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M I N U T E S
SUBCOMMITTEE ON OUTDOOR LIGHTING STANDARDS
(PUBLIC WORKS AND TRANSPORTATION COMMITTEE)
Council of the County of Maui
Council Chamber
March 7, 2002

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	1	CONVENE:	9:01 a.m.
Chair	2	PRESENT:	Councilmember Michael J. Molina, Chair Councilmember Charmaine Tavares, Vice-
	3		Lee Altenberg, Member Hannah Bernard, Member (In 9:49 a.m.)
	4		Richard Chong, Member Mike Maberry, Member
	5	EXCUSED:	Warren McCord, Member
	6	STAFF:	Gary R. Saldana, Legislative Analyst Richelle K. Kawasaki, Legal Analyst Camille Sakamoto, Committee Secretary
	7		
	8	ADMIN.:	Cary Yamashita, Engineer, Engineering Division, Department of Public Works
and	9		
			Waste Management
Codes	10		Howard Hanzawa, Engineer, Land Use and Division, Department of Public Works
and			
	11		Waste Management Greg Nakao, Electrical Inspection
Supervisor,	12		Department of Public Works and Waste Management
	13		Kalvin Kobayashi, Energy Specialist, Department of Management
	14		Joseph Alueta, Planner, Department of Planning
	15		Gregory J. Garneau, Deputy Corporation Counsel, Department of the
Corporation	16		Counsel
	17	OTHERS:	Eric Miyasato Leslie Kuloloio
	18		Steve Sutrov
	19		Lynne Woods, President, Maui Chamber of Commerce

		Terryl Vencl, Executive Director, Maui
Hotel	20	Association
		Randy Nakama, Maui Electric Company Ltd.
	21	Randy Piltz
		Bill George, Renaissance Wailea Beach
Resort	22	Cheryl King
		Skippy Hau, State Department of Land and
	23	Natural Resources
		Mercer "Chubby" Vicens
	24	Additional attendees (9)
	25	PRESS: ?

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	3	
	4	CHAIR MOLINA: (Gavel.) The Public Works and
	5	Transportation Subcommittee on Outdoor Lighting
	6	Standards is now in session.
	7	For the record, we have in attendance
	8	Vice-Chairperson Councilmember Charmaine
Tavares;		
	9	Committee members, Dr. Lee Altenberg, Mr. Mike
	10	Maberry, Mr. Rick Chong. Excused are Committee
	11	members Warren McCord and Hannah Bernard.
	12	Other personnel in attendance, from the
	13	Corporation Counsel's office, we have Greg
Garneau;		

14 and Council staff, Committee Secretary Camille
15 Sakamoto and Legislative Analyst Gary Saldana.

16 Good morning, Committee members.

17 ? : Good morning.

18
19 ITEM NO. 1: OUTDOOR LIGHTING STANDARDS (MISC.)

20 CHAIR MOLINA: Are we all enthused and ready to take
on

21 another challenging day of the events of the
Outdoor
22 Lighting Standards Committee?

23 Prior to receiving testimony today, I
wanted

24 to provide a brief overview of the items we'll
be

25 discussing at today's meeting. First, we'll be

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1 assessing the Subcommittee's review of the draft
2 bill, to be followed by consideration of
extending
3 the term of the Subcommittee; and we'll be
4 discussing the cost estimates and schedule for a
5 street lighting demonstration project. We'll be
6 reviewing potential dates for the County of
Hawaii
7 site inspection; and, should time permit, we may

8 continue with review of Sections .070, lamp
9 standards, and Section .080, luminaire
standards.
10 And I will give you a -- more detail on these
items
11 prior to our discussion.
12 If there's no objection, I'd like to
proceed
13 with public testimony. Okay. Thank you. Those
14 wishing to testify out there, please all sign up
at
15 the Committee secretary's desk to my left; and
you
16 will be given three minutes. An additional
minute
17 will be given to you subject to the discretion
of
18 the Chair; and if your testimony is not
completed,
19 an additional three minutes will be granted
after
20 all others have been heard.
21 Testifiers are requested to state their
name
22 for the record and to indicate who they're
23 representing; and to help minimize any
disturbances,
24 the Chair asks that you please turn off all
pagers
25 and cell phones or set them to the silent mode.
We

like
call
Subcommittee.
lighting
Agency
in
lighting
the
the
of

1 do have three members from the public who would
2 to testify at this time. The Chair will first
3 up to testify Mr. Eric Miyasato.
4 . . .BEGIN PUBLIC TESTIMONY. . .
5 MR. MIYASATO: Good morning, Chairman.
6 CHAIR MOLINA: Good morning.
7 MR. MIYASATO: Good morning, members of the
8 My name is Eric Miyasato. I am a manufacturer
9 representative for lighting fixtures and
10 systems. I work for Pacific Electrical Sales
11 in Honolulu. I'm a licensed electrical engineer
12 Hawaii. I was the IEF President for the Hawaii
13 section in 1997 through 1998.
14 I am, for the record, for an outdoor
15 standard for the County of Maui. However, I am
16 against the proposed outdoor lighting standard
17 listed currently at the Maui County Web site. I
18 highly urge the Committee to carefully review
19 County-wide use of low-pressure sodium lamps and
20 financial repercussions for the County of Maui.
21 In addition, there are several sections

broad 22 the outdoor lighting ordinance that are too
23 based in language and would restrict lighting
24 solutions for the County of Maui. I have as an
25 exhibit this (inaudible).

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1 CHAIR MOLINA: (Inaudible), Mr. Miyasato?
2 MR. MIYASATO: Yes. In my profession I work with
design
3 engineers and architects on any technical
aspects
4 for lighting. The exhibit I'm passing out takes
a
5 looks at three different examples for a roadway
6 application.
7 The example I had in mind was Hana
Highway,
8 two lanes in, two lanes out, and a median and
the
9 distance to light up the roadway to a certain
IES
10 standard, which is a major commercial. Under
that
11 premise, if you examine Layout 1, which is the
12 standard Cobra head -- standard roadway fixture
with
13 a drop lens using a high-pressure sodium
fixture,

on 14 based on that fixture, you can space it 150 feet
15 center.
16 Layout 2 uses a high-pressure sodium
fixture 17 but with a cutoff lens. Based on that fixture,
you 18 can space it 136 feet on center.
19 And Layout 3 is based on a low-pressure
20 sodium cutoff fixture. On that premise, you can
21 space it 99 feet on center.
22 By looking at the data, you can obviously
see 23 that the spacing for low-pressure sodium isn't
as 24 great as high-pressure sodium. This is because
the 25 inherent nature of low-pressure sodium does not

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1 permit the spread or the coverage as great as
2 high-pressure sodium.
3 My example covers a section of roadway
one 4 mile in length. It covers lamp and ballast
losses. 5 It covers the estimated budget costs per fixture
and 6 an estimated budget costs per mile.

7 MR. SALDANA: Three minutes.

8 MR. MIYASATO: And by examining this data, you can

9 obviously see that low-pressure sodium would not

pay

10 for itself within probably a 30-year time

period.

11 There's other aspects in this exhibit

that I

12 would like to discuss; but to keep things short,

I

13 would also like to mention, within the

ordinance,

14 there's a section on sports lighting. And it

15 specifically calls out for a full cutoff fixture

to

16 illuminate a playing surface such as War

Memorial

17 Stadium. In order to meet the certain light

levels

18 for recreational and college level sporting

events,

19 it would be highly unlikely to reach these

levels --

20 MR. SALDANA: Four minutes.

21 CHAIR MOLINA: Okay. I'm sorry, Mr. Miyasato. I'm

going

22 to have to cut you off at this time. However,

would

23 you like to return for an additional three

minutes?

24 MR. MIYASATO: Yes.

25 CHAIR MOLINA: Okay.

1 VICE-CHAIR TAVARES: Mr. Molina, excuse me.

2 CHAIR MOLINA: Yes, Ms. Tavares.

3 VICE-CHAIR TAVARES: Can't we regard him as a resource

4 person and --

5 CHAIR MOLINA: Sure.

6 VICE-CHAIR TAVARES: -- let him continue on his

7 presentation?

8 CHAIR MOLINA: You must have been reading my mind.

9 VICE-CHAIR TAVARES: Okay.

would 10 CHAIR MOLINA: I was going to ask the body if they

11 like Mr. Miyasato to remain through today's

12 proceedings --

13 VICE-CHAIR TAVARES: Right.

some 14 CHAIR MOLINA: -- and if the body would like to ask

15 questions later --

16 VICE-CHAIR TAVARES: Yes.

17 CHAIR MOLINA: -- and I just --

18 VICE-CHAIR TAVARES: Thank you.

19 CHAIR MOLINA: Okay. Any objections to that, members?

20 No. Okay. Thank you.

Leslie 21 Okay. Next to testify, we have Mr.

22 Kuloloio.

Committee, 23 MR. KULOLOIO: Mr. Chairman and members of the

was 24 thank you. My name is Leslie Kuloloio, and I
25 so -- so glad to have gotten a copy of the

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outdoor 1 Subcommittee -- all of you who serve on the
2 lighting standards.
3 I think my reason for being here is to --
4 just to come forward to you-all that I think I
5 served on the -- in the past many years ago on
the
6 street light (inaudible) Committee. And I
thought
7 it was so interesting because I also am involved
in
8 making sure that -- I like to see certain
corridors
9 or certain spaces that the public need to be
10 comfortable in -- the public need to be
comfortable
11 in where their uses does not become impacted by
some
12 standard that might blind them from across a
13 corridor, whatever it is.
14 I'd like to see that sometime traditional
15 uses or partitional culture uses in the use of,
for

16 example, ocean shoreline, does not impact
17 traditional and culture uses by reflectors,
blinding
18 lights, where Hawaii and our culture -- and
where
19 our resources is mainly to experience the
beautiful
20 skylights during the night. That's a big
21 difference. And that's a resource that brings
all
22 to Hawaii from all over the world beside
traditional
23 uses or private owners.
24 I'd like to be sure that when we
incorporate
25 subcommittees on light -- it reminds me of some

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1 ordinance talking about noise. If there's some
boom
2 box 20 miles away and it's loud, you feel
they're
3 going to get a complaint. So, I would like to
see
4 that kind of follow-up whether it's light or
noise.
5 Which one get priority, noise or light? How
does
6 each one become part of our system of enjoying

in a 7 ourselves in a peaceful -- as public individual
8 peaceful environment.
9 I'd like to also know that sitting on the
10 Land Use Commission for Kahoolawe -- because I
was 11 part of the makeup on the Committee -- being
sure 12 that the Island of Kahoolawe have already seen
more 13 light from the Kihei shoreline, and it's
increasing. 14 Where, that island will be hopefully no light on
the 15 island. And when we say "no light," we begin to
16 experience flying birds that cost our
environment 17 the fish that come in shoreline and the turtles
and 18 so forth that visit our shoreline. And so far,
19 there's only one shoreline along the Kealia Pond
20 that has no light. And you can witness the --
the 21 turtles are returning back to their darkened
areas. 22
expand 23 So, we need to really look at it and
want 24 our knowledge to what we really want to do. I
covers 25 to also be sure that the SMA permit process
these kind of uses --

1 MR. SALDANA: Three minutes.

2 MR. KULOLOIO: -- because it is a cultural thing. And

3 finally I'd like to say that the certified
setback

4 area be very distinctly defined by private
owners,

5 commercial uses, the hotels, and culture use and
6 public use in this space set aside for the
public.

7 Thank you.

8 CHAIR MOLINA: Okay. Thank you, Mr. Kuloloio.
Committee

9 members, any questions for Mr. Kuloloio?

10 Dr. Altenberg?

11 MR. ALTENBERG: Mr. Kuloloio, there's been a concern
12 expressed by some representatives of the resorts
13 that for their protection of liability, they
need to
14 be able to illuminate the beaches for their
guests,
15 the beaches that are adjacent to their
properties.

16 That would seem to be in conflict -- in conflict
17 with what you are suggesting. Could you say
more on
18 that?

19 MR. KULOLOIO: Yes. I don't think so it's a conflict
with

20 who was here first. I think it's a conflict
within

21 their own standards.

22 When they built the hotel, they should

have

23 known the package. They should have known what

24 would be -- that their hotel would encompass

with,

25 all the lights shining in the corridors for the

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1 room -- the people to go in their rooms on every

2 floor, their parking lots; but I -- I kind of

3 disagree. They have security.

4 I think what I'm saying is every corner

of

5 that lighting on premises of the commercial

uses,

6 hotels, the lights should be shining in towards

the

7 hotel rather than out of the hotel because

that's

8 the space they -- they chose to give it, not

shining

9 at every corner outside the perimeters and

blinding

10 the public, no way, no way.

11 And it's been done in Kaanapali, and we

need

12 to ask why some do it and some don't. Some of

clause 13 them -- are they going to have a grandfather
14 because now their lights are out there? I mean,
15 it's the first time this issue is written out to
the 16 veins of the heart.
17 So, let's review it again. I mean -- or
18 let's get a criminal report. Let's ask them do
a 19 criminal study of all the hotels of who been
ripped 20 off by entry coming in from the ocean or the
parking 21 lot. There needs to be a study -- I mean, a
real 22 good study because this is something that --
that is 23 going to be heavily impacting Hawaii beside our
24 beautiful moon and our morning sun and street
25 lights.

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discuss 1 And matter of fact, I -- we need to
2 it more. I kind of feel kind of -- kind of just
3 like I'm in the wrong area right now, but I love
the 4 question. Yeah, I love the question because I -
-

5 you know those -- you know those beaches
(inaudible)

6 Kaanapali? You ever go there, any of you? Have
you

7 seen it? It's all (inaudible). For what?

8 CHAIR MOLINA: Okay. Thank you, Mr. Kuloloio. I
think

9 you answered the question for Dr. Altenberg.

10 MR. KULOLOIO: Thank you.

11 CHAIR MOLINA: Dr. Altenberg or any of the other
Committee

12 members, do you have questions for Mr. Kuloloio
at

13 this time? Okay. Thank you.

