

Mitchell D. Roth
Mayor

Lee E. Lord
Managing Director



John Replogle, Chair
Gilbert Aguinaldo, Vice-Chair
Dean Au
Joseph Clarkson
Michelle Galimba
Dennis Lin
Thomas Raffipiy

County of Hawai'i

WINDWARD PLANNING COMMISSION

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720
Phone (808) 961-8288 • Fax (808) 961-8742



December 20, 2021

Daniel Orodener, Executive Officer
State Land Use Commission
DBEDT
P.O. Box 2359
Honolulu, HI 96804

Dear Mr. Orodener:

SUBJECT: LUC Docket No. SP21-413 Connections/CBESS SPP 12-138
Applicant: Connections New Century Public Charter School/Community Based Education Support Services (CBESS)
Request: To Develop a K to 12 Charter School Campus with Dorm Facilities and Related Uses
Tax Map Key: 2-5-006:141

As stated in our previous letter dated November 16, 2021, attached are the November 4, 2021 Windward Planning Commission minutes and transcripts approved by the Commission on December 2, 2021 regarding the above captioned application.

This submittal will complete the record to the Land Use Commission in regard to Special Permit No. SP21-413 Connections New Century Public Charter School.

Should you have any questions regarding this matter, please contact Christian Kay of the Planning Department at (808) 961-8136.

Sincerely,


John R Replogle (Dec. 20, 2021 13:18 HST)

John R. Replogle, Chairman
Windward Planning Commission

LConnectionsSPP12-138LUC11-4-21WPCMinutewpc

Daniel Orodener, Executive Officer
State Land Use Commission
DBEDT
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Enclosures

cc: Ted Hong, Esq.
Kevin M. Richardson, Department of the Attorney General
Michael Matsukawa, Esq.
Department of Public Works
Department of Water Supply
County Real Property Tax Division

WINDWARD PLANNING COMMISSION
COUNTY OF HAWAII

MINUTES
NOVEMBER 4, 2021

The Windward Planning Commission met in regular session at 9:03 a.m., with Chairman John Replogle presiding. Based on the Governor's Emergency Proclamation Related to the State's COVID-19 Delta Response dated October 1, 2021, this meeting was held online, with live-streaming for the public to observe the meeting.

VIRTUAL ATTENDANCE (COMMISSIONERS): Gilbert Aguinaldo, Joseph Clarkson, Dennis Lin, Michelle Galimba, Thomas Raffipiy (recused and excused at 10:57 a.m.), John Replogle.

COMMISSIONER EXCUSED: Dean Au

VIRTUAL ATTENDANCE (STAFF): Zendo Kern (Planning Director), Jeffrey Darrow (Deputy Planning Director), Malia Kekai (Deputy Corporation Counsel for the Windward Planning Commission), Jean Campbell (Deputy Corporation Counsel for the Planning Department), Christian Kay (Planner), Tracie Lee Camero (Planner), Maija Jackson (Program Manager), and Melissa Dacayanan-Salvador (Windward Planning Commission Secretary).

Secretary's Notes: Throughout the meeting, there were some technical and/or internet difficulties which made the speaker inaudible. Please note that the notation "—" in these Minutes and the Exhibit Transcripts means that there were technical and/or internet difficulties which made the conversation inaudible.

A quorum was present. Chairman Replogle called the meeting to order. He explained the procedure and protocol for this online meeting and live public testimony. He introduced the Commissioners and staff who were in virtual attendance.

APPROVAL OF MINUTES

At 9:06 a.m. it was moved by Commissioner Galimba and seconded by Commissioner Aguinaldo that the minutes of the July 15, 2021 Joint Planning Commission and October 7, 2021, be approved. A voice vote was taken, and the motion carried with all in favor and no noes.

STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS

Chairman Replogle called upon the individuals registered to provide oral testimony. He swore them in to tell the truth in their testimony and explained the procedure.

At 9:10 a.m. an individual provided testimony regarding New Business Item #2 **HAWAII ISLAND COMMUNITY DEVELOPMENT CORPORATION (HICDC) (SLU-20-000054)**.

At 9:16 a.m. two individuals provided testimony regarding Unfinished Business Item 4, the application of **CONNECTIONS NEW CENTURY PUBLIC CHARTER**

SCHOOL/COMMUNITY BASED EDUCATION SUPPORT SERVICES (CBESS) (SPP 12-000138). *At 9:31 a.m. the Chair called for a recess and called the meeting back to order at 9:36 a.m. The testimony ended at 9:45 a.m. [SEE TESTIMONY TRANSCRIPT – EXHIBIT A and EXHIBIT B]*

It was moved by Commissioner Clarkson and seconded by Commissioner Galimba that public testimony be closed. There being no discussion on the motion, a voice vote was taken, and the motion carried by unanimous vote of those present.

NEW BUSINESS

1. **INITIATOR: PLANNING DIRECTOR (CHAQUEAUX, LLC & 159 KALANIKOA SP, LLC) (REZ-97-000004/PL-PDI-2021-000001)**

The Planning Director has initiated the repeal of Change of Zone Ordinance No. 97 106 and amending Section 25-8-33 (City of Hilo Zone Map), Chapter 25, Article 8, of the Hawai'i County Code 1983 (2016 edition, as amended), by reverting the current zoning of the subject properties from Industrial Commercial Mixed-20,000 square feet (MCX-20) to their original, Limited Industrial-20,000 square feet (ML-20) zoning district for 147,736 square feet of land. The rezone area, consisting of five parcels is located at the southeast corner of Kalanikoa and Kuawa Streets, approximately 130 feet west of Kanoelehua Avenue at Waiākea, South Hilo, Hawai'i, TMKs: (3) 2-2-032:023 & 2-2-032:101 through 104.

The Commission took this item up at 9:46 a.m.

Action: It was moved by Commissioner Galimba and seconded by Commissioner Aguinaldo that a favorable recommendation be forwarded to the County Council on the repeal of Change of Zone Ordinance No. 97 106, based on the Planning Director's recommendation, which shall be adopted. A roll call vote was taken, and the motion carried with seven (6) ayes (Galimba, Aguinaldo, Clarkson, Lin, Raffiipy, Replogle) and no noes.

