

PLANNING COMMISSION
COUNTY OF HAWAI'I

HEARING TRANSCRIPT
SEPTEMBER 4, 2009

A regularly advertised hearing on the application of **COUNTY OF HAWAII FIRE DEPARTMENT (SPP 09-84)** was called to order at 9:37 a.m. in the Aupuni Center Conference Room, 101 Pauahi Street, Hilo, Hawai'i with Chairman Rell Woodward presiding.

PRESENT: Rell Woodward
Wallace Ishibashi
Takashi Domingo
Zendo Kern
Shelly Ogata

Brandon Gonzalez, Deputy Corporation Counsel
Norman Hayashi, Staff Planner
Phyllis Fujimoto, Staff Manner
Jeff Darrow, Staff Planner
Maija Cottle, Staff Planner

And approximately 15 people from the public in attendance

ABSENT & Andrew Iwashita
EXCUSED:

APPLICANT: COUNTY OF HAWAII FIRE DEPARTMENT (SPP 09-84)

Special Permit to allow the establishment of a fire administrative support complex, which includes an administration building, emergency dispatch building, microwave tower, and future fire station, preparation and training building, covered training area, warehouse, dormitory, museum and related uses on 5.357 acres of land situated within the State Land Use Agricultural District. The property is located along the north side of Mohouli Street, approximately 1,050 feet west of the Mohouli Street – Komohana Street intersection, Waiakea, South Hilo, Hawaii, TMK: 2-4-1:176 and 178.

WOODWARD: This third item on the agenda is County of Hawaii Fire Department, application for a Special Permit 09-84. Jeff.

DARROW: Thank you, Mr. Chairman. Again, if I can direct your attention to the presentation on the wall. Our next applicant is the County of Hawaii Fire Department. They are requesting a Special Permit to allow the establishment of a fire administrative support complex and related uses on 5.357 acres of land. The location of this application is in the district of South Hilo. More specifically, we're looking at Komohana, Komohana Street running in a north-south

direction, and we have Mohouli Street and Mohouli extension running perpendicular to Komohana. This particular area is located near the intersection of Komohana and Mohouli Extension. Our GIS has not been updated to reflect the recent subdivision, so this particular parcel is approximately 30 acres in size. The project location and area is approximately 5 acres; and we'll be able to show that on our site plan as well as our location map. We do have, as you look at the location map you'll notice the different shades of color. The light green represents Agricultural 1 acre. The yellow is Single Family Residential. We have different densities. We have RS-10, RS-7.5. We have a project district identified in purple. The property across the street to the north, correction, south is owned by the State. It's undeveloped at this time. This particular property is owned by the State as well, and the State has granted the County to be able to use this particular portion of property for this fire administrative complex. There are several subdivisions in the particular area of this application. Mainly we have Sunrise Ridge Estates and Sunrise Ridge Subdivision, identified again in smaller lots, the Single-Family Residential, and we have some larger 1-acre lots that are identified in the Agricultural 1 acre.

This is an aerial photo that we have of the area. It gives you an idea of the surrounding residential uses that are near this particular property. Again, we have Komohana Street running in a north-south direction, Mohouli Extension. We did reflect the 5-acre, approximately 5-acre portion, identified with a red outline. As you look at this you'll notice that there's a small piece on the right side of the property. That is a road lot that will be used for access not only to this particular property but also to the property adjacent to it.

The applicant is requesting a special permit to allow the establishment of a fire administrative support complex and related uses on approximately 5 acres of land. The administrative support complex will be completed in several phases. The initial phase will include an administrative building, emergency dispatch building, microwave tower, site infrastructure, utilities and parking, as well as the improvement of the road lot that's going to be providing access. Future phases will include a fire station, fire preparation and training building, covered training area, warehouse, dormitory and museum.

If I could just speak briefly to the uses in the initial phases that are identified in the background report. The fire administration building will be used to house the personnel and staff of the fire chief, the fiscal division, personnel division, fire prevention bureau, and the emergency medical services bureau. The emergency dispatch building will house personnel and equipment that will provide for the receiving and dispatching of emergency calls to all fire and police units throughout the island and would be available 24 hours a day, 7 days a week.

The microwave tower is proposed to be a 90-foot to 125-foot microwave tower. It is being considered to accommodate radio and emergency dispatch requirements. The radio line of sight study will be done prior to construction to determine whether the tower is required.

This is a site plan of the facility, the proposed facility. On the lower portion of the property we do have Mohouli Extension. On the right side of the property we have the road lot that will be used for access. The red on the property identifies those phases or those improvements in the initial phase. This will include the administration building or the, I'm sorry, the emergency dispatch building which will be located in this particular area, the fire administration building

which will be located in this particular area, as well as parking and on-site improvements. The microwave tower that's proposed is located just in the rear of the emergency dispatch building. All other uses identified in the blue outlined are proposed for future phases as money is available. This particular area is proposed for the future fire station.

The reason for the request is that the Hawaii Fire Department proposes to consolidate its facilities by developing a fire administrative support complex which would help to eliminate the existing inefficiencies from having separate facilities and would provide a centralized access point for the public.

The Planning Department's recommendation is that the Planning Commission approve this request with conditions. Are there any questions? Oh, before I forget, we did receive a, previously on July 22nd, we had received a petition for standing in a contested case hearing. This was from Mrs. Tiffanie Wang Okuda. She has withdrawn her petition as of August 26, 2009. There are, the reasons for the request is in the background recommendation under Exhibit A, as well as information that was provided to you from Mrs. Wang Okuda this morning for your information.

WOODWARD: Any questions for staff? All right, seeing none, if we could have the applicant and/or representative approach the table. Morning, Gentlemen. Welcome. First I'd like to swear you in. If you could raise your right hands. Do you swear or affirm to tell the truth today before the Windward Planning Commission?

OLIVEIRA: I do.

WOODWARD: Very good.

BRILHANTE: Yes.

WOODWARD: Very good. And then before you begin your testimony if could give us your name and address, and then you're free to begin. Chief?

OLIVEIRA: Sure. Good morning. My name is Daryl Oliveira, Fire Chief for the Hawaii Fire Department. My address is 656 Malae Place, Hilo.

BRILHANTE: Good morning. William Brilhante, Deputy Corporation Counsel, County of Hawaii, address 101 Aupuni Street here in Hilo.

WOODWARD: Very good. Who'd like to start?

BRILHANTE: At this time what I'd like to do is -. Thank you very much, ladies and gentlemen of the Windward Planning Commission. I'm going to request that Chief Oliveira be afforded the opportunity to make a brief presentation to the Commission here. Basically he's going to touch upon three areas, I'm not sure if sequentially he's going to follow my outline. But he'll touch upon, first, the historical precepts involved with the request and the application sitting in front of you. Secondly, he's going to discuss the necessity and the reason for this complex.

And, finally, what he's going to do is he's going to explain and articulate the steps the Chief made both departmentally and personally in his attempts to engage the community as well as the neighborhood in understanding and getting feedback, and the consideration given to the neighboring community for this project. So at this time I'd like to allow Chief Oliveira to make his presentation.

WOODWARD: Very good, you're on.

OLIVEIRA: Thank you. Thank you for the opportunity to comment and, I guess, primarily provide an overview about the project and answer any questions you or the public may have. As far as the project itself, what I'd like to do is identify the three phases that were previously mentioned as to what is targeted for design and construction at the present time, as well as the master planning for the site which included some other projects or components that aren't targeted for design or construction in the near future.

As you've heard the parcel is a large parcel that was acquired through the State via an executive order. It has been subdivided into three parcels, one of which the Fire Department is targeting for the construction of our admin support complex. The other parcels I won't be able to comment on. Obviously I'm not qualified to comment, especially on the parcel below us or to the east of us which is identified for a housing complex which when I went door to door in the community there were questions, especially about connector roads with that project. So although I'm not able to comment, we are aware of those concerns that were raised.

