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VC Highlands, NV 89521-7430
February 10, 2012

Storey County Commissioners and District Attorney Maddox
Storey County, NV

To All,

These comments are regarding the current Taormina lawsuit with the County (Taormina II – U.S. District Court for the District of Nevada, case 3:2011cv00645.) I would like the Storey County Commissioners to consider the following when negotiating with Tom. Please make this letter part of the public record.

A. Antennas must be considered part of the tower structure.

1. According to Storey County Code it is unlawful for a person to alter a structure within the county without first obtaining a building permit from the building official.

Chapter 15.12 BUILDING PERMITS

Section No(15.12.010)

Building permit required.

It is unlawful for any person, corporation, municipal corporation, association, club, business trust, estate, or any group or combination thereof to erect, construct, relocate, or alter any sign, building, or structure within the county without first obtaining a building permit from the building official.

(Ord. 172 §. 1(part), 2000)

{Emphasis added}

2. Many of Tom’s antennas can hardly be called *de minimis* alterations to the structure. Some are very large.

As an example, in a document dated 4/12/2008 from Tom’s Web site (which he later removed) he provides enough information to identify some of the antennas. The picture to the right is from Exhibit 1.

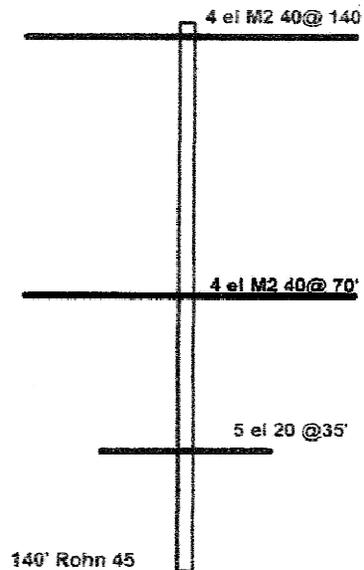
It shows: **4 el M2 40@70’**

M2 is the name of the antenna manufacturer.

(<http://www.m2inc.com/>)

4 el M2 40@70’ would be a four-element antenna for the 40 Meter band at a height of 70’ on the tower.

(Note that there is an identical antenna proposed for 140’.)

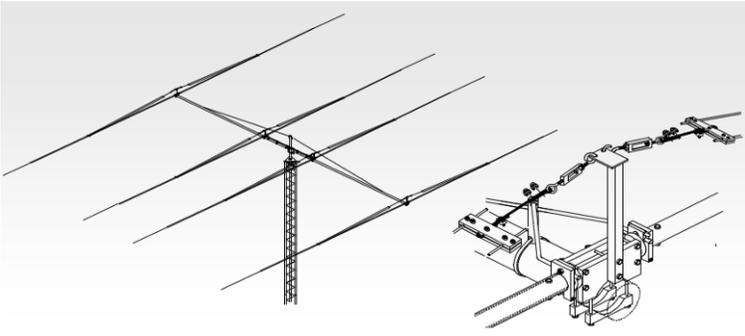


The specifications for the **4 el M2 40** (or one like it, from the M2 Web site) are as follows:

Boom Length: 42 feet

Element Length: 51 feet.

This is what the antenna looks like:



See Exhibit 2 for the first page of the antenna manual.

This is what one looked like when it broke. (It is either the same model or a similar model.) The picture came from Tom's Web site: http://www.w7rn.com/main/page_10766_8.html



See Exhibit 3 for more detailed pictures. (Exhibit 3 came from Michelle Adkin's comments filed 2/3/2012.)

The half of an element that is hanging down is 25.5 feet long.

Although it has been replaced, it could happen again. And if the wind detaches it completely it will become a spear. A spear hurled from a height of 70 feet.

An antenna that large must be considered an alteration to the structure (the tower).

Tom's word that he obtained permission from the Building Department to replace it is not good enough.

It requires a building permit.

Then the work has to be inspected.

And work done at 140' (or even only 70') cannot be properly inspected from the ground.

I do not believe it would be possible to objectively delineate the need for a building permit based on the size of the antenna. Therefore, it must be required for all antennas regardless of size whether they are added, removed, moved, or replaced.

B. While the issue was being discussed before the current lawsuit was filed it was proposed that if Tom and Midge (or a close relative) were to no longer live in the house the towers would be taken down.

If Tom and Midge (and relatives) were to leave the County's jurisdiction (leaving the towers up) the County would have no way to enforce the agreement. An example would be if Tom and Midge were to lose the house through foreclosure.