14 Okay. Next to testify, we have Steve
Sutrov.

15 MR. SUTROV: Good morning everyone, Chairman. My name
is

16 Steve Sutrov. I'm here to testify for myself.

17 I'd just like to say briefly what I
believe

18 we've heard so far in the last few meetings
quickly

19 just -- we've heard from some biologists on
impacts

20 on wildlife, on turtles and birds and
(inaudible)

21 scientists from the observatories and the
impacts

22 that we have a very serious lighting problem
right

23 now with our observatories in the State, which
we

24 have the fifth -- one of the fifth top sites in
the

25 world.

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1 We've heard from lighting engineers which
2 have the -- probably the -- one of the sectors
that
3 is going to be losing most by our good light --
4 outdoor lighting ordinance. They will be losing
5 business because they won't be able to design as
6 they like to design using all types of available
7 lighting. They will have to be utilizing what
is
8 best for the environment and best for energy
use.
9 They are definitely the ones that are going to
be a
10 opponent of a good lighting ordinance and --
along
11 with Maui Electric. Maui Electric has a lot to
lose
12 by this lighting ordinance also. If we were
going
13 to be saving much energy in our County as the
Big
14 Island does using low-pressure sodium and better
15 lighting technology, Maui Electric will be
losing
16 big time.
17 A couple things of -- to comment on is

way 18 mercury vapor lamps, I think we've been spending
19 too much time on that in this Subcommittee. You
20 probably dedicated a whole day to that already.
I
21 think -- I think you should move on from that
and
22 realize that the lamp needs to be phased out
23 eventually, but the main problem is the
luminaire.
24 The luminaire is what pollutes. You have a full
25 cutoff mercury vapor lamp, and you're not going
to

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1 be dealing with much of a problem. But it's the
2 luminaire that most mercury vapor lamps utilize.
3 It's a very polluting fixture; but you have the
same
4 fixtures -- right now, you can buy them with
5 fluorescent tubes, the exact same (inaudible)
type
6 lighting struc -- fixtures.
7 And so, it's not the bulb -- it's not the
8 lamp that's most important here. It's the type
of
9 fixtures. It must be retrofitted to be full
cutoff
10 or be phased out completely within a reasonable

focus 11 amount of time; and that's what you've got to
12 on, I believe.
13 We had represent -- representatives from
14 Phillips Lighting that talked lamps. He's a
15 lighting engineer and he's a lamp specialist and
sodium 16 he -- he verifies the point that low-pressure
17 bulbs are the best for -- well, actually it says
commercial 18 provides the lowest operating cost of any
19 (inaudible). He said they provide a long lamp
life 20 with low operating temperatures and no
ultraviolet 21 output. Vision is improved due to better eye
22 adaption, better visual clarity, creative speed
of 23 perception of objects and low glare; and it's
all 24 been stated before, that that is the case of
25 low-pressure sodium.

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from 1 On the Big Island we have information
2 them now stating that they developed one on
3 installation and maintenance and --

4 MR. SALDANA: Three minutes.

5 MR. SUTROV: I'd like -- did you say I -- (inaudible)
my

6 time up?

7 CHAIR MOLINA: Go ahead.

8 MR. SUTROV: Okay.

9 CHAIR MOLINA: You've got one more minute to wrap up,
and

10 if you would like to --

11 MR. SUTROV: Okay.

12 CHAIR MOLINA: -- request additional time --

13 MR. SUTROV: On the Big Island they do all of their
outside

14 installation and maintenance without hiring

15 companies; and their rates, it seems, for what
they

16 retrofit, I hope -- their lighting is about half
of

17 what Maui Electric has estimated. They say for

18 55-watt low-pressure sodium retrofit, it's
\$307.44

19 with maybe 100 to \$200 per fixture for
installation.

20 Maui Electric estimated \$900. I don't know
where

21 they get that from. Oahu Engineer estimated
\$336

22 for a 55-watt low-pressure sodium retrofit
ordered.

23 And so, this is something we've got to
look

24 at. We've got to look at -- if we're going to
do a

25 general project here on Maui with lighting,
let's

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1 get some other estimates before we say that it's
2 going to cost us \$900 a fixture. I think that's
--
3 that figure is out to lunch. I think also the
4 County has got to look at maybe -- maybe another
5 contract for --

6 MR. SALDANA: Four minutes.

7 MR. SUTROV: -- installation and maintenance.

8 CHAIR MOLINA: Steve, would you like to return --

9 MR. SUTROV: I'd like to come back.

10 CHAIR MOLINA: -- for three minutes? Okay. Thank
you.

11 Returning for three minutes we have Mr.
Miyasato.

12 VICE-CHAIR TAVARES: Mr. Chairman, I thought we were
going

13 to treat him as a resource person and just bring
him

14 back to finish his presentation after testimony.

15 CHAIR MOLINA: Oh, okay. I'm sorry. I misunderstood
16 then. I was under the assumption he wanted his
--

17 because he did ask for three minutes.

18 Mr. Miyasato, would you prefer to
withdraw

19 your request for three minutes and just --
20 MR. MIYASATO, FROM THE AUDIENCE: Yes, I could wait
'till
21 the end.
22 CHAIR MOLINA: Okay. Sorry about that. Okay. So --
23 VICE-CHAIR TAVARES: Thanks.
24 CHAIR MOLINA: -- he will be withdrawing his request
for
25 three minutes.

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for 1 So, I guess, Steve, we have you returning
2 an additional three minutes.
3 MR. SUTROV, FROM THE AUDIENCE: Yeah?
4 CHAIR MOLINA: And by the way, for anyone else in the
testify, 5 gallery, if you would like to sign up to
6 please come up to the secretary's desk.
7 MR. SUTROV: Okay. I'll move off from that.
engineering 8 Community plan, in a letter from
9 to the Subcommittee here, it states that it's
standards 10 totally against all ethical engineering
11 to -- not to allow -- to not have lighting in
12 subdivisions. Up-country community plan, I'm
sure

plan. 13 you're -- most of you are aware of -- of this
of 14 Some of you are if you live up-country and other
15 you -- both legislators here.
just 16 In here, it has a few sections -- I'll
that 17 read very quickly. The most important one is
18 under these subdivisions under improvements, it
19 says, curbs and gutters shall not be required.
for 20 Street lighting shall not be required. This is
our 21 up-country standards to keep a rural nature of
22 community.
says 23 Under -- state -- energy, it says -- it
24 use energy efficient street lights and develop
25 appropriate street lighting standards for

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instances 1 agricultural and rural areas. A number of
appropriate 2 in here it talks about -- it requests
3 lighting for a rural agricultural area versus a
don't 4 urban area. We have to differentiate, and I

allow 5 think we're doing that when we say we have to
6 street lighting in subdivisions up-country.
7 We have subdivisions that are in my -- my
don't 8 neighborhood doesn't have street lighting. We
9 want it. There's a neighborhood that has street
don't 10 lighting down below me on Kimo Drive. They
11 want the lights that are in there right now.
plans 12 It should be left up to the community
13 and to the residents whether or not they want
street 14 lighting in their neighborhoods. It's not only
15 polluting, but it's unnecessary.
in 16 Urban designs, No. 2, supports revision
17 subdivision and roadway design criteria and
18 standards to be more compatible with a rural
19 character up-country region. Dark is a natural
when 20 environment. People don't realize that. And
21 you add lighting, you're creating an unnatural
22 environment.
23 So, if I still have more time, sports
24 lighting, smaller fields should be full cutoff
it's 25 fixtures. If you have to do a stadium where

20

fine; 1 not going to work with full cutoff fixtures,
- as 2 but whenever you can utilize full cutoff as it -
full 3 from the soft light company, they should be
4 utilized. Ballparks, tennis courts should be
5 cutoff fixtures.

which we 6 When you're dealing with a mountain,
7 have here, where -- a lot of population based up
8 there and you have anything but full cutoff
down 9 fixtures, it's going to be shining all the way
And 10 that mountain. You're at a higher elevation.
going 11 so, even if it's a full cutoff, you're still
can 12 to get down light; but you'll get less. And it
13 be screened off with trees better than without.
14 Thank you very much.

Committee 15 CHAIR MOLINA: Okay. Thank you, Mr. Sutrov.
16 members, any questions for Mr. Sutrov at this
time? 17 Seeing none, thank you.

in 18 Is there -- a final call for anyone out
The 19 the gallery who would like to testify. Okay.

will 20 Chair sees none, and at this point the Chair
item. 21 close testimony -- public testimony on today's
22 . . .END OF PUBLIC TESTIMONY. . .
like 23 CHAIR MOLINA: So, the first item, members, that I'd
24 to discuss is the progress of our review of the
25 draft bill. To date -- to date, the
Subcommittee

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about 1 has met four times; and it appears that we're
2 to reach a consensus on Section .070, lamp
about 3 standards. However, I am somewhat concerned
4 the length of time it has taken to reach an
5 agreement on this section.
6 We have spent a lot of time on the very
7 technical and complex aspects of the bill, which
8 seems to impede our progress for completing the
like 9 review of the entire bill. And the Chair would
review 10 to receive your thoughts for enhancing our
take 11 process, and I would also like for us to maybe

we're 12 a step back and assess our objectives for what
achieve 13 attempting to accomplish and how we might
too 14 our goals in order to prevent us from getting
not be 15 bogged down with technical review that we may
16 able to achieve consensus.
you at 17 So, I just basically throw this out to
18 this time; and as you heard from one of our
lot of 19 testifiers, we did -- we have been spending a
mercury 20 time on, for example, the discussion of the
has a 21 vapor lamp. And seeing that this Subcommittee
like to 22 limited amount of time to meet, I would just
23 throw this out at you and get any suggestions or
24 recommendations, basically, if you want to stay
25 status quo or if you would like to hear another

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1 suggestion that I have for your consideration.
start 2 So, first of all, let's go ahead and
3 with Ms. Tavares.

4 VICE-CHAIR TAVARES: Yeah. Mr. Molina, your party
5 probably ran late last night; but could we have
6 Mr. Miyasato come back and finish his
presentation
7 at this time before we get into the other stuff?
8 CHAIR MOLINA: Okay. All right. Members, any
objections
9 to having Mr. Miyasato complete his
presentation?
10 ? : No.
11 CHAIR MOLINA: Okay. Dr. Altenberg?
12 MR. ALTENBERG: And, also, as I understand, Uncle Les
is a
13 resource person?
14 CHAIR MOLINA: Yes, sir, yes.
15 MR. ALTENBERG: And --
16 CHAIR MOLINA: And he -- you'd be more than welcome to
ask
17 Uncle Les for questions, too.
18 MR. ALTENBERG: Would it be proper for him to be
sitting
19 with the other resource people or --
20 CHAIR MOLINA: Sure. Uncle Les, would you like to
have a
21 seat up front here?
22 Okay. Mr. Miyasato, if you want to go
ahead
23 and continue your presentation to the members.
24 MR. MIYASATO: Yeah. Thank you. In Exhibit A that I
25 passed out again, I did a comparison with three

1 different types of fixtures.

2 Again, to repeat myself, Layout 1 was

done 3 with a roadway-type fixture with a drop lens.

4 Layout 2 was done with a roadway-type fixture

with a 5 cutoff lens, and road -- Layout 3 was done with

a 6 low-pressure sodium fixture.

7 What I tried to achieve was trying to

make 8 and meet the requirements for IES for a certain

type 9 of roadway, a major commercial. In IES, that

10 amounts to a 1.2 footcandle average and a

uniformity 11 of three to one. Uniformity is just the ratio

of 12 the average to the minimum value on the roadway

13 surface.

14 In my profession, I use a third-party

serv -- 15 software to utilize the photometrics of the

fixture 16 into an area that requires calculation. Based

on 17 that, in Exhibit A, there is data that states

the 18 number of spacing per fixture.

19 The greatest spacing per fixture is the

drop

Based 20 lens at 150 feet. The cutoff lens is at 136.
21 on this, in a one-mile section, you would need
22 approximately 70 fixtures for the drop lens, 78
23 fixtures for the cutoff lens, and 107 for the
24 low-pressure sodium.
25 Considering the lamp and ballast losses,
you

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compare 1 can see that in a one-mile section, if you
2 Layout 1 to Layout 3, there is only a 500-watt
3 difference between the drop lens and the
4 low-pressure sodium in a one-mile section.
drop 5 If you compare the cost wise between a
sodium 6 lens high-pressure sodium and a low-pressure
went 7 fixture, it's about 3.7 times the cost. If you
would 8 to a cutoff high-pressure sodium fixture, it
to 9 go approximately 10 percent of the cost compared
10 a drop lens fixture.
County 11 Another note to point out is if the

12 was considering retrofitting the existing street
13 lighting poles, street lighting poles are
designed
14 to have a certain wind loading on those poles.
As
15 you can see in the second-to-the-last column, I
have
16 listed down the wind loading per fixture.
17 If the County was to retrofit a standard
18 roadway fixture to a low-pressure sodium
fixture,
19 the condition of the pole might not be suitable
for
20 that type of fixture. Therefore, the County
might
21 be responsible to changing out that pole.
22 Are there any questions?
23 CHAIR MOLINA: Members, questions? Mr. Maberry
followed
24 Dr. Altenberg.
25 MR. MABERRY: Yes, sir. Are you aware that under
current

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1 street lighting standards in Maui County, that
2 new -- new luminaires are not allowed to use
drop
3 lenses?
4 MR. MIYASATO: No, I'm not aware.

