

WATER AND INFRASTRUCTURE COMMITTEE

Council of the County of Maui

MINUTES

January 28, 2019

Council Chamber, 8th Floor

CONVENE: 1:32 p.m.

PRESENT: Councilmember Alice L. Lee, Chair
Councilmember Tamara Paltin, Vice-Chair
Councilmember Riki Hokama (in 1:36 p.m.)
Councilmember Tasha Kama
Councilmember Keani N.W. Rawlins-Fernandez
Councilmember Shane M. Sinenci

NON-VOTING MEMBERS:
Councilmember Yuki Lei K. Sugimura (in 2:14 p.m.)

EXCUSED: Councilmember Michael J. Molina

STAFF: Traci Fujita, Legislative Attorney
Rayna Yap, Committee Secretary
Zhantell Lindo, Council Aide, Molokai Council Office (via telephone conference bridge)
Denise Fernandez, Council Aide, Lanai Council Office (via telephone conference bridge)
Mavis Oliveira-Medeiros, Council Aide, Hana Council Office (via telephone conference bridge)

ADMIN.: David Goode, Acting Director, Department of Public Works
Nolly Yagin, Civil Engineer VI, Department of Public Works
Jennifer Oana, Deputy Corporation Counsel, Department of the Corporation Counsel

OTHERS: Jeffrey C. Paisner (WAI-2)
His Highness Kaua (WAI-2, WAI-4, WAI-8)
Lucienne de Naie (WAI-2)
(2) additional attendees

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

CHAIR LEE: . . .*(gavel)*. . . It is about 1:32, January 28, 2019. Will the Water and Infrastructure Committee please come to order? Good afternoon, everyone.

ALL: Good afternoon.

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CHAIR LEE: Ready for an exciting meeting? Alright, okay. We should be done in a few minutes. Okay. I want to tell all the crowd in the gallery to please silence your cell phones at this time. I am your Committee Chair, Alice Lee; and our Vice-Chair is Tamara Paltin. Riki Hokama is probably going to join us later. We also have Councilmember Tasha Kama.

COUNCILMEMBER KAMA: Good afternoon.

CHAIR LEE: Michael Molina is excused. With us today, also, Member Keani Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha, Chair.

CHAIR LEE: Aloha. And finally, Member Shane Sinenci.

COUNCILMEMBER SINENCI: Good afternoon.

CHAIR LEE: Good afternoon. Alright. Non-voting Members are not here, so moving on to the Administration. From the Department of Public Works, Acting Director David Goode. Good afternoon.

MR. GOODE: Good afternoon.

CHAIR LEE: Were you going to bring one of your engineers with you, no?

MR. GOODE: Yeah, Mr. Nagin...Yagin will be here...I forgot the item.

CHAIR LEE: Okay.

MR. GOODE: I can't believe I just called him that.

CHAIR LEE: Yeah. Alright. And then from the Office Corporation Counsel, Deputy Corporation Counsel, Jennifer Oana.

MS. OANA: Good afternoon, Chair.

CHAIR LEE: Good afternoon. And then our Committee Staff, Traci Fujita, Legislative Attorney.

MS. FUJITA: Good afternoon.

CHAIR LEE: And Rayna Yap, Committee Secretary.

MS. YAP: Good afternoon.

CHAIR LEE: Hi. Do we have anyone to testify from any of our District Offices?

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MS. FUJITA: Nothing from Molokai, but the other...Hana and Lanai are on the line.

CHAIR LEE: Okay. Alright. Denise Fernandez from Lanai Office?

MS. FERNANDEZ: Good afternoon, Chair, this is Denise Fernandez at the Lanai Office and there is no one waiting to testify.

CHAIR LEE: Thank you. Did you say Hana was available?

MS. FUJITA: Yeah.

CHAIR LEE: Yeah. Mavis Oliveira-Medeiros, Hana Office?

MS. OLIVEIRA-MEDEIROS: Good afternoon, Chair, this is Mavis Oliveira-Medeiros. There is no one here waiting to testify.

CHAIR LEE: Thank you. Thank you. You can turn off the radio now. Alright. Today's meeting is primarily informational. Thank you. Lot of feedback on that. On item...oh wait, let's take testimony first. For individuals in the Chamber, we have someone here who has signed up to testify. I'd like to say that your testimony needs to be limited to three minutes unless you need another minute to conclude. Then when you testify, please state your name and any organization you may represent. Also, if you are a paid lobbyist, please inform the Committee. We have established a connection to, and we just checked with, our District Offices. So, our first testifier is Jeffrey C. Paisner.

. . .BEGIN PUBLIC TESTIMONY. . .

MR. PAISNER: Good afternoon, Councilmembers. Welcome, new Councilmembers. My name's Jeffrey Paisner. I am a property owner. Well, I own two pieces of property on Maui; but for over 40 years I've owned a piece of property in lower...I'm sorry, in lower Nahiku on the Makapipi Stream, which is on the makai side of the bridge. The bridge was closed over four-and-a-half years ago by the County of Maui who put barriers up although the County of Maui claims to have no jurisdiction over this bridge. Even though the County of Maui, in the past, has replaced and repaired this bridge over and during the time that I've owned this property, County of Maui closed this bridge without any prior notice to any of the landowners who were affected. So thereby, one day we drive down the road to get back to our properties, which we've been driving to for decades, and we can't get to our property, it's blocked. Not even the courtesy of prior notification from the County of Maui. There have been numerous State House proclamations imploring the County of Maui to determine the ownership of the bridge. There are several of them. They go back over ten years ago. The County of Maui has made futile, less than half-hearted attempts to ever follow this directive from the State House of Representatives. Now we have a situation there whereas it's extreme danger, the bridge, I don't know if anyone in this Council has even taken the time to look at the condition of the bridge. But if the County of Maui's reason for blocking the bridge was to protect public safety, then they have not done that at all because they've

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ignored the fact that every plank of the bridge is rotting through to the point where people can fall through it, tourists. So, the County has done absolutely nothing to protect the public except put concrete barriers up to the bridge. They are also denying private landowners and taxpayers access to their property. It would be very expensive to challenge the County of Maui for doing this legally, 'cause unfortunately they would be using our own taxpayer money to defend themselves against a private owner's lawsuit. The Lower Nahiku Road is one of the roads you're going to have to consider. This testimony has been given many times before. That road encroaches on many pieces of private property on the way down. It is a very narrow road. The Planning Commission approved them going forward with the lower, with the community center there. Even when asked who from that Planning Commission had ever been there to see the road, only two people of the seven had ever even seen it, yet they made a decision. Against the decision made in Hana, five-zero vote that we need to find out who owns this road? Is there a legal easement down this road? So, now the County of Maui, and you're now here some new members here, the County of Maui has spent hundreds of thousands of dollars of taxpayers' money to build a community center on a road which cannot accommodate two-way traffic safely, on a road which is not, that doesn't even have a legal easement. Yet their excuse for not repairing the bridge is they don't know who owns it. Well, the fact is that the County of Maui doesn't even know who owns the road from the Hana Highway down to the landing. So, if they're going to use that lame excuse for not repairing the bridge then why are they using taxpayer funds and a lawsuit which is still ongoing with Kaponu Builders, to build a community center when the original budget was \$400,000. It was a sham. They always knew it would cost more --

CHAIR LEE: Mr. Paisner?

MR. PAISNER: --now we've lost more than a million dollars --

CHAIR LEE: Mr. Paisner?

MR. PAISNER: --of taxpayer money.

CHAIR LEE: Mr. Paisner?

MR. PAISNER: So, hopefully you Councilmembers will finally do something about this and stop ignoring this problem. Thank you.