As far as the three components that we have identified for, I guess, immediate or near future design, well, current design and near future construction: The first is our emergency communication dispatch center. This is a co-location or a consolidated location of both the Police and the Fire Department dispatch centers. Both agencies communication centers are grossly inadequate at the present time, unable to expand to the increasing needs and demands of the community, as well as in particular for our dispatch center. The Fire Department's dispatch center is presently located on the same site as our central fire station which is on the evacuation boundary for tsunamis. So whenever we move into a tsunami, well, warning status, we do relocate our dispatch center, which does cause some challenges of maintaining effective communications and response to the community's needs. So the relocation of our dispatch center is essential for us to maintain 24-7 operations and uninterrupted, even in times of natural disaster. And I think the other issue as I pointed out is both dispatch centers just cannot keep up with the demands for increased service.

The second component of our proposed project is the administrative support complex or administration building which is designed to house all of our administrative offices. Presently we have personnel and sections of our administration division operating in multiple different sites. Some us are out of the Puainako Town Center, and may be moving back to the County Building cross the street. Other offices are working out of central fire station. And therefore it's fragmented, our administration, as well made it difficult for the public to have a one-stop shop with fire department business. So having a consolidated administration complex would make it much easier, make our operation more efficient and effective, and provide better access for the public.

The third component of the project, which is in design and targeted for construction, is a training complex, strictly for classroom use. This is not a live burn or hands-on training site. This is only classroom facilities and, again, to keep up with the required increase in demands for us to hire, train and maintain the training requirements of our staff, and just keep up with the continued growth of our department. Right now our training center consists of one classroom located at Central Fire Station, which the maximum capacity we have there is no more than 20 students, which limits our hiring capabilities as well as the on-going training requirements for constantly searching for facilities within the community to either rent or use and must share with other organizations. In considering the design and building of this training center, we are committed to making it available to all of the County and other government agencies, so it's not just for our use. It will get maximum utilization by making it available to all government agencies. So, and we see this as being a good project to have.

As Mr. Brillhante pointed out, you know, we really want to be transparent to the community and see this as an opportunity to get their input, hear their concerns. I did hear concerns when I went door to door as part of trying to make sure that we want to be good neighbors, and that message was communicated to the residents. I found the experience going door to door very rewarding, very educational, in hearing some of the concerns, as well as even addressing some of the questions about our project and the other projects in the area. So I see this morning as an opportunity to hear more of the concerns that the community has, maybe address them and consider that in the design, cause we still are in the design phase and may have the opportunity to modify our plans or consider accommodations that would provide the community with assurances that, again, we want to be good neighbors. We want to maintain a buffer, which is keep as much of the vegetation as possible. We want this facility to be aesthetically pleasing. We are limiting it as far as its height. With the exception of the tower, all of the other buildings are single story. So we want to maintain a low profile, low impact presence in the community, but still meet our needs. And, again, I just look forward to hearing the questions, concerns and, again, considering some of the suggestions that the community or this Commission may have. So thank you.

WOODWARD: Thank you, Chief Oliveira. Do we have any questions for the Chief?
Commissioner Ogata.

OGATA: I'm interested in what other sites were considered, my first question. And my second question is if you could share with us what some of the major concerns were from the community.

OLIVEIRA: Sure. On the first issue, we did initially under Mayor Kim's administration look at multiple different sites in the Hilo area. And part of the drive with that was to see if we could find a site that we would be able to accommodate relocating our central fire station, which we found an alternative site for that, and also locating a parcel that was centrally located close to the government center and community center in Hilo, would have the access to the public, as well as the size, that could accommodate all of our needs. We also looked at the most affordable options, which were state-owned parcels or county, currently county-owned parcels, which had infrastructure already. That limited our options greatly.

Where there was a limited access to -. As an example, sewer systems, when we did a real preliminary price or cost estimate at \$500 a foot for trenching, that really raised some concerns with cost of where do we look for a site. We found this site to be what we considered ideal and was centrally located. It did have close proximity to all of the infrastructure. It was in an area that across the street with the university's expansion as well as some of the other government agencies, there may be an opportunity to share resources or even provide better access and partnership with those agencies. So we did look at numerous sites around the Hilo area; and we identified this as probably our number one choice and preference for the site.

As far as the other concerns that were raised I did have concerns mainly about that connector road that is of question with regards to the housing project, if there is going to be a connector road that comes through from Mohouli to Kukuau through the subdivision, which I was unable to provide answers on. The other concerns were regards to noise and, again, having a fire station in your backyard. So we are considering that.

And the proposed fire station for the project, although we're putting it into our master plan, it is not something that we essentially need at this time. With the current fire stations in the Hilo area we are able to meet the coverage and response times that we'd like to maintain, we are able to meet the demands of the core of our community at this time. But it's just in the master planning and seeing how it would fit, if we did want to consider it on the site. But those were the concerns, and obviously the radio tower with the electromagnetic field concerns that people have.

WOODWARD: All right, thank you. Any further questions? I guess the only thing worse than having a fire station in your backyard is having a fire in your backyard, and if you do then you'd like to have a fire station there. Okay, would you like to add some testimony?

BRILHANTE: Nothing further at this time.

WOODWARD: Okay, very good.

MARTINS: I have a question.

WOODWARD: I'm sorry, sir.

MARTINS: Okay.

WOODWARD: We don't work that way.

MARTINS: Okay.

OGATA: I have one more question.

WOODWARD: Yes, Commissioner Ogata.

OGATA: I heard that you did a lot of door to door kind of, I guess you canvassed the surrounding community. Other than that, have you done any community planning meetings or anything to help with the design of this complex?

OLIVEIRA: No actual meetings; and I guess I look at this as maybe one of those forums or opportunities. The door to door was based on, we wanted to make sure that everybody received the letter of notification that this project was coming up for consideration and approval; and the other reason was to go door to door and basically solicit input, concerns, and answer any questions. So like I say I'm open and prepared to addressing more of the public's concerns and making sure we do put them at ease as well as, like I say, be good neighbors in our project.

WOODWARD: Very good. Well, I complement you on your efforts. And, sir, if you would like to submit testimony, you've written your name down -?

MARTINS: Yes.

WOODWARD: Okay, very good. Any further questions for the applicant? Commissioner Kern.

KERN: Yes, good morning, Chief.

OLIVEIRA: Morning.

KERN: You had mentioned the three items that you were going to go over possibly. The first one was something to do with historic, could you bring that up please.

BRILHANTE: The historical perspective was kind of intertwined with the necessity and the reason for why the Department needs the station, the administration building, not the station but the fire administration building and the dispatch center. And I think as far as the historical perspective, I'm not sure if all the members are aware of this but originally the fire administration building was located immediately behind central fire station; and when the Army Corps of Engineers came in and did the expansion to the flood control channel running behind the fire station, that caused the need for the fire administration building at that time to be taken down and removed. Since that time the fire administration has been a nomadic clan so to speak. They moved to the Kaiko'o Mall location, and due to heavy rains and flooding had to move to another location; and now they're currently housed, sharing a facility with Environmental Management up at the Puainako Town Center. And that's just the administrative aspect of the Department. The Emergency Medical Service Division is still located at central fire station, dispatch is still located at central fire station. And that was the historical perspective that I wanted the Commissioners to be notified of.

KERN: Thank you very much.

WOODWARD: Any further questions for the applicant? Commissioner Ogata.

OGATA: Just curious - if, I don't know if the whole crowd in here is going to be speaking out against this site - what's your back-up site?