The hearing item ended at 10:06 a.m. *[SEE HEARING TRANSCRIPT – EXHIBIT C]*

2. **APPLICANT: HAWAI'I ISLAND COMMUNITY DEVELOPMENT CORPORATION (HICDC)(SLU 20-000054)**

Application for a State Land Use Boundary Amendment from Agricultural to Urban for approximately 9.09 acres of land. The property is located at 1450 Mohouli Street, directly west (mauka) of the Mohouli Senior Housing Project and the County of Hawai'i Fire Administration Support Complex, approximately 1,600 feet west of the Mohouli Street and Komohana Street intersection, Waiākea, South Hilo, Hawai'i, TMK: (3) 2-4-001:168.

The Commission took this item up at 10:06 a.m.

Action: It was moved by Commissioner Raffiipy and seconded by Commissioner Aguinaldo that a favorable recommendation be forwarded to the County Council on the application for a State Land Use Boundary Amendment Docket No. SLU 20-000054 based on the Planning

Director's recommendation, which shall be adopted. A roll call vote was taken, and the motion carried with seven (6) ayes (Raffiyy, Aguinaldo, Clarkson, Galimba, Lin, Replogle) and no noes.

The hearing item ended at 10:58 a.m. *[SEE HEARING TRANSCRIPT – EXHIBIT D]*

Chairman Replogle called for a lunch break at 10:58 a.m., at that time Planning Director Zendo Kern recused himself from the meeting and stated Deputy Director Jeff Darrow will take over. Commissioner Raffiyy also recused himself and left the meeting at this time. The Chair called the meeting back to order at 11:32 a.m.

UNFINISHED BUSINESS

3. APPLICANT: CONNECTIONS NEW CENTURY PUBLIC CHARTER SCHOOL/COMMUNITY BASED EDUCATION SUPPORT SERVICES (CBESS) (SPP 12-000138)

Consideration and Adoption of Proposed Findings of Fact, Conclusions of Law and Decision and Order for approval and favorable recommendation to the State Land Use Commission of Special Permit No. 12-000138 to develop a K to 12 charter school campus with dorm facilities and related uses on approximately 70 acres of land situated in the State Land Use Agricultural District. The property is located on both the southwest and northeast sides of Edita Street near its intersection with Kaūmana Drive and adjoining the Pacific Plantation Subdivision in Kaūmana, South Hilo, Hawai'i, TMK: 2-5-006:141.

The Commission took this item up at 11:32 a.m.

Action: It was moved by Commissioner Galimba and seconded by Commissioner Lin that the Proposed Findings of Fact, Conclusions of Law, Decision and Order be approved and adopted. A roll call vote was taken, and the motion carried with four (4) ayes (Galimba, Lin, Aguinaldo, Replogle) and one (1) no (Clarkson).

It was moved by Commissioner Clarkson and seconded by Commissioner Lin to amend the original motion to substitute the applicant's proposed language for the Findings of Fact 66 related to public trust. A roll call vote was taken, and the motion carried with five (4) ayes (Clarkson, Lin, Aguinaldo, Galimba, Replogle) and zero noes.

The hearing item ended at 12:14 p.m. *[SEE HEARING TRANSCRIPT – EXHIBIT E]*

AGENDA ITEMS FOR NEXT MEETING

At 12:14 p.m. Chairman Replogle asked staff how many agenda items are on the next meeting agenda. Planner Christian Kay said there is one (1) agenda item on the December hearing which is for a rezone in Volcano. He also stated there will be elections of officers for next year and asked to give some thought as to whom they would like to elect. Commissioner Lin asked staff to indicate who is terming out. Mr. Kay indicated Commissioner Clarkson, Commissioner Raffiyy and Chair Replogle's last meeting will be December unless they agree to hold over until

March 2022. Commissioner Clarkson and Commissioner Replogle both indicated they will holdover until a replacement is found. Mr. Kay acknowledged and stated contact will be made with Commissioner Raffiyy to see if he can holdover. Commissioner Clarkson inquired whether there are prospective candidates and if the vetting process has begun. Mr. Kay stated the mayor's office began the recruitment process and at least one prospective Commissioner is being considered. It is hoped that there will be others available when the holdovers are termed out.

ANNOUNCEMENTS

At 12:18 p.m. Chairman Replogle said the next Windward Planning Commission's monthly meeting will be scheduled for Thursday, December 2, 2021, by interactive video conference via Zoom.

ADJOURNMENT

There being no further business, it was moved by Commissioner Lin and seconded by Commissioner Clarkson that the meeting be adjourned. A voice vote was taken, and the motion carried by unanimous vote of those present. Chairman Replogle adjourned the meeting at 12:19 p.m.

Respectfully submitted,

Melissa Dacayanan-Salvador
Melissa Dacayanan-Salvador (Dec 14, 2021 20:18 HST)

Melissa Dacayanan-Salvador,
Secretary

A T T E S T:

John R Replogle
John R Replogle (Dec 13, 2021 07:59 HST)

John R. Replogle, Chairman
Windward Planning Commission

WINDWARD PLANNING COMMISSION
COUNTY OF HAWAI'I

TESTIMONY TRANSCRIPT
NOVEMBER 4, 2021

Public testimony regarding the application of **CONNECTIONS NEW CENTURY PUBLIC CHARTER SCHOOL/COMMUNITY BASED EDUCATION SUPPORT SERVICES (CBESS) (SPP 12-000138)** was called to order at 9:16 a.m. via live stream online meeting, with Chairman John Replogle presiding.

COMMISSIONERS PRESENT: Gilbert Aguinaldo, Joseph Clarkson, Michelle Galimba, Dennis Lin, John Replogle

EXCUSED: Dean Au

RECUSED: Thomas Raffipiy

ALSO IN ATTENDANCE: Malia Kekai, Esq. (Counsel for the Commission), Jean Campbell, Esq. (Counsel for the Planning Department), Jeffrey Darrow (Deputy Planning Director), Christian Kay (Planning Program Manager), and Melissa Dacayanan-Salvador (Windward Planning Commission Secretary)

APPLICANT: CONNECTIONS NEW CENTURY PUBLIC CHARTER SCHOOL/ COMMUNITY BASED EDUCATION SUPPORT SERVICES (CBESS) (SPP 12-000138)

Consideration and Adoption of Proposed Findings of Fact, Conclusions of Law and Decision and Order for approval and favorable recommendation to the State Land Use Commission of Special Permit No. 12-000138 to develop a K to 12 charter school campus with dorm facilities and related uses on approximately 70 acres of land situated in the State Land Use Agricultural District. The property is located on both the southwest and northeast sides of Edita Street near its intersection with Kaūmana Drive and adjoining the Pacific Plantation Subdivision in Kaūmana, South Hilo, Hawai'i, TMK: 2-5-006:141.