5 MR. MABERRY: Okay. The other thing, if I may simply
6 quote here real quick -- and then I'll let the
other
7 people have a question -- from your own exhibit,
8 No. 3 here, under low-pressure sodium --
9 MR. MIYASATO: Yes.
10 MR. MABERRY: -- lamps Form 10, Form 10 low-pressure
11 sodium luminaire combines one of the most
efficient
12 light sources available with advanced optical
13 technology through Gardco's leadership in sharp
14 cutoff reflector systems with wide uniform
15 glare-free light distribution. A lamp and
luminaire
16 package unequalled in performance and efficiency
is
17 available.
18 MR. MIYASATO: Yes, low-pressure sodium, based on the
19 amount of lumens per wattage, is highly
efficient
20 compared to high-pressure sodium. If you look
21 closely, low-pressure sodium -- the length of
the
22 lamp is probably two to three times longer than
the
23 high-pressure sodium. The Phillips
representative
24 can probably attest to that.
25 Because of this, you cannot focus that
light

can

general

Form,
that
advanced
highways?
do

1 source in a controllable manner as well as you
2 with high-pressure sodium or metal halide.
3 Otherwise, in a low-pressure sodium fixture, you
4 basically have two types of lighting, just a
5 blob or more asymmetric blob. While, in a
6 high-pressure sodium lighting, you have precise
7 distribution points.
8 MR. MABERRY: May I follow up?
9 CHAIR MOLINA: Go ahead, Mr. Maberry.
10 MR. MABERRY: Based on what you said just a second ago
11 regarding their efficiency -- and, again, with
12 the -- their reference here of this -- of this
13 is it -- I realize this is speculation; but is
14 possibly why that, you know, most of the major
15 countries -- when I say major countries,
16 technological companies in Europe, you know, use
17 low-pressure sodium luminaires on their
18 MR. MIYASATO: Yeah, I'm aware that European countries
19 use low-pressure sodium in their countries.
20 MR. MABERRY: Thank you, Mr. Chair.
21 CHAIR MOLINA: Okay. Thank you, Mr. Maberry.

22 Dr. Altenberg?
23 MR. ALTENBERG: Several questions. First, I've seen
quite
24 a range of quotations on the cost per fixtures
of
25 these different lights. The -- Rob Billingsley,
who

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1 is a sales representative for Pacific
Electrical,
2 the --
3 ?: (Inaudible).
4 MR. ALTENBERG: -- luminaire manufacturer --
5 CHAIR MOLINA: Yeah, he's for Dimensions Electrical.
6 MR. ALTENBERG: Dimensions, yeah, but he's a -- an
7 authorized sales representative for one of the
8 manufacturers of luminaires --
9 CHAIR MOLINA: Correct.
10 MR. ALTENBERG: -- that they've again using on the Big
11 Island for their low-pressure sodium lamps. And
12 they're called Pacific as well, I guess, no
13 connection to your company?
14 MR. MIYASATO: No, no connection.
15 MR. ALTENBERG: So, he gave me a quote of \$336 --
16 MR. MIYASATO: Okay.

the 17 MR. ALTENBERG: -- for a luminaire which would bring
A 18 estimated fixture cost per mile on this Exhibit
another 19 down to 36,000, I should point out. Then
20 issue, though, is this major commercial roadway
21 standard.
22 MR. MIYASATO: Uh-huh.
Maui, 23 MR. ALTENBERG: I -- from what -- what I've seen on
24 the main use of street lights is at
intersections.
25 MR. MIYASATO: Okay.

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the 1 MR. ALTENBERG: There are very few light -- roads
2 themselves that are lit up the entire length of
is 3 road. And one possible exception in the future
have 4 Makena Alanui which seems to have been -- they
5 installed street lights to a level of an urban
of 6 commercial roadway but along the entire length
that 7 the road; but most of the other roads I know
8 I -- don't -- do not seem to be major commercial

on 9 roadways. And so, I'm wondering, for example,
use 10 the Big Island, what the distance is that they
of 11 between their street lights. Would you be aware
12 that?
lighting 13 MR. MIYASATO: I'm not aware of it. We have done
14 analysis for the Big Island using low-pressure
know 15 sodium. Off the top of my head, no, I do not
16 the spacing.
17 MR. ALTENBERG: Does anyone know the current spacing
at 18 between street lights that's being used on Maui
19 intersections?
Maui; 20 MR. MIYASATO: Again, we have done intersections on
Maui 21 but the exact spacing, no. Probably someone at
22 Electric would be more familiar.
that 23 MR. ALTENBERG: And so -- well, it would seem to me
for 24 it would be very helpful to get similar exhibits
using 25 the kinds of illumination that Maui has been

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1 in addition to major commercial roadways to
better
2 come up with a cost comparison.
3 MR. MIYASATO: I see. Layout 1 is pretty similar in
4 what -- a light fixture being used on Maui
roadways.
5 The cost is just an approximate. If the
Committee
6 wants to get an actual cost, they can obtain it
at a
7 local distributor. For example, on Maui there's
8 Alpha Electric, Wesco, that they can get an
actual
9 cost of an actual fixture. These numbers are
all
10 budgetary.
11 And, for the record, Layout 3, Gardco, is
not
12 a company that we represent. We represent other
13 manufacturers with low-pressure sodium, so....
14 MR. ALTENBERG: Thank you.
15 CHAIR MOLINA: Okay. Members, any other questions?
16 Mr. Chong?
17 MR. CHONG: Rick Chong. Eric, I believe the paragraph
18 that Mike Maberry referred to on the Form 10
Gardco
19 is more of a manufacturer's statement to compare
20 themselves to other manufacturers of low-
pressure
21 sodium and not manufacturers of any type of
22 luminaire; is that correct?
23 MR. MIYASATO: Correct.

they 24 MR. CHONG: Okay. In your study on the Big Island,
sodium 25 don't normally use full cutoff low-pressure

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1 luminaires in their street lighting?
2 MR. MIYASATO: No, they do not.
drop 3 MR. CHONG: They normally use luminaires that have
4 lenses?
5 MR. MIYASATO: Yes.
6 MR. CHONG: How would that affect your study? Did you
7 consider using a 90-watt low-pressure sodium
8 luminaire with a typical drop lens that is used
on 9 the Big Island and what would that do to your
10 spacing? It would be interesting to add another
11 case study No. 4 with that just for the
information 12 of the people on the Committee.
13 MR. MIYASATO: I can -- I actually took a look at that
14 fixture; and when I go back to Honolulu, I can
15 submit something to the Committee based on that
16 fixture.
17 MR. CHONG: Yeah, if you could --
18 MR. MIYASATO: It was -- it was approximately the same

19 distance.
20 MR. CHONG: That's all, Chairman.
21 CHAIR MOLINA: Okay. Thank you, Mr. Chong. Mr.
Maberry?
22 MR. MABERRY: Just for clarification, sir, I do
recognize
23 that this was sort of a manufacturer's comment
on
24 their particular luminaire; but it still
specifies
25 that the low-pressure sodium is the most
efficient

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1 light source available.
2 Regarding the other two luminaires that
you
3 presented us, it clearly states on both of them
that
4 they are not turtle friendly and that there are
5 turtle friendly options, I guess, available from
6 this company.
7 MR. MIYASATO: Yes. GE has an option for the fixtures
to
8 comply with the turtle friendly atmosphere in
9 Florida. They changed the lens to a amber-
colored
10 lens; but they still maintain using high-
pressure

sodium 11 sodium as the light source, not low-pressure
an 12 because they have found information that using
13 amber-colored lens with the high-pressure sodium
greatly 14 lamp is -- the vision of the turtle is not
GE 15 affected. I have a copy -- a single copy from
16 based on that.
17 CHAIR MOLINA: Okay. Mr. Maberry.
copies 18 MR. MABERRY: Mr. Chairman, could we possibly get
19 for that at some point for the Committee? This
20 is --
21 CHAIR MOLINA: Sure.
22 MR. MABERRY: -- pretty good information that might be
23 useful.
24 CHAIR MOLINA: Sure, will do.
25 MR. MABERRY: Thank you. Does General -- oh, I'm
sorry.

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1 CHAIR MOLINA: Go ahead.
2 MR. MABERRY: Does General Electric manufacture
3 low-pressure sodium lamps?

4 MR. MIYASATO: No, General Electric Lamps is a
division of
5 General Electric. They do manufacture low-
pressure
6 sodium lamps. General Electric Fixtures do not
7 manufacture any fixture that has low-pressure
8 sodium, and that's about 10,000 fixtures. I
have a
9 GE catalog, so....
10 CHAIR MOLINA: Okay. Thank you, Dr. Altenberg. Any
other
11 questions from the Committee for Mr. Miyasato?
If
12 not, thank you, Mr. Miyasato; and although
you're
13 not listed officially as a resource person, if
you
14 would like to remain in the gallery in case any
15 questions arise, we'd like to -- may call on
you.
16 VICE-CHAIR TAVARES: Mr. Chairman.
17 CHAIR MOLINA: Yes, Ms. Tavares.
18 VICE-CHAIR TAVARES: I have a question. What prompted
you
19 to come to this meeting?
20 MR. MIYASATO: I am -- I am born and raised on Maui.
21 VICE-CHAIR TAVARES: Uh-huh.
22 MR. MIYASATO: And I am in the lighting industry; and
when
23 I was aware of this lighting ordinance, I
reviewed
24 it. That brought my concern to attend here.
25 VICE-CHAIR TAVARES: Okay. Thank you very much for

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made

1 coming. I know you're coming from Honolulu and

2 quite an effort to get her. Appreciate it.

3 CHAIR MOLINA: Okay. Mr. Maberry?

--

4 MR. MABERRY: Recognizing the industry you're in, that

5 but if you grew up here on Maui as a boy, do you

up

6 notice -- what part of the island did you grow

7 in, if I may ask?

Baldwin

8 MR. MIYASATO: I grew up in Kahului. I went to

9 High School.

10 MR. MABERRY: Okay.

11 MR. MIYASATO: And over the years I have noticed the

12 development in Kihei.

pollution

13 MR. MABERRY: But obviously there's more light

you

14 on Maui than -- nowadays than there were when

way?

15 were a child. And does this bother you in any

think it

16 MR. MIYASATO: Well, it bothers me. That's why I

to

17 is a good idea to have a lighting ordinance, but

sodium

18 restrict yourself to mandating low-pressure

19 throughout the County is very prohibitive.
20 MR. MABERRY: And so, what other alternative do you
think
21 that we should look at to try to keep from
22 continuing with luminaires such as this Cobra
23 head --
24 MR. MIYASATO: Using cutoff --
25 MR. MABERRY: -- which is highly polluting.

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that 1 MR. MIYASATO: Using cutoff and semi cutoff fixtures
itself 2 inhibit the bare lamp of basically exposing
 3 upwards.
 4 For example, under the ordinance, Maui
 5 Marketplace, the parking lot, does not comply to
the 6 your full cutoff standards. The parking lot at
lighting 7 Maui Airport does not comply. The walkway
Those 8 at Maui Community College does not comply.
 9 are just three examples. I can probably --
10 MR. MABERRY: Well --
11 MR. MIYASATO: -- go around town --
lot of 12 MR. MABERRY: Yeah. Pardon me. I'm -- there are a

13 places that don't comply.

14 MR. MIYASATO: Yes.

15 MR. MABERRY: I mean, even with the most recent past
16 street lighting standards of Maui County, which
17 limits the height of the poles to 20 feet --

18 MR. MIYASATO: Uh-huh.

19 MR. MABERRY: -- and with full cutoff. I mean, if --
that

20 seemed like that we were moving in somewhat of a
21 correct direction, but just simply leave it at
22 street lights is not going to address the big

box

23 stores with 40 foot tall poles with drop lamp,

you

24 know, lights -- lighting systems.

25 MR. MIYASATO: Yes, I understand; but that's part of

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here, 1 development. If the big box stores do come

beneficial. 2 controlling the light upwards would be

the 3 And that's -- I'm just trying to bring aware to

pressure 4 Committee other options as opposed to low-

5 sodium.

6 MR. MABERRY: Thank you, Mr. Chair.

7 CHAIR MOLINA: Okay. Thank you, Mr. Maberry.

8 Dr. Altenberg.

9 MR. ALTENBERG: A particular question, I've wondered
about

10 those -- those recently installed parking lot

11 lights, for example at, as you mentioned, Maui

12 Marketplace --

13 MR. MIYASATO: Yes.

14 MR. ALTENBERG: -- and the new Safeway center. Those
--

15 those lamps use what I've been heard called sag

16 lenses. Is that a proper term?

17 MR. MIYASATO: Correct.

18 MR. ALTENBERG: And I also understand that those --
the

19 manufacturers of those lamps also make flat
lenses

20 for those same luminaires; is that correct?

21 MR. MIYASATO: Yes, they do.

22 MR. ALTENBERG: Do you have any idea what the cost of

23 replacing that sag lens with a flat lens would
be?

24 MR. MIYASATO: In those fixtures the lamps are
vertical.

25 So, in order to make a flat lens, it won't quite

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1 meet the construction of that fixture to fit the
2 lamp in that fixture.

3 The reason they use that type of lamp is
to
4 get a greater spacing on the poles. Maybe
according
5 to their layout that they could only place the
poles
6 on certain islands within the parking lot and to
7 achieve a certain light level to maintain
safety,
8 that they were limited to the type of fixtures
to
9 use.

10 MR. ALTENBERG: So, are you saying they could not be
11 retrofit with a flat lens?

12 MR. MIYASATO: On that particular fixture, no. If
they
13 wanted to, they could change the head of the
14 fixture.

15 MR. ALTENBERG: The luminaire?

16 MR. MIYASATO: Yes.

17 MR. ALTENBERG: And you're saying it's because the
bulb is
18 too long?

19 MR. MIYASATO: Well --

20 MR. ALTENBERG: It's vertical?

21 MR. MIYASATO: -- the bulb drops down. That's why it
has
22 a sag lens. With the lamp being in a vertical
23 position, it optimizes the reflector; and it
24 utilizes a greater area of coverage.

could 25 MR. ALTENBERG: And there's no shorter lenses that

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1 be -- shorter lamps that could be used to allow
2 putting a flat luminaire -- a flat lens on those
3 luminaires?

4 MR. MIYASATO: No, not in that particular fixture.
That's

5 why that fixture is not considered a full cutoff
--

6 MR. ALTENBERG: Yeah.

7 MR. MIYASATO: -- but is more a semi cutoff.

8 MR. ALTENBERG: Do you know what it would require to
9 retrofit such a fixture? Just you're saying
replace

10 the luminaire, there's no less costing method?

11 MR. MIYASATO: With that model and series, no. They
do --

12 that manufacturer does have other types of
fixtures

13 with flat lens and with cutoff aspects.