OLIVEIRA: Honestly, we don't have a back-up site. A lot of the money and investment is made in the design for this site. But I think what we could consider is in the design of the facility to make it more palatable or to address the safety concerns that the community may have. We'd like to obviously stay on the same site as much as possible, but address those safety and health concerns that they may have.

OGATA: Okay.

WOODWARD: Anything further? Okay, all right, gentlemen, you can have a seat; and we'll call the people from the public who have signed up to testify. I have Robert Okuda, could you come up and have a seat at the table. We have Tiffanie Wong Okuda, I guess it's Gerdine Markus or Jerdine Markus, and David Martins. We've got room up here for everybody. We've got four chairs. Let's see who are we missing, Martins. Okay, is there a Gerdine Markus? Oh, there you are. All right. Okay, first I'd like to swear you in. If you'll raise your right hand. Do you swear or affirm to tell the truth today before the Windward Planning Commission?

TESTIFIERS: Yes. I do.

WOODWARD: Very good. Okay, we've gotten quite a bit of written testimony already that has been submitted. We'd like to ask you to limit your testimony to five minutes; and if you've supplied a large volume of written testimony please just summarize that rather than read it. We do have copies of all that information. So that being said, as I say we'd like to limit the testimony to five minutes. And if you get close to that point, we will gently remind you to please summarize your testimony. So Robert Okuda, you were signed up first. If you'd speak in the microphone.

R. OKUDA: I'll let my daughter-in-law go first.

WOODWARD: Okay. Your daughter-in-law is Tiffanie?

WANG OKUDA: Tiffanie.

WOODWARD: Okay, that's fine. If you'll just give us your name and address, and then you may begin.

WANG OKUDA: Okay, I'm Tiffanie Wang Okuda and I live in 817 Kukuau Street, which is within 500 feet to the proposed project. I'm a mother of a five-year old child and I'm also a dentist in this community, so I'm very, very concerned with health effects. I already have a lot of written materials about basically how the impact will be. So there's long-term health effects of the microwave tower. But I know the Fire Chief did come to our house. I sent him I think the day after these materials. I haven't heard from him so -. But it basically, there is a lot of material that are available on the internet for people to see. But, you know, it has link to childhood leukemia, breast cancer, autism, neurological problems, which I don't feel Hilo as a

community is very effective in treating. A lot of my patients that I've seen that have these problems, they have to fly to the mainland to get treated, a lot of times in Seattle, Washington. Of course, autism is very difficult. And it's very difficult, I mean even for me to treat autism patients it takes three times as long; and I can only imagine what the teachers would have to do in a classroom with them. I know we want to save money on how to have this project be done with the least amount of tax dollars. But there's also money that's going to be later on, how to, how much would it cost to treat a cancer patient, how much would it cost to educate an autistic child? You might also have heard of the Virginia Tech, the campus shooting that killed 32 people, I think two years ago. That student was someone that unfortunately suffers from autism; but, I mean, he was able to do well in school and had gotten to college. But I think we as a community should try to plan thoroughly before a project is implemented. I think that would save a lot of money in the long run and also save our quality of life. That's what I see.

In my written material I also showed you that towers can collapse during a storm. And I think if, there's a list I had in, you know, all the towers that are around the world and in the United States, it can, it can collapse during storm or hurricane. Some of them the airplane hit it. I don't think the airplane can be a, you know, as bad of a problem here. But I think, you know, towers like that should not be in a residential area. I would be much more comfortable with the tower, the location of the project being much farther away in a more isolated area where there's no houses around. So -.

The loss in property value I think, I moved into the neighborhood about almost six years ago. I think if there was a fire station there with the microwave tower I definitely would not have wanted to live there. So I think there could be a big impact. This is my primary residence with my husband and my child, and we have, you know, we have no plans to move. I have no -. This is within about a mile and a half from my practice so I have no reason to relocate my practice. So that's why I have to say -.

Another thing I wanted to add is the firefighters, they also voted to suspend cell tower construction back in 2004. So I think they also had doubts, you know. And then, I know if firefighters know about the possible health effects, you know, then they might be concerned as well. I think if there's a way to try to make the community safer and that we can really focus on preventive health, I think we will all be happier; and then we wouldn't put more burdens on teachers, we wouldn't put more burdens on physicians. I mean we already are in a health care crisis on this island. So I think that that's what I have to say about it. I don't know if you have any questions.

WOODWARD: All right. Thank you. Any questions? Commissioner Domingo.

DOMINGO: You mentioned firefighters -.

WANG OKUDA: Yes.

DOMINGO: Taking a position on that.

WANG OKUDA: Yes.

DOMINGO: Was it here in the island or some other place?

WANG OKUDA: No, this is the International Association of Firefighters. They voted in 2004 to voice its opposition to cell phone towers and antennas being placed on and around fire stations. They want proof that there isn't a safety issue and have asked for the construction and placement of any other tower antennae not be built until a study can be conducted. But I think there's limited funding. So even when I checked on it this morning, you know, it is clearly there. And, but again, you know, I tried to talk to my immediate next door neighbors. I don't think they really read between the lines a lot of times when these letters come to their doors. So, and it's only after I tried to research that I know there's so much studies. Did I answer your question?

DOMINGO: Has it been thoroughly determined for sure that it causes some damage?

WANG OKUDA: I think there is a lot -. I mean if you have, if you read through it -. I mean even I brought even more studies today. But, you know, there is a link of cancer, right, that I showed to you. So, of course, long-term care, I mean long-term health effects and studies, they take time, they take money to fund. I think second-hand smoke it took a very long time for us to even know the link. And then I think with autism, for example, I mean, it used to be like 1 in 10,000 babies had autism in the late 1970's. In 2002, it was 1 in 150 babies. And then in, right now it's 1 in 50 babies that are born.

So, you know, if you look at it, this is all from, because there's more of these towers now in the past 10 years. Then can you imagine in like 18 more years how, you know, when these babies become adults what kind of society will we have? You know, we can't adequately protect them now. How much money are we going to be spending to educate and provide a safe environment for them? You know we can't just lock up people with autism and say, well, they're going to shoot people on campus. That's not going to be a very good policy and law to have. You know, so, anyway, that's what I have to say about that.

DOMINGO: You're familiar that there is a Federal regulation that the denial of any placement of cellular towers, that these reasons that you are bringing out cannot be used as a basis for denial for putting up a cell tower?

WANG OKUDA: Are you referring to the Telecommunications Act of 1996?

DOMINGO: Yes.

WANG OKUDA: Yes. I think, you know, that particular, that law got passed when the study that was done like earlier, you know, when they were doing on the thermal, like the thermal effects of radiation. But, I mean, that's basically like saying is the radiation going to like heat up your body, you know, like cause a burn. And we know that that's not. I mean it's going to be very difficult for that. But there are, you know, the danger of it isn't that it will burn up your body, you know, like cook up the meat as you microwave, but like what it would do to your brain. Or on a cellular level how does it affect your RNA and DNA? And that's the thing that, I

think, if you talk to teachers you would know. They would say something like, well, kids these days are so hyperactive, you know, we should just drug them or something, you know. And there's more and more of things that I think what are we going to do as a community to help them, you know. Like so if you can prevent it on some level through just more planning, I think that should be something we can do to look at from different angles. You know. So -.

DOMINGO: So what you're saying is that -?

WOODWARD: Excuse me, Commissioner Domingo, since you brought it up, maybe I can read the actual statute.

DOMINGO: Okay, sure.

WOODWARD: This is from the Telecommunications Act of 1996. As you said, this gives the FCC power to regulate these matters. And it says, under paragraph 2, subparagraph 4, "No state or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions." That is the statute.

DOMINGO: Yeah, I'm familiar with that.