Secretary's Note: "—" indicates indiscernible speech due to internet/technical difficulties or simultaneous talk.

REPLOGLE: Okay, Mr. Jason Turner?

TURNER: Thank you, Mr. Chairman, thank you, Commission. I don't want to waste your time here; this is more of a couple of questions than testimony I hope that's okay? But I left the last meeting both confused and frustrated by some of the comments regarding some of the voting and I tried to find these answers on my own I couldn't find them. I reached out to other members of the community; they seem to have similar questions. So. I'm hoping from a place of respect that I can just ask these questions and kind of get some clarification. Really the general question, the overarching question it's very similar to I think his name was Mr. Keller was asking. Which is

does the community have a say in what goes into our backyards? Does the community have a say in what gets developed literally from my point of view in my backyard?

The Commission made two sets of statements that have rattled around in my brain for the past month. One set of statements were very encouraging of the community to come to meetings like this and to maybe educate the Commission on what's going on in our backyards, in our neighborhoods. You don't all live where I live, so trying to explain what things are like, trying to explain what's not in black and white on the page in front of you. I felt that many of the Commissioners are very encouraging of that, saying the community should come to meetings like this and tell us what's going on. I think the Chairman was recommending we go on to the next step and make sure that we go to that Land Board meeting and testify.

And yet, at the same time, I felt that there are contradictory statements. Several Commissioners in their voting said that I'm quoting here "that all the boxes had been checked". And kind of led us down this path of maybe I'm putting phrases in your mouth here, but how can I vote against it, if quote unquote "all the boxes have been checked". It left me wondering isn't the neighborhood's thoughts, wishes one of those boxes. And if not, all due respect, if not if that's not part of the preview here, then I will understand that, but if the Commission saying that was a box to be checked in and they thought it was checked I respectfully disagree. I think everything that you've seen from the community was the opposite. So I guess I'd like to ask was that a box that was supposed to be checked or could have been checked or was that just not part of this procedure at this stage of the process? Sorry, it was a genuine question I didn't know if you had time to answer.

REPLOGLE: I think that would be a good question to have answered, and I would like to refer to our attorney for that guidance.

KEKAI: Good morning, sorry I couldn't get my unmute. Yes, I don't know that I would characterize it as a box to be checked, but the testimony of the public and the community and the neighboring community are all part of consideration that the Commission is using to make their decision. So, I guess for lack of a better term the judge, they can give weight to each testimony and each fact brought by every community member and then they can weigh that against all the other facts brought by the Applicant and the Intervenor. So, just to sum up, I wouldn't characterize it as a box to be checked, but it is taken into consideration, yes.

TURNER: Thank you, and if I sorry, I don't want to waste anybody's time I just—

REPLOGLE: No, go ahead, go ahead.

TURNER: I was reflecting the language that the Commission was using by boxes to be checked. Several Commissioners literally as voting said, I'm putting here all of the boxes have been checked and so, I think what I'm hearing is that maybe the community wasn't "a box" quote unquote to be checked. Is that correct? Or is the Commission saying that they do see that boxes have been checked I'm sorry to use the language that the Attorney just said don't use but I'm just quoting the Commission. And I'm genuinely trying to get clarification, if the Commission is saying sorry you still using the phrasing that box had been checked I disagree and I'd like to

know where that came from. If you're saying that is not a box and we're not checking that we're looking at other criteria then respectfully I understand.

KEKAI: I can't speak to what the specific Commissioner meant if you know who—

TURNER: It was three, it was several.

KEKAI: Okay, well, if you know which ones did it then that's great.

TURNER: I'm sorry. I didn't mean to interrupt.

KEKAI: No, it's okay. I can't tell you what they meant by saying it. All I can say is that everybody's testimonials is taken into consideration when the Commission makes a decision, and you would have to ask the specific Commissioner what they meant when they stated that statement.

TURNER: Right and that's why I'm here. It was mentioned at least three times. I don't have the transcripts in front of me. I remember Mr. Au used that phrasing, Mr. Lin used that phrasing and I believe the Chairman used that phrasing. I believe others when they voted for it acknowledged that phrasing. Whether there was a meeting that I missed, where all the community came out and said we're in favor of this I respectfully would understand, but the community came out and literally hired lawyers put signs in their yards. I left the meeting thinking what else could we have done to get that box checked or unchecked and I feel like either procedurally the box wasn't on the sheet, which it sounds like it should have been or could have been. I'm just questioning whether the Commission genuinely saw that as a checkbox or just put it much lower on the list. It's frustrating, I'm sorry, it's my backyard literally and I feel like we were encouraged to come to a meeting like this and say hey this is going on in our backyard. And at the same time pivoting and saying, maybe that isn't that important. Sorry I'll stop talking.

REPLOGLE: No, if you're finished that's fine, but if you have something to say.

TURNER: I think my last, I hope that as a member of this Commission, when you're imagining these projects and you're imagining somebody without the power to vote and that you're imagining these projects in your own backyards. That each of you, when you voted yes, functionally are saying yes, I would vote for that project in my backyard against my tree line. And if you're not respectfully I don't know that you're really considering the neighborhood's position on this. I just like to close by saying, as an educator I just wish they'd find a location where the community embrace the project, because this is not that at all I'm sorry respectfully.

REPLOGLE: I would say Mr. Turner from my standpoint and in regard to your check boxes. I never looked at anything as checked boxes, but I looked at what the Planning Director passed forward to us with recommendations and all the things that the school or the applicant whether it's a school or whatever, that the applicant presented to the Planning Director they met all those standards, and you could I guess call them checked boxes. But you are right, the Planning Director does not have the benefit at that time of public testimony, and we do. I hear what

you're saying, and I think correct me if I'm wrong fellow Commissioners, you were kind of expressing along the same line of thought that I was. That they presented what they had the present to say this is what we want to do, yes, no and the Planning Director, along with his staff thought that yeah this could happen and there's no reason to deny it. That's what I would say about it please feel free to correct me fellow Commissioners, if I put words in your mouth.

LIN: Thank you Chair, and I want to thank Mr. Turner for speaking up. In regard to that comment that was made by me at the last hearing. The term checkbox to me is what are the requirements and what are the procedures that you have to do to apply for a Special Permit? And my thought process is that the applicant did follow the process and in terms checkboxes were done to get to the process. When we think about the community response or the community's concerns we do live here on this island, and we do live here on this side. We do think about what would happen if this was in our backyard, but also what would happen if it wasn't developed or what's the downside scenario of what happens if these types of developments are or aren't done. Does that create opportunities or takeaway of opportunities from our community? That's my standpoint.