CHAIR LEE: Any questions for the testifier? If not, thank you. Second testifier.

MS. FUJITA: The second testifier is his Highness Kawa, testifying on...

MR. HIGHNESS KAUA: Kaua.

MS. FUJITA: Oh, Kaua, testifying on all items on the agenda.

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MR. HIGHNESS KAUA: Hello, everybody, I'm Highness Kaua . . . *(inaudible)*. . . an heir and living breathing sovereign of _____, Hawaiian National.

CHAIR LEE: Welcome.

MR. HIGHNESS KAUA: . . . *(inaudible)*. . .

CHAIR LEE: Welcome.

MR. HIGHNESS KAUA: Hello, we talking about all, all which I've already announced to Victorino your Mayor and everyone before that. Even the new one that was coming to be a Mayor. Your guys' Mayor will be arrested. Ex-Governor Mayor. Mayor Governor Mayor Arakawa. I've already asked, I already told Victorino that this County Council with you guys that became _____ need to slam head to head with us guys and go fairly all the way to the gusto because right now you're actually following which united serpent states are doing, they're collapsing. There are tribunal wars that be going on in Guantanamo. And therefore we'll be sending people there and . . . *(inaudible)*. . . So, now the point is that we need to make all things fair between each other. And the best way to be fair is father, me, we are speaking to you now. So, do not think only me. It is we. We means a whole lot of deal being coming while people becoming the government forever more. But again you guys have done the illegal serpent allegation to us people and you're occupying our room which . . . *(inaudible)*. . . to our people, _____ family. Right now we talking about the roads he said right down there. Already we already know that you guys haven't been taking care of things because County money comes to effect because of we the people. That's the way they did it from before. We the people that paid you guys off. So, now with the road in actuality getting rid of the cars, we'll be doing that, to where we can be able to hold our own style because we need to make sure that we'll be able to grow our own food and do our own things because right now they shutting things down. If we're not able to do that we're not going be surviving over here. And when I say that I'm pureblooded European. I'm pureblooded from Michigan. I'm pureblooded Asian where they call us yellow on TV set, they call us slant-eye, they call us this, they call us that. So, it doesn't make sense that I'm looking at other slant-eye, like yourself, Lee, because my family's Cheung Lee. Bruce Lee is who I train off from. So in Japanese I do Shodokan. I do all things like that. The whole thing is that we are united together as one because you're purely pure, pure, pure. You ever take a word which I shared to last County Council last time and on TV on the County, on TV. The biggest crimes that have been are people have said what it is. One, two, and three. It is word.

CHAIR LEE: Can you finish in one minute?

MR. HIGHNESS KAUA: Yes, can.

CHAIR LEE: Thank you.

MR. HIGHNESS KAUA: Word is a, think about it, word is the biggest crime. You put another letter to it, it changes everything. Right now you can see how America is doing things

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right now, that's us guys now ...*(inaudible)*... forward and ...*(inaudible)*... back because we only using context words to each other. Our father's word is true between one and the other. True. So, no step out of it. Because by all means I'm letting you guys know, you, you, unique, unique, unique, know that because if you go out of bounds in this the lord will hear what is going on and will not like it between me and you. So, I see you, father, me, you. Father, me, we. Altogether as one and the best we can do is join hands bro. And I'll be back tomorrow because I have more things to say.

CHAIR LEE: Thank you.

MR. HIGHNESS KAUA: But...thank you.

CHAIR LEE: Any questions for the testifier? If not, next.

MS. FUJITA: The next testifier is Lucienne de Naie, testifying on behalf of the Huelo Road committee on item WAI-2.

MS. de NAIE: Good morning, Chair Lee and Committee Members. My name is Lucienne de Naie. For the last 20 years I've served as the co-chair of the Huelo Road committee. We live on old government roads and like it says, they're in limbo. We have contacted the County Public Works and they've told us that the roads are on State land if the ownership is known at all and they have no funding to take care of anything on State land. We've contacted the State and they said oh they'd be happy to give jurisdiction to the County to work on the roads but they don't have any funding. Our roads are on 1870's maps. I didn't bring them up with me but I'd be happy to share them with my representative Mr. Sinenci, you know, by e-mail. They clearly show the roads on these maps. They've been around there since the Huelo Plantation in the 1870s. Under our law these are actually government roads, it's just someone has to step up and do something. They're not in terrible shape because we raise and tax ourselves thousands and thousands of dollars every year to get gravel and every once in a while bring in a bulldozer and we spent \$18,000 having Sonny Vick's pave 1/10th of a mile last year, not even all of 1/10th of a mile, a portion of 1/10th of a mile because it was so bad that several cars actually broke parts trying to drive the road. We need to reinstate this committee, this working group to look for a solution. And so we hope you don't just file this communication and say "okay, it's been on the agenda a long time. There are...report's been done. It was done in 2014 and it's over and let's just move on," because the problem is still there. It's not just Huelo where we live but all of us who have parts of old roads. Our road was the Hana Highway before the 1920s and it was the King's Highway in the 1860s and 1870s and 1880s. And there's like hundreds of people that live along this road. There's two churches, there's an ag education center, there's three licensed bed and breakfasts that pay extra taxes. There's got to be a way to find a little money to take care of this. We're happy to do our part but we need your cooperation so we ask you to set up a working task force on looking at best practices that could solve this and to include community members. We know this affects people in the west side, in East Maui, and also probably in other

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parts of Maui, wherever old roads are still used by communities but it's no one's responsibility to take care of them. So, thank you for your consideration.

CHAIR LEE: Any questions?

COUNCILMEMBER SINENCI: Yes, Chair.

CHAIR LEE: Shane?

COUNCILMEMBER SINENCI: So, these roads are down at the, as you go down to Huelo?

MS. de NAIE: Yeah. The one goes right by the Kaulanapueo Church, it's the old government road it's on TMK maps, you know, the County's maps. It's on the maps from the 1870s. And the other is the road that was built in the 1920s across the old school site. It was a State school site. The Huelo School site. It became County land, and then across is some other State land that's in Huelo and it connects the new Hana Highway with the Old Hana Highway, cause when the highway was moved further inland in the '20s, need to have a way for all the people that lived off of the old road to get to the new road. So, they're both roads that were created, you know, probably created with some government mandate. And I noticed that DLNR is doing a lot more research on roads now and so I think that pulling them in as part of this partnership could be very good. Their abstractor is digging deep and finding that there's public ownership of a number of roads on Maui that everyone just assumed were on private land and were private. But we've got to have a group to work on this like what they call a temporary investigative group kind of thing.

COUNCILMEMBER SINENCI: Thank you.

CHAIR LEE: Ms. Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Thank you, Chair. Aloha, Lucienne, thank you for coming to testify.

MS. de NAIE: Thank you. Thank you for your questions, it's hard to say all this in three minutes, but.

COUNCILMEMBER RAWLINS-FERNANDEZ: I wanted to get clarification on what your request was?

MS. de NAIE: The request was, remember way back when, this communication was for Maui County back in 2013, '14, to set up a special investigative group, a task force, with the State and County roads departments and try to come up with some best solutions on how to solve this situation. If you look at the resolution from the State it had noble goals. If you look at the report from the committee, not many of those goals were really met. It was kind of like, "well we looked at a few things, this is all we could do," and that's it. We know it's all about money but let's look at priorities. You know? Maybe look at roads that are used by more than 100 people a day and then figure out

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how the money gets worked out. Maybe it's every five years they get a little dab of money. But it's got to be something. Right now it's just nothing and it's their responsibility. That's what we get.

COUNCILMEMBER RAWLINS-FERNANDEZ: Right. So, your request is to reconvene this task force that was put together in the 2012 legislation –

MS. de NAIE: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: --to come up with best practices?