WANG OKUDA: Yes. And then, you know, that's what I mean. Like, you know, studies change. You know that was 1996, based on a study that's like even earlier than that. Now this is like 13 years later. Do you know like in the past 13 years how many laws have changed? Like Tylenol has become things that you cannot give to a child under age of 3, you know, you cannot. Now you cannot give plastic bottle liners. I mean, things that have changed so much. But how long does it take for a law to change and what kind of risks? I mean, should I take those kinds of chances with my child that -? I'm really not willing to just do it for the support of a project at this point.

WOODWARD: All right. Do we have any further questions? Okay, we'll move on to the next testifier. Mr. Okuda, if you'll give us your name and address, and then you may begin.

R. OKUDA: My name is Robert Okuda; and my address is 1525 Kekaha Street, Hilo. And I'm here to support my daughter-in-law, my son and my grandson in this testimony. But before I say anything I'd like to preface my remarks by complimenting the Fire Department for their service, their mission, and also the heroics of their men. Because I'd like the Chief to know that I'm sitting here today because your Fire Department, your EMTs saved my life in September 2003. In fact, my heart stopped, they revived me, got me to the hospital; and the hospital also did the same an hour later. So I'd like to compliment you. I have nothing but the greatest respect for this Fire Department and the mission that they have for this County.

In regards to the project, I have no objections whatsoever about the need for a new facility for this Fire Department because I think it's kind of horrible when you pass the Central Fire Department and you look at that place and it sits on a small parcel of land right next to a drainage

ditch. I think it's time for a new home. However, where we put that home is I think the thing we're here in contention for. And I'm worried because the same Fire Department that saved my life might also be in a position of endangering my grandson's life. Whether knowingly or unknowingly, whether the law of 1996 still applies, it's just useless rhetoric if the first person shows up with some kind of brain tumor and thereafter a pattern starts forming. Nobody on this Commission, nobody in this County would like to say, well, we did it because the law was there. I think you have the chance as Commissioners, as planners, and Fire Department to put this in a safer place for people, innocent people, the residents who have really no power to say where this thing is going to be placed except through a meeting like this, the recipients who are impacted by whatever action you folks take. So to me I think from the ground view what has happened in the recent past in bringing this project to this point is that this is something that has moved very quickly and not with the knowledge or the necessary, the whole hearted approval of the community.

We come to this point because there was a planning done by a consulting agent some place. And the first notice that I think the residents got was through a newspaper article, and then the letter from the consulting agency, and also the letter from the Chief. So all of this has kind of tumbled into their laps very quickly. The sequence of events is something that is astounding, because anybody who is concerned about the health and safety of their own family in their primary residence I think is probably shocked. Maybe some of them don't know what the impact may or may not be, but they will be the recipients of any negative effects that you put up with this tower or any other equipment. So the ground view is that this thing is coming at you too fast, before you have a chance to really look at the information or studies that have taken place and digest what is going to happen.

I would ask this Commission to stop and take a better look at this before you make that decision to say we're going to put this tower here regardless of what else is outside of the 1996 Telecommunications Act. I think the responsibility of the government is to help the people and to protect the people. This is the only thing we have, the glue that holds this society together; and it is the responsibility of commissions or departments to help the people and also to protect the people. So in dealing with this fire department complex, you're talking about an industrial complex, business building or headquarters, training facility, garage, fire station and the like. There are things that will be stored on that property. I mean, we don't know the effects of, gasoline, oil, equipment, fire suppressant chemicals. We don't know what's going to be there. And I don't think the Fire Department can really state on paper now exactly what's going to be there and what the harmful effects might be to the ground or the people around there.

So my daughter-in-law has already mentioned the devaluation of the property, the loss of privacy and so forth, so I won't go over those things again. But I would like to say and ask the Fire Department and any Planning Commissioners who have any influence in this area to include the residents in the planning process. Because when you read it in the paper it's kind of like a surprise already, it's shock. Nobody likes to find out that there's going to be a new factory right next door and you just paid almost a million dollars for a new home. Now they're building or built their home over there. The other neighbors down the street who will be directly back to back, directly back to back with this fire complex, I don't know what their feelings are, but I'd certainly hate to have a chain-linked fence and looking at somebody's garage in the background.

So I would like to ask the Commission to take a look at the property across the street. I think if you flip-flop this project plan and put it across the street I don't think any resident would even attend this meeting. But being that they're right up against the backyard fence of several residences over there and within 500 feet of other residents, I think you're always going to have a complaint going. So I would like to ask this Commission to consider the property across the street for possible consideration for the fire complex. Thank you.

WOODWARD: Okay. Any questions for Mr. Okuda? Okay, seeing none, we'll go on to our next testifier, Ms. Markus. All right, if you'll give us your name and address, and then you may begin.

MARKUS: Thank you very much. My name is Gerdine Markus and I own a home on 923 Kukuau Street. I would like to thank you for holding this meeting and giving me an opportunity to voice my opinion about the proposed fire support complex, including a microwave tower. My testimony is in regards to this proposed microwave tower 90 to 125 feet high. And I'd like to thank Tiffanie Okuda for all the work she has done to make the neighborhood aware of this proposed project. I did not receive a letter from the Fire Department because I live above Mohouli. I'm not abutting the complex, but I live I think about one quarter of an acre north of the project.

After studying the research she has done and doing some of my own, I am not convinced that this microwave tower is harmless. As a former citizen of Europe, it does not surprise me that research to look into the possible health issues related to living in proximity (1/4 mile) of a cell phone tower or microwave tower has already been conducted in two densely populated countries: Israel and Germany. More people, less land, certain issues come up earlier than in the United States, where there is a lot of land compared to the population. Fortunately just recently President Obama has created a cancer panel to research the possible links with both nuclear and electro-magnetic radiation. He is concerned about our health and our health care system, and wants to gather evidence to see if cell phone towers are affecting our health and are indeed contributing to our increasing health care costs. I do not think we should wait for the outcome of this panel.

How can the electro-magnetic radiation emitted by these particular telecommunication towers be harmful to us? Apparently the cells in our body communicate with each other using electromagnetic signals, which is very, very interesting. I did not have the time to look into this aspect more, but it makes sense that a strong electro-magnetic field emitted from a cell phone tower can be picked up by our body if we happen to live close enough. I really, really feel for those who are looking at having this tower in their backyard (literally their backyard). The only option they have is to move away. And who is going to buy their house or protect themselves from the harmful radiation? Sweden, a very progressive country, recognizes this problem; and for those who are sensitive to electro-magnetic radiation and have developed health problems because of it, the government will pay for measures to reduce exposure in their homes and their work places.

I do not think we should let it come to this point. I think we have options. Instead of changing the emotional, mental and physical lives of Sunrise Ridge residents indefinitely (because that is what will happen if you support this cancer causing tower in the proposed location), why not change this ill-conceived location and move it far away enough so they would not be affected? Of course, you still will have to think about the people going to work at this place every day. How can you minimize their health risks?

Thank you for listening; please do your own research if you have the time, and make the akamai decision. Respectfully submitted, Gerdine Markus.

WOODWARD: Thank you. Any questions for Ms. Markus. Okay, seeing none, you all may be seated. We have one late addition to the group of testifiers. Mr. Dean Au. Okay if you can give us -. First let me swear you in. Do you swear or affirm to tell the truth today before the Windward Planning Commission?

AU: Yes.

WOODWARD: Okay, if you can give us your name and address and then begin your testimony.