14 MR. ALTENBERG: The other is a more general question,
15 basically, the -- this recent study that was
16 published widely in the scientific literature
this

17 year about global light pollution, really, it's
a

coming 18 global problem that it's really essentially
19 from one industry, one small part of our entire
20 commercial sector that's polluting the night
skies
21 for most of the people in the world. And I see
this
22 as a -- this is basically a problem of an
industry;
23 and, you know, we're -- it seems to me we're
24 somewhere where -- back in 19 -- in the 1950s in
the
25 petroleum industry and looking at pollution of

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part 1 waterways, et cetera. And I'm wondering if a
2 of the problem is that the values that have been
3 incorporated into the decision the denizens made
in
4 the lighting industry have not properly weighed
the
5 value of the detriment of that industry to the
night
6 skies and to wildlife and -- in that basically
when
7 we get some of these current industry
8 recommendations, we're basically getting more --

problem 9 recommendations for more of the same kind of
10 that they've already caused.
11 So, it would seem to me that the -- the
12 industry needs to change because it's the
problem.
13 Light pollution is caused by the lighting
industry.
14 And so, how do you see what needs to be changed
in
15 the industry and how do you differentiate the
kind
16 of information that you get as -- from being the
17 problematic past of the lighting industry to the
18 modern future of it?
19 MR. MIYASATO: Well, in the lighting industry, it all
20 basically depends on the end-user. A project
can be
21 designed efficiently considering cutoff,
considering
22 light trespass on the property; but basically
what I
23 see, it comes down to economics. If the owner
does
24 not want to pay that amount for that particular
25 fixture, they end up going with the contractor
and

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not 1 using a cost-saving type of fixture which might
2 perform as well and it does cause more light
3 pollution.
4 So, I agree that the lighting industry is
the 5 cause of light pollution. There are fixtures
that 6 cause a lot of light pollution upwards towards
the 7 sky, but it's just a matter of choice and
choosing 8 the right fixture.
9 MR. ALTENBERG: Thank you.
10 CHAIR MOLINA: Mr. Maberry to be followed by Mr.
Chong.
11 MR. MABERRY: Thank you very much. I'd like to follow
up
12 on that. So, I mean, that's sort of the point
of
13 all of us spending our time here is to try to
find a
14 way to influence your customer to give you sort
of
15 the freedom you need to design properly. We
want to
16 find some way to influence your customer that
they
17 have to, you know, utilize proper energy saving
and
18 proper light trespass controls when they light
their
19 facilities.
20 I don't believe that, you know, if we
want
21 big box stores, if we want more convenience on
Maui,

You 22 that we must live with more light pollution.
to 23 know, if it's economics -- if they're not going
to 24 come here because we won't let them pollute our
25 skies with light, then maybe we don't want them

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1 come here.
2 MR. MIYASATO: I understand your point; but a lot of
times 3 with those big box stores, they also have
liability. 4 If someone to -- was to get hurt in their
parking 5 lot, they would be liable.
6 MR. MABERRY: So, you're telling me you cannot design
any 7 way on their property to provide them protection
8 from liability to protect their customer and
still 9 protect the rest of us from their pollution?
10 MR. MIYASATO: As I answered Mr. Altenberg earlier, it
all 11 depends on the end-user. The fixture and the
12 project can be designed to prevent light
trespass.

types 13 I'm all -- just stating that to consider other
14 of sources other than low-pressure sodium.
me 15 MR. MABERRY: I appreciate that. And, please, pardon
16 if it sounds like I'm being heavy on you as an
coming 17 individual. I agree, I really appreciate you
just 18 here today and providing us your input. It's
- if 19 extremely frustrating because it seems like if -
20 the -- if the business wants to be on Maui --
21 MR. MIYASATO: Yes.
22 MR. MABERRY: -- then they're going to spend the money
--
23 they should be required to spend the money
necessary 24 to protect their customers and to protect the
rest 25 of us from pollution. So, I don't see it as

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1 strictly an economical issue.
2 I mean, if they're here, if they're Maui
3 friendly, if they're going to be part of our
4 community, then they need to make the --
whatever 5 investment is necessary in order to be a good

back 6 neighbor as well as just taking all our money
the 7 through overhead back to corporate entities on
8 Mainland or in Europe or Asia.
9 MR. MIYASATO: Yes, understood; but I just -- I'm just
10 trying to bring light to this different types of
11 fixtures.
12 MR. MABERRY: Thank you, sir. I appreciate it.
13 MR. MIYASATO: I'd like to add one thing about this
14 ordinance.
15 CHAIR MOLINA: Go ahead.
16 MR. MIYASATO: In this ordinance it also encompasses
17 residential lighting. On the Big Island, they
kind 18 of lump the residential lighting as long -- as
it's 19 8100 lumens total per a one-acre site, it's more
or 20 less unabated; but in -- this lighting ordinance
is 21 very restrictive to a local homeowner.
22 For example, if you look at canopy
lighting, 23 canopy lighting stated in this ordinance is very
24 general and stating that the light may not -- if
25 mounted at the ceiling level, should be shielded
at

1 the sides. If this is to imply residential
2 lighting, that should cover garage lighting for
the
3 home user. And a typical home user might use a
4 fluorescent fixture or an incandescent fixture
that
5 exceeds the lumen output of this ordinance.
6 So, under this ordinance, it also states
that
7 the County would supply reflectors to help
alleviate
8 such problems. So, I just want to bring aware -
- as
9 far as the residential aspect of this ordinance,
the
10 only portion that I do see falling under the
11 residential portion -- Mr. Kuloloio probably
would
12 agree -- is shining spotlights from large
residences
13 into the ocean.
14 If you go to Honolulu Black Point area by
15 Diamond Head, a lot of homes do use 1000-watt
metal
16 halide searchlights to shine up the surf right
in
17 front of their million-dollar properties. So --
18 CHAIR MOLINA: You bring up some good points,
19 Mr. Miyasato. I believe Mr. Chong had a
question.
20 MR. CHONG: No, I knew he wanted -- it sounded like he

So, I 21 wanted to elaborate more on some other parts.
22 just wanted to make sure you knew that.
23 CHAIR MOLINA: Okay. Thank you. Members, any other
24 questions for Mr. Miyasato? Seeing none, thank
you
25 Miya -- Mr. Miyasato. And the Chair would
request

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case 1 that, if possible, you remain in the gallery in
up. 2 we have any more questions or issues that come
3 And the Chair would like to recognize
today's 4 Committee member Bernard for coming by for
5 proceedings.
6 MS. BERNARD: Aloha.
would 7 CHAIR MOLINA: Thank you. At this point, the Chair
like 8 like to take a -- just a brief break but would
9 to remind you that the Chair was informed by the
technological 10 camera committee that because of some
11 difficulties, the cameras will be remaining on
12 during our recess. So, the Chair reminds you
you

13 are subject to sunshine laws; and, please, watch
14 any -- refrain from any jokes or conver --
15 additional conversations, okay? You maybe might
16 want to congregate outside or something for
17 whatever, okay? But the cameras will be
remaining
18 on during the recess.

19 So, at this point the Chair would like to
20 take a five-minute recess. (Gavel.)

21 RECESS: 9:53 a.m.

22 RECONVENE: 10:04 a.m.

23 CHAIR MOLINA: (Gavel.) The Committee on Outdoor
Lighting
24 is now back in session.

25 Before the Chair proceeds, the Chair
would

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1 like to recognize the following personnel in
2 attendance for today's proceeding. From the
Public
3 Works Department we have Howard Hanzawa under
the
4 Land Use and Code Administration. And we have
Greg
5 Nakao, the Electrical Inspection Supervisor; and
6 representing the Department of Planning, we have
Joe

7 Alueta. From the Department of Parks and
Recreation
8 we have Pat Matsui. And the Police Department
has
9 notified us they do have a person on call if
needed.
10 And from the County's Energy Department, Mr. Kal
11 Kobayashi.
12 And the following resource people we have
--
13 we have Lynne Woods from the Chamber of
Commerce;
14 Terryl Vencel, the Maui Hotel Association --
Terryl,
15 if you would feel comfortable coming up here,
you
16 can take a seat also -- Randy Nakama from Maui
17 Electric, Randy Piltz from the commercial light
18 industry. Bill George and Rob Hoonan represent
the
19 hotels and resorts and, of course, Uncle Les
20 Kuloloio.
21 And, again, from past meetings the
22 Occupational and Safety Health Administration
23 representative was invited but is unable to
attend.
24 Dr. Wainscoat is currently off island right now.
25 Calvin Dang from Safe Communities was also
invited.

1 He's not able to be here today. And we did also
2 invite from the developer's perspective Mr.
Brian
3 Ige of the Dowling Company.
4 So, the Chair would like to con -- yes,
we'll
5 start first with Mr. Maberry followed by
6 Ms. Bernard.
7 MR. MABERRY: Mr. Chair, just to follow up on
Professor
8 Wainscoat, he's presently in Chili attending an
9 international conference on light pollution. It
10 might be interesting when he comes back for our
next
11 meeting to have him provide us with a report
about
12 that meeting.
13 CHAIR MOLINA: Okay. So noted, Mr. Maberry. That's a
14 good idea. We can share his observations from
that
15 meeting in Chili. Ms. Bernard?
16 MS. BERNARD: Yes. Good morning. Sorry for my tardy
17 arrival. I just wanted to let the Committee
know
18 that we also have in the audience a couple of
other
19 resource personnel who are observing, Cheryl
King
20 from Hawaii Wildlife Fund, Sea Turtle
Researcher,
21 and Skippy Hau from Department of Land and
Natural

22 Resources.

23 CHAIR MOLINA: Okay. Thank you.

24 Okay. Prior to hearing the additional

25 testimony from Mr. Miyasato, the Chair had asked
for

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1 your suggestions as to whether we would like to

2 proceed with addressing this issue status quo,
how

3 we're currently doing it, or considering another

way

4 to accomplish our goals. I do have one that I'd

5 like to share, but I wanted to get some feedback

6 from you as to how we can somewhat expedite this

7 matter. Any comments from the Committee at this

8 time? Mr. Maberry?

9 MR. MABERRY: I would be very interested to hear what

10 you -- what you have to propose, sir, just to
let

11 you know.

12 CHAIR MOLINA: Sure.

13 MR. MABERRY: And you can check with the others.

14 CHAIR MOLINA: Okay. Mr. Chong?

15 MR. CHONG: Same.

16 CHAIR MOLINA: Okay. Ms. Bernard?

17 MS. BERNARD: Same.
18 CHAIR MOLINA: Okay. And Dr. Altenberg?
19 MR. ALTENBERG: Ditto.
20 CHAIR MOLINA: Okay. All right. And, again, I just
bring
21 this up as a way to maybe get the ball rolling a
22 little faster, so to speak. So, if you will
bear
23 with me at this time, the recommendation that
I'm
24 proposing is basically following what the Maui
25 County Arborist Committee had established via
the

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technical 1 Maui County Planting Plan, which is a very
2 document setting forth guidelines and
3 recommendations.
some 4 Analyst Saldana is passing out to you
5 information regarding that; and these
6 recommendations are -- or were for landscaping
by
7 development and construction projects, both
public
8 and private, within the County.

the 9 The enabling Maui County Code section for
10 planting plan is 12.24A.040, landscape planting
Committee 11 plan. And the section gives the Arborist
12 the authority to create the plan and establishes
the 13 plan as an advisory document to all County
14 departments for setting landscaping guidelines.
creates 15 And, furthermore, Chapter 12.24A.050
Arborist 16 a plan reviewer which is the liaison to the
17 Committee and shall review all landscaping
proposals 18 for consistency with the planting plan. And
19 projects that are in noncompliance with the plan
20 will be required to be sent to the Arborist
21 Committee.
22 And the -- another section that grants
23 similar authority is Chapter 36, Indigenous
Code 24 Architecture. This section grants the Board of
25 Appeals the authority to establish rules which
would

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section. 1 set the standards for administering this

2 The planting plan and the indigenous
3 architecture provisions are very technical,
complex,
4 and have taken over a year to develop. So, I
see
5 the review of the draft bill on outdoor lighting
6 standards in a similar situation.
7 So, considering the status of our current
review
8 review of the bill, I'm concerned that this
of
9 could take about a year. I'm not sure that all
10 us anticipated that degree of analysis for the
11 Subcommittee; and I am considering -- well,
we'll
12 get into a later discussion on that -- an
extension
13 for another 90 days of this Subcommittee.
14 So, you -- I do believe you've been given
a
15 copy of the following recommendations, rather
16 lengthy -- somewhat lengthy. Members, would you
17 like to take a brief recess to go over these
18 recommendations at this time? Okay. Let's go
ahead
19 and take maybe five minutes at this time. Brief
20 recess subject to the call of the Chair.
(Gavel.)
21 RECESS: 10:10 a.m.
22 RECONVENE: 10:14 a.m.
23 CHAIR MOLINA: -- outdoor lighting standards is now
back
24 in -- Subcommittee meeting on outdoor lighting

25 standards is now back in session.

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1 The Chair has given the Subcommittee
members
2 a chance to review the following
recommendations.
3 Before I get questions or concerns brought up
from
4 that from the members, I'd like to have a
comment
5 from the Corporation Counsel on this matter.
6 Mr. Garneau?
7 MR. GARNEAU: Okay. Thank you, Chair. I did look at
your
8 notes, and I appreciate your comments because I
9 think that you've brought up some -- an
important
10 point about the way this Subcommittee is
function --
11 been functioning.
12 Way back in the beginning when I -- when
I
13 was approached to do a draft -- type up a draft
14 ordinance that was proposed, I did so; but I had
15 some reservations about the format that we're
16 working within, which is a Subcommittee of the
17 Council.

so 18 As you probably all noticed after having
we 19 many meetings, it's fairly strict format in that
and 20 have to take public testimony each time we meet;
it's -- 21 we have to meet in this formal setting. And
a 22 as you can tell it's a long -- it's going to be
go 23 long process. That doesn't mean that you can't
24 through this process. I mean, ultimately this
25 process would have an ordinance that's very

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the 1 comprehensive and have -- would include a -- all
2 requirements that you're proposing, however they
3 come out in terms of -- from your meetings.
of 4 But within the County code there's lots
where 5 places where -- examples that we can use to --
6 things have been done in a little bit different
7 fashion when people are looking to do something
8 comprehensive that's different.
you 9 The one example that the Chair had given

the 10 was the establishment of the planting plan for
was 11 County and the Arborist Committee. The way that
12 done in the Code -- you can -- the Code section
about 13 itself is actually pretty small. It's only
14 four pages. And it set up a Committee that was
15 charged with developing a planting plan for the
Committee 16 County, and I see no reason that a similar
17 couldn't be set up for developing a lighting
plan 18 for the County that's comprehensive and includes
all 19 the technical requirements that we've talked
about 20 here.
which 21 That particular Committee is advisory,
22 is a little different, I think, than what's been
23 discussed so far here. I think that what's been
24 proposed is that the Committee that's going to
be 25 developed under this proposed ordinance would
not be

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1 advisory; but that said, that's one difference.

