayton, before we get too much further, let me just ask you about the meetings. You know on each of our months we have two meetings, right? And then in September there is the first meeting of September, which you had brought up at an earlier date that conflicted with the conference, and so we had discussed that, what we were going to do, whether we were going to reschedule that to a new date or just disregard it in its entirety, and I'm not sure what -- how we left that. What I remember saying is that we should figure out, when we got closer, if there was some strong need for us to have a meeting, and that would be highly up to Nancy really if she's got a backlog of stuff that she needed to get on the agenda, but how do you recall us leaving that first meeting in September? Do you remember? We had discussed --

Mr. Yoshida: I believe the Commission voted to cancel the September 10 meeting because of the HCPO Conference, and that they would look at possibly rescheduling that meeting to another day. I mean the minutes probably would bare me out a lot --

Mr. Chaikin: Okay, well, that's fine. That's kind of what I remembered too is that we were going to see if there was some backlog or something and we should have the meeting, then we should reschedule; otherwise, we could just disregard that. Now I'd like to defer to Nancy because I don't have any feeling one way or the other, but if Nancy feels like she needs to get some exemptions processed or something like that, that maybe we should take a listen.

Ms. McPherson: Thank you, Chair, but my dilemma is that I'm also on the HCPO program committee that's putting on the conference so I'm actually going to be extremely busy right up until and through the conference. It's going to be pretty difficult for me to catch up a whole lot with the backlog until this conference is over. So I would leave it up to the Commission to decide, frankly.

Mr. Chaikin: Okay, but from your perspective, you wouldn't need to reschedule it for ...(inaudible)...

Ms. McPherson: No.

Mr. Chaikin: Okay.

Ms. McPherson: If I can catch up, and it looks like I've got too many permits piling up to get onto the agenda, which would be a miracle, but -- wonderful. I think I'd probably come to the Commission and ask you to maybe add a third meeting into the month further down the line.

Mr. Chaikin: Okay, but at this point, it looks like you don't need that meeting.

Ms. McPherson: I don't ...(inaudible)...

Mr. Chaikin: Commissioners, do you have any problem with not rescheduling the September 10 meeting and just wait until our next meeting on September 24? Do we have to take a vote on this, Corp. Counsel?

Mr. Hopper: What exactly did you want to do precisely?

Mr. Chaikin: Well, we had canceled the September 10 meeting at an earlier date and now we're making the final decision that to not reschedule it for any -- for a new date.

Mr. Hopper: No, I would say if you wanna have a special meeting, that you would have to take a motion. But to just not reschedule since you already voted, basically, to not have that meeting, yeah, you don't have to do anything to not reschedule. Alright, Commissioners, does anybody object if we don't reschedule that meeting? Alright, seeing no objections, then let's just not reschedule it and then in September we're going to have one meeting and that'll be on September 24. Okay, sorry, Clayton, go ahead with your report.

5. Agenda Items for the August 27 meeting

Mr. Yoshida: Yeah, so our final item is the agenda items for August 27. As mentioned earlier, there is the public hearing on the land use changes for the County Parks baseyard project at the Duke Maliau Park. There is also possibly two SMA assessments. There's one for the Parker SMA assessment and another one for the Pawn SMA assessment. Also, on the plate, if it were, is the workshop with the Kamehameha Environmental, and discussion on the jet ski. So I don't know if that's too much for the plate; that's too little for the plate.

Mr. Chaikin: You know, I think we can be ambitious. I mean I don't think we should cut ourselves short. I mean if that's what you have, that's what you have, and we should put it on the agenda. Commissioners, do you have anything else that you would like to see on that next agenda? Let me ask the public. Does anybody from the public feel like they'd like to see something that's on the agenda that wasn't already mentioned? Alright, seeing none. Then we'll stick with what Clayton has just presented for the next agenda. But let me just say that for the August 27 meeting, we have to be very diligent in our recruitment of the Commissioners to attend that meeting cause I am not going to be attending that meeting, neither is the Vice-Chair, so I guess that defers to, you know, who would be chairing that meeting and then whether or not we would have enough Commissioners to make a quorum. So let me defer this over to Corp. Counsel and find out what happens if the chair and the vice-chair is not going to be attending a meeting.

Mr. Hopper: If you can get a quorum for that meeting, the members would have to elect a chair pro tem to chair that particular meeting and I would recommend waiting for that meeting for them to do that.

Mr. Chaikin: Alright, thank you, Corp. Counsel. So as I said, just we need to be diligent to make sure that, you know, the Commissioners -- is there any other Commissioner that's currently here now that feels as though they're not going to be able to attend the August 27 meeting? Okay, so that's four Commissioners right there. So by then, hopefully, Teri Waros will be onboard and that'll be another Commissioner, and then we have Commissioner Buchanan, so as long as we let everybody know in advance that we may have a quorum issue if they don't show up, then we should be able to have our meeting as planned. Yeah, okay. Alright, Clayton, is that it for your Director's Report?

Mr. Yoshida: Yes, Mr. Chair.

Mr. Chaikin: Alright, so I guess that brings this meeting to a close. I'd like to thank everybody for coming and being part of this process. This whole meetings are because of the public showing up and being a part of the process so I wanna thank all of you for being here and providing us your input. I'd like to thank, again, AKAKU for being here and thank you for all you do for our community. And at this time, I'd like to bring this meeting to a close and we'll see you at the -- I'll see you guys all at the conference September 10 in Maui.

I. NEXT REGULAR MEETING DATE: August 27, 2008

J. ADJOURNMENT

There being no further business brought before the Commission, the meeting was adjourned at 3:03 p.m.

Submitted by,

SUZETTE L. ESMERALDA
Secretary to Boards and Commissions

RECORD OF ATTENDANCE

Present

Steve Chaikin, Chairperson
Mikiala Pescaia, Vice-Chairperson

Bill Feeter
Joseph Kalipi
Sherman Napoleon, Jr.
Don Williams

Excused

Lori Buchanan
Lynn DeCoite

Others

Clayton Yoshida, Planning Program Administrator
Nancy McPherson, Staff Planner, Molokai
Michael Hopper, Deputy Corporation Counsel
AKAKU