AU: My name is Dean Au. I live in, I reside in Pahoa town, out of Hilo. I'm here today in front of you to represent the Carpenter's Union of Hawaii. And I, the Carpenters Union understands the concerns of the public and also the residents in Sunrise Ridge. But what this job really represents is this job represents growth, and it represents money pumped into our economy. Currently there's a project, Isemoto Contracting just completed the Pahoa fire station. Okay, that's in a town, there's way more people in Pahoa than there is in Sunrise Ridge. So, you know, in essence, what the Carpenters Union believes is this project represents growth, it brings in money to our economy, yeah. So that's why I'm here representing. And I'm going to keep it short and brief; and thank you for your time. And, again, the Carpenters Union we represent 8,000 members here in the State of Hawaii. Thank you.

WOODWARD: All right, thank you, sir. Any questions for Mr. Au? Okay, seeing none you all may be seated back in the audience and we'll give the applicant a chance to give any rebuttal or testimony that they might like. All right, you may go first if you'd like, sir.

BRILHANTE: Thank you very much, Mr. Chair. We were previously sworn in so we'll go ahead with our continuous statements. As far as the testimony from the public, there are two items I want to just address the Commission with. First and foremost is the information that I'd like to provide you that an environmental assessment was performed and was conducted for this particular proposed location for the fire administration building, the training center, as well as the microwave tower location. There was a finding in that EA that there was no significant environmental impact. The public was afforded the opportunity to give testimony, input in that, through that study process.

Secondly, today we have Mr. Newton Inouye from the Department of Health to provide testimony on behalf of the issue regarding the radio tower. If, at this time I'd request that Mr. Inouye be brought up to the table.

WOODWARD: Very good. Mr. Inouye? All right, if I can swear you in. If you'll raise your right hand. Do you swear or affirm to tell the truth today before the Windward Planning Commission?

INOUYE: Yes.

WOODWARD: Very good. If you can give us your name and address, and then you're free to begin your testimony.

INOUYE: Okay, good morning. My name is Newton Inouye. My address is 1582 Kamehameha Avenue and I'm the acting District Environmental Health Program Chief for the Department of Health, State of Hawaii.

I'm here representing the Indoor Air and Radiological Health Branch of the Department of Health. Russell Takata who is the branch chief - this branch is on Oahu, they don't have any staff here - him and his supervisor Jeff Eckerd apparently were not able to come to this meeting. They are on the mainland for business. So I will present their testimony but I am not the expert. Okay. And I think we already sent comments to you folks already; and this is in addition to those comments that I sent to the Planning Department.

Although there are many research studies on this subject, you know, electro-magnetic radiation, a casual relationship between electro-magnetic field exposure and long-term health effects has not been proven. Therefore, there is no mandated international or national public health exposure standards for electro-magnetic field exposures. That's all I have.

WOODWARD: Thank you. Any questions for Mr. Inouye? Did you have a question, Commissioner Domingo?

DOMINGO: I'd just like to make a comment. It's not in regards to, specifically towards Mr. Inouye's presentation but, and he reflects upon studies which, which is against the presentation made this morning. And I just want to say that, you know, I worked for the Honokaa Sugar Company before and there were studies also, environmental studies, and environmental steps taken to make sure that the herbicides used, the spraying used, and the emission from the mill's smokestack were controlled. And it met, I assumed it met EPA standards and everything. But you know what, when a member of my family contracted cancer and then thereafter, you know, two of my classmates they contracted cancer, the question, you know, the question just came out of this doctor's mind, and he was thinking loudly, he said why is there so much cancer being detected among people who live in Hamakua? And, you know, obviously, we had a number sugar factories along the coast and through modernization the plantations used herbicides to control the growth of the weeds and everything to take care and to make sure that they have adequate growth in the sugarcane thereby increasing tonnage and more sugar. You know, all of this has been based on studies made that there was no detrimental

impact. But when you find a doctor who questions especially, you know, the cancer growth rate in a particular area leaves you to think what may have caused that, you see. And I think that's what I'm hearing today.

You know, you people on the staff and the Commission know that I had not been a strong advocate for cellular towers. In fact, I questioned it and often times I have voted against it. So, it's because of the underlying reasons that I have and doubts that I have. But I have never used that reasoning as a means to speak against cellular towers. Thank you.

WOODWARD: All right, thank you. Any further questions? Commissioner Ogata

OGATA: Okay. I think that there's no question that the community has an issue with the fire facilities and the services. You know, the community does need services. However, I think I asked you a question earlier about what was done to engage the community in the planning and design phase of this project. And other than the door to door canvassing and maybe some letters being sent out there really hasn't been a forum other than this setting, which I don't feel is maybe the best setting for the community to have an opportunity to sit together as a group with the designers and planners to try to come up with some solutions. So, at this point, and I realize that a lot of money has already been spent. But for the benefit of proper planning, do you have any idea on whether or not you'd be able to do some community planning and community organizing to get some input from them? Because I really do believe, my personal philosophy is that if there's an issue that needs to be addressed the community can be your biggest ally or your biggest enemy, and the community has the answers. We just need to get that information and put that, you know, information together. So do you have any idea on whether or not you'd be able to proceed in some way where you can get this to happen?

OLIVEIRA: I will make sure I answer this and my attorney can slap me if I say something that's not appropriate. But I think we have the opportunity to still meet with the community and consider changes, consider accommodations. I think what was said in one of the opening comments about the tower, a study still needs to be conducted on whether or not the height or even the tower is necessary to even begin with it. It's being put into the plans. But one of the actual site study that needs to be done to assure we have the line of sight communication capabilities, that study has not been completed yet. So I couldn't tell you for sure that the tower is necessary, what that height will have to be. But I think in hearing the sentiments of the community, it's important that we do consider changes, accommodations, and assurances. As Mr. Okuda, he said it best, the Fire Department, our mission is to save and protect lives; and we don't want to do something that is counter to that mission and purpose.

What I can do is go back to my boss, the Mayor, the administration, Corporation Counsel, Planning Department, those agencies that regulate the process, and see what still can be done and what doors are still open and assure the community we'll do that. I agree and apologize if we didn't do a good job in the beginning with engaging the community, we just used the normal processes that government uses which is the environmental assessment process or venues like this. And I think it's a lesson learned that we can do a better job of engaging the community sooner to, one is put them at ease but also get their input and comment. So I think the door is still open for discussion on the plans and design. I think it's also important to note that we don't

have funding for the construction so it's not going to happen even if you approve the project at this time. But I think I'd like to commit that we will go back and discuss what accommodations we can make.

BRILHANTE: May I add as well. I just wanted to make sure that I wouldn't provide misinformation to the Commission here. And it's my understanding, I confirmed it with the administrative staff from the Planning Department, that if a special use permit were granted it would not tie the Department's hands as to the specific proposed uses. Modifications can be made to that, the proposed plot plan. You know, by all means I want to express to the Commission that the Fire Department is not in any way discounting the concerns from the community. Those are concerns that historically have been raised and are currently being raised regarding electro-magnetic emissions and that's something we definitely, the Department and the County, want to take into consideration. And if we are afforded the opportunity to meet with the surrounding neighbors I think that's, you know, something that we'd welcome as a whole.

The second area that I wanted to just touch upon briefly is -- the current location of the cell tower is up in this area here, and this is primarily the area where Sunrise Estates and Sunrise Ridge lands are -- and there has been discussion of possibly relocation of this tower maybe further away. We're talking about, you know, a significant distance, not over 500 feet but several hundred feet right now from this current location. And if we can look into maybe the possibility of relocation of the tower, you know, that might be one option out there. And like I said that wouldn't impact any of the terms and conditions of the special use application. And like I said you know, just, I want to reiterate that in no means is the Department discounting or not taking into consideration the public's concern. Again, we're a public entity. The mission of the Department is to save lives, not to create potential medical or hazardous conditions for the surrounding area. And, you know, that being said, we would welcome the opportunity to have further meetings with the general public on this.

OGATA: Can I just -?

WOODWARD: Sure, go ahead.