2 But other than that, the process of going
3 through of setting up initially a Committee,
4 deciding who would be on the Committee, what
5 professionals would be, what mem -- what the
members
6 are and then allowing that Committee to go
through
7 the process of considering all the alternatives
and
8 reaching some kind of compromise as to a plan,
9 that's one way.

10 Another way this could possibly -- which
the
11 Chair brought up would be -- use the example of
the
12 change to the Code relating to indigenous
13 architecture. There was a proposal -- I think
maybe
14 Charmaine can remember -- it was Kalani's
proposal,
15 right?

16 VICE-CHAIR TAVARES: Yes.

17 MR. GARNEAU: -- Kalani English with regards to making
an
18 exception to the Building Codes that related to
19 Hawaiian architecture, which is another big job,
20 just like changing lighting is a -- because the
21 Building Code, of course, don't provide for --
22 doesn't quite meet the needs of indigenous
23 architecture.

24 And so, again, the Council supported
forming

pretty 25 a Committee to meet -- and I believe they're

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they -- 1 close to finishing up their rules. And what
2 what they're doing, instead of a plan, they're
3 coming up with rules that are exceptions to the
4 Building Codes that allow for indigenous
5 architecture in Maui County.
6 And so -- but that's been also a long
7 process. I think they've been extended a couple
8 times already, their meetings; but it's taken
them 9 about a year -- maybe closer to two already --
10 Charmaine is shaking her head, but -- so, what
I'm 11 saying is in this -- you're looking at doing
12 something that's really comprehensive as well.
And 13 that's wonderful but realize that it's a big job
and 14 you have -- you're bringing a lot of different
15 players together that have to reach some sort of
16 consensus because ultimately, whether you
continue 17 the way you've been meeting now or whether you

you 18 recommend to the Council that they establish --
19 know, adopt a new section of the ordinance and
20 establish a Committee to do the work that you're
21 doing, ultimately whatever is passed has to be
22 passed by the Council to become law.
23 And so, the need for -- I mean, you can
see 24 so many issues already. Do we allow low-
pressure 25 sodium or high-pressure sodium? Do we have --
you

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all 1 know, what amount of shielding, full shielding,
2 partial shielding, the amber lights -- you know,
worked 3 these issues that we have would have to be
4 out. Plus, the liability issues that have come
up. 5 Plus, all the cost issues have come up. Those
would 6 all have to be worked out before the Council
7 feel comfortable passing. They're going to need
all 8 that information to make a decision.
9 So, it -- I think that -- you know, it's

proceed 10 entirely up to this Subcommittee how they
this 11 and you may decide that it's best that you like
but 12 framework and you want to continue but you --
proceed 13 realize there are other ways that you could
14 other than the way we are right now, so....
Committee 15 CHAIR MOLINA: Okay. Thank you, Mr. Garneau.
for 16 members, any questions at this time or comments
17 Mr. Garneau? Mr. Chong?
Committee? 18 MR. CHONG: What's the duration of this other
standards 19 I mean, is it just until you come up with
Council 20 that are agreeable by the Committee and the
Committee 21 passes it into an ordinance and then the
that 22 disbands or is the Committee an ongoing thing
time 23 is always there for the liaison to come to any
24 a project comes up for review and they have
25 questions?

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1 MR. GARNEAU: In terms of how the arborists work is
2 initially they were charged with coming up with
a
3 planting plan, and their initial meetings were
to do
4 that. Once they had a completed plan and had
5 reached -- reached a consensus, then that was
6 adopted.
7 Their current function is advisory; and
the
8 way that they -- their particular role works,
they
9 meet monthly. They don't look at every single
plan
10 for trees within every single subdivision. What
11 that particular section of the Maui County Code
12 establishes a plan reviewer who reviews plans in
13 light of the planting plan and say, okay, well,
if
14 a -- if a developer comes in and they're --
they're
15 meeting all the requirements of the planting
plan,
16 then the Department is able to sign off on it.
17 Where they -- where they don't meet the
18 standards -- and there's lots of reasons why.
Like,
19 for example, I know in the terms of the -- the
road
20 frontages on a subdivision, you may not have
21 adequate road frontage to meet the number of
trees
22 that are required under the planting plan. So,
they

those 23 may want to -- so, they'll refer those -- only
Arborist 24 ones that don't meet the standards to the
25 Committee who then reviews it. And, of course,

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in 1 there's and arborist on there. There's citizens
and 2 there. There's a representative from the County
3 so forth. And so, they recommend some sort of
4 compromise in those situations.
5 So, they only see the ones that don't
6 conform. Everybody that conforms that -- gets
7 signed up. So, in a way, even though they're an
8 advisory Committee, in the area of trees being
way 9 planted in projects, their planting plan in a
10 acts like a requirement or an ordinance because
if 11 they don't -- if a developer comes in and
doesn't 12 comply, then it automatically gets referred to
them; 13 and then they make a recommendation as to, you
know, 14 make changes to it. So -- so, but theirs is an
15 advisory one.

things 16 One of the -- and I just -- one of the
lighting 17 that perhaps you should think about because
trees. 18 is such a -- probably even a bigger area than
a 19 There's so many more lights than trees, that if
ordinance 20 Committee that you establish under this
that 21 had to review every single lighting request,
22 would be a full-time job for the members of the
in 23 Committee. They would have to meet constantly
24 order to keep up with all of the requests.
how 25 So, there's some -- in terms of the --

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coming 1 this will play out, there's some benefit to
everyone 2 up with a lighting plan -- a standard that
3 can refer on and agree to and only -- then the
things 4 Committee would only concern themselves with
it 5 that vary from that standard because, otherwise,
6 would be a -- I think, a huge job.

7 And I -- we would know that already with
8 Committees that have been established within the
9 County, we have a hard time finding people to
serve
10 on them. For example, on the Arborist
Committee,
11 we -- I think it requires a landscape architect,
a
12 certified arborist. Well, most people that have
13 those sort of certifications, they're busy
people.
14 They have -- they have full-time businesses.
And
15 so, you need to make it possible for them to
meet
16 their -- whatever you charge this new Committee
17 with, you have to be mindful that there has to
be
18 people that are willing to do it; and if it
takes
19 more time than, you know, two or four-hour
meeting a
20 month, you're probably going to have a hard time
21 finding people. And then -- so, you don't want
to
22 put in place an ordinance or establish a
Committee
23 by ordinance that we don't have any prayer of
24 staffing because it will -- you know, so, you
have
25 to be mindful of the mechanics of how it's going
to

1 work down the road.

2 And so, I think that Chair Molina is just

3 wanting you folks to kind of think about, you
know,

4 longer term. Where are you going? What would -
-

5 how would you like -- how do you see this
working?

6 And just to give you a couple of examples of how

7 other -- you know, other ordinances have been

8 drafted.

9 CHAIR MOLINA: Okay. Dr. Altenberg followed by

10 Ms. Bernard.

11 MR. ALTENBERG: I do see that there's a clear
commonality

12 in the -- in that lighting and indigenous

13 architecture and plantings are all elements of
the

14 design of development and that this they have in

15 common, but the -- the legal theory behind the
light

16 pollution ordinances that have been act --
enacted

17 by all the committees on the Mainland and the
Big

18 Island that have enacted them is that -- founded

19 basically on protecting private property owners
and

20 the public resources from light trespass, so
that

as 21 basically you can use any kind of light you want
22 long as that light is not going into public
23 resources or into somebody else's private
property.
24 But it would appear to me that neither
the
25 tree planting issue nor the indigenous
architecture

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public 1 issue has -- has to do with protecting either
2 resource -- public resources or private property
3 owners from the activities of their neighbor.
Of
4 course, you know, you -- if you wanted to
include --
5 if somebody plants an invasive species and it
keeps
6 popping up in your yard, that might be an
example;
7 but I don't think that's covered currently.
8 So, it seems to me that the reason that
all
9 these communities have adopted light pollution
10 standards not as planning rules but as actual
law is
11 because they are protecting rights of people
from

would 12 the activities of those around them; and it
different 13 seem to me that that would put it into a
the 14 category from the indigenous architecture and
15 tree planting.
cover 16 Also, those, as far as I know, don't
17 existing -- these are all for future projects,
the 18 not -- they don't cover existing problems. And
there's 19 reason we cover existing problems is because
20 existing light trespass from one person's
property 21 to another that we have -- I think we have to
deal 22 with.
see 23 So, that would be a reason that I would
24 that this -- this proposal would be problematic.
25 Also, because we're talking about protection of

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be 1 rights, I think that's something that needs to
2 democratically approved by the County Council;

that 3 whereas, you could have changes to these rules

that 4 would be made by the -- these appointed members

5 may or may not represent the will of the people.

applying 6 And I think that makes another problem of

7 the approach of indigenous architecture and the

Any 8 planting plan to the issue of light pollution.

9 comments?

10 MR. GARNEAU: And I think these are just suggestions

-- 11 because of the -- the amount of time that you're

12 you're in a very -- again, a formal process here

If 13 which already we can see it's taken a long time.

14 we keep at this pace, I mean, what do you folks

long 15 think, a year at this or -- I mean, it's been a

16 time. You think even faster than that?

this 17 You have to be able to work out within

18 framework all of those issues that we've talked

liability, 19 about so far in terms of, you know, cost,

have 20 the mechanics of how it's going to work. You

consensus 21 to be able -- if you think you can reach a

think 22 within this Subcommittee, then continue. I

that 23 that the Chair was just wanting you to be aware

be 24 there are other ways that this same thing could

decide 25 accomplished without -- and it's up to you to

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that 1 whether you think that you want to go -- take
2 approach or not.
3 CHAIR MOLINA: Okay. Ms. Bernard?
4 MS. BERNARD: (Inaudible).
5 MR. ALTENBERG: Yeah, I wanted to --
6 CHAIR MOLINA: Okay.
7 MR. ALTENBERG: I guess, but the -- the kind of the
together 8 underlying idea behind putting this Code
9 was that it was drawing from Code that was
already 10 the law in various communities on the Mainland
and 11 the Big Island, so that we wouldn't have to
reinvent 12 the wheel. But it seems like part of the
problem 13 is -- of these Subcommittee meetings is that
we've 14 been trying to reinvent the wheel.
Perhaps 15 So, perhaps that idea wasn't valid.
outdoor 16 every community that is going to draft an

but 17 lighting standards needs to reinvent the wheel;
18 I would -- I would like us to consider the
Code 19 possibility that -- the fact that some of this
20 has been worked out and is in place in other
time 21 communities may be able to save us some of the
and 22 and the review that we have been putting in here
the 23 basically asking questions to try to rederive
24 Code that's already been in place in numbers of
25 communities.

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intention, 1 So, I mean, my -- in the original
because 2 it was hoped that it would expedite matters
that's 3 the Code is already -- this is already Code
4 law somewhere and -- but, I guess, a number of
5 issues have to do with particulars of Maui, for
6 example, the decision about low-pressure sodium.
of 7 And, you know, there have been a variety
8 solutions found at other astronomical
communities

that 9 and so, the one -- the one idea that we had --
10 had been proposed was to make this a sort of
11 Subcommittee working group; but unfortunately
the 12 sunshine law prevented that from happening.
13 But I do think if there's a way that a
14 less -- some other means of digesting through
some 15 of these details outside of this Committee from
16 which they can be brought back into the
Committee 17 and reported, that would be good. So -- thank
you. 18 CHAIR MOLINA: Okay. Thank you, Dr. Altenberg.
19 Ms. Bernard, you will be followed by Ms.
Tavares. 20 MS. BERNARD: Two comments regarding a couple of your
21 comments. Firstly, I do think that we could --
we 22 won't necessarily be working at this pace the
whole 23 way through. What we're doing here is wrestling
24 with some very important issues, some issues
that 25 once we -- once we've worked them through -- and
it

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1 seemed like they were getting pretty close to
2 resolution already -- that from there on, it
3 wouldn't be so complex. And so, in terms of the
4 time frame, if we can just get through this very
5 difficult place that we're at, I think we can
move
6 quickly.

7 And I do feel like it's taken -- it's
taken
8 time already. I mean, I think it's been -- I'm
9 trying to remember when we went -- when the
10 ordinance was proposed was at least a year ago,
and
11 this Subcommittee took a while to be formed.
And
12 so, it's -- we've already somewhat lost time.
And
13 in the meantime, the rate of development is
14 progressing; and so, we could end up with things
15 happening where folks are building new
developments
16 and they're putting in place lights that could
have
17 saved them money right now if they had used a
sky or
18 turtle friendly light.

19 So, to me, you know, of course, speed is
of
20 the utmost concern so that we save everybody
money
21 and protect what it is we're trying to protect.