If Tom and Midge were to sell the house to another ham (leaving the towers up) the new owner ham might object to being told to take the towers down. When Tom put his house up for sale in 2005 the "world class station" was one of the selling features of the house. See Exhibit 4 from:

<http://forums.qrz.com/showthread.php?75570-Dream-Ham-Radio-QTH&>

The new owner ham might threaten to sue the County.

The facts of the case would be materially the same, so because of *stare decisis* the result should be the same whether the issue is resolved by negotiations or at trial by the Court.

Having such an agreement would only give Tom's neighbors and those concerned with the issue false hope that the towers would eventually be taken down.

C. Please stop giving Tom favored treatment.

1. For years the County allowed Tom to thumb his nose at the County, the HRPOA, and his neighbors.

2. When the County Commissioners denied Tom a Special Use Permit at the June 7, 2011 meeting they gave him 90 days to remove the non-permitted towers but agreed to stay the order if he filed an action in U.S. District Court within 60 days. http://www.storeycounty.org/clerk/Minutes/060711_minutes.pdf

Later, they decided that the decision of the Commissioners did not go into effect until the minutes of the meeting were approved.

The minutes of the June 7 meeting were not approved until the July 5 meeting. See http://www.storeycounty.org/clerk/Minutes/070511_minutes.pdf

There was a meeting on June 21 but Approval of the Minutes for the June 7 meeting wasn't on the agenda. See http://www.storeycounty.org/clerk/Minutes/062111_minutes.pdf

That gave Tom an extra month.

Not everyone gets an extra month.

At the November 15, 2011 meeting when the County Commissioners revoked the license of the Wild Horse Canyon Resort, the revocation was effective immediately. It did not wait for the minutes to be approved at a future meeting.

Lance Gilman and his wife Susan Austin have done many good things for the County. They have helped many people.

The only one Tom has ever helped has been himself.

Bear that in mind when you negotiate with him.

And those are my thoughts on the County negotiating with Tom.

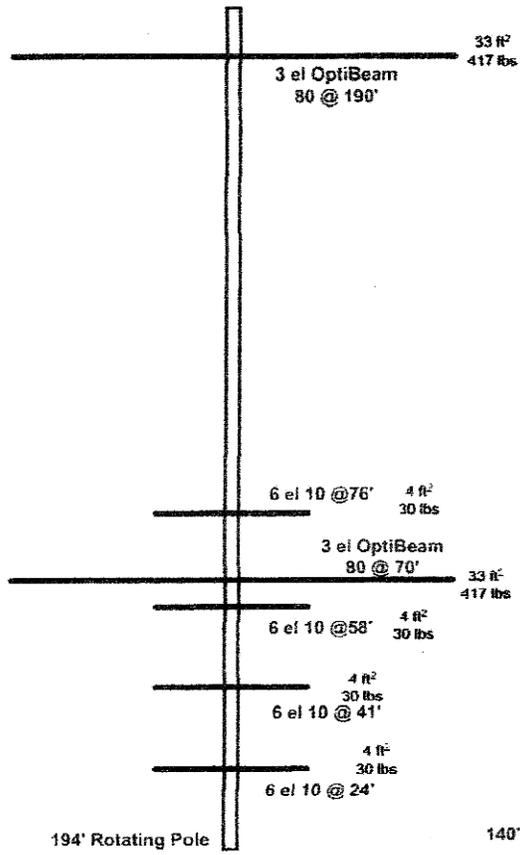
This is WA2VEW (Jed on Empire) signing off for now.

/Jed Margolin/

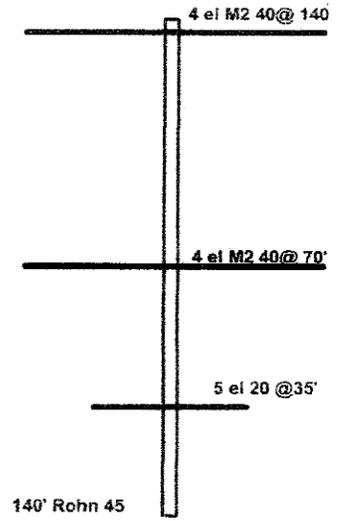
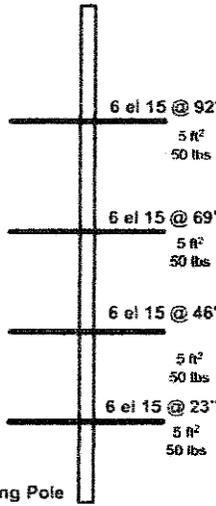
Jed Margolin

Exhibit 1

Exhibit 1



N5JJ/K5LZO Memorial Station
2008 Major Construction
Blue - New
Black - Modified Existing
K5RC 4/12/2008