REPLOGLE: Thank you Dennis. Okay, will go on to our second testifier on item number three Jeff Gomes. I think your mic is muted Jeff. Still can't hear you.

KAY: It's showing that he's connecting to the audio so, he's not presently connected.

REPLOGLE: Oh, okay.

KAY: Mr. Gomes can you try to speak again, please. Well, still muted, still can't hear him.

CLARKSON: He's not showing a mute symbol, so the issue must be with his microphone, I believe.

KAY: Unfortunately, still can't hear you Mr. Gomes.

REPLOGLE: Is there something we can do an alternative a telephone?

KAY: In the invite there is a telephone number which would allow Mr. Gomes to call in, if you'd like to do that. Otherwise, maybe suggest logging out and then logging back in to see if that fixes the problem, outside of that—

REPLOGLE: Okay.

KAY: I'm not sure what else can be done.

REPLOGLE: Can Mr. Gomes hear us? I think he can, right? Why don't we take a short recess to allow Mr. Gomes to log out? Can you hear us, Mr. Gomes?

GOMES: Acknowledged nodding his head.

REPLOGLE: Okay, what I'm going to suggest is, we will take a five-minute recess if you will, and you can log out and log back in again and see if that helps your microphone. Is that okay with you?

GOMES: Acknowledged by nodding his head.

REPLOGLE: Okay, if no one has any objections, we will take a five-minute recess here, we need to be back at 9:36. Okay, see you then.

Chairman Replogle called a recess at 9:31 a.m. and called the meeting back to order at 9:36 a.m.

REPLOGLE: Okay, Mr. Gomes please continue.

GOMES: Good morning, thank you for giving me a break and for allowing me to testify. I'm Jeff Gomes, I live in Kaūmana. I'm testifying on the Connections application to build a school directly on top of Kaūmana caves. I'd like to first address Ted Hong's latest complaint about me where he mentions the systemic wave of violence emanating from the school that's pouring out into the community. He tries to spin it like members of the community are climbing over their locked fence and attacking the employee at the school. But actually, what happened when I talked to the officer and what my wife saw the latest fight occurred in front of the school came all the way down the street right in front of my driveway. When I talked to the officer about what happened, he said they were fighting over a chicken. There are hundreds of chickens, you don't have to fight over chickens, help yourself, everybody come get a chicken. The lesson there should not be if you see someone walking with the chicken, run out and attack them and get the chicken from them.

Be kind. This violence is unnecessary, and Ted Hong is right, the violence needs to stop. But it's not the community members attacking people on the campus it's coming out of the campus onto the street. If you look at all the evidence of violence that has occurred during this process, the one where John Thatcher's son attacks him and he has to call the police to arrest his own son for beating him up, it's unfortunate. We don't know why that happened but, it did. It's in the record and it's a sad thing but violence should not be tolerated and instead of having this style of fighting, stop, get counseling. Hire a counselor, counsel the students and the staff and everybody, talk it out first. Hire a counselor but, oh wait a minute, the school does have a counselor. Some Gary Replogle. He testified in 2012. He's a counselor at the high school. He's from Ka'ū. Is that a family member? Possibly?

REPLOGLE: Just for the record, all Replogle's is related but I don't know them all.

GOMES: Okay and so the perception.

REPLOGLE: I can't help it.

GOMES: Yeah, so hopefully I'm wrong but, it looks like a Replogle on the Commission voted for a Replogle that works at the school. But thank you, you don't know him I'll accept that.

REPLOGLE: I'll be happy to recuse myself.

GOMES: It'll probably be better right just for the perception because, like, Commissioner Au was saying asking the kids to pay attention kids this is how government works. Just in case they're watching.

REPLOGLE: I will defer that again to our Commission attorney and if she thinks there is a conflict here, I will be happy to recuse myself.

GOMES: Okay.

REPLOGLE: So.

GOMES: I'd like to address the joke at the end of the last hearing. Where it was said that who expects kids to drink 60 gallons of water a day, because where I went to school, we had a building with these fixtures, a toilet, and a urinal. It was for us, as kids we could use it and there was a handle on it, you flush it, and water would come out. Water was used to wash the sewage and next to that was a sink you could wash your hands. You could use the sink as long as you wanted, as much water as you want, you could wash your hair, wash your face, wash your hands and it was actually encouraged. Wash your hands that's what they always taught us, wash your hands. We had another building, and this is in Ka'ū in the middle of nowhere right, we had a building that was called a cafeteria. Where they cooked food and guess what they used water to cook the food and when they were done cooking. After they got done serving, they use guess what? Water to clean up. to wipe the tables, mop the floor and water again to wash all the dishes. So, a group of experts got together and decided we're going to break that down and we need 60 gallons of water per day per student for a student to safely navigate through the day.

Using water, not just drinking 60 gallons of water a day but, throughout the day washing cleaning, and this is not a school and when I went to school in Ka'ū we had Ag. But, when they did this determination, I don't think they took into consideration Ag schools. Now you got to add more water to water the animals, wash the animals, wash the area. Where is all this water supposed to come from. It's not just students drinking 60 gallons of water a day. So, that's it. I'm done, thank you very much.

REPLOGLE: Thank you, Mr. Gomes. So, fellow Commissioners do you have any questions for the testifiers? Okay. So, before we go on, I would like to ask our attorney Ms. Kekai if she would care to comment on Mr. Gomes. The possibility that I have a conflict of interest here because there's a Gary Replogle who works for Connections.

KEKAI: Thank you Chair.

REPLOGLE: May I say one more thing.

KEKAI: Go ahead.

REPLOGLE: I have met Gary because a classmate of mine met him at her work and when she saw the last name, we got together one weekend, because we have the last name and we talked about stuff but other than that we have just lived our separate lives. That's all.

KEKAI: Is Gary your brother?

REPLOGLE: No.

KEKAI: Is Gary a dependent child of yours?

REPLOGLE: No.

KEKAI: Okay, the Code of Ethics is clear when it defines conflicts of interest. It defines it as an immediate family member, which includes spouse, brother, sister, and children and thus so. If Gary is not one of those people to you, then I would say there's no conflict.

REPLOGLE: Okay and to my recollection he grew up in Chicago. And I met him once and I thought he was a nice person if that counts.

KEKAI: Chair Replogle?

REPLOLGE: Yes.

KEKAI: Chair Replogle, can you be impartial, well, I should ask where are you impartial when you made your initial decision to vote for this application?