22 The second comment is regarding the
Arborist
23 Advisory Committee. You said something about

24 automatically those developments that are in
25 noncompliance, you know, they're --
automatically we

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1 know about them. And I wasn't clear how it's
2 identified when something is in noncompliance in
3 regards to that Subcommittee.
4 MR. GARNEAU: The way theirs works is that people that
are
5 coming in for -- you know, for example,
subdivision
6 approvals, they have to comply with the planting
7 plan by planting street trees. That's what it
8 requires. So, the planting plan sets forth the
type
9 of trees that can be planted, where they -- how
--
10 you know, how closely they have to be planted
and so
11 forth. So, when the landscape architect is
12 designing the plan -- designing the pot plan,
then
13 they -- they refer to our County planting plan
for
14 guidance.
15 So, that comes into the -- into a plans

16 reviewer at the department; and they look
through it
17 and say, okay, yes, this does comply. If it
does,
18 they can approve it. If there's something
different
19 about the project, either they're using trees
that
20 aren't recommended, they're not spacing them the
21 same, perhaps the frontages won't allow them to
22 comply, all those situations are not approved
and
23 are referred to the Arborist Committee to look
at
24 it.
25 So, then what happens is the landscape

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1 architect or the developer comes to the
Committee;
2 and they'll make a proposal. And so, then the
folks
3 there get a chance to review it; and you have
the
4 expertise on the Committee, you know, with an
5 arborist and landscape folks. And then they'll
make
6 a recommendation as to how to proceed. You
know,

the 7 they'll either say, no, we don't want to approve
certain 8 plan or -- but we'll approve it if you put
9 changes and so forth.
go 10 So, it's -- that's the process that they
the 11 through. So, there's someone designated within
12 Department to review all these plans to see if
planting 13 they're in compliance with the -- with the
works. 14 plan. That's how that -- the mechanics of it
15 CHAIR MOLINA: Okay. Thank you, Mis -- that's --
16 Ms. Bernard, thank you. Okay. Ms. Tavares?
time 17 VICE-CHAIR TAVARES: You know, I know that it is a
of 18 issue here, and we want to get a result of all
meetings to 19 these meetings. Nobody likes to come to
us 20 just sit around and gab -- well, maybe some of
and 21 do; but because -- you know, as Greg pointed out
the 22 others have pointed out, when we're -- we're in
and as 23 process that we're in as government officials
Council, 24 an official Committee -- Subcommittee of a
really 25 we have to follow certain rules. And that

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1 impedes us in a lot of ways; but, you know, it's
2 there for a reason. We have to follow it.

3 I think that we shouldn't be so concerned
4 about how long it's taking us because I have sat

5 many subcommittees for years, some of them; and

6 you want a good product, you need to put in the

7 and not worry about a clock ticking. It's not

8 to rush through something and have a junk piece.

9 mean, look at the sign ordinance. How many

10 did that take, seven?

11 CHAIR MOLINA: About five.

12 VICE-CHAIR TAVARES: Five?

13 CHAIR MOLINA: Yeah.

14 VICE-CHAIR TAVARES: Well -- oh, yeah, that's right,

15 five. When I first came on the Council, they

16 starting that. So, you know, it goes through

17 various iterations; and it gets reviewed and

18 to make -- be made better. We're on the verge

19 passing it finally; but if we passed the first

been 20 out that came to us as a Council, we would have
21 up to here with all kinds of complaints and the
going 22 Board of Errants and Appeals would have been
23 nuts because every case would have gone to them.
at 24 So, I think, you know, spending the time
going 25 this level is important. I think that we're

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you 1 to probably get through the technical part --
get 2 know, where we're bogged down right now, we can
forward. 3 through that technical part and then move
that 4 And at some point, you know, I still believe
things 5 the Committee has to focus on some one or two
an 6 that they're going to put in here and put into
7 ordinance that will assist the developers or the
8 builders in the future.
9 And let's not worry so much about what's
stuff 10 happened in the past. Let's get the future

every 11 under control because as Sarah says, you know,
if 12 day we wait, there's more things coming up. So,
we 13 we could focus on that part; and then later on
to 14 can go back and look at, okay, if they're going
within 15 retrofit or if we're going to require that
be 16 five years or within seven years that everything
ways 17 converted over to something, we have to look at
this. 18 that we provide incentives for people to do
to do 19 And -- because it's going to cost people money
bulb is 20 it. As we heard, you know, changing a light
fixture. 21 a whole lot easier than changing a whole
to 22 And, you know, how many Portuguese does it take
23 change a light bulb? We all know that story.
24 But, you know, that's kind of where I'm
hardest 25 coming from, too. So, I think we're in the

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resolved 1 part right now; and once we get that part
- 2 and all the information that we want to gather -
-- 3 and I got to remind everybody, the whole -- that
4 myself, too. I have to do this for myself more
than 5 anybody else. The whole thing about politics
and 6 government is that it's a compromise. Life's a
7 compromise. So, if we all dig our heels in and,
you 8 know -- you know, provide a stature where we're
not 9 going to bend at all because this is so
important, 10 we are just going to get -- be stagnated in this
11 Committee. We have to be willing to meet
somewhere 12 in the middle where we can accomplish what we
feel 13 our most important objectives are and be willing
to 14 make some -- you know, we have to give and take
on 15 this because we've got many sides to this issue
and 16 we're not going to find a solution that pleases
17 everybody 100 percent, but maybe we can find one
18 that pleases everyone maybe 60 percent. And I
think 19 that's what we have to work toward. Thank you.
20 CHAIR MOLINA: Okay. Thank you. Members, any other
21 comments or questions on this matter? Okay. We
do

personnel. 22 have a comment from one of our resource
23 Ms. Vencl?
24 MS. VENCL: Thank you, Mr. Chair. I'd like to ditto
25 Charmaine's comments. I think that certainly
I've

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County; 1 seen subcommittees go for many years in this
think 2 and if that's the way we chose to go, then I
that 3 we begin that process by eliminating the fact
4 we've got a -- we've got an end result at a
of 5 particular date in time because I think -- a lot
6 people, at least that I'm talking to now, are
to 7 concerned that we've got, what, one more meeting
like 8 deal with this and then -- so, we're feeling
9 we're forced into making some kinds of decisions
10 when we're not anywhere near a compromise stage.
11 I'd like to speak as a resource from
another 12 point of view at this point. That is task
force. 13
and 13 I've done numerous task force with this County

wondered 14 I've never said this publicly before but I
15 how we got to this point without first having a
this 16 group of people to come together -- maybe it's
Counsel 17 Committee that Corporation is -- Corporation
something 18 and the Chair is suggesting. Maybe it's
issue 19 different. But in the past when we've had an
20 that is as big as this and that affects as many
put 21 people and businesses as this affects, we have
22 our people together on all the different sides.
We
come 23 have worked outside this formal structure to
Chairman, 24 back to the Council, your Committee, Mr.
We've 25 Public Works, and say, we've worked on this.

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1 come to compromise.
2 Things that I see missing at this point
in 3 time -- and maybe it's because we've only talked
4 about light bulbs -- and that's not my kuleana -
-

5 but I see things missing that should be in this
6 discussion, things like some issue of
grandfathering
7 with a clause to change over to new standards
when
8 you need to, incentives for people to want to do
9 this, the new standards on new development so
that
10 those people know coming in what their costs
are,
11 all of those kinds of things -- County
compliance,
12 the enforcement issue. All of those are the
kinds
13 of things that, at least in my previous history,
14 have been talked about, have been discussed, put
on
15 the table with all sides at the table before we
get
16 to this more formal kind of setting.
17 So, I like the idea of doing something in
the
18 way of a Committee or a task force to iron out
some
19 of these things and either bringing it back to
the
20 Subcommittee or to the Public Works Committee
and
21 saying, this is what we've come up with; but I
22 really believe that -- strongly that compromise
is
23 got to be -- is going to be the only way we'll
get
24 through this issue. And I think there's a lot
of

in 25 people willing to do that, but it's hard to do

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far. 1 the format that we've been working through thus

2 Thank you, Mr. Chair.

Chong? 3 CHAIR MOLINA: Okay. Thank you, Ms. Vencl. Mr.

of 4 MR. CHONG: I have a question. I've only been a part

5 this exercise since this Subcommittee became

6 official and had nothing to do with the ad hoc

and 7 Committee who prepared the rough draft, so --

8 from my -- my neophyte expertise in County

is 9 proceedings, was that as formal as this is? And

all 10 there a way to go back to that step and revisit

11 these issues and then come back to a formal

have a 12 Committee -- Subcommittee format where we can

13 document that's a little more compromised versus

14 what we are dealing with now?

Committee 15 CHAIR MOLINA: My understanding was the ad hoc

16 was just a citizens group that got together and

17 formulated this ordinance. I think maybe

18 Corporation Counsel would be more appropriate to
19 respond as far as the procedures regarding that.
20 Mr. Garneau?
21 MR. GARNEAU: I wasn't involved at that point either.
22 I've only been assigned since this was a
23 Subcommittee; but, you know, at this point the
24 Subcommittee's been formed by the Public Works
and
25 Transportation Committee. And it has -- it has
a

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would 1 certain charge. So, if the -- I think what
2 have to be required, if the Subcommittee is
3 deciding, well, we really should go backwards
and 4 start at a different place, you would have to
refer 5 back to that -- to the Public Works and
6 Transportation Committee and let them know that;
and 7 then they could make a decision about whether
they 8 wanted to continue with this Subcommittee or
form 9 something different.

followed 10 CHAIR MOLINA: All right. Ms. Tavares, go ahead,
11 by Mr. Maberry.
Greg, 12 VICE-CHAIR TAVARES: I lost my little -- would it --
13 would it be possible for us to suspend or defer
14 any -- this work in this Subcommittee and maybe
extension 15 Mr. Molina would take back that we want an
16 of time for this particular Subcommittee and
then 17 allow time for another -- you know, another
group -- 18 let's say if we're going back, just saying,
let's 19 get those people back together and have them
draft 20 another ordinance for us to review kind of
thing. 21 Is that possible under our thing or would we
have to 22 disband the Committee and then reform it again?
23 MR. GARNEAU: I don't see any reason -- it's a
24 Subcommittee of the Council, and they set the
time 25 for it.

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1 VICE-CHAIR TAVARES: Okay.

2 MR. GARNEAU: So, I mean, they could determine what
3 they -- what they think is best. I mean,
there's --
4 you're talking about maybe having an ad hoc
5 Committee that's not really part of the Council,
6 just a citizens group to come back and bring a
7 compromise -- I think it would be up -- you'd
have
8 to ask the Public Works and Transportation
Committee
9 as a whole how do they feel about it, if that's
10 where you're going, if they want to just disband
11 this Subcommittee or just allow it to exist and
not
12 meet until -- you know, until that report comes
13 back.

14 VICE-CHAIR TAVARES: Right.

15 MR. GARNEAU: I think it would be up -- it's really up
to
16 the members of that Public Works and
Transportation
17 Committee to decide how they want their
18 Subcommittees to proceed because they are at --
19 ultimately responsible to that....

20 VICE-CHAIR TAVARES: Uh-huh. Because another option
also
21 is to ask the Department of Public Works to
22 formulate the task force because they have
different
23 standards under which they conduct meetings; and
you
24 know, if a task force is set up under
25 Administration, for example, they're not subject
to

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1 sunshine law rules like we are. And you can
have
2 more workshop types of things where you could
get
3 some nitty-gritties down. And it was -- at
times we
4 were really hampered by progressing in our
5 particular formal setting.
6 And we're much better when we get
something
7 that's already been tested out in the community.
8 And I think the ad hoc Committee that started
this
9 first proposal, you know, they did a lot of work
on
10 it, a mountain amount of work to even get it to
that
11 stage and bring it to us; but I think we've all
been
12 learning that there's, you know, a whole lot of
13 concerns regarding it. So, maybe it is time for
us
14 to say, well, we should step out of the process,
15 send it back to the original process, then
we'll,
16 you know, wait until they bring it back to us.
17 And, you know, I would leave it up to the

18 Chairman how we wanted to handle the
Subcommittee
19 disbanding; and I mean, maybe if a product came
back
20 later, we wouldn't even need a Subcommittee to
21 review it. It could go just straight to the
Public
22 Works Committee because it's already been
reviewed
23 through the community process.
24 ?: Mr. Chair --
25 CHAIR MOLINA: I guess what you were saying -- maybe
Rick

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ad 1 was suggesting that you have -- you formulate an
-- 2 hoc Committee with different representatives of
example, 3 from various sectors of the community. For
and 4 you know, you have people from the business side
who 5 lighting industry side along with the members
that 6 had composed the original ad hoc Committee; is
7 what you're -- somewhat make reference to?
8 MR. CHONG: No, I mean, if the Committee is still in

9 existence, whether it's suspended or not, and --
10 obviously the people sitting on this Committee
would
11 have a very strong interest in being a part of
12 whatever this work group is called -- we'd be --
13 we'd be violating the sunshine law, I would --
in
14 my -- in my -- again. So, I would think you
would
15 have to -- we would have to as a Committee
decide
16 we're going to disband the Committee.
17 That would free us all up to be sitting
on
18 this work group again to hammer out the document
in
19 a not as so -- not as time constricting formal
20 format and then come back and reform the
Committee
21 under whatever -- Department of Public Works or
22 Transportation again which we all would probably
be
23 on the Committee; but at least we got a document
24 that's been hammered outside of a time
constraint.
25 That's my idea.

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1 CHAIR MOLINA: Somewhat like the indigenous
architecture
2 Committee has done and the arborist --
3 MR. GARNEAU: Yeah.
4 CHAIR MOLINA: Okay.
5 MR. SALDANA: Mr. Chair? Over here to the left.
6 CHAIR MOLINA: Oh, I'm sorry. Okay. Mr. Saldana.
7 MR. SALDANA: I just wanted to shed some light on the
8 discussion that's going on between Councilmember
9 Tavares and Mr. Chong relative to the work
process
10 with the task force.
11 Apparently it's my understanding with the
12 indigenous architecture ordinance, there is a
group
13 of representatives that are working with the
14 Department of Public Works; and they are the
ones
15 that are formulating the recommended ordinance
and
16 rules that will be presented to the Council.
So,
17 they are a task force in themselves. They're
not
18 set up as a Committee, and they were set up by
the
19 Public Works Department. They have a variety of
20 different representations on that from different
21 interest groups, both technical, cultural, and
then
22 also general public as well.
23 CHAIR MOLINA: Okay. Thank you. Mr. Maberry, to be
24 followed by Mr. Altenberg.

for 25 MR. MABERRY: Yes, sir. I was searching madly here

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up. I 1 the document, and I can't find it. So, perhaps,
2 Gary will remember the exact dates; but I just
3 wanted to point out that this didn't just pop
4 mean, a lot of the baseline that we started with
5 came from the original Street Lighting Standards
6 Committee back in the late '80s, early '90s.
They
7 actually had recommendations that they -- they
were
8 eventually told went beyond the scope of their
9 Committee and went on into general lighting.
10 And, I mean -- so, you know, it's taken
11 something like this to finally get everybody to
12 start taking it seriously. It's -- so, I don't
want
13 to see the process stop; and you can imagine how
14 much development and how much pollution has been
15 added to Maui County since 1989.