MS. de NAIE: And I would include a representative or representatives from the public because I think just having the State and County roads department or Public, you know, Works and the roads department from the State talk to each other is kind of a closed loop and you need a little bit more open loop.

COUNCILMEMBER RAWLINS-FERNANDEZ: And so this task force developed a report and it listed some of the roads in limbo but you would like to expand on the results that it produced?

MS. de NAIE: Yes. And actually the County report on roads in limbo didn't include our road and our road is definitely an old government road. It's definitely in limbo and, you know. So, you know, we know a lot more now. I mean, I just got a report from DLNR about the old Makena-Ulupalakua Road saying that their research has shown public ownership and for years it was, you know, claimed that there was no public ownership. So, DLNR is getting more interested in doing this research and they should be part of the process.

COUNCILMEMBER RAWLINS-FERNANDEZ: So, the reconvening of this task force would need to come from State though, right?

MS. de NAIE: No, I think they asked the County to put it together. I think the County Council could have a task force and invite Robin Shishido or some other member of State Transportation. He's the one I've been talking to, to serve on it. And, you know, it's a temporary investigative group and the Council itself has the power to set those up and invite people to participate in them. That's my understanding anyway.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo for your clarification. One last question, Chair. So would the Huelo Road committee be supportive of an improvement district?

MS. de NAIE: Well, possibly. But how big would it be? Because, you know, every community like the Honopou folks have their own road committee. The folks on Kulike and Haumana Road have their own road committee. You know so is it an improvement district among the 100 homeowners? I think that that's an appropriate thing for a task force to investigate and either recommend...and that's why you need the public participation so that you can go back and see how that would work.

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COUNCILMEMBER RAWLINS-FERNANDEZ: Okay great. Thank you so much.

COUNCILMEMBER KAMA: Chair?

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha.

MS. de NAIE: Thank you.

CHAIR LEE: Yes, Member Tasha Kama?

COUNCILMEMBER KAMA: Lucienne, in your testimony you mentioned, or did I hear correct, that you said that there was a similar working group prior to this?

MS. de NAIE: Yes, there was, it was mandated by that resolution that was in your packet. It was because the bridge went out in Hanawana, which has to maintain their own road. And when the bridge went out it was really serious. It got beyond road maintenance and nobody could access Hanawana Valley anymore because the bridge was gone, you know, the land bridge. So, that sparked this request for the task force to be set up. They met in 2014. I think they met once, they were intending to meet one more time, or maybe they met in 2013. They issued a report in 2014 and that was in your packet. Very short, it's like three pages or something.

COUNCILMEMBER KAMA: So, the people who put this report together, so have they continued to meet or, kind of, did they just kind of like fall on the wayside because...

MS. de NAIE: It was not made clear. You maybe should ask Mr. Goode that --

COUNCILMEMBER KAMA: Okay, thank you.

MS. de NAIE: --because I think he might have been part of that task force, he or his predecessor. So, he would know more about what the, you know, what the eventual outcome was. I got the impression that it met and then the report was required by the Legislature, it was issued, and I'm sure they all talked to each other but probably not in that context of the working group.

COUNCILMEMBER KAMA: I was just wondering if they had dissolved this working group or if they just continued to meet only because of the issues still at hand.

MS. de NAIE: But see that was mandated by the State.

COUNCILMEMBER KAMA: Right.

MS. de NAIE: This would be new.

COUNCILMEMBER KAMA: Yeah.

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MS. de NAIE: This would be something that the County can create, your Council can create a temporary investigative group if it's needed on any topic, you know.

COUNCILMEMBER KAMA: Thank you. Thank you, Chair.

CHAIR LEE: You're welcome. Any other questions? If not, thank you. Alright. Anyone else here to testify? If not, any objections to closing public testimony?

COUNCILMEMBERS: No objections.

CHAIR LEE: Thank you.

. . .END OF PUBLIC TESTIMONY. . .

ITEM WAI-2: OLD GOVERNMENT ROADS (CC 12-181)

CHAIR LEE: Alright. So, we will begin with WAI, Old Government Roads. Just for your information, the Chair had no plans to defer this item. I forewarned Ms. Rawlins-Fernandez that we're all looking for money. So you need to sharpen your pencil. Okay. This has been a longstanding dispute over the ownership of old government roads or roads, as mentioned, in limbo. So, we are setting out on a journey to try and figure out, you know, some solutions to this problem. And as Member Rawlins-Fernandez mentioned, the improvement district, you know, whether it's a special improvement district or a community facilities district or, you know, I think that we...if we put our heads together we can figure this out with the Department of course. And if you look at your files, you'll see the various resolutions that have been passed in the past. And there was a roads in limbo working group. So, if the body decides today that, you know, another taskforce of some kind is needed, then I'm sure we can vote on that and see if we can get that going. Meanwhile, perhaps our representative from the Department of Public Works, David Goode, could give us an update on this particular item, Old Government Roads. And by the way, we were looking at also the Hui Roads, Road F, yeah? So, you may want to cover that, too. We're not going to cover any roads that are in litigation, today. Okay? Well --

COUNCILMEMBER KAMA: Chair?

CHAIR LEE: --without further ado --

COUNCILMEMBER KAMA: Chair?

CHAIR LEE: --David...yes?

COUNCILMEMBER KAMA: I'm sorry. So, David, when he does his presentation, could he explain what roads are in litigation so we'll know what to talk about, what not to talk about?

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CHAIR LEE: David, do you know? There are only two. I have the names, but do you have the names?

MR. GOODE: I have one, Awalau Road.

CHAIR LEE: Awalau...and, Traci, the other one is...go ahead, say it.

MS. FUJITA: The other road that's currently in litigation is Kailili Road.

CHAIR LEE: So other than those two, Ms. Kama --

COUNCILMEMBER KAMA: Yes?

CHAIR LEE: --we can talk about anything else.

COUNCILMEMBER KAMA: Okay.

CHAIR LEE: Okay. David?

MR. GOODE: Thank you, Chair. First, clarification, you mentioned the Hui Roads, that's the next item. So, I think --

CHAIR LEE: Oh, I'm sorry. I'm sorry.

MR. GOODE: --we have to discuss that later. Okay. Well, thank you. If you'd indulge me, Chair, I'd like to give a little bit more background, especially because we've got a lot of new Members. And so the issue of old government roads goes back to the Kingdom, the Territory, and the Statehood. And I'm going to read from a report from--just to give a little background here--it's called, Roads in Limbo: An Analysis of the State-County Jurisdictional Dispute. And this was put together by the Legislative Reference Bureau, which does all the research for the State Legislature. And just the first paragraph says, "some 20 years ago, when the undersigned was in charge of the division responsible for land matters in Corp. Counsel for the City and County, one of the perennial areas of controversy involving the State and the counties was that of jurisdiction over certain roadways, particularly substandard ones. At that time the problem had been simmering for a while. Today, the dispute continues and it will likely continue 20 years from now if no serious consideration is given to the problem and a concerted but cooperative effort is made on the part of all involved to deal with the real issues." And that was signed by Samuel Chang who was then Director of the research bureau. That was in 1989. So, in 1989 it had been simmering for 20-plus years. Fast forward to today, we're now 30 years. So, we met his 20 year anticipated, "this will continue for another 20 years unless a concerted effort has been made," and concerted efforts have been made from time to time from what I've seen. So, you know, essentially these are roads that could have been laid out and used by the Kingdom or the Territory and the State has tried, through legislation, generally in the '60s but even back further, to basically say, "these are our roads," meaning State

