

**Beatty Town Advisory Board
100 A Avenue South
P.O. Box 837
Beatty, NV 89003**

**Minutes
11/28/2016**

**THE BEATTY TOWN ADVISORY BOARD MET IN REGULAR SESSION AT 6:30PM IN THE BEATTY COMMUNITY CENTER.
THE BEATTY TOWN ADVISORY BOARD HEREAFTER WILL BE REFERRED TO AS THE (BTAB)
THE BEATTY TOWN ADVISORY BOARD MEMBERS HEREAFTER WILL BE REFERRED TO AS THEIR RESPECTIVE INITIALS.**

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**Dick Gardner (DG) – Chair
Kelly Carroll (KC) – Vice Chair
Erika Gerling (EG) – Treasurer
Randy Reed (RR) – Member
Crystal Taylor (CT) – Member – Absent**

1 Pledge of Allegiance

Meeting called to order 6:30pm

DG – Stated Crystal was just called into work, so she will be absent.

2 GENERAL PUBLIC COMMENT (Three-minute time limit per person.) Action will not be taken on the matters considered during this period until specifically included on an agenda as an action item.

Karl Olson – Stated I spent a long time on the phone talking to BLM about the Race and I found out a lot about the grading of the road. One of the things that is really important is, once the race is over, it starts on Decembers 3rd and I think they have a week to start. Once the grading is done and that's accepted by the BLM, there's no more time, you can't complain about it anymore. So you have to do it at the time right after the grading. Because once it's accepted by the BLM and the Best In The Desert is freed of its responsibility they never have to come back and fix up anything again. A lot of people were complaining about; Windy Gap, China Road, they never have to go back and fix that again once it's written off. So, this race this time is coming though a lot of areas that we did our Poker Run on and future Poker Run's on actually. Ever since we started the Poker Runs three years ago, this will be the fourth one (2017), we've been getting a lot of activity which is really good, you know people coming back and actually staying here and camping in and touring the area because this area has a lot to offer. I think it's really important that we don't allow any more roads to get ripped up and not graded back (to their original condition prior to the race). I just wanted to make that statement. We can form a committee, they said that we can form a town committee, we can contact the company that is grading the roads and we can follow the graders and see the sections that they graded and if they are okay they're okay and if they bypass some you have to make the comment before it's accepted (by the BLM).

DG – Asked this is every year, though isn't it? They have to accept it every year?

Mr. Olson – Stated yes, they have to accept it every year, but once it's accepted you can't go back, and say hey they wrecked this and I want them to fix it. Now, the stipulation is they only have to go back to the condition they found it, so if the road is ripped up all they have to restore it back to is the ripped up condition, which is better than nothing.

I think people are starting to realize what a good recreational area this is. We had 225 people at this year's Poker Run and they are already calling about next years. They come here to recreate I think it's really economically beneficial to the community. They filled almost every room this year. I think it's really important to form a committee.

EG – Stated I just want to make this comment, for all these years that's always been my issue. Except for this year, two weeks ago I did say anything, because I felt reassured. I'm not out there on those roads but it's got to be somebody that can go out on those roads and drive those courses but I'm not somebody who can do that.

Mr. Olson – Stated I know some people who would do that.

EG – Stated okay, then you need to talk to those people and come back to us and say okay we've got these people that will drive the course and if there's an issue come back to us. Then we can do something.

Fred Summers – Stated I want to thank the VFW, Mel's Dinner, KC's Outpost, and The Family Dollar for supporting Santa's Workshop. We will see you December 10th.

3 Approval of the Agenda for the BTAB meeting of November 28, 2016.

Staff – Pulled item 5 emergency items.

4 For Possible Action – Approval of the Meeting Minutes dated November 11, 2016.

RR – Motion to approve the meeting minutes dated November 11, 2016; Second EG; 4-0

5 For Possible Action – Emergency Items

Item pulled

6 Board Member’s Comments (This item limited to announcements or topics/issues proposed for future workshops/agendas)

KC – Stated I would like to remind everybody that the Fire Department Santa Night is Friday December 16th at 6pm here at the Community Center, everybody is welcome.