16 CHAIR MOLINA: Okay. Thank you, Mr. Maberry.

17 Dr. Altenberg.

18 MR. ALTENBERG: Question as far as the sunshine laws
go,

sunshine 19 if this Subcommittee is suspended, do the
no 20 laws still apply to all the members of it that
21 more than two can meet?
here. 22 CHAIR MOLINA: I don't see our Corporation Counsel
Corporation 23 VICE-CHAIR TAVARES: Well, I'll -- I can play
24 Counsel.
25 CHAIR MOLINA: You're going to play Corp -- okay.

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not 1 VICE-CHAIR TAVARES: Yeah. And I think Mr. Chong for
2 being a bureaucrat in government has a real good
this 3 understanding of things, but he's correct. If
4 is just suspended, the same rules will still
apply 5 because we will be in existence.
6 So, in order to -- we would actually have
to 7 disband the Committee; and like I said, if --
8 whatever comes back may not need a Subcommittee
to 9 review it. It could go just straight to Public
10 Works and Transportation Committee.

that 11 So, I would think that, yeah, based on
12 reminder from Mr. Chong, that, yes, if we wanted
13 to -- not we. You and I could not be on this
not 14 Committee, by the way. Council members could
15 serve on a task force like this, as far as I
16 understand.
17 CHAIR MOLINA: The other five will --
know, 18 VICE-CHAIR TAVARES: But the others who are -- you
have 19 and these are the -- you know, the people that
20 been contributing the most or they're here for a
21 reason to pre -- you know, to eliminate their
think 22 participation would be a travesty. And so, I
23 in order to accommodate their ability to
24 participate, we would have to sus -- to actually
know, 25 disband the Subcommittee so it doesn't -- you

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1 just disband it. It doesn't exist anymore.
a 2 CHAIR MOLINA: Okay. And my understanding if we form
3 task force -- I believe it would not be any
4 limitations as to how many members of this task

5 force --

6 ? : (Inaudible.)

7 CHAIR MOLINA: Yeah, that would be an administrative

8 directive.

9 ? : Right.

10 CHAIR MOLINA: Okay. Because I'm trying to relate it
to

11 the Mayor's transportation action Committee,
also

12 the recycling task force.

13 ? : Okay.

14 CHAIR MOLINA: Comes -- Dr. Altenberg.

15 MR. ALTENBERG: I think it's invaluable that the
public

16 has been able to testify at these Subcommittee

17 meetings; and I would be concerned that if a
task

18 force formed and created a -- basically refined
this

19 Code and then brought it back to the full
Committee,

20 Public Works Committee, that -- at that point
the

21 public could be invited to come in and testify;
but,

22 again, there may be certain level of detail --

23 issues with the specifics of the Code that I

24 question whether the whole Public Works
Committee

25 would want to be dealing with.

1 And it seems to me it might be helpful to
2 have a reestablishment of this Subcommittee to
3 review what is produced by the task force and,
you
4 know, give it a final stamp of approval or final
5 level of refinement before sending it on to the
6 Public Works Committee so that it's more
completely
7 digested by the time it gets there. And so,
they're
8 not burdened with having to deal with the level
of
9 detail that this Subcommittee has been trying to
10 get -- bring to approval.

11 So, I don't know what the issue in terms
of
12 reestablishing a Subcommittee would be for the
13 purposes of reviewing what the task force comes
up
14 with; but I would feel happier if there was that
15 stage as well.

16 CHAIR MOLINA: I see. So noted. Mr. Garneau?

17 MR. GARNEAU: If I can just make one more comment, I
was
18 actually speaking with Ms. Kawasaki; and she and
I
19 had talked about the concerns -- this is sort of
an
20 unusual situation where that -- a Subcommittee
has

citizens 21 been formed and it came from an ad hoc --
to 22 that had come forward to begin with. And now,
the 23 talk about going back is how does that affect
24 sunshine laws given that we already have a
25 Subcommittee and that they may be implicated?

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folks 1 So, I would actually just ask that you
research 2 allow me until our next meeting and really
3 it before you make any decision on this point
that 4 because we don't want to make -- do anything
5 would appear like we're trying to avoid the
sunshine 6 laws. And I understand that that -- we have to
7 weigh that against the Committee's desire to
find a 8 most efficient way for them to reach consensus
on 9 this ordinance. So, if you will just allow me
that, 10 I'll -- by the time we come back next time, I'll
11 provide you with a legal opinion and what I
think

12 the best way to go is on it.

13 CHAIR MOLINA: Okay. Ms. Bernard?

14 MS. BERNARD: Can you give me an estimate of how long
you

15 think it would take for the County to form this

16 particular task force, and would they provide

17 meeting space and -- would this be a County task

18 force? Is that how it would work?

19 CHAIR MOLINA: I can tell you about the meeting -- the

20 County space. I'm sure we could provide you
that.

21 As far as the details, how long it would take,
maybe

22 I could get a comment from the Corporation
Counsel.

23 MR. GARNEAU: I'm sorry.

24 MS. BERNARD: How long would it take -- I think it
took --

25 I think it was around -- it was three to six
months

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just 1 to form this Subcommittee, if I'm not mistaken,

you 2 to form this Committee. I'm wondering how long

 3 think it would take to form this task force that

 4 we're talking about.

but

legal

can

-

and

the

on

term

they be

5 MR. GARNEAU: Allow me to research that, too, as well;
6 what I'll do is I'll -- I'd like to give you a
7 opinion on, first, whether it's possible that we
8 undo what we've done because we haven't done it
9 before. And then, second, if we can, what are -
10 the options are so you guys are fully informed
11 can make a decision about how you would like to
12 proceed.
13 MR. SALDANA: Mr. Chair?
14 CHAIR MOLINA: Mr. Saldana?
15 MR. SALDANA: May I ask a question of the Corporation
16 Counsel?
17 CHAIR MOLINA: Proceed.
18 MR. SALDANA: Instead of disbanding, so to speak, or
19 undoing what we've done in terms of establishing
20 Committee, we're coming up on a deadline. We're
21 coming up on the term of the Committee being up
22 April the 2nd. Instead of taking an action to
23 disband, what if the Committee just lets the
24 run out without extending it? Then wouldn't
25 free to go as they choose and establish working

the
sets
and
but
correct,
extension.
but
for
Public
Committee
issue
deal

1 groups or task forces consistent with whatever
2 Administration or the Public Works Department
3 up?
4 MR. GARNEAU: Again, Gary, I don't want to just answer
5 say "yes"; but I'll consider that, too. So --
6 it went -- we have one more meeting before,
7 that we -- before we need to ask for an
8 So, that might be the option, letting it lapse;
9 I'll find out.
10 MR. SALDANA: However, if I may, Mr. Chair --
11 CHAIR MOLINA: Proceed.
12 MR. SALDANA: -- we have to submit a request to extend
13 the March 13th meeting of the Public Works --
14 Works Committee. That is their last meeting
15 before --
16 MR. GARNEAU: Budget.
17 MR. SALDANA: Now, if the Committee -- and the
18 is going to have to deal with that extension
19 today or the Subcommittee is going to have to

20 or make a recommendation or a request at today's
21 meeting that I would imagine that -- you know,
if
22 the Subcommittee wants to just kind of extend a
23 short period of time just to give it leeway just
in
24 case it decides to continue on with a review or
just
25 in case -- just to give it the backup in the
event

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1 that -- in the event that they decide to
disband, we
2 can't -- we will be -- we won't be able to have
a
3 meeting of Public Works prior to our expiration.
4 CHAIR MOLINA: Mr. Garneau?
5 MR. GARNEAU: Then -- Mr. Saldana, it might make
sense,
6 then, to ask for a two-week extension or a one-
month
7 extension; and then that will give myself time
to
8 respond to the legal questions that have been
9 proposed. And it -- and it wouldn't prohibit us
--
10 if one of the options was to allow the Committee
to
11 lapse, then we could.

since 12 So, perhaps that's what we should do
just 13 we're under this time constraint by the 13th is
us 14 to ask for some short extension long enough for
15 to consider.
it 16 CHAIR MOLINA: If I could add my comments to this --
extension 17 somewhat segues into the next item, the
an 18 for the Subcommittee. I had initially asked for
Works 19 extension of up to 90 days at this next Public
us a 20 meeting for March 13th, so -- which would give
or 21 deadline of July 1st. If I were to ask for an
22 extension for that long, would that be a problem
days 23 maybe adjust my request as far as the amount of
24 to maybe say, like you recommended, 30 days, 60
25 days, whichever is more appropriate?

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you 1 MR. GARNEAU: It would make sense to shorten it to,
to 2 know, something less if they are -- if we decide

back. 3 go with a -- allowing it to lapse and coming
think. 4 So, it would make sense to ask for 30 days, I
2nd, 5 CHAIR MOLINA: So, if we ask for 30 days from April
we 6 that means we have a deadline of May 2nd. Now,
know 7 had not planned on meeting in April because I
meeting 8 you had mentioned that at our next scheduled
it 9 we'd discuss this sunshine law issue. So, maybe
10 would make more sense to request a 60-day --
11 MR. GARNEAU: I -- excuse me. Our next meeting after
12 today's date is the -- I thought it was before
the 13 budget. We're not meeting again?
14 CHAIR MOLINA: Gary, do we have --
15 MR. SALDANA: Can we have a break --
16 CHAIR MOLINA: Okay.
17 MR. SALDANA: -- so we can talk about this?
18 CHAIR MOLINA: Break subject to the call of the Chair.
19 (Gavel.)
20 RECESS: 10:58 a.m.
21 RECONVENE: 11:16 a.m.
22 CHAIR MOLINA: -- standards is now back in session.
Thank
long 23 you, members, for putting up with the rather
we 24 break. I thought it would be brief; but anyway,
25 managed to hash out a few things.

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and 1 I -- upon discussions with the Analyst
our 2 the Corporation Counsel, I'm proposing that at
of 3 next meeting -- scheduled meeting of March 21st
we're 4 which I needed to mention prior to the break,
5 going to -- I guess the Corporation is going to
6 decide to give us an opinion on the issue of
and 7 disbanding or sub -- suspending the Subcommittee
about. 8 any other sunshine law issues that may come
9 And I'm considering asking the Public Works
10 Committee to extend for 30 days until May 2nd
11 instead of the original 90 days.
me, 12 So, also, at that meeting -- or, excuse
13 at the March 21st meeting, we will -- we are
14 considering asking the Public Works Department
on -- 15 to give their thoughts on -- as far as the
16 formulation of this so-called task force that
we've 17 been considering here today.

your 18 Mr. Hanzawa, you have a comment? I see
19 hand going up.
support a 20 MR. HANZAWA: Yeah, I'm sure the Department will
21 task force if that would be the wishes of this
force 22 Committee. We have -- we have supported task
23 in the past, such as about five years ago we had
a 24 task force put together to revise the grading
25 ordinance; and that took about -- maybe about a
year

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1 and a half with about 15 to 20 members on it.
input, 2 There was some discussion about public
3 and really the public would -- could be invited
to 4 these task force meetings. And we could also,
at 5 the end, once that a draft ordinance -- or a
draft 6 proposal is put together, that we could
advertise or 7 publish additional hearings and invite the
public. 8 Thank you.

the
with
any
by
which
and
important
the

9 CHAIR MOLINA: And the -- I assume the Mayor would be
10 person appointing the people to the task force
11 input from the Public Works Department.
12 MR. HANZAWA: That's right.
13 CHAIR MOLINA: Okay. Thank you. Committee members,
14 comments at this time? Dr. Altenberg, followed
15 Ms. Bernard.
16 MR. ALTENBERG: It occurs to me that this Subcommittee
17 could produce an output by the end of its term
18 would be -- the thing that comes to my mind is
19 basically the testimony and the issues that have
20 been raised here raise a number of questions;
21 the thing that's bogged us down is that we don't
22 have the answers to those questions.
23 And I think it would be extremely
24 if this Subcommittee formulated a list of the
25 questions that would then be recommended that

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guidance 1 task force answer; and this would give some

2 to the task force and, I think, also provide
3 something of a summary of what has been
accomplished
4 by the Subcommittee, which is that a number of
5 issues have been aired and questions raised.
6 So, because we have only worked through
part
7 of the Code and there's specific questions that
8 would come up on other parts of the Code, I'm
9 wondering whether we've pro -- 30 days would
provide
10 enough time to allow what -- the resources
11 represented here from being able to formulate
the
12 questions dealing with the other parts of the
Code
13 that need to be answered.
14 CHAIR MOLINA: Okay. Well, let's see, are you asking
me
15 that question or just --
16 MR. ALTENBERG: I -- I throw it open.
17 CHAIR MOLINA: Well, maybe -- I know -- Mr. Garneau,
you
18 came up with the suggestion of 30 days.
19 MR. GARNEAU: I had suggested 30 days just because
with
20 this one issue of whether you wanted to continue
as
21 a Subcommittee -- 30 days, if you decided after
--
22 after getting my opinion at the next meeting, if
you
23 decided to -- you know, to make a recommendation
and

don't 24 to disband, the 30 days would run faster. I
at 25 see any reason why we can't ask for 30 now, and

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what 1 the meeting on the 19th you'll know as a group
extend 2 you want to do. You may be recommending to
3 this indefinitely and not to disband.
4 And so, the 30 days is just in case you
for 5 decide to disband; but if not, then you can ask
the 6 more time. I don't think there's any limit on
just 7 number of times you ask for an extension. It's
-- 8 if you ask for a longer extension, it will take
longer 9 if you decide not to go forward, it will take
10 for it to lapse.
11 CHAIR MOLINA: Before the term ends is my
understanding.
Budget 12 And, in the meantime, we could talk to the
13 Chairperson about having a special meeting for
14 Public Works during the budget session to
consider