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highways, “and everything else is yours County.” And all the counties, all four of the counties, don’t appreciate that because our ordinances are fairly similar in that we own roads for which we have accepted, through, generally through this body and by deed. So, therein lies the major source of dispute. The State basically dictating which ones are there’s and everyone else is ours. And our position, similar to all the other counties, has been, “that’s not how we accept roads, we accept it by dedication through a regular process.” But nevertheless there are these roads out there, some of which are clearly, we maintain, we spend money on every day, every year. And other roads which are in substandard shape, just like the ones mentioned by Mr. Chang here, that’s where the dispute is because the substandard ones don’t get the resources that folks live on like Ms. de Naie mentioned. So back to 2012, that’s been mentioned a few times here. The Legislature did ask that a working group be put together and DOT, State DOT, put that together. I participated on that commission looking for some kind of reasonable solution. Prior to attending the first meeting of the commission, I came to this body, whatever committee it was at the time, to ask what you folks would like me to represent on behalf of the County. And the general direction I received was, “yes, we’d like to get this resolved, but we don’t want the liability associated with accepting a bunch of substandard roads. And so don’t commit to anything without having the liability portion addressed.” So, we met, I stated my position, or, the County’s position. It was not dissimilar from the other counties and as a result of that, legislation was drafted. As a result, the working group was basically disbanded. They printed their report, legislation was presented to the Legislature. Unfortunately, I can’t remember exactly which year but it’s in that same timeframe. And it got pretty far along so both the House and the Senate had bills. It got to Conference Committee and it died. And it died primarily due to the concerns of the Bar Association. That if you’re going to take away liability, in this case we were looking at roughly ten years if we were to accept certain roads, give us, you know, liability-free for ten years while we improve and make the road safer. They didn’t like that. It’s their pocketbooks. So, we tried again the next year. Because it went to Conference Committee, I don’t know all the inner workings of the Leg but they basically said, “hey, these bills are pretty far along, we can practically go back to Conference Committee.” Same thing happened. So, at that point we felt, I think, the best efforts had taken place. There may have been sporadic efforts, and then your staff just handed out to me that there’s four bills currently in this year’s Leg, House Bill 544 and 545, and mind you I haven’t read these, and Senate Bill 580 and 581, so there must be companion bills. Maybe looking at it from two different ways to give it another shot. So, I guess my feeling would be, you know, if we can...I think we need to take a good look at these bills, have Corp. Counsel look at them to see if it might make sense. But maybe the effort, the immediate effort needs to be at the Legislature because of the short timeframe there to see if maybe there’s an opportunity through these bills to get something. I will give you one additional bit of background, Chair, and that is when you look at these roads in limbo, the ones that we think pretty sure are roads in limbo, or old government roads is another term for them, abandoned government roads is another term for them, is that there’s really three types. There’s the type that we maintain all the time. Portions of South Kihei Road are, could be considered in this class. Yeah we spend money on them all the time, we work on it every day. Those to me are kind of the no-brainers. If we were to accept those it’s no

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difference really than what we have now. We already have liability, and we've paid out on certain instances on those kind of roads. So, those I would call like class A roads, we clearly already maintain them. Class B roads are like the ones that Mrs. de Naie mentioned where there are folks that live on them that want the roads to be in better shape, that have some services, they want more services in the rural areas. Haiku has a preponderance of them but they exist actually in all, in every community. Those are the tough ones, those are the substandard ones mentioned in the report that will need, you know, significant resources to improve. And then, so I just call those class B. The third class, or say class C, are the ones where, yeah, we feel that that's an abandoned government road and it's on a map but nobody's there. And if you stood on it you may not even know you're standing on a road. It could look like a field, a pasture, the jungle. And so those are ones where no one's clamoring and saying, "please fix this road." You know if the County were in some position to actually accept those, more than likely we would sell them to the neighbors, the neighboring property owners through some kind of auction process. So A, yeah we already pretty much have, we work on them every day. C, we have no interest in them and seemingly no one else but the immediate neighbors would. And then B are the tough ones. B are the ones where people live on them, they want services, they want the road to be improved. So, we've tackled that, trying to look at how many roads we think are like this and there's probably a couple hundred in Maui County that are class A, B, or C. So, Chair, I think that, again, provides a little history for the new Members and some older history for the Members that have been here.

CHAIR LEE: Dave, maybe we can stop here and see if anybody has questions.

MR. GOODE: Sure.

CHAIR LEE: Going this way. No?

COUNCILMEMBER KAMA: I...go ahead, Tamara.

CHAIR LEE: Okay, one second, just for the record I just want to recognize that Councilmember Riki Hokama has joined us. Thank you. Yes, Ms. Paltin?

VICE-CHAIR PALTIN: I just was wondering when you said the Bar Association. Do you mean like the lawyers' lobby, like testified against it and then it died? Or what else impact does the Bar Association have on the State Legislation? The lobbyists?

MR. GOODE: Yeah, that's my understanding. They're a lobby. I mean, that's what I was told.

VICE-CHAIR PALTIN: Oh.

MR. GOODE: So, obviously they have concerns, I think we need to reach out to them and find out exactly what they are and see what changes could be made. But that's my understanding.

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VICE-CHAIR PALTIN: Ok, thanks, just clarifying.

CHAIR LEE: Mr. Hokama?

COUNCILMEMBER HOKAMA: I would say, you know, Mr. Goode gave a pretty good summary of the historical component. One thing that I would say that we should not underestimate is the power of, the political power of the tort lawyers' lobby, okay? And we know who their key lobbyists are and that's one of the reasons why the counties do not have beach liability protection anymore, because this same group is the guys that are fighting us on moving forward on old government roads. And it's about their pocketbook and their profit. Okay. Not the interest of the community, it's about their own personal business profit lines. And again, I don't begrudge them of earning a fair living but I don't see them being able to prey upon the innocent component of our communities to make money on things we can correct if given the reasonable time to make the improvements. So, that's just one of my pet peeves with the tort lobby group currently, stopping from good legislation moving forward. But I will say though, Mr. Goode, as part of your guys' good work it did provide us with an attachment to your 2014 report to us that listed, very detailed, old government roads, districts, street name, the type, TMKs, and everything. As far as your understanding, this is still a pretty accurate list of what is within our county situation? Or do you think this is old, we've improved it or we've added more since we've found out additional roads may now qualify?

MR. GOODE: Chair?

CHAIR LEE: Go ahead.

MR. GOODE: Chair and Mr. Hokama, we really haven't worked on this since that time. There may have been instances where maybe either a case came along or an inquiry from the public that could...may have maybe added to this but I don't think we've subtracted.

COUNCILMEMBER HOKAMA: Okay, okay. No, I just was curious because on Lanai our issue with the State on the old government roads is again from territorial days or old Kingdom days and it's roads that they exercise responsibility and jurisdiction on, okay? Now, they're saying they don't have...it should be the counties. But my thing is they exercised control, authority, and jurisdiction of the road; so that by action told me they accepted it as their responsibility, okay? And to me that makes a big difference, they exercised that jurisdictional authority which says something to me. As well as posting State highway signs, okay, on the side of the road shoulder. So, for me on Lanai it's not as major as for this island, Maui. But I can tell you this is a statewide concern. Kauai has a lot of these issues; that much I do know. And so I'm agreeable to move forward. But I think we should do this jointly. I don't think the State should just say, "let the counties move forward and we'll...we may do our part." I think we need some agreements on what we will agree to do regarding the outcomes and just say, you know...I don't have a problem. Come up with a reasonable recommendation, Director. Just say it makes sense for us to do the top three of the

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ten projects that we've agreed on within X years because we can fund and we can move forward, or whatever it be. But I'd like to also know when and where cause only this County and Oahu deals with MPOs. So, what is the role of the MPO in a disputed area and is Federal funds accessible for those improvements? Thank you, Chair.