Antenna
Changes to
Existing Towers
2008

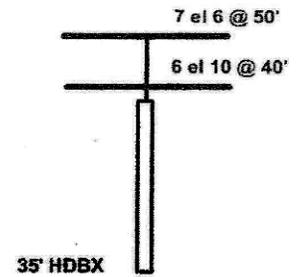
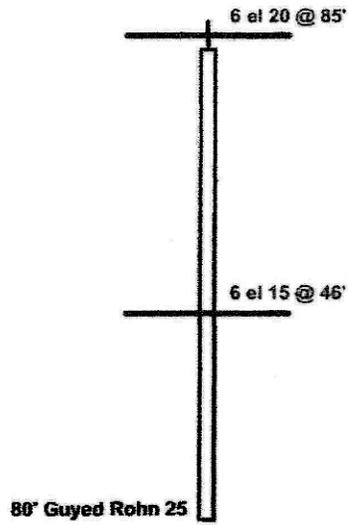
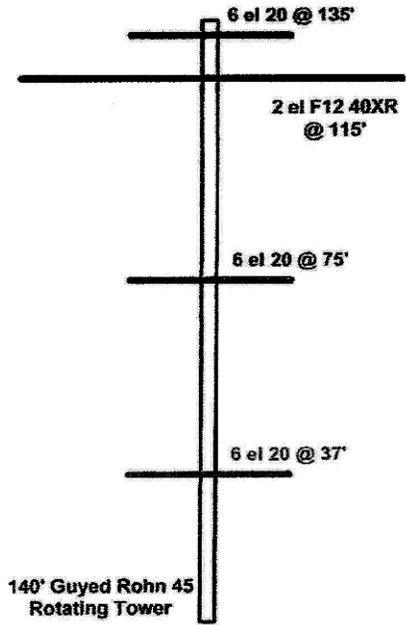
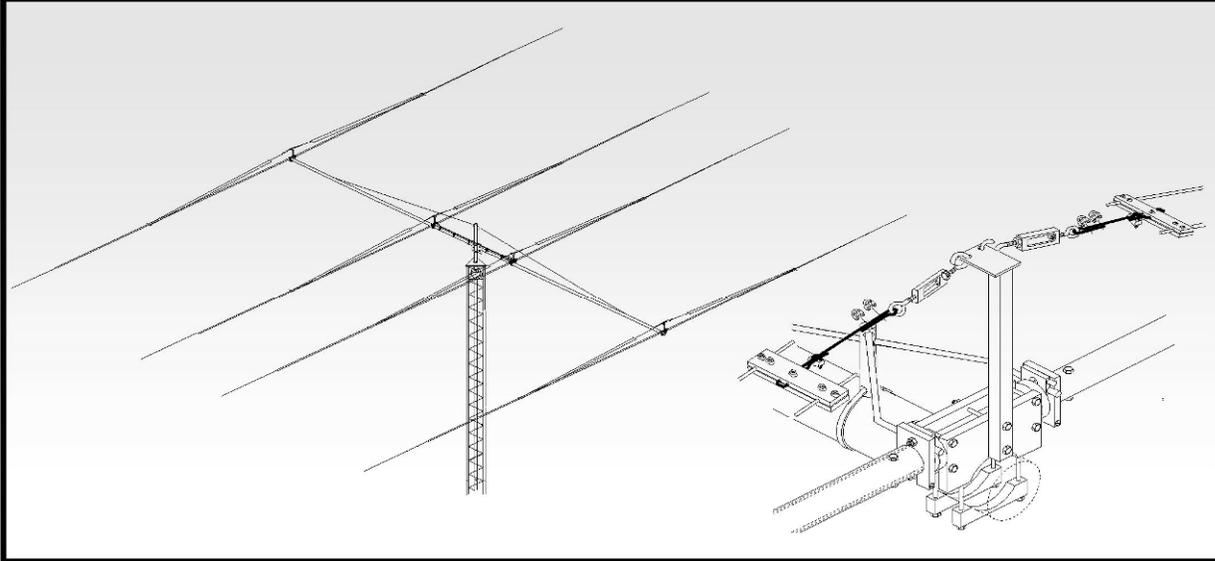


Exhibit 2

Exhibit 2



M2 Antenna Systems, Inc. Model No: 40M4LLDD



SPECIFICATIONS:

Model	40M4LLDD	Power Handling	3 kW, Higher avl.
Frequency Range.....	7.0-7.3 MHz	Boom Length / Dia.....	42' / 3.0 x .125 Wall
Gain.....	7.5 dBi	Element Length / Dia.....	51 Ft
Front to back	22 dB	Turning Radius:.....	33 Ft
Beamwidth	E=60°	Stacking Distance.....	Call
Feed type	Dual Driven	Mast Size.....	2" to 3" Nom.
Feed Impedance.....	50 Ohms Unbalanced	Wind area / Survival.....	13.0 Sq. Ft. / 100 MPH
Maximum VSWR.....	2.0:1 Max	Weight / Ship Wt.....	142 Lbs. / 160 Lbs.
Input Connector.....	SO-239, Other avl.		