REPLOGLE: Yes.

KEKAI: Okay.

REPLOGLE: When I made my initial, I never heard of Gary until Mr. Gomes mentioned that.

KEKAI: And then you remembered?

REPLOGLE: Well yeah, I did meet him about I'm going to say, 8 years ago, 9 years ago.

KEKAI: Okay, that's good I think that's enough, we can move on now, thank you.

REPLOGLE: Okay, and thank you Mr. Gomes for bringing that to light, I think it's important that we are all above board on this. Okay.

The public testimony ended at 9:45 a.m.

Respectfully submitted,

Melissa Dacayanan-Salvador
Melissa Dacayanan-Salvador (Dec 14, 2021 20:18 HST)

Melissa Dacayanan-Salvador
Secretary to Boards and Commissions

WINDWARD PLANNING COMMISSION
COUNTY OF HAWAI'I

HEARING TRANSCRIPT
NOVEMBER 4, 2021

A regularly advertised hearing on the application of **CONNECTIONS NEW CENTURY PUBLIC CHARTER SCHOOL/ COMMUNITY BASED EDUCATION SUPPORT SERVICES (CBESS) (SPP 12-000138)** was called to order at 11:32 a.m. via live-stream online meeting, with Chairman John Replogle presiding.

COMMISSIONERS IN ATTENDANCE: Gilbert Aguinaldo, Joseph Clarkson, Michelle Galimba, Dennis Lin, and John Replogle

EXCUSED: Dean Au

RECUSED: Thomas Raffipiy

ALSO IN ATTENDANCE: Malia Kekai, Esq. (Counsel for the Commission), Jeffrey Darrow, (Deputy Planning Director), Jean Campbell, Esq. (Counsel for the Planning Department), Christian Kay (Planner), and Melissa Dacayanan-Salvador (Windward Planning Commission Secretary)

**APPLICANT: CONNECTIONS NEW CENTURY PUBLIC CHARTER SCHOOL/
COMMUNITY BASED EDUCATION SUPPORT SERVICES (CBESS)
(SPP 12-000138)**

Consideration and Adoption of Proposed Findings of Fact, Conclusions of Law and Decision and Order for approval and favorable recommendation to the State Land Use Commission of Special Permit No. 12-000138 to develop a K to 12 charter school campus with dorm facilities and related uses on approximately 70 acres of land situated in the State Land Use Agricultural District. The property is located on both the southwest and northeast sides of Edita Street near its intersection with Kaūmana Drive and adjoining the Pacific Plantation Subdivision in Kaūmana, South Hilo, Hawai'i, TMK: 2-5-006:141.

Secretary's Note: "—" indicates that there were technical and/or internet difficulties, which made the conversation inaudible.

REPLOGLE: We're taking up our unfinished business at this point. The applicant Connections New Century Public Charter School Community Based Education Support Services, SPP 12-000138. Consideration and Adoption of Proposed Findings of Fact, Conclusions of Law and Decision and Order for approval and favorable recommendation to the State Land Use Commission of Special Permit No.12-000138 to develop a K to 12 charter school campus with dorm facilities related —

KEKAI: Chair, we can't hear you if you're, I don't know. It doesn't seem that you're muted, but we just can't hear you.

KAY: Malia, I can hear him fine.

LIN: I can hear him as well.

CLARKSON: Now you are muted John.

REPLOGLE: We're going to continue with unfinished business, stop me if you can hear me. Applicant Connections New Century Public Charter School Community Based Education Support Services (CBESS), SPP-12-000138, consideration and adoption of proposed Findings of Fact, Conclusions of Law, and Decision and Order for approval and favorable recommendations to the State Land Use Commission of Special Permit No. 12-000138 to develop a K to 12 charter school campus with dorm facilities and related use on approximately 70 acres of land situated in the State Land Use Agricultural District. The property is located on both the southwest and northeast sides of Edita Street near its intersection with Kaūmana Drive and adjoining the Pacific Plantation Subdivision in Kaūmana, South Hilo, Hawai'i, TMK: 2-5-006:141. The applicants Kevin Richardson, Deputy Attorney General (Attorney for applicant Connections New Century Public School), Ted Hong, Esq., (Attorney for the applicant Community Based Education Support Services)—

KEKAI: Chair, sorry.

REPLOGLE: Yes.

KEKAI: Point of order.

REPLOGLE: Please.

KEKAI: You don't have to do introductions, please have the parties introduce themselves for the record.

REPLOGLE: Okay, thank you. Parties, would you please introduce yourself for the record.

RICHARDSON: I'll go first, good morning commissions, excuse me, Commissioners and Chair. Deputy Attorney General Kevin Richardson on behalf of applicant Connections Public Charter School. Also present is Romeo Garcia, Director of Connections Public Charter School.

GARCIA: Aloha Kakahiaka, this is Romeo Garcia, Connections Charter School Director.

HONG: Good morning, my name is Ted Hong. I represent CBESS with me this morning is Heather McDaniels. Heather, you want to give us a wave and John Thatcher. John? Thank you.

MATSUKAWA: My name is Michael Matsukawa. I represent the Intervenor Jeffrey Gomes, who might be on the regular YouTube. He was earlier present to give his oral testimony.

REPLOGLE: Yes, thank you and the Planning Department?

CAMPBELL: Good afternoon, everybody Jean Campbell Deputy Planning Director, I'm sorry Deputy Corporation Counsel and with me is Deputy Planning Director Jeffrey Darrow.

REPLOGLE: Okay, thank you. I'm going to swear you all in together, please raise your right hand. Do you swear or affirm to tell the truth, on this matter now before the Windward Planning Commission?

PARTIES: Yes, I do.

REPLOGLE: Okay. Applicants, we have received your proposed amendments to the draft Findings, do you have anything further to add?

HONG: Yes, Mr. Chairman, two more things.

REPLOGLE: Mr. Hong?

HONG: Thank you, on behalf of CBESS I just note that on the draft proposed Findings at Page 16, paragraph F, F as in Frank on one, two, third line on the right-hand side, the word come, c-o-m-e appears that's a typo should be "some" with a "s". Other than that, you have our proposals and certainly, the first amendment that we submitted is to reflect the current status of the school, and the second regarding the Kauai Springs case. We're certainly not married to that, I appreciate the Commission's language and so we're not pushing that particular issue. Then the second thing I wanted to bring up was, I believe that Mr. Thatcher wanted to make a comment as well.

REPLOGLE: Mr. Thatcher is this true?