CHAIR LEE: Good questions. Ms. Kama?

COUNCILMEMBER KAMA: So, Chair, after hearing a lot of the discussion, I want to ask if it's appropriate at this time to maybe make a motion to be able to establish the working group that we were talking about earlier, if this would be an appropriate time. Because I would just like to make a motion because I don't see how, I mean, there's some knowledge that I don't have and I know there's some knowledge that some of our previous or current Councilmembers have and if we're supposed to be making good decisions, well then, we need good information and I don't feel like we have a whole lot of information regarding the old government roads and that kind of history that would come with having a working group work on it and get all the members of the community come together. But I do agree with Councilmember Hokama that we should do a partnership with the State and not, you know, let the burden fall upon the County.

CHAIR LEE: Mr. Sinenci, did you have a question?

COUNCILMEMBER SINENCI: No.

CHAIR LEE: No? Oh okay. Anybody else with questions? Alright, yes, Mr. Hokama?

COUNCILMEMBER HOKAMA: Maybe under your leadership, Chair, or in concert with Mr. Goode, for this to work we're going to need State representatives to agree to participate. So, even if we say we'll create a taskforce, their participation is critical. So, maybe we might want to put in some pre-advanced query and say, you know, "we would like to work together, would you like to participate with us?" Because if you tell us no, well so much for spinning our wheels because we'll resolve nothing. But I'm thinking if this is part of a preparation for the Legislature I'm thinking the State departments may already have something in mind, Director?

MR. GOODE: Yeah.

CHAIR LEE: Okay, sounds good. Maybe you and I can get together and talk about the possibility of putting a TIG together. Anybody here want to volunteer? Okay.

COUNCILMEMBER HOKAMA: . . .*(inaudible)*. . . perspective.

CHAIR LEE: Oh, everybody. Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR LEE: Yes?

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COUNCILMEMBER RAWLINS-FERNANDEZ: I'd like to echo Member Hokama's sentiments about ensuring that State participation is...yeah, okay. And, but I'd also like to echo the sentiments of one of our testifiers in including community participation.

CHAIR LEE: Sure. Okay, anybody else? Jennifer, are you looking at me to say something?

MS. OANA: Yes. So, if the Committee is looking into formulating a TIG or a PIG, that would be two Members up to, I believe, four Members?

CHAIR LEE: Mr. Hokama?

MS. OANA: So, two to four.

CHAIR LEE: Mr. Hokama?

COUNCILMEMBER HOKAMA: Chair, I'm sorry to interrupt. I believe I understand where Counsel is going to lead us because some of the limitations if we created by this Committee or by Council action. Something else you may want to consider, Chair, is, you know, heading our Committee's efforts is, maybe you through Mr. Goode consider the Mayor to establish something administratively, which can be done sooner and has less requirements especially regarding some of the Sunshine requirements of an elective body's group. So, again, there's advantages to look at from an administrative mayoral appointment per se and still include all the participants as another way to get the job done, Chair.

CHAIR LEE: Okay.

COUNCILMEMBER HOKAMA: I would ask you to consider that.

CHAIR LEE: That's another thought. Thank you for joining us, Ms. Sugimura. Did you have a question?

COUNCILMEMBER SUGIMURA: Good afternoon. I would love to participate; so I'm listening to this discussion.

CHAIR LEE: Okay, well --

COUNCILMEMBER SUGIMURA: We'll wait for --

CHAIR LEE: --Jennifer, what is the --

COUNCILMEMBER SUGIMURA: --the Mayor.

CHAIR LEE: --limitation on a TIG and the amount of Councilmembers involved?

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MS. OANA: Okay, so since this is a seven-member Committee you can have two to four, I'm sorry, yes, two to four Members of this Committee being on a TIG or the PIG, whatever you want to call it. I'm not aware that you could have outside members on this TIG so I believe Councilmember Hokama's suggestion that we ask the Mayor to do this so that there is community members on whatever taskforce there is. If you want to do the TIG I believe it's only two to four Members of this Committee.

CHAIR LEE: And no community members?

MS. OANA: No community members on the TIG or PIG, although you can have them there if you want, but they won't be members.

CHAIR LEE: Okay. Well, considering our limitations would you, this group, consider us working...me contacting the Mayor and working with the Administration trying to put a taskforce together and getting a couple of representatives from our Committee and creating a taskforce so that we can include members of the community? Any objections to that?

COUNCILMEMBERS VOICED NO OBJECTIONS.

COUNCILMEMBER KAMA: Chair?

CHAIR LEE: Yes.

COUNCILMEMBER KAMA: When you put community members onto such a committee as this, how wide and how varied will those, I mean, it's like we have this huge community, right? And how many people get to represent this huge community, you know, in terms of sitting on this committee? Will it be two people? Will it be one from every district? Will it be, how big is this taskforce going to be? How long will they be in effect? And what is the outcome that we're looking for? So, those are just some questions I'd like to leave with you if you don't mind.

CHAIR LEE: Sure.

COUNCILMEMBER KAMA: Thank you.

CHAIR LEE: Thank you. Any other comments? If not, then we will proceed with what I just mentioned and if...are there any objections to deferring this item?

COUNCILMEMBERS VOICED NO OBJECTIONS. (Excused: MM)

ACTION: DEFER PENDING FURTHER DISCUSSION.

CHAIR LEE: Okay, thank you.

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ITEM WAI-4: HUI ROADS ON MAILEPAI PARTITION SUBDIVISION (WEST MAUI) (CC 16-172)

CHAIR LEE: Mr. Goode the next item.

MR. GOODE: Okay. As it relates to the first time, we look forward to working with you, Chair, on that soon because they got something in the Legislature right now. I was going to do a PowerPoint here so I need to know if this...I have it on my laptop here but I need to know if it's going to be shown on the screens.

CHAIR LEE: I'm sorry.

MR. GOODE: I have a laptop presentation here, A PowerPoint.

CHAIR LEE: Okay. Staff, can you help him? Thank you. While you're setting that up, Mr. Goode and Members of this Committee, we had something on the agenda having to do with Hui Road F that...we thought that a resolution that was drafted on this matter did not pass the Council. Well, it actually did pass the Council last year. So, what we would like to proceed with discussing that particular road because we need to find out what is the status of any progress or any movement in that direction. Personally I would like to see, and I will strongly advocate for that property. Mainly because it was a property that we dealt with 30 years ago and nothing has been done and I think it's high time that we try and help the people in that area. Okay, could you proceed please, Mr. Goode?

MR. GOODE: Okay, thank you, Chair. So we'll, we're going to get to Hui Road F as part of this presentation. But like the first item this is going to provide some background especially to the new Members. We had discussed the Hui Roads last term and since it's an ongoing issue it's good, I think, that we get a little background for everybody's perspective. So starting with in general, the Hui Roads, what are the Hui Roads? It's a great name, sounds like it could be almost anywhere. But in general the Hui Roads were roads that were set aside as part of the Mailepai Partition which happened in...I think it was 1933, something like that. Let's see, let me get the right button here.

CHAIR LEE: Our copy says, what, 1931?