FEATURES:

***Subtract 2.14 from dBi for dBd**

The recently upgraded, computer optimized, linear loaded, dual driven 40M4LLDD gets the bandwidth and maintains performance across the band like no other 40 meter Yagi. This was a huge challenge requiring the latest techniques in computer optimization. Gain, Front to Back and VSWR are maintained nearly flat across the whole band! In addition, it is now better mechanically and easier to assemble. Only the tips of each element are different as all the linear loading settings are the same for each element. The shorting bars are now 2 piece, clamp type making solid long lasting connections. For foreign amateurs, two tuning options are available; FULL BAND and LOW END ACCENTUATED, but still broadband. The resulting design is head and shoulders above the competition in strength, durability and performance. This antenna has been designed to meet your crossband SSB contesting needs and give you years of enjoyment on the 40 meter band regardless of future band plan changes.

Mechanically, the elements are butt sleeved to withstand continuous winds of 100 mph or the constant battering of high winds. This antenna WILL frustrate Mother Nature! The Driven elements are split in the center and insulated with a solid 1-1/4" fiberglass rod. The parasitic element also have solid 1-1/4" center aluminum center section. The 3 kW continuous, 5 kW peak, 1:1 balun completes the package. All hardware is stainless or galvanized except the U-bolts. Options include parts to add 4 elements for 17 or 20 meters. Call for details.