EG – Stated I would like to ask everybody to keep all of the people at Ohio State University in their thoughts and prayers and to ask parents to talk to their children what to do if they are in this type of situation.

RR – Stated Town potluck Christmas Party Saturday December 17th at 6pm here in the Community Center.

DG - None

7 Consent Agenda Items

a. Action – Discussion of any item from the Consent Agenda Items that needs review before a decision is made.

b. Approval of Town Vouchers

RR – Motion to approve the Town Vouchers packet number one in the amount of \$506.50 and packet number two in the amount of \$2,987.15; Second EG; 4-0

DG – Stated the \$2,987.15 was for the Chamber, 2016 Beatty Days.

8 Reports

a. Secretary

Carrie Radomski; Town Secretary – Stated that;

Beatty Water and Sanitation will be meeting on December 1st at 6pm at their office.

Fingerprinting will be available at the Beatty Sub-Station on Monday December 5th from 8am to 10am you can contact the Sheriff’s Department to schedule an appointment.

There will be a Christmas Lighting Contest judging will be held on December 13, 2016 and the winners will be announced at Santa Night on the 16th.

There will be a Beatty Christmas Parade on Friday December 16th the lineup starts at 5:45pm.

There is an EMS class in Tonopah running from January 14th through April 9th you must register by December 20th.

9 General Business

a. For Possible Action – Discussion, deliberation and decision to submit a request to Nye County Public Works and the Board of County Commissioners to plant some trees in the easement on Amargosa Street that will grow to a height that will block the light from the Family Dollar Store and parking lot located on the corner of Amargosa and Third Streets. – Rupert Bragg-Smith

Rupert Bragg- Smith stated I want to make one thing clear here, people think that I am against the Family Dollar and I'm not. One thing I am against is these intense lights. There is a lot of research on LED lights; they emit a diode that is very harmful to your eye and not only that, your general wellness. I have made three attempts with the Family Dollar to rectify this two of them I do have a response and the other one they stated that they have formed a letter to their attorney and that if I contacted them again they would put a restraining order on me. That was it, there is nothing adverse about it, that's that. It's gotten to the point that I cannot sit on my porch it's just impossible, I feel embarrassed when I'm with other people. I had some folks here visiting the other night and we just had to go in, it's impossible to do that (sit outside). Even when I'm in my shop, you know I have the doors open, it's just impossible to not see these lights, and they are harmful. I get headaches sometimes and sometimes I don't sleep well. I sent you some photographs of the intensity. One of the issues I saw right off.

DG – Stated you're talking about lights, right now what we are talking about is the trees that you want the County to put on the right of way.

Mr. Bragg-Smith – Stated I thought that would be one option.

DG – Stated yes but we have two different agenda items here so we are going to have to handle one with the easement for the plants and such first. I only have one comment, I don't think the County, first of all they are trying to find money to pay for, just to pay for the cops to stay on the road. I don't think they have the money to put trees in there. The second item I have on that is that you have your place for sale, by the time those trees got anywhere near height and you're talking about years. They are not going to come in there and plant forty foot trees.

Mr. Bragg – Smith – Agreed probably two or three years yes. The reason I have my place for sale is because of this one issue.

EG – Stated when they built the Family Dollar that's when you decided to sell your building, I don't even want to get into that. I'm just going to say some of my things here, okay? I'd like to ask the rest, the community that's here right now, if they have a complaint about the lighting at the Family Dollar.

DG – Stated but they're not living right across the street from it.

EG – Stated I understand that.

Rupert Bragg- Smith – Stated with all due respect no one in this town lives across from the Family Dollar, head on.

EG – Stated okay, that's one guy in a town of one thousand people.

Mr. Bragg-Smith – Stated well they are my eyes and my health.

EG – Stated okay here's what I'm going to say on that, the trees, where are the trees, the trees can't be planted on your side of the street because it's all paved up from your property up the street.

Mr. Bragg-Smith – Stated that's right.

EG – Stated and I don't want to go into all of that history please.

Mr. Bragg- Smith – Stated well I think we have to go partially into that history because in that....

EG – Stated no we don't.