MR. GOODE: Thirty-one, okay. So--oh gosh, we gotta get rid of--sorry about the circle, sorry about that circle, I'm not sure where that came from. So, back in those days there were many partitions of large lands where there was dozens of, sometimes if...hundreds of, owners and the court took it upon themselves to divide the land in equity for those various owners by giving, you know, specific metes and bounds to parcels; and, in some of the partitions, they set aside roads and some they did not. But in the Mailepai Partition...and the Mailepai area is basically in Napili from the shoreline heading up a big slice, almost like in an ahupuaa. And so they created roads as part of that partition and they're called Hui Roads; that's what they say in the partition, so hence the name. And they were labeled A through I and they were given access; that way folks could have access to their lots. The court also ordered that the road lots be for the use of everyone having interest in said lands and that title to the

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roads, “shall be for the time being be and it is hereby transferred to the person for the time being holding the office of the Clerk of this Court as Trustee, his successor and assigns, with full power and authority in said Trustee to convey the roadways to a” body politic or “public body”--i.e. this body, likely this department—“but without any duty whatsoever to construct, build, maintain, or repair such roadways.” So, these are the only roads you’re going to find that they’re actually in title to the Second Circuit Court. The Clerk of the Court. So it’s not an abandoned government road. In fact the government divided it up, gave it to itself, and said, well at some point you can transfer it, Clerk, to a public body, meaning the County of Maui. So, today the Clerk has most of those roads still and they would love to get rid of them. Here’s the big map showing all the area, and you can barely see in red where those Hui Roads are. And we’ll look at those more specifically, but that’s the general area. So, Hui Road A, this is one of the two that actually were accepted by the County. So, there’s, in the early ’70s, in Resolution 72-114. And it accepted the whole thing and Hui Road A basically became part of Napilihau Street which goes from the highway down to Lower Honoapiilani Road. But it actually goes further mauka, quite a ways mauka all the way up to, there’s a County of Maui water tank. So, Honoapiilani Highway was built in the early ’80s, it bisected it, we have access issues to the top portion. The makai side became Napilihau Street, so it’s not a problem. It got re-improved, became a County roadway. In fact we just finished a nice slurry seal project on Napilihau Street. And the mauka side was maintained by Maui Pine for a long time until about five or six years ago when they pulled out of pineapple. So, we didn’t worry too much about it. There’s, I don’t know, ten landowners maybe at the top side along with the County’s water tank. And Maui Pine just took care of it until they didn’t. And then we were tasked, and still are tasked with going up there from time to time and grading, adding gravel, dealing with tall brush, et cetera. So, Hui Road A is problematic for the Department on the mauka side because we spend a lot of time and resources up there because it’s a gravel road and you got a lot of rain up there. But we own it. Here’s what Hui Road A looks like on the top side if you haven’t been up there. This was from a couple years ago, not long after we had done some work. Hui Road B is actually kind of an offshoot of Hui Road A on the mauka side there. It’s not accepted by us, it’s in a dirt road condition, really poor shape. It serves a couple properties. And at one point there was a helicopter company that had a parcel up there and they maintained some of this road. But they are long gone. Here’s what it looks like. You need a four-wheel drive. Hui Road C is also in that same area above the highway. Hui Road C connects the mauka portion of Napilihau Street kind of by where the Maui Prep Academy is and the new condos that they started there, it goes parallel to the highway and then connects up to Hui Road A. There have been access and utility easements granted by the Clerk to various private properties and that condominium project, and a portion of that road is actually being built by that Wailele Condominium project but it’s still owned by the Clerk. Hui Road D has not been accepted by the County. It’s a little cul-de-sac off the lower road on the mauka side and serves a handful of residents. It’s paved for a little bit, and then maybe like 150 feet and about 100 feet’s gravel. Pavement’s in really poor shape, there’s no curb, gutter, or sidewalks. There was a reso in the early ’80s that authorized us to get sewer easements. So, when that west side was getting sewered and we were putting in

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pipelines and whatnot, we did get an easement from the Clerk but we didn't accept the whole property.

VICE-CHAIR PALTIN: Chair?

CHAIR LEE: Yes, Ms. Paltin?

VICE-CHAIR PALTIN: This Hui Road D, was that the evacuation route when the lower road flooded that they evacuated down onto the highway?

MR. GOODE: I think it was, yeah. So, the very top portion they had to get a gate open on the highway. I think the police or fire, they hemo'd the lock and they got out, and yeah, then it was used for that purpose.

VICE-CHAIR PALTIN: And the boat ramp is on the makai?

MR. GOODE: I'm not sure. You may be more familiar with the area than me but, yeah, that's the general area.

VICE-CHAIR PALTIN: So, it's kind of an, like an evacuation route for when the road floods area but it is owned by the Clerk right now?

MR. GOODE: Correct.

VICE-CHAIR PALTIN: Okay.

MR. GOODE: Correct.

VICE-CHAIR PALTIN: Thank you.

COUNCILMEMBER SINENCI: Chair?

CHAIR LEE: Yes?

COUNCILMEMBER SINENCI: Question for Mr. Goode. So, you mentioned that for some of these Hui Roads there's been infrastructure put on these roads if there was some development to happen along these Hui Roads, is that correct?

MR. GOODE: Yeah, that's correct. So, when a subdivision was planned on one of those lots, the subdivider had to make improvements so it didn't matter who owned the road, whether it's the court or us or another private property.

COUNCILMEMBER SINENCI: So, the developer would have to go to the County Clerk to get access of these Hui Roads?

MR. GOODE: No, because the order, the original order from 1931, was it?

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COUNCILMEMBER SINENCI: Thirty-one.

MR. GOODE: Basically said that the purpose of the road is to service those lots. So, they have the right to use those roads to get to those lots.

COUNCILMEMBER SINENCI: And so...and the developer would be paying for the, you know, the infrastructural to get to these developments?

MR. GOODE: Right, so they put in water, sewer, curb --

COUNCILMEMBER SINENCI: Okay.

MR. GOODE: --gutter, sidewalk, pavement. That's why some are paved and some are not.

COUNCILMEMBER SINENCI: I see.

MR. GOODE: And depending on when it was done our codes have changed over the years so before they were more lenient and you had to put in very few improvements whereas now you, you know, for urban areas, you put in a lot more improvements.

COUNCILMEMBER SINENCI: Right. Thank you.

MR. GOODE: Thank you. That's a good question, it does help clarify why they look so different. And as you go onto Hui Road E, so Hui Road E is a little cul-de-sac that heads makai off the lower road and basically serves about ten lots and it's got curb/gutter throughout. It looks in great shape. It's only about 350 feet long. You know, so from an acceptance standpoint this is, you know, a lot more improved than the other ones we've looked at so far.

CHAIR LEE: Dave?

MR. GOODE: Yeah.

CHAIR LEE: So, who maintains this road?

MR. GOODE: I imagine the, maybe the owners have a little group that do some maintenance to it but we don't maintain it.

CHAIR LEE: Thank you.

VICE-CHAIR PALTIN: That...oh.

CHAIR LEE: Yes, Ms. Paltin?

VICE-CHAIR PALTIN: This Hui Road E has a public access to the shoreline as well, right?

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MR. GOODE: That's correct and that was an SMA condition for a subdivision that happened on the road.

VICE-CHAIR PALTIN: So, the County maintains the public access or no?

MR. GOODE: I don't recall. Most shoreline accesses are maintained by the Parks Department.

VICE-CHAIR PALTIN: Thank you.

CHAIR LEE: Okay, Dave?

MR. GOODE: Okay, so that's Hui Road E, now we go on to the famous Hui Road F. So, this is on the mauka side of the lower road towards Kapalua from Napili. This one has a lot of people on it so you can see from the slide it serves about 63 single-family lots and also condominiums like Napili Ridge at 132 units, Coconut Inn Apartments that's 44 units, and Kipa Village 21 units. So, you've got a couple hundred, plus 250 people or units that are serviced by this one road. It also has other cul-de-sacs coming off of it which are privately owned. It's got road widening lots along it which are privately owned. It's got some curb and gutter, but not much. It's got a little sidewalk, but not much. We do have a sewer easement over a portion of it. And then there's been some dispute as to the mauka portion of Hui Road F. So, if you were to go up there today it would end in a cul-de-sac. If you look at some old maps you'll see it continues further mauka. There was a court action by Maui Pine, I'm trying to remember, in the '70s maybe? And they were basically, the court decided that they were the only ones using it and the court basically said, "it's yours," and they've since folded that into a subdivision. It's one of their employees' subdivisions they did I think in the '90s early 2000s. And so that road where Napili Park is now is part of that Hui Road F. So, we don't...I think we own that road now.