OGATA: I just want to make sure it's clear that my comments I made just, you know, just a little while ago and the question that I asked is not based entirely just on the EMFs but for the project as a whole.

WOODWARD: Okay. Any further questions?

ISHIBASHI: Just for a few comments?

WOODWARD: Okay Commissioner Ishibashi.

ISHIBASHI: Thank you, Mr. Chair. I appreciate Chief and counsel coming in, cause we see the problems you guys are facing in this central fire station. It's a major problem. And, you know, I'm for the project. But I appreciate, again, the opportunity to even relocate that tower because I'm really concerned with the public's testimony and their feelings. The use of

cellular phones was always an issue when we first started using cellular phones in causing brain tumors and different things; but cellular phone usages went up so high right now that everybody is using cellular phones. So the decision is not out yet if it really does cause or, you know, it's still out there, still question mark after all these years of using cellular phone. It's still out there. But we still use the phones. So, again, moving that site of the tower, if that's a possibility and having that discussion when the times comes, when would that come? We're going to look at waiting for the outcome of the studies? When would that opportunity come for discussion on that relocation of the tower?

WOODWARD: Okay, thank you. Okay, Mr. Brilhante, has your client or your, the applicant had a chance to review the recommendation and conditions?

BRILHANTE: No, we haven't, Mr. Chair.

WOODWARD: Okay, so you've not seen the recommendation and conditions that, from the Planning Department?

BRILHANTE: Not at this time.

OLIVEIRA: Sorry to interrupt. I'm not sure if Mr. Ishibashi was waiting for an answer from me or from one of us.

ISHIBASHI: Yeah, if somebody can answer that question that'd be nice.

WOODWARD: Oh, okay. I'm sorry. I had gotten in the middle of things, so sorry.

OLIVEIRA: Yeah, we haven't even begun the permitting process for any component of this project. So the considerations or going back to the drawing board, if you call it, to look at what can be done to relocate the tower, that's still there. And that's what we'd like to do, is go back, sit down with the design consultant, especially the telecommunications consultant that's designing the radio system, to discuss what options we have with moving the tower, how soon could the site studies be done to determine whether or not the tower is actually necessary there, if there are other ways to maintain the communication system without a tower on site. So we can go back now.

ISHIBASHI: Okay, thank you.

OGATA: Question.

WOODWARD: Commissioner Ogata.

OGATA: Would that meeting or those meetings also include members of the community at that level? Could it?

OLIVEIRA: I would think so, yeah.

OGATA: Okay, just checking.

WOODWARD: Any further questions?

GONZALEZ: Let the record reflect they've been given a copy.

WOODWARD: Okay, yeah, let the record reflect that we have given the applicant and their representative copies of the Director's recommendations and the conditions, attached conditions. And let's take a 5-minute break, and then we'll make sure that those are satisfactory before we take on any further parts of this.

BRILHANTE: Thank you, Mr. Chairman.

RECESSED The Chair called a short recess at 10:40 a.m.

RECONVENED The meeting reconvened at 10:45 a.m.

WOODWARD: Will the Windward Planning Commission please come back in order. Okay, so Chief and counsel, you've had a chance to review the recommendations and conditions.

OLIVEIRA: Yes.

BRILHANTE: Yes, we have, Mr. Chair.

WOODWARD: Are those satisfactory to you?

BRILHANTE: Yes, they are, Mr. Chair.

WOODWARD: All right, very good. Do we have any further questions? Commissioner Kern.

KERN: More of a, just an idea to throw around out there because it feels like there may need to be more community input. As you had mentioned, that it, there may be a possibility to defer the action until there was more of a community based meeting held which would be -- I'm not sure on the timeframe cause that's something you folks deal with, I'm not too sure -- that could be held to bring in more community, maybe have a little bit more of finite plan on where that may be or some other alternatives and -. Is that a possibility you'd want to throw out to everybody? I'm not making a motion yet but -.

DOMINGO: Is that a motion?

GONZALEZ: No, I think he's just putting it out to -.

KERN: It's not a motion yet. I just want to throw that out there. Cause I'm not sure on the timeframe. That may be an idea but you may say it's going to take, you know, six months for that to occur.

WOODWARD: Yes, counsel.

BRILHANTE: May I respond to Commissioner Kern's -?

WOODWARD: Please.

BRILHANTE: Request or question. You know, at this time the Chief indicated earlier that presently there is no specific funding earmarked for this project. So we do have some time to maybe address the concerns, you know, incorporate the concerns of the public and possibly look at this matter further before the Commission makes a determination. I would like to though add to that, in just a cautionary note, that this project has been identified as one of the projects the County would like to see being, availing itself to the possibility of the stimulus funds for public safety projects that have been identified by the current administration. What I would hate to see, and of course I'm going to use a term that has been overused, I think the "shovel ready" term. You know, that's one of the requirements for the, the qualifying for that stimulus money. And what I would hate to see is any delay that this special permit or special use application may have, may cause that, disqualify us or put us at an adverse position when it comes to qualifying for those funds. We haven't had any response as to our request, but that is still hanging out there.

KERN: Do you know what the timeframe is on that as far as qualifying or not qualifying?

OLIVEIRA: No.

BRILHANTE: At this time we don't have any information. We're pretty much at the -.

KERN: The sooner the best, the sooner you get it in the better chance it's has basically?

BRILHANTE: Yeah.

WOODWARD: I do happen to know that the next round is in October. So there are fairly short fuses on some of this. Any further questions? Commissioner Domingo.

DOMINGO: Thank you, Mr. Chairman. The term "shovel ready" implies that the plans and everything is all set so that as soon as you get the money then you can just hit the ground and start building. Yeah? So according to them even the plans are not finalized, are not made yet. So I think the suggestion of Mr. Kern is good, that perhaps you folks can get together with the surrounding neighbors and just kick this issue around and see what can be done to address their concerns. And, you know, whatever comes about comes about. And if we've got to bite the bullet when the time comes before us then we'll bite it, yeah.

BRILHANTE: May I please respond to Mr., Commissioner Domingo?

WOODWARD: Yes, yes.

BRILHANTE: You know, at this time, yeah, there's no strict definition as to what the, you know, what the requirements for "shovel ready" are. And that's kind of, it's, it's out there. It's nebulous at best. And the Chief has had the opportunity to go to the East Coast and participate in a forum in which they specifically discussed the requirements for, you know, what "shovel ready" entails. But, yeah, at this time, like we said the plans aren't finalized. There's some window.

WOODWARD: Mr. Gonzalez?

GONZALEZ: Okay, counsel, so I think what the Commission is doing right now is giving you an opportunity to give input on possible action. If the Commission is going to continue this matter I think it's trying to get feedback from you and your client on whether or not you would object or agree with the continuation. Additionally, if you have an alternative means to address the concerns of the public, i.e., that you can make the argument, the Commission can take action today. You're still awaiting final plan, final design, so all of the concerns of the public can be incorporated before anything is built on the ground, you know. I mean, this is your opportunity now. I think that's what the Commission is looking for, they're looking for information so they can make a decision that's fair to everyone. So if you could provide that to them. Thank you.

BRILHANTE: May I please respond to the question posed.

WOODWARD: Yes.

BRILHANTE: You know, the Chief's primary concern is that we'd hate to see a delay with this project. That being said though, the Chief also is very, has very strong opinions as to specifically addressing the concerns from the public and affording the public the opportunity to have input, as well as the opportunity to meet with the consultants and the design experts. What the Chief would hate to have happen is that we move forward with this project and some time down the road this project is protested and then we start getting, you know, delays, and maybe lapse of funding, or something to that effect. Our position is that at this time we would like the Commission to approve our application. However, we would like to represent to the Commission that before this project goes on any further, whether it be, you know, application for, you know, construction permits, or funding, or anything of that nature, we will be making a concerted effort to initiate public forum, a public forum in where we engage the surrounding neighbors as well as engage our consultants and architects, and planning people, you know, specifically tasked right now assigned to this project, provide an opportunity to come together and have discussion, input and consideration regarding the concerns. And that's a condition that we'd be willing to make if approval was granted today for the special use permit. And then we would make sure that those conditions would be applied before we take any significant steps further with this project, if that meets the Commission's approval.

WOODWARD: Thank you. Commissioner Domingo.

DOMINGO: I know that this project is essential to the welfare of and the well being of this County; and as indicated by one of the speakers, they are vital services that you folks provide. It's necessary and it's needed. And I solely agree with that also. But, you know, looking from the technical aspect of this application, if we approve this application with some of the concerns expressed by the counsel, what we're doing, we're approving what's before us, we're approving a cellular tower, and with the understanding that the Department will go out and do some outreach with the community, yeah, with the community. What this presents, it doesn't give the public any leverage to come back before the Planning Commission again and express their strong opposition and vehemently ask for disapproval, because we've already approved it, you know; and that's my concern. And although we're saying, okay, let's have dialogue, let's have input from the Commission, and do all of these that have been said, but in the final analysis, you know, in the final analysis, if the administration decides to go ahead with the project there's no recourse for the public or for the Commission to address this issue because we're approving it today. Now I don't know how -. Might be Mr., Brandon, he can elaborate on that and tell us yes or no.

GONZALEZ: Well, as I heard counsel's statement, I heard it as the counsel offering to add an additional condition to the terms and conditions of the permit application that the applicant shall make a concerted effort to work with the public, the designers, the builders, the architects, to address the concerns raised by the public. That's the gist of what I got. So in a sense if it's a condition then that's still hanging over the applicant to abide by the condition. And so they could still be called to task for violating the condition.

WOODWARD: If I might make a suggestion, I'll ask Mr. Gonzalez if this is appropriate. It seems like the only point of contention has to do with this cell tower; and that's not really part of the initial, there's no funding for it right now anyway, that condition that public input regarding placement of cell tower be obtained. The rest of it sounds like it's, there's not necessarily any objection from the community. So we could just limit it to that, if that's acceptable.

OLIVEIRA: Personally I am aware of other concerns that were raised, like I said the condition about fire station being on-site. And I think we're going to have public opportunity to comment. I would rather give them opportunity to comment on all of the project than just the tower.

WOODWARD: Very good, okay. I have no problem with that. Any further discussion? Questions? Anybody would like to make a motion?

KERN: I'd just like to make a comment. This is tough.

WOODWARD: Okay.

KERN: This is real tough. You know, this is all community based. It's community based from the protection, the efficiency so we can get there quicker, and it's community based from the protection of our family and our livelihood and our quality of life. And I wish this was somehow though easier. And I think all the, with the voices that we've

heard, we're just trying to do the best thing; and it's not the easiest thing for us to do. So I just wanted to throw that out there, that I think it's very important to have a project like this. I think efficiency is the key to saving us, one, taxpayer money and saving more lives. And I think everybody agrees with that. It's more of a comment. Thanks.

WOODWARD: Thank you, Commissioner Kern. Commissioner Ogata.

OGATA: Can I make a motion?

WOODWARD: Yes, you may.

OGATA: After all of that, I move that with regards to special permit application SPP 09-84 be approved by the Planning Commission.

WOODWARD: With the addition of the -?

OGATA: With the additional condition. And, right, can you read that?

GONZALEZ: Approved, based on the Planning Director's recommendation and proposed conditions and including the additional condition as follows: "The applicant shall make a concerted effort to work with the public, the designers, the builders, architects to address the concerns raised by the public."

WOODWARD: Okay, very good. Do we have a second?

ISHIBASHI: Second.

WOODWARD: All right. I would just like to say, now that I can kind of give my two cents worth, clearly this is a project the community needs. There's no doubt. And I think everybody is in agreement there. We need a fire, we need a command center for fire and police. I think the Department has bent over backwards to try and be as accommodating as possible and still provide for the public safety and welfare. In fact, I think you've gone farther than really is required in some respects, and I do salute you for that. But I think given the assurances that you're willing to discuss community concerns, from your past performance, I think that makes me happy. I'm fine with that; and I plan on supporting the measure. Commissioner Domingo?

DOMINGO: Thank you, Mr. Chairman. As indicated, the main issue here today, aside from the little other issues, the issue is on the cellular tower. Now if I'm certain that after they meet and everything and there's a decision to relocate the cellular tower is made to accommodate the concerns of the people, then I would say yes, I would vote, I would vote for this measure at this time. But not knowing that and knowing that there might also be a possibility, strong possibility, that they might just say okay, you know, after we spoke with them and they heard their concerns, we still need this tower location to be here -- because of perhaps the studies that still need to come and the studies that need to be performed as to show where is the best location for the placement to the tower -- okay, if that decision is made that the location that you folks are deciding to put it is the most appropriate place then, you know, we would not have accomplished

anything, even based on the condition that counsel had placed. They fulfilled the obligation, they went to public and they had meetings and everything, but, you know, if the end result is this decision is still to be put there, then it's there. I have not been given, we have not been given any opportunity to respond exactly where the tower will be. So for that reason, you know, I cannot vote for this in the affirmative.

WOODWARD: Okay. I might bring up one other point, and that's the point that you brought up earlier. And if the only argument we have for objecting is placement of the cell tower, we're going directly against the Telecommunications Act of 1996, and a right which is maintained by the Federal Communications Commission. Whereby they say, "No state or local government or instrumentality thereof may regulate the placement of construction, modification of personal wireless service facilities on the basis of environmental effects of radio frequency transmissions to the extent that such facilities comply with the Commission's regulations concerning such emissions."

DOMINGO: Yes. I'm aware of that, Mr. Chairman. But I have also made comments with respect to my other actions on other cellular tower applications, and have not used that as a point to vote no for any application. My concern is that cellular towers is not a, a residential area is not a place for cellular towers. That's my opinion, you know. And, also, now although this tower will be situated in an agricultural zoned district you have people surrounding this area to which, you know, the tower will be visible. Now I don't know, I'm not them. Mind you, I'm not making an insertion that the tower will environmentally affect them, although in me I know it will. I know for sure.

WOODWARD: Okay. Well, I was just given a, okay, all right, I have nothing further to add. But does anybody else have any discussion? Commissioner Ogata.

OGATA: Okay, so with the addition of that last condition that we talked about requiring the community to be involved in any further planning I am somewhat comfortable that we will be able to or the Fire Department and the community will be able to work together towards the implementation now of this project. I guess this, the ownership now goes back to the community to make sure that they follow through with this condition and that the community now is going to be responsible to all of us, I guess, and to the Fire Department to make sure that they participate and assist in the further implementation of the project. So I just wanted to make sure that the community take ownership of that, too.

OLIVEIRA: And I think, if I could just clarify. I think it's a partnership; and we're just as accountable and responsible to ensure that happens. So all I can offer is my word at this point.

WOODWARD: Thank you, Chief. Okay, anything further? Commissioner Domingo.

DOMINGO: One more attempt.

WOODWARD: Okay.

DOMINGO: Okay. Could I move for an amendment to the motion, Brandon?

WOODWARD: Hold on, we're checking with counsel.

GONZALEZ: Well, at this point, I don't think the motion was actually seconded.

WOODWARD: Yes, it was.

GONZALEZ: It was.

WOODWARD: Yes.

GONZALEZ: Who seconded?

DOMINGO: Mr. Ishibashi.

GONZALEZ: Okay. And you made the motion?

OGATA: Yes.

GONZALEZ: You can make a motion to amend, but if it's -.

WOODWARD: Well, that would require a second, too.

GONZALEZ: Yeah, that would require a second. But -.

DOMINGO: Yes, I realize that. And it's, perhaps it's -.

WOODWARD: Okay, take your best shot.

DOMINGO: Okay. You know, I move to amend the motion to, as made to approve of the special permit with the omission of the cellular tower. And that cellular tower issue can then be brought up for consideration at a later date so that the Fire Department can still go out and speak to them and -.

WOODWARD: Let me, well, is there a second, first of all?

KERN: Second.

WOODWARD: All right. Let me ask Chief and counsel what their feelings are in that regard.

HAYASHI: Mr. Chairman, if I may?

WOODWARD: Yes.

HAYASHI: I believe the request includes a radio tower not a cellular tower.

WOODWARD: Okay.

HAYASHI: I think there is a difference. Isn't there, isn't it?

OLIVEIRA: Yes.

HAYASHI: So if Mr. Domingo's motion carries, is approved, without the cellular tower they can still do the radio tower.

DOMINGO: Okay, okay, with the omission of the radio tower, because I understand the radio tower will be nearly 100 feet high.

WOODWARD: All right. So you're saying that that should come under another special permit?

DOMINGO: Yeah, well, you know -. Mr. Chairman, just somewhat like an informational discussion -. It will give, it will give the Department a go-ahead to do whatever they need to do with regards to planning. There'd be no stopping this until the issue is resolved by the community, because that portion of the application has been approved. The issue of the radio tower which seems to be the issue today with the residents will be discussed with the Department. Now as I look at it and as indicated by the Chief, it can be located in different areas on the premise, and I think even to the extent that probably you can locate that radio tower away from the property by itself.

BRILHANTE: May we respond to that premise. Unfortunately, I believe, information provided to us by the consultant is that the radio tower cannot be further than 75 feet away from the primary structure. That affords various opportunities on the property as it stands. But I think first and foremost, you know, the primary necessity and the primary need for this facility is that it affords the Fire Department the ability to upgrade and to consolidate its various functions that they have. And part and parcel to that, and maybe in the forefront, is the opportunity to relocate the dispatch center; and that radio tower is primary to the dispatch center. And the fire administration, proposed fire administration building is secondary to that, although it is important. But it is secondary and it comes with the consolidation efforts.

WOODWARD: All right.

DOMINGO: So, what we, Chief, as far as the location of the various functions of the Department, then it's certain that all functions will be centered in that particular area?

OLIVEIRA: Correct. Our goal is to have all the functions consolidated on one site.

DOMINGO: I see. Okay. So that means that if they go there then the radio tower will have to be there also, but a different part of the premises.

OLIVEIRA: And just to , I guess, clarify further what Mr. Brillhante was saying, I think what's important is we need to sit down with the consultant to see whether or not the tower has to be in the dispatch center, everything has to be on that site. We haven't had the opportunity to discuss the concerns of the community with the consultant to see what work arounds or what solutions might be available and doable, and still maintain putting together a communications center. So I think it's affording all of us the opportunity to find those solutions.

WOODWARD: All right. Any further discussion? Okay. And it sounds to me from the testimony that this proposal without the ability to have a radio tower is next to worthless. So I would have to vote against this amendment. And I do think that the community input certainly is important. And we've heard that the Fire Department is honestly interested in getting public input prior to placement of a wireless or a radio antenna. But I think if we tie, if we tie them up on this one the whole thing is moot, to be honest with you. Did you still want to go ahead with your amendment?

DOMINGO: Well, you know, assuming that the amendment is approved then it behooves the administration to really sit down and find some other location within the premises itself. And I'm aware of the fact that, you know, it has to be there. By no means am I saying that it's my way or no way. I have, I'm a reasonable person. I can understand and I can even negotiate to such an extent. But, you know, what I'm trying to say, and it's something that I have always said in the past when we come across this kind of issue, is how, how does the people feel in the area where something is done that would impact upon them negatively. That's my concern, you know. And if I sense that the people have that strong feeling and the concern, then you know, it's my tendency to not rush into it but let's see what we can do. you know, talk story, come to some kind of a decision and make everybody happy, you know, what we say hooponopono.

WOODWARD: Okay, thank you. Do we have any further discussion on the amendment? Okay, seeing none, let's, if you'll state the amendment and we'll vote on the amendment, Jeff.

DARROW: Okay, Mr. Chairman, the motion before us, we have two motions, the original motion which is to approve with the added condition, and we have an amendment to the original motion which is to remove the radio tower from the request for the original motion. With that I'll take -.

WOODWARD: Okay. Well, we'll vote on the amendment, we have to vote on the amendment first. So -.

DARROW: Correct. So we'll be taking a vote on the amendment to the original motion. With that I'll take the roll. Commissioner Domingo?

DOMINGO: Aye.

DARROW: Commissioner Kern?

KERN: Aye.

DARROW: Commissioner Ishibashi?

ISHIBASHI: No.

DARROW: Commissioner Ogata?

OGATA: Kanalua.

DARROW: Commissioner, Mr. Chairman?

WOODWARD: No.

DARROW: Commissioner Ogata?

OGATA: No.

DARROW: The motion does not pass.

WOODWARD: All right, so we're back to the original, well, the amendment doesn't pass. We're back to the original motion. Any further discussion on the original motion? I think everybody is worn out. Okay, let's vote on it.

DARROW: Thank you, Mr. Chairman. If I could, the motion before us is to approve the request with an added condition. This would be an added Condition No. 4, all conditions after will be renumbered. If I can reiterate the condition -- there has been little added words from the counsel in regards to timing of when this needs to be done by -- "The applicant shall make a concerted effort to work with the public, the designers, builders, architects, to address the concerns raised by the public prior to the submittal of plans for plan approval." And, again, this would be a new added Condition No. 4. With that I'll take the roll. Commissioner Ogata?

OGATA: Aye.

DARROW: Commissioner Ishibashi?

ISHIBASHI: Aye.

DARROW: Commissioner Domingo?

DOMINGO: I was going to make a comment before the vote is taken but -. No.

HAYASHI: Mr. Chairman, may I interject at this time -?

WOODWARD: Yes.

HAYASHI: Before the vote goes any further? I think the maker of the motion would have to include the new condition that legal counsel had suggested because the one that he had suggested when you had made your motion was different from, a little different from what this condition states now.

WOODWARD: All right, so is that acceptable to Commissioner Ogata?

OGATA: Yes.

WOODWARD: And who seconded the motion?

OGATA: Ishibashi.

WOODWARD: Commissioner Ishibashi, is that acceptable to you? Okay, well, let's start the vote again. It is acceptable to the person making the motion and the seconder.

DARROW: Thank you, Norm, for bringing that to my attention. With that I'll take the roll, again, with the added condition. Commissioner Ogata?

OGATA: Aye.

DARROW: Commissioner Ishibashi?

ISHIBASHI: Aye.

DARROW: Commissioner Domingo?

DOMINGO: No.

DARROW: Commissioner Kern?

KERN: Kanalua.

DARROW: And Commissioner, Mr. Chairman?

WOODWARD: Aye.

DARROW: Commissioner Kern?

KERN: Aye.

DARROW: The motion passes four to one.

WOODWARD: Well, I must say we definitely gave it every consideration. So I think we did a good job. All right, thank you very much, gentlemen.

OLIVEIRA: Thank you.

WOODWARD: And you'll be notified in writing.

BRILHANTE: Thank you very much, Commissioners.

WOODWARD: And we will hold you to, hold your feet to the fire to deal with the community. I think you've done a great job and I'm sure you'll continue to do that. Thank you.

The discussion ended at 11:19 a.m.

Respectfully submitted,

Sharon M. Nomura, Secretary
Windward Planning Commission