Mr. Bragg- Smith – Asked why is that?

EG – Stated we don't need to go into that. Also, I don't think the easement is big enough to support growing trees of that size. Also, there's going to be some problems with growing trees of that size with the water lines.

Mr. Bragg- Smith – Stated well exactly, that's why I can't plant them.

EG – Stated and they can't plant them on the other side.

Mr. Bragg-Smith – Stated there's plenty of room in the easement.

9a General Business Continued

EG – Stated okay the easement is about 10 feet.

Mr. Bragg-Smith – Stated I have to go back here, I mean you can't go forward without visiting the past. The point is that I bought an encroachment permit up to the road and when they paved the road they moved the stop sign south and I had paved and bought an encroachment permit up to the road, hang on may I finish?

EG – Stated no, go back a little further. You paved up to the road before you got the encroachment permit.

Mr. Bragg-Smith – Stated no I didn't.

EG – Stated okay, I don't want to argue this point. You did something that wasn't right and then the County said you have to fix it and then you made whatever arrangement you made with them. We don't need to discuss all of that right now. We just need to discuss this tree issue right now.

Mr. Bragg-Smith – Stated first of all is there or is there not an encroachment permit that goes up to the road, yes there is, because Danny Rogers went and got it while I was out of town.

EG – Stated but we can't plant the trees on your side because it's paved all the way up to the street.

Mr. Bragg- Smith – Stated I guess we have several issues here; one of them the fact is does the easement allow it; first of all is there any money. Well, I paid for that asphalt, which the town, the County took away. Which is \$13,000.00 in asphalt so where does that money go for starters? I'm not going to go messing around here, if we can find another way that would be great but I cannot live with those lights. They need to be shielded.

EG – Stated okay, I have a suggestion, okay?

Mr. Bragg-Smith – Stated please.

EG – Stated alright, I'm sorry about whatever interaction you had with corporate headquarters of the Family Dollar, who most people in Beatty are very happy to have because that's jobs and that's good for us. Whatever happened there, there may have been another way to go about this, a gentler way. Or come to the Town Board before you even went to them and said this is kind of a problem and can you guys help me, and then maybe us as a community could have said you know we have this night sky thing that's in our Master Plan and we'd like you to adjust your lighting and then maybe there wouldn't be a restraining order and maybe we would have gotten somewhere.

Mr. Bragg-Smith – Asked and how am I going to do that when these people are nonnegotiable?

EG – Stated you didn't come and talk to us.

Mr. Bragg- Smith – Stated I talked to the odd member about it.

EG – Stated that's not talking to us.

Mr. Bragg-Smith – Stated quite frankly, maybe I'm wrong in my procedure, but light is light and it is a nuisance and it's coming onto my property.

DG – Stated right now we are talking about trees. We're talking about trees; you want to plant trees on the easement or the right of way or whatever it is on Amargosa. I don't think it will ever happen, I don't mind sending it down to the Commissioners and letting them tell you no, because first there's no money.

Mr. Bragg-Smith – Stated then let's find another way. Ask them to put shields on the lights, ask them to put an awning in front.

DG – Stated we are not talking about the lights, we are talking about the trees, and we're talking about the easement. You have two agenda items here, Rupert; we want to handle one at a time.

DG – Asked the Board comments on the tree issue.

KC – Stated not on the tree issue, I don't see the County putting them in. If you wanted to foot the bill and Family Dollar was okay with it then I could see that as an option but...

Mr. Bragg-Smith – Stated I don't have a problem with buying the trees, I need water, I can't do it from my side of the road,

KC – Stated and that's a big problem. I can't see a solution, someone's got to pay for that water, the County is not going to do it, I'm telling you that straight up.

Mr. Bragg-Smith – Stated then advise me here on what I have to do. Do I have to come back again and say okay here's a request to maybe Family Dollar to put shields on the lights and a shield on the front awning and then I can see the night sky, is that how I'm going to do it?

EG – Stated okay, lets deal with the trees and then let's talk about the lights, okay?

Mr. Bragg- Smith – Stated just tell me yes or no, obviously the trees are out and I am not a politician, I'm simply an engineer.

9a General Business Continued

DG – Asked for comment from the audience?

There were none.

RR – Motion to submit a request to Nye County Public Works and the Board of County Commissioners to plant some trees in the easement on Amargosa Street;

DG – Called for further discussion.

KC – Stated I just have a couple of questions. First of all, your property as it exists now, as you're selling it, is it zoned commercial?

Mr. Bragg-Smith – Stated I have no idea, there's no zoning here.

KC – Stated you're on High Way 95.

Mr. Bragg-Smith – Stated no I'm not, I'm on Amargosa.

KC – Stated it was a commercial building when you bought it.

Mr. Bragg-Smith – Stated but there's no zoning.

KC – Stated I can't help that you are on the main drag, so was the old General Store. So you've got one commercial building, which was the old NAPA Store that was in business for years, now you've got another commercial building and they were there for eons (old General Store). I can't see putting up trees, when to me that is, anything on highway 95 you're going to have the lights, you're going to have the traffic, and you're going to have the noise.

Mr. Bragg-Smith – Stated I'm not complaining about the lights, I'm not complaining about the traffic, I'm not complaining about the noise.

EG – Clarified you're not complaining about the lights?

KC – Stated he misspoke.

Mr. Bragg-Smith – Stated I misspoke, I am complaining about the lights and the fact that they are LED and they are hard on one's eyes and detrimental to one's health.

KC – Stated I understand all of that but the next person that comes up here and does this is going to do it about the noise and they are going to do it about this or that. I cannot support putting up trees on an easement that you don't have.

Mr. Bragg-Smith – Stated okay that's fine, I can understand that. So how do we get shields on these lights to defuse them because I can't run that (his building) as a commercial business as it stands. No one is going to go sit on the porch. In fact if this same thing happened across the road at Ed Ringle's property in that Exchange Club facing the Happy Burro where people couldn't sit outside because of the light I think you're decision would be a little different.

KC – Stated I don't think so sir.

Mr. Bragg-Smith – Stated then obviously one's health is not important here.

KC – Stated that's not true.

EG – Stated last thing, I want the read this. The American Medical Association (AMA) has made three recommendations regarding LED street lighting. There is not a huge health risk to humans from LED lights. If you want to stand and stare in a box of LED lights I guess then you can do that. The first thing is that they support the proper conversion of community based LED lighting which reduces energy consumption and decreases the use of fossil fuels, second the AMA encourages minimizing and controlling blue rich environmental lighting by using the lowest emission of blue light possible to reduce glare, third they encourage the use of 3,000k or lower light for outdoor installations such as roadways. All LED lighting should be properly shielded to minimize glare and detrimental human and environmental effects and consideration should be given to utilize the ability of LED lighting to be dimmed for off peak time periods. This is my final comment, and I'll go back to what I said originally. The way to resolve this is to have a decent conversation with the company to adjust their lighting, that's how that will get resolved, and that's my final point.

DG – Stated good because that goes to the next agenda item. The first agenda item 9a died for lack of a second.

b. For Possible Action – Discussion, deliberation and decision to submit a request to the Board of County Commissioners to create a light trespass ordinance(s) or law(s) to be implemented and enforced in Nye County – Rupert Bragg-Smith

DG – Stated before you go Rupert I understand that there is supplemental information.

RR – *Motion to accept supplemental information; Second EG; 4-0*

DG – Stated we will make a 5 min recess while Carrie makes copies for the public.

DG – Called the meeting to order and stated now we are talking about the lights.

DG – Stated I have a couple of things on that one, Rupert. One is that, I think it was a couple of years ago we had a meeting in here about zoning laws and building codes and such like that, not building codes but a... this place was absolutely packed. You were one of them that got up and spoke against the need for building codes and regulations because you'd said you sold your place down in Pahrump and the reason you bought up here was because there were no building codes, or such. That's the reason you moved up here. So now all of a sudden we've got some lights that are bright, now all of a sudden you want to have a building ordinance or a lighting ordinance to, I guess, to satisfy your needs.

Rupert Bragg- Smith – Asked may I speak on this?

DG – Stated yes, let me finish. The second is to be implemented and enforced by Nye County. If we have somebody have a wreck or have something like that, we can't even get a Deputy to get up here for hours. We are lucky to get a dog catcher up here once a week if that. So I don't understand how we are going to be able to implement or let alone let Nye County enforce it.

Mr. Bragg-Smith – Stated I moved up here because I purchased 480 acres and my intent and it is still my intent, I would like to build a western experience for the automotive industry and have a two and a half mile road course. I allocated, as I said in that letter, fifty acres for an air park and one to manufacture cars and this is still my goal. I spoke about building permits and the reason I spoke about building permits is as you say, you can't even afford a dog catcher, so how are you going to implement a building permit? You're going to go down to Pahrump, there's one person there and then you are going to submit a permit, and when are the going to come out? How long are you going to wait? Then there is this Nye County Economic Development. This stifles everything from a business stand point. This is not about a building permit; this is not about anything but hazardous light. Erika mentioned that this light should be shielded; well that's what I am saying. If we can't put trees out because they defuse the light, then let's request that the lights be shielded. This is not my responsibility because, why do we have a sound law? We have a law about too much noise because noise has no boundaries and nor does light. If someone erected a pole in your backyard or in their backyard and it shone into yours and they don't want to talk about it, no matter what you do... I mean yes I can go and sue the Family Dollar, but this is not just about me, this is about future of Beatty and encouraging business and encouraging people to live here. The fact that I actually live in that place, is not what I wanted but the point is that that building and what I've build was to support what I wanted to do down on the three hundred and sixty acres. That is my decision as a business person; I don't think I should be questioning that because it is not against the law to live in that building.

DG – Stated it's not against the law to live in that building, but what you're saying is that you want, we've got a letter here from Darrell Lacy saying that if you're interested let us know, we will have planning expand the planning outside of Pahrump. To me that's opening up a can of worms, to have the County come up here and start setting up with codes and such.

Mr. Bragg-Smith – Asked what has that got to do with the noise law?

DG – Stated it has to do with regulations and rules.

Mr. Bragg-Smith – Went on but noise is identical to light. It trespasses on someone else's property, encroaches upon your well being, this is a nuisance, this light. For the record it is a nuisance.

EG – Stated the first statement that you made was that it was your intent and is still your intent to build this facility. How can that be your intent when you have your building up for sale?

Mr. Bragg-Smith – Stated because I would basically sell that building and use that money to support whatever I would do down there and I would build a house down on that land. Is there any law against that? Are you going to question me on that? Are you going to niggle me to death on it? Live and let live is what I believe in. If you are going to take a political attitude, when this, and this, and this, and nothing gets done... Then why shouldn't I have my property for sale? I need some freedom in my life.

EG – Stated that's wonderful.

Mr. Bragg-Smith – Stated I want the right to be able to look at the night sky. When I came here and started, I called Danny Rogers and I said you know that light on the corner of Third and Amargosa, Danny, it's a bit bright and the next day he was down there and put a shield on it, simple as that.

EG – Stated okay Rupert. Did you hear what I said at the very, very beginning?

Mr. Bragg-Smith – Stated yes I did.

9b General Business Continued

EG – Went on, okay if you had taken a different approach you may not be in this situation right this minute.

Mr. Bragg-Smith – Clarified what situation is that may I ask?

EG – Went on, of having a possible restraining order.

Mr. Bragg-Smith – Stated that's nothing. That's their bullying tactics. This is a multibillion dollar corporation, the head guy lives in North Carolina and couldn't care about us.

EG – Stated but here's the thing, we could perhaps ask for some of these things and present some information, right?

KC – Stated we could go to Family Dollar and request...

Mr. Bragg-Smith – Stated if you could do that...

KC – Went on some shielding.

Mr. Bragg-Smith – Stated that would be wonderful.

KC – Stated but that's about all we can do.

Mr. Bragg – Smith – Stated that's all I'm asking. All I'm saying is can someone please come down there at night and talk to me about it and I can tell you exactly...

KC – Stated that's not what you've got here (agenda item).