CHAIR LEE: Yes, Ms. Paltin?

VICE-CHAIR PALTIN: I live in that subdivision. So Hui F goes up into, it turns into Maiha Street. Some of my neighbors said that there was supposed to be a walking path to get from Hui F Road to Napili Park but we've never been able to find it. I just was wondering if you had any information.

MR. GOODE: Chair and Ms. Paltin, no, I've never seen any documents to that effect. It would make sense to have one but...

VICE-CHAIR PALTIN: Yeah. Cause I mean, to get to the park or to the beach, I know all the kids cut through some of the lots or use the gulch but that's not correct I guess.

MR. GOODE: Right. So, Hui Road F then basically as you see it now, as you drive it, it's basically owned by the Clerk except for a couple road-widening lots and the cul-de-sacs basically on the north side are privately owned.

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CHAIR LEE: Mr. Goode? Since that resolution that was passed last year, yeah? I think the request was to get a title report. Is that for this property?

MR. GOODE: That's correct.

CHAIR LEE: Yeah. So, do you know the status of that?

MR. GOODE: Yeah, Chair, we were trying to track that down. I'm not positive that the completed reso ever made its way to the Department. The purpose in asking the County to do that was because we had asked the Clerk to do it. We want to, as part of trying to investigate, you know, what we can do with Hui Road F, we wanted to see that it was clearly owned by the Court and also that nothing had been attached to it like a lien, mortgages, and what have you. The Clerk informed us after a couple months of trying that they were unable to get a title report, that they couldn't convince the title companies to do it, there were a lot of questions was the Court did not feel that they could answer. So, the purpose of the reso was to ask us to do it and, Chair, I'm pretty sure I don't remember seeing that reso come down to us for whatever reason. So, we'll have to look for it and get some quotes. But it would be tough for us to encumber because we would be doing a title report on a private piece of property; and so I don't know if we need separate funds for that, because the funding we generally have is for County roads. So, we'll strive to answer both of those questions for you.

CHAIR LEE: Mr. Goode, since this matter was actually passed last year, I'm sure the issue of funding was also discussed last year? You were probably --

MR. GOODE: I likely brought it up --

CHAIR LEE: --present, yeah?

MR. GOODE: I likely brought it up then but we never received separate funds that I'm aware of for that.

CHAIR LEE: Oh. Well, we're just going have to rely on your creative abilities to find the funding then. Because I don't think a title report is going to cost that much. Do you have any idea? Any estimates?

MR. GOODE: Well, unfortunately it's not like getting a title report for a, you know, a single-family home that has a mortgage on it and everyone knows where it exists. I have seen title reports in the \$10,000 range. I can't say that's what this is. As far as I know the Clerk was unable to even get a good quote because none...the title companies didn't seem like they wanted to touch it. So, that tells me that there's going to be a negotiation and some cajoling to get them to do it. And so it could be a lot pricier than what one would normally expect.

CHAIR LEE: How soon do you think you can get back to us on this matter?

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MR. GOODE: I'd say give us at least 30 days to make contact, get the copy of the reso, and make contact with the title companies. We have a pretty good working relationship with the major title companies because we do a fair amount of work with them.

CHAIR LEE: Great, great. We'll send that resolution to you this afternoon.

MR. GOODE: Thank you.

CHAIR LEE: Any other questions? If not, please proceed. Thank you.

MR. GOODE: Okay, we're almost through the alphabet. So, here's some photos of Hui Road F. You can see it's in pretty bad shape in some areas, in some areas not so bad. It must be being maintained by some of the owners there or the condos. You know, putting in, you can see like a concrete patch for potholes. Hui Road G was, actually, was accepted by the County of Maui. It's basically was a drainage way when we built some drainage improvements in the area. And then later in 2015, via resolution, was discarded by auction to the abutting property owners and was sold for \$22,000. But it didn't exist as a road by that time, it was basically a drainage pipe. I think we have an easement over that to maintain the pipe. Hui Road H is another one that's basically, you know, looks like it could be all private use at this point. It looks like some parts of the road became the Mauian property. We'd have to do a lot more research on this one. And again we have sewer easements in there. But there's a fair amount of traffic here, people trying to get to the beach, Napili Bay. And then Hui Road I has not been accepted by us, it's also known as Alaeloa Place; so if you go to the Alaeloa Condominium you'll see this, almost like a driveway entrance. It's in good shape, it doesn't have curb, gutter, and sidewalk but it's paved nicely and in good shape. The Alaeloa must take care of it. There's also a few single-family lots that are serviced right after you come off the lower road. So, again that's owned by the Clerk still. And so...

VICE-CHAIR PALTIN: I had a question about Hui Road I.

MR. GOODE: Okay.

CHAIR LEE: Yes, Ms. Paltin?

VICE-CHAIR PALTIN: Do you know if this is a gated access to Hui Road I or is it like for public to use?

MR. GOODE: It's gated at the end, so it's likely at the end of Hui Road I it's gated and that's the gated access to the Alaeloa. But as you drive down it you can drive into the driveways for the residential lots.

VICE-CHAIR PALTIN: Oh, okay.

MR. GOODE: At least when I drove it a couple years ago.

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VICE-CHAIR PALTIN: Thank you.

MR. GOODE: So, Chair, moving forward. You know we recognize that, you know, the subdivision code was changed a few years ago, that, you know, the Council could look at accepting roads that don't meet our standard if they deem it's in the public interest. There's clearly a wide range of roads here in terms of the number of people that they serve and the condition of the roads. And we feel that, what we had mentioned last time, was that this seemed prime or ripe for an improvement district for some of these roads. Particularly Hui Road F which had the most users on the road and the most, seems like, the most critical need. And, you know, we look forward to working with you folks on how you want to move forward on these.

CHAIR LEE: Thank you.

MR. GOODE: Thank you.

CHAIR LEE: Are there any more questions? If not, thank you very much, Dave. And finally the last one. Item...

MR. GOODE: So, I'm sorry Chair, you want to talk about the Waiale Road one?

CHAIR LEE: Yes. Oh I'm sorry, I'm sorry, sorry. Let me back up a little. If there are no objections, we'll defer this item on Old Government Roads.

VICE-CHAIR PALTIN: Chair?

CHAIR LEE: Yes?

VICE-CHAIR PALTIN: Can I ask why it's Department of Public Works' opinion that H should not be considered for dedication?

CHAIR LEE: David?

MR. GOODE: Let's see. We had...we noted that Hui Road B and the un-built portions of C and H, I think at that time it was due to the condition of the roads. We didn't understand that H was, you know, a potential evacuation route.

VICE-CHAIR PALTIN: So, there's a potential that we could get H as well?

MR. GOODE: Oh yeah. I mean, ultimately that's, what we've offered is a starting place. You folks make the final decision.

VICE-CHAIR PALTIN: Okay.

MR. GOODE: Yeah.

VICE-CHAIR PALTIN: Thank you. Sorry, no objections.

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CHAIR LEE: Anything, any other questions?

COUNCILMEMBER KAMA: So...

CHAIR LEE: Yes, Ms. Kama?

COUNCILMEMBER KAMA: So, will this be part of the TIG or is this going to be a separate report? So, there's a report coming from Public Works regarding this and then the TIG is something different.

CHAIR LEE: Well, Mr. Goode, my understanding, I think, when we spoke earlier, we were going to include all of these.

COUNCILMEMBER KAMA: Yeah.

CHAIR LEE: Yeah? All of these roads in, for consideration for improving. Right?

MR. GOODE: Yeah, I think that's...

CHAIR LEE: Because they're all old government roads.

COUNCILMEMBER KAMA: Yes, thank you.

MR. GOODE: Right. But they're not old government roads so they're really not part of the discussion on the old government roads.

CHAIR LEE: I see.

MR. GOODE: Because we know who owns them. It's the Clerk. There's no dispute there other than the fact that the Clerk doesn't want them. And they're not responsible to maintain them. So, generally the public wants us to accept these. So, you know, we're willing to work with you folks how you see fit on these particular roads. But they're distinct than the old government roads.

CHAIR LEE: Okay. So, we will include these Hui Roads. And we just deferred it really, yeah?

COUNCILMEMBERS VOICED NO OBJECTIONS. (Excused: MM)

ACTION: DEFER PENDING FURTHER DISCUSSION.

ITEM WAI-8: INTERSECTION OF WAIALE ROAD AND WAINU ROAD, WAILUKU
(CC 17-317)

CHAIR LEE: Okay. Moving on to the next item, David?

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MR. GOODE: Okay, well, I'd like to ask our head traffic engineer Nolly Yagin to join me for this item. This is regarding the intersection of Waiale Road and Waiinu Road. Waiinu Road is the road coming down from the hospital. Come on in, Nolly. And I think, Chair, you're basically looking for a status of where we are with this?

CHAIR LEE: Yes, yes.

MR. GOODE: Correct?

CHAIR LEE: Thank you.

MR. GOODE: Right, okay. So, we have provided some status around six to eight months ago and Nolly can provide an update and also, I think, touch base on some of the things that were discussed at that time as well.

MR. YAGIN: Good afternoon, Chair, Committee. So, in the last several months what we've been doing was, we've decided to...okay, well, maybe let's just back up. So, there was a, we did some analysis of this intersection several years ago...many years ago. And we found that a, in short, a traffic signal was warranted. And so as part of our policies we always look at other alternatives and one of them is including, includes roundabouts. So, roundabouts, all-way stops, those are things that we all...we analyze before we make a decision. So, with this road, with all the different developments in the area especially along Waiale Road, we decided that perhaps we need to keep, we need to look at this further, introducing volumes from those developments and seeing how that works out. To date, we don't have the results yet of that analysis but we do have funding in our current fiscal year to move ahead with whatever design is selected or is recommended. So, as of today we're still awaiting the results and we'll hopefully make a decision before summer of this year on how to proceed with this intersection.

CHAIR LEE: Questions? Mr. Hokama?

COUNCILMEMBER HOKAMA: Thank you, Chair. I'm like you, I'm still not sure what I want to support for this component. You know, especially for me and this area of our County, I'm, as I stated from last term, I'm more into a regional planning perspective, especially for the roads. Because if you're telling me Waiinu is potentially a roundabout, what are you going to do with Kaohu and Waiale then? It's only a couple hundred feet apart. What you going to do with the bridge by Mission Street? Okay? I need a plan that I understand how this piece fits in the overall now, not just the Wailuku Town, but for the region. How will this fit for the region? Because I don't need to be, need this to be another stop point of flow traffic if and whenever Tropical Plantation and everything else starts building out. And Maui Lani starts building out additional. So, I need things to move traffic, not stop traffic and I'm not sold on this roundabout proposal for Waiinu right now. So, what is this fit in the overall regional plan?

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MR. YAGIN: That's a good question. And that's something that we've been trying to wrap our heads around. For one, if we go to Kaohu intersection, which seems to be the source of a lot of this stop and go, especially in the morning. We are analyzing that intersection as well, seeing what we can put in. One thing that I would share, though, is that if we do proceed with a signal here at the Waiale-Waiinu intersection, that pretty much determines how we proceed with the other intersections because to put a signal here and another type of uncoordinated treatment at the neighboring intersections, that does present some problems. So, if a roundabout is feasible here, that opens up the other intersections to those options as well. So, we are looking at it from an overall perspective. Some of the things that we also consider are, for instance, Maui Lani Parkway. That does, we feel that that will help regional circulation overall. And when, and hopefully when that road opens, it will pull some of the traffic from this specific intersection. Thank you.

COUNCILMEMBER HOKAMA: Yeah, well, we're going to need projected time schedules and everything else to see how this works out. Because, you know, by narrative sounds pretty good but I don't trust narratives, yeah? I deal with numbers and dollars so that's what I would need to understand how this project fits in your...our overall plan for this area. Because I don't know how this fits with Kamehameha Avenue widening. I don't know how this fits with some of the other things that I expect to see in a regional road plan if we expect this area to grow. And I'm just talking because already you gave us earlier comments about a transit project for Kahului and Wailuku so how does this fit in the transit plan? Especially connecting the major collector roads. Either we're going to put it on Kamehameha or we're going to put it on Kaahumanu. So, I need to understand how all this fits in between those two major arteries. Thank you, Chair.

CHAIR LEE: Yes, Ms. Sugimura?

COUNCILMEMBER SUGIMURA: If nobody else?

CHAIR LEE: I don't see anybody else.

COUNCILMEMBER SUGIMURA: Okay. So on this particular intersection, just because I think there's T.J. Gomes on, opposite of the Maui Memorial Park and with the big trucks that I see, I'm sure you're measuring all of this but I'm just concerned will they be able to navigate around a roundabout. So, that was my one thought about this and then I'm sure when you come back with your data you'll have that kind of information. And then regarding Mr. Hokama's comment, just so on a side note with my Committee, I do have an item, a subject matter item, for a regional transportation and multimodal kind of maybe complete streets, I'm going to learn more about it. But I do have something in which will come to my Committee and I hope to be able to be submitting something for budget-wise to do a, you know, regional transportation plan. Exactly what he's talking about because it came up last year as we were doing the Waikapu...Wailuku Apartments and all the Waiale Road. The little, not little, but the development projects that were coming up. And the questions did come up during our

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committee discussion on that is, what is the regional plan for the area and how does it affect it. So, just side information.

CHAIR LEE: Ms. Sugimura, would you like this in your committee?

COUNCILMEMBER SUGIMURA: You can send it to my Committee.

CHAIR LEE: Any objections to referring this to Ms. Sugimura's Committee?

COUNCILMEMBERS VOICED NO OBJECTIONS. (Excused: MM)

**ACTION: REFERRAL OF COMMUNICATION TO MULTIMODAL
TRANSPORTATION COMMITTEE BY C.R.**

CHAIR LEE: It's all yours.

COUNCILMEMBER SUGIMURA: Thank you, Ms. Lee.

CHAIR LEE: Okay. Any other questions or comments? Traci, did I forget anything? No? Well, in that case, thank you very much, David and Jennifer and Nolly, and everybody else who came to testify. I don't believe we have any more items; so if there are no objections, I'd like to adjourn this meeting.

COUNCILMEMBERS VOICED NO OBJECTIONS. (Excused: MM)

CHAIR LEE: Wonderful, thank you. . . .*(gavel)*. . .

ADJOURN: 2:50 p.m.

APPROVED:



ALICE L. LEE, Chair
Water and Infrastructure Committee

wai:min:190128:cs

Transcribed by: Crystal Sakai

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CERTIFICATE

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

DATED the 16th day of February, 2019, in Kahului, Hawaii

Crystal Sakai

Crystal Sakai