15 an extension if need be. Dr. Altenberg?
16 MR. ALTENBERG: Well, it would seem that we would need
--
17 what would be better is to ask for the
possibility
18 of several options for length of extension from
the
19 Committee, the sub -- the Public Works
Subcommittee
20 because if we ask for just 30 days and they say,
21 okay, you can have 30 days and when we meet next
22 time, says, no, we need 60 days, then we don't
have
23 that option, if I'm -- if I'm understanding
24 correctly. So, is it possible to ask the Public
25 Works Committee for, say, up to 90 days or as
little

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wish 1 as 30 days or no extension depending on what we
2 at our next Subcommittee meeting?
3 MR. SALDANA: Mr. Chair?
4 CHAIR MOLINA: Mr. Saldana?
5 MR. SALDANA: The -- a term has to be set. So, when
you
6 ask for 30 days, you have to indicate that your
term

on 7 will expire on May 2nd or it's going to expire
8 June 2nd or whatever. You have to identify a
9 specific term.
10 CHAIR MOLINA: So, there's no leeway. You just -- you
11 have to give a specific date.
12 MR. SALDANA: That's the way the guidelines are set.
13 CHAIR MOLINA: And these guidelines are from --
14 MR. SALDANA: They're -- I think they're part of the
15 Council Services guidelines, the way we
formulate 16 the rules and the Council rules as well.
They're 17 part of the Council rules.
18 CHAIR MOLINA: Thank you. Dr. Altenberg?
19 MR. ALTENBERG: Well, it would seem that the main cost
of 20 going, say, 60 days instead of 30 days is that
it 21 would delay the establishment of the task force
by 22 30 days. That seem to me does not -- is not
23 especially severe cost. However, if, for some
24 reason, we wanted to have more than could be
25 accomplished in just a 30-day extension, if we

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1 didn't have it, that would be a severe
constraint on
2 what the Subcommittee could do. So, it would
seem
3 to me that having 60 days might give a better
4 cushion and would not have a substantial cost in
5 terms of delaying the formation of a task force
that
6 included members of the Subcommittee.
7 CHAIR MOLINA: Okay. Thank you, Dr. Altenberg. Any
8 comments of Corp. Counsel at this time on to --
9 MR. GARNEAU: No, I have no comment.
10 CHAIR MOLINA: Okay. Ms. Bernard, to be followed by
11 Mr. Chong.
12 MS. BERNARD: I really appreciate your desire to
expedite
13 this process and your suggestions of forming a
task
14 force that has come up during this session, but
I do
15 feel like we have begun to make progress with
the
16 matrix that was submitted. We've actually
gotten
17 some things on line that we can look at. We can
18 make decisions about. We can even vote on them.
19 And I worry that forming this task force
is a
20 little duplicative. We do have our resource
folks
21 present who are interested, and it did take a
while
22 to get this particular Committee formed. As we
23 said, this ordinance did not come out of the
blue.

24 It's taken a while to formulate; and as I said
25 earlier -- I'd like to reiterate that I'm a
little

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lapse 1 concerned about the length of time that would
2 while we go through this process. We have spent
3 quite a bit of time just discussing the whole
4 possibility of a task force, and then I can just
5 imagine getting all the players together in a
room
6 and discussing the things that we've discussed.
7 And I know that this formal process -- it
8 makes it difficult for discussion. However,
we've
9 done some good work on e-mail. We've got a
matrix
10 now we can look at. And we haven't gotten a
chance
11 to discuss that; and if we could, perhaps that
would
12 help us see how fast we can move. So, I'm glad
that
13 we'll be making this decision next meeting and
not
14 now.

15 CHAIR MOLINA: Okay. Thank you. Mr. Chong?

16 MR. CHONG: I'm all for getting it done as quickly as
17 possible. I'm the only guy traveling to these
18 meetings, but that's my own personal interests.
19 I think the task force -- in my opinion,
I
20 like the idea of a task force. I find these
21 meetings very constraining; and I think in a
task
22 force it would be much -- the rapport and the
23 conversations can flow more freely without
having to
24 ask permission, that kind of thing.
25 I -- nothing against formalities with the

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broken 1 Council, I just -- it doesn't -- and it's too
2 up. By the time you get your turn, you forgot
what 3 you were going to ask, that kind of thing. A
task 4 force would be much more efficient.
5 And so, my opinion would be to end the
6 Committee here as soon as possible so that we
can 7 get to the task force as quickly as possible and
8 really good work done in the task force and
finding

9 whatever revisions we may want to make to the
10 document.
11 CHAIR MOLINA: Okay. Thank you, Mr. Chong. I know we
12 have to wait for that opinion on how to, you
know,
13 end or suspend the Committee next week from
14 Mr. Garneau who will be doing additional
research on
15 that.
16 Any other comments or questions on this
17 matter at this point? Hearing none, I did want
to
18 discuss other items today that I mentioned to
you in
19 my overview; but in light of the fact that
20 Mr. Garneau -- the new issue of a task force
being
21 formed being suggested here today, I think it
would
22 be appropriate that we not proceed any further
until
23 we get the opinion from Corporation Counsel
which
24 will help us decide whether we want to disband
or
25 whether it is permissible to disband or suspend
the

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1 Subcommittee.

2 And, of course, we heard the input from

3 Public Works who would welcome the option of
forming

4 a Subcommittee and get that input before this is
--

5 this matter is brought back to the -- to a
formal, I

6 guess, Subcommittee of the Public Works
Department

7 or it could go straight to Council, for that

8 matter -- Public Works Committee, then Council.

9 So, any other last comments or
suggestions at

10 this point before we adjourn? Hearing none,
thank

11 you very much, members, appreciate your input
and

12 also to our resource personnel.

13 MR. SALDANA: Mr. Chair?

14 CHAIR MOLINA: Mr. Saldana?

15 MR. SALDANA: Can I get one point of clarification?
The

16 recommendation is for a 30-day request for
extension

17 to May 2nd; is that correct?

18 CHAIR MOLINA: Yes, members, 30 -- I'm recommending 30

19 days. I know Dr. Altenberg had thrown out the

20 option of 60 days. For me, I think I feel okay
with

21 a 30-day extension; and then we can address the

22 other issues that are going to be brought about
on

23 March 21st. So, at the March 13th Public Works

24 meeting, the recommendation will be for 30 days.

25 Okay. To make matters more formal, we'll
go

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1 ahead and take a vote on 30 days. So, what the
2 Chair is going to do is recommend a 30-day
extension

3 for the Subcommittee; and I do need a second.

4?: You need a motion. You need a motion.

5 VICE-CHAIR TAVARES: You need a motion.

6 CHAIR MOLINA: Okay. The Chair is -- thank you.
Okay.

7 The Chair will entertain a motion for a 30-day
8 extension of the Subcommittee.

9 VICE-CHAIR TAVARES: I'll move that for --

10 CHAIR MOLINA: Okay.

11 MR. MABERRY: Second.

12 CHAIR MOLINA: Okay. It's been moved by member
Tavares,

13 and seconded by member Maberry. Discussion,
14 members?

15 VICE-CHAIR TAVARES: Yeah, Mr. Chairman.

16 CHAIR MOLINA: Ms. Tavares.

17 VICE-CHAIR TAVARES: In your recommendation for 30
days,

that 18 you are taking into account the budget schedule
19 we have?
if we 20 CHAIR MOLINA: Yes. And I will ask the Budget Chair
21 do need another meeting during the budget
session, 22 that we could have a --
23 VICE-CHAIR TAVARES: Because 30 days takes us to --
what 24 was the date, May 2nd?
25 CHAIR MOLINA: May 2nd.

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heavy 1 VICE-CHAIR TAVARES: May 2nd. We're going to be in
2 deliberations at that time or just prior to that
if 3 time for budget. I'm not -- I'm not sure. What
4 he says no? Then we're -- we're going to have
the 5 Committee lapse by itself. The time will
6 (inaudible).
flexible 7 CHAIR MOLINA: I'm banking on Mr. Hokama being
8 to -- well, I'm hoping that a meeting like that
9 would be very brief and short for the Committee
to 10 consider; and then we could -- for example, I

11 believe last budget session, we did have short
12 meetings prior -- from other Committees prior to
13 going into the rest of the meetings for budget.
14 So --
15 VICE-CHAIR TAVARES: Okay.
16 CHAIR MOLINA: I think the only difference -- we were
17 initially requesting 90 days. Now, we're just
18 requesting 30 days and --
19 VICE-CHAIR TAVARES: We could -- you know, I guess we
can
20 try it because what's going to be important is
if
21 your Committee will meet -- your Committee will
have
22 to meet to extend the deadline again; and that
could
23 be just a short minute --
24 CHAIR MOLINA: Right.
25 VICE-CHAIR TAVARES: -- a short -- short minute. It
could

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1 be a short minute but it probably won't be, but
it
2 will be a short meeting.
3 CHAIR MOLINA: Sure. I'm banking on that we'll -- it

members to 4 shouldn't take too long for the Committee
5 make a decision to extend the Subcommittee term.
6 Okay. Mr. Altenberg?
one 7 MR. ALTENBERG: If I might ask, how does one -- can
8 offer an amendment to a motion?
9 CHAIR MOLINA: You can go ahead and --
10 ?: (Inaudible).
an 11 CHAIR MOLINA: -- make an amendment. You can propose
12 amendment.
13 MR. ALTENBERG: And then -- and then --
14 CHAIR MOLINA: You would need a second.
15 MR. ALTENBERG: And then you need a second.
16 CHAIR MOLINA: Uh-huh.
17 MR. ALTENBERG: Okay. I would propose an amendment to
18 change it from 30 to 60 days.
19 CHAIR MOLINA: Okay. A motion -- an amendment to the
20 motion has been made to --
21 MS. BERNARD: Second.
by 22 CHAIR MOLINA: -- amend the motion from 30 to 60 days
23 Dr. Altenberg, and it's been seconded by
24 Ms. Bernard.
of 25 Discussion? Dr. Altenberg, as the maker

1 the motion, your thoughts --

2 MR. ALTENBERG: From --

3 CHAIR MOLINA: -- of the amendment?

4 MR. ALTENBERG: -- what Ms. Tavares was saying about
the

5 possible pressure from the deliberations of the

6 other tasks of the County government, this might

7 enable us to avoid such a conflict if we need
to.

8 CHAIR MOLINA: Okay. Members any other discussions
for

9 the amended motion? Ms. Tavares?

10 VICE-CHAIR TAVARES: Yeah. Mr. Chair, I -- you know,
I

11 hear your comments about it; but I would
consider it

12 a friendly amendment. So, I don't have a
problem

13 with going with 60 days.

14 CHAIR MOLINA: Okay. Any other discussions? Okay.
We're

15 going to go ahead and take a vote on the
amendment

16 to the motion which is to extend the term of the

17 Subcommittee to 60 days. All those in favor say

18 "aye."

19 SUBCOMMITTEE MEMBERS: Aye.

20 CHAIR MOLINA: All those opposed? Okay. The Chair
will

21 mark the amended motion unanimous.

22

23

24

25

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Bernard,
and
those
-
okay,
Okay.
motion

1 VOTE: AYES: Subcommittee members Altenberg,
Chong, Maberry, Vice-Chair Tavares,
2 Chair Molina.
NOES: None.
3 ABSTAIN: None.
ABSENT: None.
4 EXC.: Subcommittee member McCord.
5 MOTION CARRIED.
6 ACTION: APPROVE amendment to main motion.
7
8 CHAIR MOLINA: And now back to the main motion, all
9 in favor -- or excuse me. I believe we should -
10 we're still in discussions on the main motion at
11 this point.
12 Any other comments on the main motion,
13 of extending the term of the Subcommittee.
14 Hearing none, all those in favor of the main
15 say "aye."

The

to

16 SUBCOMMITTEE MEMBERS: Aye.

17 CHAIR MOLINA: All those opposed? Okay. Thank you.

18 motion has carried. So, the recommendation is

19 extend the Subcommittee for 60 days which -- for

20 your information, the term will end on June --

21?: 1st.

22 CHAIR MOLINA: -- 2nd.

23?: 1st.

24 CHAIR MOLINA: Oh, excuse me. Is it 1st? June 1st.

25 Okay.

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Bernard,
and

(request

1

2 VOTE: AYES: Subcommittee members Altenberg,
Chong, Maberry, Vice-Chair Tavares,

3 Chair Molina.

4 NOES: None.

5 ABSTAIN: None.

6 ABSENT: None.

7 EXC.: Subcommittee member McCord.

8 MOTION CARRIED.

9 ACTION: APPROVE main motion as amended

10 to Public Works and Transportation
Committee for an extension of the
Subcommittee's term by 60 days or to
June 1, 2002).

meeting
11 CHAIR MOLINA: Okay. Thank you, members. Any other
12 discussion? Hearing none, thank you. This
13 is adjourned. (Gavel.)
14
15 SUBCOMMITTEE MEMBERS VOICED NO OBJECTIONS. (excused:
WM)
16
17 ACTION: DEFER pending further discussion.
18
19 ADJOURN: 11:31 a.m.
20
21
22
23
24
25

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1 C E R T I F I C A T E

2 STATE OF HAWAII)
3) SS.
4 CITY AND COUNTY OF MAUI)
5

6 I, Sharon L. Ross, Certified Shorthand

a

had

for

concerned

Hawaii

4/8/05

7 Reporter for the State of Hawaii, hereby certify
8 that the proceedings were taken down by me in
9 machine shorthand and was thereafter reduced to
10 typewritten form under my supervision; that the
11 foregoing represents to the best of my ability,
12 true and correct transcript of the proceedings
13 in the foregoing matter.

14 I further certify that I am not attorney
15 any of the parties hereto, nor in any way
16 with the cause.

17 DATED this 2nd day of April, 2002, in
18 Honolulu, Hawaii.

19

20

21

22

23

24

25

Sharon L. Ross, CSR NO. 432
Notary Public, State of

My Commission Expires: