

Jed Margolin

From: "Jed Margolin" <jm@jmargolin.com>
To: <n3kn@arrl.org>
Sent: Monday, March 14, 2011 9:15 AM
Subject: K5RC Tower Issue

Dear Kay.

We are having a problem up here in Storey County, Nevada. My community is 22 miles SE of Reno, and five miles down the road from Virginia City. If you have seen the old TV show Bonanza, you have heard of Virginia City. It's where the Cartwrights usually went when they had business to do.

Tom Taormina, K5RC, is making a real nuisance of himself and is giving Ham Radio a black eye.

He has five towers, the tallest of which is 140 feet, and wants to install two more towers, both 195 feet. It's in a residential area.

The Storey County Code limits ham towers to 45 feet. Towers higher than that require a Special Use Permit.

Tom refused to apply for a Special Use Permit and sued the County instead, in U.S. District Court for the District of Nevada *Thomas S. Taormina v. Storey County* Case 3:09-cv-00021-LRH-VPC Filed 01/15/09.

He lost, but the case was only about whether he had to follow the law and apply for a Special Use Permit.

He has now done that. The Planning Commission decided he could keep his existing towers but could not put up the 195 foot towers.

The issue is very controversial, if not downright vicious. While he has some support within the community, most of his support comes from outside the County. Some comes from outside Nevada, especially from Texas and California.

I am been a licensed ham for more than 49 years. I am against his new towers because, for one thing, he has used bogus technical arguments to justify his need for the new towers.

He has consistently stressed that he needs the new towers to provide reliable communications with China in the event of an emergency, with the quality of communications at the level that Voice of America strives for in its short wave broadcasts.

The fact is, he wants the new towers to improve his scores for his real passion, contesting. He is, indeed, a world class contester.

I don't have anything against contesting. I do have something against lying.

(For local emergencies, Tom did have a 70cm repeater but he took it down and will not put it

back up unless it is on a 195 ft tower.)

I have posted the documents in the case on my server at:
http://www.jmargolin.com/towers/tom_index.htm

Tom's Web site is <http://k5rc.cc> (If you mouse over the links to his documents you will see that they go to my server.)

Tom is still trying to mislead people. His Web site says:

On March 3rd, the first hurdle was passed when the Storey County Planning Commission voted to approve our Special Use Permit, with conditions. The conditions are under review.

This process has several more steps and will likely not be finalized until late April. Please stay tuned for updates.

What the Planning Commission did was accept the Staff Report recommendation:

PROPOSED MOTION B: Based on findings and compliance with all conditions and stipulations stated forth in this report, staff moves to recommend that the Storey County Planning Commission approve Case No. 2011-010 to maintain the four (4) existing amateur ham radio antenna towers applicable to this SUP in accordance with the limitations set forth hereby and deny installation of any additional towers on the property located at 370 Panamint Road (APN 003-431-18), Highland Ranches, Storey County, Nevada.

The Planning Commission decided to adopt Motion B but added language to clarify that towers are subject to the 45 foot height limit for towers and not the 35 foot height limit under the ordinance about structures. I don't have the exact wording that they added.

The next step is for the County Commissioners to accept or reject the Planning Commission's recommendation.

There is an article in the Virginia City News that accurately reports on the meeting:
<http://virginiacitynews.com/tempest-over-vchighlands-towers-erupts-at-meeting-p3694-1.htm>

My reason for contacting you directly is that Tom has used the ARRL logo on the document:

Supplemental Information For an Amateur Radio Facility Accompanying an Application For a Special Use Permit - December 30, 2010:
http://www.jmargolin.com/towers/pc/101229_K5RC_Ant_App_SUP_v15.pdf

- a.** Does Tom have permission to use the ARRL logo for his case?
- b.** Has the ARRL given its official support to Tom in his case?
- c.** Tom's attorneys are Brian M. McMahon, Esq., Reno, NV and Fred Hopegarten, Esq., Lincon, MA. Is the ARRL giving financial support to Tom in his case, either directly or indirectly?

Fred, Esq., Lincoln MA was at the March Planning Commission meeting. It must have cost a bundle to

have him fly out here. Is ARRL paying him?

And, BTW.

After this case got started, this is what Tom's friends in Texas (The Texas DX Society, Houston TX) wrote about it in their September 2008 issue of **The Bullsheat** starting at the bottom of page 3:

The Virginia City Highlands antenna wars continue with General Taormina K5RC directing the troops in full battle mode. It now turns out that another traitor ham in the neighborhood is a ring leader in the "stop K5RC" movement! Ugh! He has apparently gotten copies of Tom's building permit applications and crafted some poorly written rebuttals to the Deputy DA's office. The DDA now says that she is not going to grant building permits for the exist-ing towers because Tom ignored the "law" all these years by not obtaining building permits. Tom is now seeking injunctive relief from the arbitrary and capricious actions of this small-time politician. Tom says, "it appears that we are still QRX on major tower work. Even though we have enough compelling legal arguments to be the USS Enterprise doing battle with a dinghy, this is shaping up to be a time consuming and costly battle." Latest update: "Despite yeoman's effort by K1VR and the local attorney, the Deputy DA is making no meaningful concessions at this point. Last week, she was steadfast that the 45' height limit was enforceable and that I would have to apply for a special use permit for each tower. That was challenged and is no longer at the top of the hit parade (although it is still not resolved). Then, I was accused of flaunting (her words) my antennas by ignoring the County requirement for building permits and for violating the CC&R's prior to 2003. This has all been explained in writing to her and we have a solid case for why we are right, but no concession yet. Today, she added another ridiculous piece to the mix saying that the antennas themselves had to be less than 45' x 60' because that number is in a statue relating to buildings. Fred responded to that this afternoon with the mes-sage that only the 80M beams are larger and WHY THE H*** HASN'T SHE GRANTED THE REMAINING PERMITS? Bottom line is that this drama is apparently going to continue for weeks to come." Keep Tom in your thoughts and prayers concerning this issue since it affects all of us regardless of locale.

He defamed me, and he defamed my County.

I exchanged some cordial emails with Steve Smothers (W9DX). Well, mine were cordial. But the result was that they removed the offensive article from their newsletter. See <http://www.tdxs.net/bs2008/Sep08.pdf>

When I was licensed in 1961 there was something called the Amateur's Code. Whatever happened to that?

If ARRL is, indeed, supporting Tom in his case you have chosen a very poor poster-child for Ham Radio rights.

73,

Jed Margolin, WA2VEW
Virginia City Highlands, NV