M2 Antenna Systems, Inc. 4402 N. Selland Ave. Fresno, CA 93722

Tel: (559) 432-8873 Fax: (559) 432-3059 Web: www.m2inc.com

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8/17/11
Rev.00

Exhibit 3

Exhibit 3

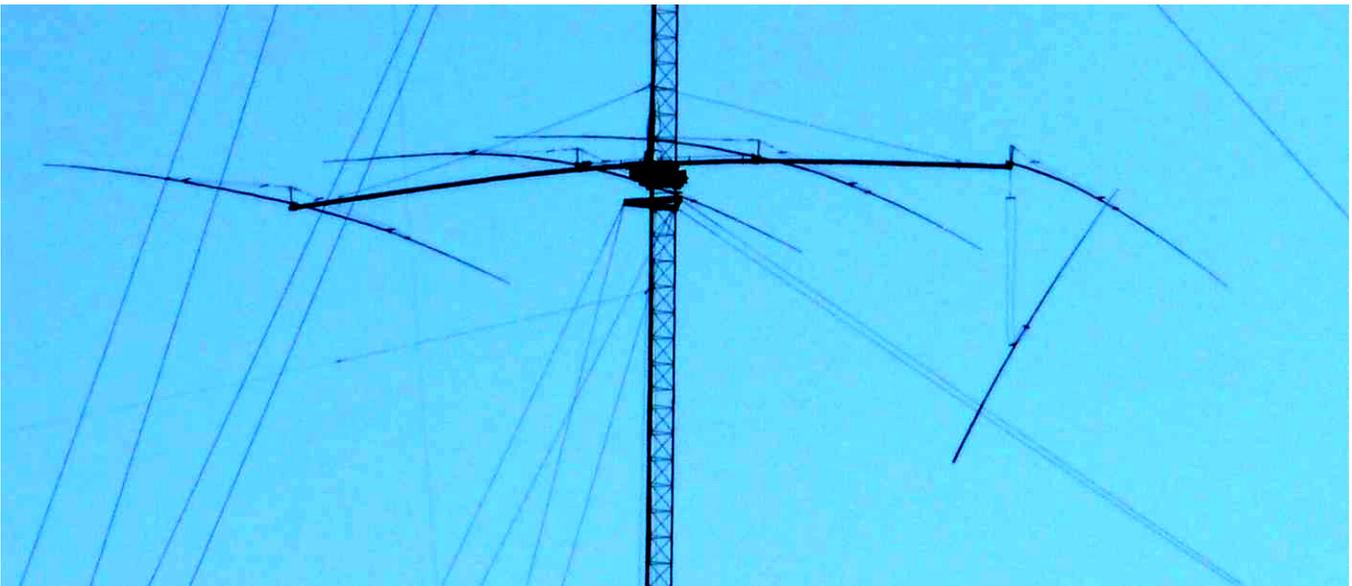
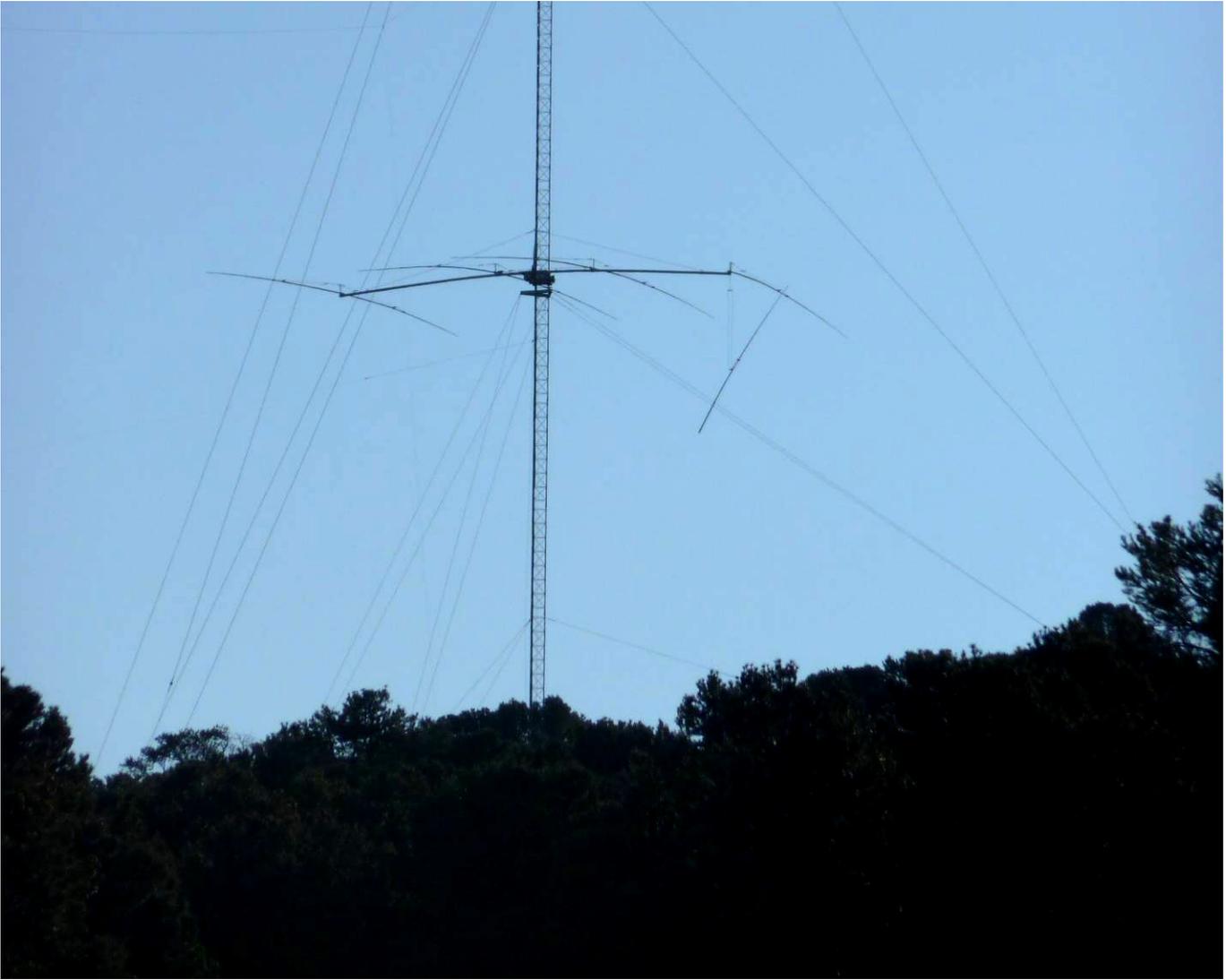


Exhibit 4

Exhibit 4



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Callsign



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Closed Thread

Results 1 to 1 of 1

Thread: Dream Ham Radio QTH

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09-17-2005 04:15 PM #1

K5RC ◦
Ham Member

Join Date: Jul 2002
Posts: 1



10 Acre Mountain Top - Winning contest location and custom-built home available for sale. Medical and business issues are causing us to down-size, making a rare opportunity available for rural living, a world class station and a spouse-approved home, all 20 minutes from downtown Reno. Please see <http://www.consultpr.com/HouseSale.htm>
Tom, K5RC Virginia City NV
Radio QTH

Closed Thread

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