THATCHER: Yes, if I could, thank you.

REPLOGLE: Please go ahead.

THATCHER: I just want to request that I not be questioned about the personal attacks by Mr. Gomes on my family before I can consult with an attorney.

REPLOGLE: Of course.

HONG: And so, I want to thank the Commission and certainly Corporation Counsel putting this very comprehensive proposed Findings. We'd be happy to answer any questions that the Commission may have in that, thank you.

REPLOGLE: Thank you. Is there anyone else for the applicant? Okay, and the Intervenor Mr. Matsukawa, do you have, do you wish to speak on anything?

MATSUKAWA: Yes, I'll be brief. We filed exceptions and I trust that the Commission members read the exceptions, as well as the record on appeal. What I think it's important to note is that by State law when Commission members have not heard the original testimony or

reviewed the original exhibits back in 2012 and 2014 and I think none of the Commissioners in this instance we're present then. Section 91-11 gives parties like the Intervenor the opportunity to direct the Commission members to points that they may have overlooked and to provide written exceptions to the Commission's proposed findings. And so that's why we prepared exceptions to the proposed findings. What I think we need to understand here is and I imagine your county attorney will give you advice.

The record as we believe the board, excuse me, the Commission should be aware of was not altogether vacated by the Intermediate Court of Appeals. In this decision it didn't vacate certain findings has been unsupported by the evidence but did not vacate other findings which is what we point out in are exceptions. Those findings that were not specifically vacated by the Intermediate Court of Appeals dealt with three decision criteria. The first one was the effect on surrounding properties and Mr. John Turner believe that was his name this morning adequately and very clearly explained his understanding on this point. I refer you to the original 2014 findings that we're not vacated that's Number twenty-two (22) excuse me Number forty-seven (47) that has to do with adverse effect on surrounding properties. And Number 47 states measures proposed by Connections regarding the establishment of building setbacks and roadway improvements to Edita Street do not appear to be sufficient to mitigate the overwhelming concerns raised by surrounding property owners. That finding was never vacated and remains binding on everyone including the Commission.

The second provision that was not vacated the 2014 decision is Number 22, which is the second sentence that reads in regard to potable water. However, Connections has not produced any evidence to demonstrate that it has or can develop sufficient water for the development. Again, this finding was not vacated, and it remains binding on all parties and the Commission. The third finding that was not vacated is Number 57. The development of a school will change the essential character of the forested land and its undeveloped views. This again is binding on everyone, including the Commission. The proposed findings that are before you today don't really address these questions or these unvacated points that remain binding. They seem to overlook them and to meld them into some overall balancing of the interest by both argument which the ICA criticize the Commission for doing the first time. With that I can answer any questions I don't want to repeat what's been written. Thank you.

REPLOGLE: Thank you Mr. Matsukawa.

HONG: Mr. Chair, may I be heard of that?

REPLOGLE: Heard of who?

HONG: This is Ted Hong, on behalf of CBESS, can I respond to Mr. Matsukawa?

REPLOGLE: Yes, you may.

HONG: Alright, thank you.

REPLOGLE: I believe you may.

HONG: Thank you. In terms of what Mr. Matsukawa was saying, this is not a second bite of the apple, this is actually their fourth bite of the apple. This is a reconsideration motion or an attempt to do an end around reconsideration motion which is not permissible under the Commission rules. I would point out we had a hearing; you had asked both parties to submit their positions regarding what the scope of the remand instructions were by the Intermediate Court of Appeals. We had a hearing on that in August, and then we had the hearing on the substance merits later on in October. So, my concern is, this is not just going back one step, Mr. Matsukawa wants to take these proceedings back two steps, there was nothing to prevent him from raising this back in August. There was nothing to prevent them from raising this in October and yet after the fact, he now tries to get his fourth bite of apple. It is impermissible, the Commission should ignore it just on the procedural issues or grounds and then adopt its proposed findings. Thank you.

REPLOGLE: Mr. Matsukawa, please.

MATSUKAWA: I object to what Mr. Hong said. I'm looking at your question that was presented to the parties about the scope of the hearing that we briefed. The question presented was whether the Commission should make a new, excuse me whether the Commission should make a decision on the record as presented or open the record and consider new evidence. That was the only question that was there. Some said, open up the hearing take new evidence. Some said no, just leave the record as it is. So, I think Mr. Hong is mischaracterizing what the Commission was asked to do. This is not a second or third bite. Section 91-11 of State law says when none of the Commission members heard the original evidence but intend to make a decision it must make a proposed decision to which we by statute, State law have a right to file exceptions, thank you.

REPLOGLE: Thank you, Mr. Matsukawa. Commissioners, do you have any questions or—

LIN: Yes, I do Chair Replogle.

REPLOGLE: Yes, Mr. Lin?

LIN: I'd like to ask our Planning Commission attorney, Ms. Kekai to address Mr. Matsukawa's comment that we as Commissioners need to make exceptions based off of that section of code or law. Is that correct or incorrect?

KEKAI: I will say this. On his statement about the Findings of Fact in the memorandum from the Court they basically said, even though they didn't vacate all the findings that the Planning Commission make reconsider any weight it is assigned to this finding and these findings. So, I would disagree that I think that you are locked into these findings, if you guys want to add them back in, we can do that. But at that same token, I will say that the Court gave clear instruction that you guys can weight them how you want to. So, for instance, this one basically refers to Finding of Fact 49 which was, that there was no evidence that Connections had the ability to develop a portable water source. You could put that back in if you so choose, I don't think that

would change the outcome of your decision. But at the same time, I guess I'll leave it at that. I don't think that you're locked into to these findings or making the same determination that the original Commission did.

LIN: Thank you and I think based on my understanding and you may correct me if I'm incorrect. But the ICA's decision was to allow the Planning Commission to make a decision on this case no matter what they said right? Although they said we vacate this, we don't vacate this. Those results is up for us as the Commission to interpret, to understand and used to make our decision. Whether or not we do agree if it was vacated or not that is up to us, and it does not mean that we have to make exceptions?

KEKAI: I don't know if I would go so far as exceptions, but I will say that once when a Court vacates a decision and remands it back to a Commission. You are basically ordered to follow the Court's orders and therefore you couldn't go back and rely again on a Finding of Fact that was vacated for being arbitrary or clearly erroneous or anything like that. You couldn't do that so that's basically the parameters which in the Commission has to play. You can't go and basically directly contradict something that was already stated. Outside of that the Court gives the agency discretion to make their ruling based on the record. If you had made the same decision as you made initially that would be allowable, but you would have to create more findings to line that up. Now in this situation, where you guys have changed your decision to an approval, you just have to make sure that you have the requisite findings to show that your decision is supported by substantial evidence.