Mr. Bragg-Smith – Stated no it isn't, but you know to say I'm not a politician, I'm not a diplomat, I'm a simple engineer trying to get a fix here. If we can't put the wheel on this way then let's put it on another way. At least get the wheel on the vehicle.

KC – Stated all right, calm down a little bit.

Mr. Bragg-Smith – Stated I'm an excitable guy.

KC – Stated I know but I'm not, so let's calm it down.

Mr. Bragg-Smith – Stated for three months I've been dealing with it and I'm going to tell you something. I went across there, and when they were pulling those tanks out and there was dust everywhere, I asked them if they could possibly get a water truck, and the answer was the guy called me a (disparaging name) and walked off. So you know what? I gave up trying to be diplomatic and ask simple questions. I even said if you want to do something with that property to encourage the beatification they (the Town) gave me five thousand dollars at my building I'll pass it on to you, no problem, out of my own bank account. They don't care and that's why I'm frustrated.

KC – Stated that's probably a big issue but like Erika said, you have to have a little bit of diplomacy when you talk to somebody.

Mr. Bragg-Smith – Stated well I'm sorry. I wish I had a representative here to be diplomatic but I'm not your man.

KC – Stated as far as what we can do, is we can contact Family Dollar and ask for them to either change their lighting or put shields on them but that's it.

Mr. Bragg-Smith – Clarified you can?

KC – Stated we can but the way you've got this (item) written... I'm not going to pass that because if there was a light trespass, I'd have one on the Park (Cottonwood). I live right across from the Park. I knew that when I bought it, but they stay on until 10pm and midnight on the weekends.

Mr. Bragg-Smith – Stated I hear you, I see it, but they are not LED lights.

KC – Stated their not but they are annoying, so I understand where you are coming from.

Mr. Bragg-Smith – Stated I'm just asking for your assistance here.

KC – Stated what we can do, we can put on the agenda because it's not on the agenda this way, so we can't vote on it tonight.

Mr. Bragg-Smith – Stated that's fine.

KC – Went on we can put it on the agenda to ask Family Dollar to shield or change the way they direct their lighting, to do what you put up here (item 9a) there's nothing wrong with that.

Mr. Bragg-Smith – Stated that's why I took that photograph in Oregon, I mean that's a simple solution but it doesn't seem to work for people who don't want to spend a cent.

9b General Business Continued

KC – Stated and nothing may change but as far as this Board, I think that the letter that you wrote to the County Commissioners should work.

Mr. Bragg-Smith – Stated well, I didn't write it I just dictated it because a diplomat wrote that.

KC – Stated well however, it was good. I would send that on to the County Commissioners anyway. But as far as this Advisory Board, that's what we can do. If you come back to Carrie (Staff) and ask the Board (BTAB) to write a letter to Family Dollar for that, we can get it done.

Mr. Bragg-Smith – Stated you know I don't want to leave this Town, and I depended on people to, that wanted to be part of that motorsports facility, to keep up with what they were saying and they never did. But I'll tell you one thing that I'm a person in this town that if there is a bicycle broken and a kid brings it by, I fix it. If there's a quad, if there's a motorcycle, if a guy breaks down I fix it, I don't ask for a cent and I'll always do that and that's who I am, I am not a diplomat, I am not a politician but if you want something done come to me.

EG – Stated okay, well if you want something done that takes diplomacy then come to us, okay? Before you make that phone call, before you go talk to those people then you come and talk to us, call Carrie, call me, call any one of the people on this Board because then we don't get to this point. So, Kelly tell him again.

KC – Stated he knows I've told him twice. You understand right?

Mr. Bragg-Smith – Stated I understand fully.

KC – Replied all right.

Mr. Bragg-Smith – Reiterated I understand fully and I appreciate it, and it was just an approach to try and defuse this, and that's what I requested. I said maybe I could give them several options. The one issue is that when they built the building they put it too high so I'm looking at all of the lights inside, which are basically almost four hundred lights, and you can see the twilight zone shining at me. So all I had requested is that they put something another foot or eighteen inches down around that so that light is not seen. To me light should not be seen but only the light in which it shines on.

DG – Stated wait a minute, you're seeing the light and it's shining upon you so what...