REPLOGLE Thank you. Mr. Hong?

HONG: I have advised Boards and Commissions before; I've sat on Boards and Commissions before on the State and County level The section that Mr. Matsukawa is referring to, basically says that in the normal course of a Board or Commission when people are cycled through because of terms if somebody comes on midway in a contestant case hearing or something else, what the law requires is that Commissioner has to go back into the record and read the record. That's all it says, it doesn't say anything about making a decision or having had that Commissioner or Board member bound by prior decision. All it says is look, if you're coming in midway into this game, you just got to make sure you know what happened before you came into the game. That's all that section is applies, that is how that section is applied and I submit that Mr. Matsukawa's extension of this argument, or this particular section of the law is inappropriate similar to his extension of the Kauai Springs's case. But anyway, that's another issue. Thank you.

REPLOGLE: Anyone else? Planning department anything?

CAMPBELL: Nope nothing from us. The Planning Department is satisfied with the draft findings, conclusions, and order as they're drafted. Thank you.

CLARKSON: So, I have procedural question. So—

REPLOGLE: Yes, please.

CLARKSON: If a commissioner has a problem with a particular finding, do we pick that up as part of the discussion after a motion or do we discuss it now?

KEKAI: We should have a motion first before discussion.

REPLOGLE: Okay. So.

GALIMBA: Can I make a motion.?

REPLOGLE: Yes.

GALIMBA: I move that the Proposed Findings of Fact, Conclusions of Law, Decision and Order to be approved and adopted.

LIN: I second.

REPLOGLE: It's been moved by Ms. Galimba and seconded by Dennis Lin that we accept the proposed Findings of Fact, Conclusions of Law, and Decision and Order to be approved as adopted. Any discussion? Mr. Clarkson?

CLARKSON: Yes, the main finding I don't have the number in front of me relates to the issue of public trust. Wherein the findings states that the Commission considered public trust and based on the use of the property felt that the public trust interest was protected. Whereas in fact the Commission did not consider the public trust. I want there to be a finding about public trust in the findings, but I feel that it must be either that the Commission did not consider public trust because, as Mr. Hong states it's not relevant to this issue. Or that the Commission did not discuss public trust because it's relying on the Land Use Commission to do so, but not that we actually did consider it and found that it was protected.

So, I strongly object, I made a motion at our last meeting to actively consider the public trust and that motion was defeated I think three to two. And so, to say now that the Commission found that the public trust was protected is completely inaccurate. It's either relevant and we didn't consider it or it's completely irrelevant and we should just so say in our findings.

REPLOGLE: So, is that something you would have wanted to put as an amendment to the Findings of Fact and Decision or, what are you saying?

CLARKSON: Well, I'll ask our Counsel. Applicant's Counsel has claimed that public trust does not apply in this situation. I find that implausible but if the rest of the Commission agrees, then we should adopt the applicant's language for that finding rather than have a finding that in fact the Commission did not even discuss. So, that would be my suggestion, if I need to make a motion for an amendment, I would do that. I would say that we should adopt the applicant's proposed language that public trust is not relevant to this case because this is not prime agricultural land. And we'll let this be decided by another other court on appeal.

GALIMBA: Could I say something?

REPLOGLE: Yes, Ms. Galimba?

GALIMBA: Thank you. So, I would say that from my understanding of public trust doctrine. It would be relevant, and I would say that I considered it, even though we didn't have an active discussion or an extended active discussion about it. At the time that we were discussing the motion that Commissioner Clarkson was speaking about the intervenor's attorney declined to argue that point which did go into my decision. So, there was some discussion around that so to sum up, I guess I believe that the public trust doctrine was considered albeit in a brief form. And so, I don't think there needs to be that sort of dichotomy that Commissioner Clarkson is suggesting.

REPLOGLE: Thank you.

GALIMBA: If you understand that I will give you a gold star.

REPLOGLE: Anybody else Commissioners?

LIN: I'm inclined to go with Mr. Clarkson's latter argument that if we are going to either put in the public trust doctrine language in there, based on what my understanding of it. If the area is unsuitable for agriculture, but the school is working towards conserving it and utilizing it for, what is it called here, preserving its natural beauty and natural resources. I think there is an argument there that they are trying to preserve it but it's just not suitable for the optimal use of that land. So, I would be inclined to put in the applicant's language in that section. I agree with that we didn't discuss it in depth. We just kind of glanced over at our last discussion.

REPLOGLE: Any other thing? I would like to say I definitely considered the public trust and I think considering that the land was graded as poor agricultural and the schools plan to teach agriculture in greenhouses or hydroponically is promoting agriculture on land unsuitable for agriculture something that is going to be important in Hawaii's future. Also, that the larger portion of the property their plan is to preserve the forest, have a trail or whatever for educational purposes teaching the children about what's going on in our native forest, replanting, producing native plants in their greenhouse for that matter. I think the public trust is considered well in here with what they're doing, and I agree we didn't have a big discussion on it, but I wouldn't let the public trust slide believe me. Anyway, I'm not 100% sure, we have a motion on the floor, and it sounds like we need to defeat that motion if we want to add what Mr. Clarkson and Mr. Lin are talking about or we should just have a vote and there you go.

KAY: Mr. Chair the only—

REPLOGLE: Yes, Mr. Darrow?

KAY: Oh, sorry.

DARROW: Just quickly, were in discussions that this “—” you have the proposed Findings of Fact, Conclusions of Law and Decision and Order you’re reviewing that at this time. There’s a finding of that goes into detail on the public trust doctrine. That’s something you can review right now, if you agree with that finding of fact, you can vote to approve as part of the overall final Findings of Fact, Conclusions of Law and Decision and Order. Just a thought, thank you.

REPLOGLE: Thank you, Mr. Kay?

KAY: I was just going to say procedurally there’s only one motion on the floor right now, and that is to adopt as drafted. Should there be a request to amend that motion than the Commission could consider that.

REPLOGLE: Okay, thank you.

CLARKSON: I’m sorry I made that motion, and although I don’t think there was a formal second to amend.

KAY: My apologies. So, we would need a second to—

LIN: I can second Mr. Clarkson’s amendment.

REPLOGLE: Was that an official amendment Mr. Clarkson or were you talking hypothetically?

CLARKSON: Oh no, I made after some discussion of the original motion to approve and after hearing Commissioner Galimba’s comments I am moving to adopt the applicant’s language to the effect that public trust doctrine does not apply in this case because it’s not prime agricultural land. And rather than the finding that was I don’t want to say conjured out of thin air, but I certainly don’t remember any discussion of public trust issues that I think would comply with the Kauai Springs directive from the Supreme Court all the ABCDE things that we have to do. So, if we’re not going to do that then let’s just say outright that public trust does not apply and that’s what the applicant’s attorney has suggested and let’s go with his language.

KAY: And what is that particular finding again Mr. Clarkson?

CLARKSON: I don’t have it; it was the I don’t have the number in front of me.

LIN: I believe it was Number 66.

KAY: Thank you.

KEKAI: Okay, point of order.

REPLOGLE: Yes, please.

KEKAI: So, if there are going to be more amendments made then I don’t want to piecemeal this and have an amendment, then another motion of amendment and then another motion for an

amendment. I think we have the initial motion on the floor, Commissioner Galimba you can either withdraw or you can keep your motion which has already been seconded. And then we can move on if you would like to do that, then we can move on to another motion, but unless we're going to switch the motion to approval with amendments, and then we can go through those amendments if you guys so choose.

REPLOGLE: So, we should probably vote on this motion on the floor, and if it passes then it's done. If it doesn't, we could go to motions with amendments. Does that make sense?

LIN: Or Commissioner Galimba could withdraw her original motion.

REPLOGLE: Okay. I don't wish to pressure her.

KEKAI: It's her decision.

GALIMBA: I don't, I'm not going to try it.

REPLOGLE: Thank you okay. So, we have motion before, is there any other further discussion? We have a motion before the Commission moved the proposed Findings of Fact, Conclusions of Law and Decision and Order be approved and adopted. Oh, this should probably be a roll call vote Mr. Kay?

KAY: Yes, Mr. Chair, if I may, there are actually 2 active motions on the floor that have been moved and seconded. There's the main motion, which was as you just stated, and then a second motion, which is to amend the Findings of Fact with the amended finding. So, if you adopt as is then you don't have an opportunity to hear that secondary motion.

REPLOGLE: Okay, but isn't it supposed to be, you have one motion at a time on the floor? And I admit another motion was made and seconded and maybe I should have stopped it right there but—

KAY: Yeah, I will say this with the Leeward Planning Commission we've been advised that and this this happens with the County Council as well, when there is a main motion on the floor a secondary motion can be made to amend that main motion. You handle that secondary motion first and then you go to the original motion to deal with, and so, similar to what you talked about, we could hear the secondary motion, to see if we are going to amend the language within the Findings of Facts and then deal with the original and that would essentially amend the main motion.

REPLOGLE: Okay, thank you. Mr. Clarkson?—

CLARKSON: Yeah, I agree

REPLOGLE: One moment, one moment please. You are going to have to state your motion again for the record but go ahead.

CLARKSON: Before I do it again, I would just like some clarity because there seems to be a procedural disagreement between Mr. Kay and our Counsel as to how this should be done. Counsel Kekai has said that the motion to amend has to be—

KEKAI: Mines is more a logistical thing Chair I mean Commissioner Clarkson. I'm saying, if you guys are going to make multiple amendments, I would like them to be all in one motion. Instead of continually making a motion to amend the original motion to amend the original so if there's other amendments that need to be made at this point like if you're going to adopt the applicant's suggestion to change the typo. Then put that in here or anything else, or if it's just including just Number 66 and the Commission is satisfied with that, then we can act on the second motion first.

REPLOGLE: Okay.

CLARKSON: I have no interest in making a motion regarding the typo. I only have an interest in the Finding of Fact 66 and will not be proposing or moving any further amendments.

REPLOGLE: Okay, why don't you make your official amendment, and we'll get a second or at least state what you said earlier, so we can go on. Mr. Lin already seconded what you said but I want everybody to know what you said before we go on.

CLARKSON: I want to amend the original motion that was made by Commissioner Galimba which was for approval of the Findings of Fact, Conclusion of Laws, and Decision and Order to substitute applicants proposed language which I don't want to have to repeat because I don't have it in front of me, but I know the gist of it for Finding of Fact 66 related to public trust.

REPLOGLE: Okay.

CLARKSON: That was my motion.

REPLOGLE: Thank you and Mr. Lin seconded it.

LIN: I stand with my second.

REPLOGLE: Okay, thank you. Again, just to be safe is there any more discussion on that? Okay, Mr. Kay would you do a roll call on that amendment and then we go to Ms. Galimba's motion correct?

KAY: That's correct. Okay, thank you. Commissioner Clarkson?

CLARKSON: Aye.

KAY: Commissioner Lin?

LIN: Aye.

KAY: Commissioner Aguinaldo?

AGUINALDO: Aye.

KAY: Commissioner, I'm sorry, Chair Replogle? Pardon me, Commissioner Galimba?

GALIMBA: Sorry, I was on mute. Aye.

KAY: And Chair Replogle?

REPLOGLE: Aye.

KAY: Thank you Mr. Chair, motion carries with five(5) ayes zero (0) noes.

REPLOGLE: Okay and now we're going to the motion made by Commissioner Galimba that the proposed Findings of Fact, Conclusions of Law and Decision and Order be approved as adopted. Mr. Kay?

KAY: Yes, thank you Mr. Chair. Commissioner Galimba?

GALIMBA: Aye.

KAY: Commissioner Lin?

LIN: Aye.

KAY: Commissioner Aguinaldo?

AGUINALDO: Aye.

KAY: Commissioner Clarkson?

CLARKSON: No.

KAY: And Chair Replogle?

REPLOGLE: Aye.

KAY: Thank you, Mr. Chair motion carries with four (4) aye votes and one (1) no vote.

REPLOGLE: Alright, so, are there any agenda items for the next meeting.

HONG: Mr. Chairman, thank you.

REPLOGLE: Yes.

HONG: May we be excused?

REPLOGLE: Yes, yes, you all may go we're going do our commissioner business.

HONG: Okay.

REPLOGLE: Thank you all for attending. Thank you for your kind way of speaking.

HONG: Appreciate it.

GARCIA: Thank you.

THATCHER: Thank you.

The item ended at 12:14 p.m.

Respectfully submitted,

Melissa Dacayanan-Salvador
Melissa Dacayanan-Salvador (Dec 14, 2021 20:18 HST)

Melissa Dacayanan-Salvador
Secretary Windward Planning Commission