Mr. Bragg-Smith – Stated no, no, no...

EG – Stated but their a business, they build hundreds of these buildings, they have a model that works and that's the way that they are going to build every single building, in every single community wherever they go, and that's how they do it.

Mr. Bragg-Smith – Stated that's true.

KC – Stated all we can do is send a letter.

EG – Stated exactly, so let's move on.

KC – Stated so it's on you now.

Mr. Bragg-Smith – Clarified to what?

KC – Stated to get on the next agenda.

Mr. Bragg-Smith – Stated tell me what to do and I'll do it.

KC- Replied all right.

Mr. Bragg-Smith – Thanked the Board very much for their time.

DG – Stated I would also suggest for everybody at this meeting here tonight, when you go home drive by and see if there's a shadow. I've driven by there at night and I see the shadow line and it's on the road, not on your place, so...

Mr. Bragg-Smith – Stated actually if you stand on my property...

DG – Stated I'm just saying that's where I see the shadow line, Rupert and we're going on to another thing. You come in and write a letter or ask Carrie to get a letter, we'll get one I'll sign it and we'll send it to the Commissioners.

c. For Possible Action – Discussion, deliberations and decision to purchase window tinting for the Beatty Community Center in an amount not to exceed \$1,300.00. – Randy Reed

RR – Stated we talked about this several times, mostly for these doors (large room), the windows in the small room, the doors in the medium room, because at certain times of the years when we have meetings or other events the sun just glares through. So we got a company to come up that does window tint, it seems like a good deal the material has a 10 year warranty and the installation is included in the price.

DG – Stated that certain times of the year the glare is really bad.

RR – Motion to purchase window tinting for the Beatty Community Center in an amount not to exceed \$1,300.00; Second EG; 4-0

d. For Possible Action – Discussion, deliberation and decision to approve up to \$49,000.00 for the purchase of a new 2017 Dodge Ram 1500 Quad Cab 4x4 short bed an additional vehicle for the Beatty Volunteer Fire Department fleet. – Beatty Volunteer Fire Department; Chief Harmon

KC – Motion to approve up to \$49,000.00 for the purchase of a new 2017 Dodge Ram 1500 Quad Cab 4x4 short bed an additional vehicle for the Beatty Volunteer Fire Department fleet; Second RR; 4-0

DG – Stated both Randy and Kelly are members of the Fire Department. We are going to the County to ask for money from the Fire Public Safety Tax we've been collecting for the last two or three years.

e. For Possible Action – Discussion, deliberation and decision for the BTAB to submit a comment on the Nevada Test and Training Range (NTRR) Military Land Withdrawal Legislative Environmental Impact Statement, and all matters pertaining thereto. Deadline for comments December 10, 2016. – Dick Gardner

DG – Stated we have some supplemental information.

RR – Motion to accept supplemental for 9d; Second EG; 4-0

DG – Stated we will take a 5 minute recess to go over this.

DG – Called the meeting to order and stated way back when, when the Air Force was here, they put on a presentation. That's when they gave us these maps that you see. There were several of us here that were at that meeting. So, we sat here and we talked to them. I went up and I talked to the guys, they were talking about the south range, here on that one page, and you see those white spots in there, and I said well why do you need all of this land? They said because those white things were going to be for bombing ranges or something. So then I asked them how come you want that stuff around Beatty, because there are no white dots or anything around there and they couldn't give me an answer, on the third page. Some of the comments since then are that they've got almost three million acres, right there, if they can't find a way to drop a bomb in three million acres what's another three hundred thousand going to do. I'm just making comments off of the maps from when I was here at the meeting. We've gotten letters or comments from Commissioner Wichman, she has read, I believe its Ryan's letter that she basically agrees with everything that you have to say in your letter, Ryan, and that's basically what her comments will be with what your letter is. I don't know if it will be exactly but it sounds to me like it is probably 98% of what she was talking about. I talked to Mr. Ed Rosemark, he lives in Pioche, I was asking him about it because you know the big area on the east side and according to him, he doesn't know of a lot of objection over there, because the area that they want to take over, is basically you can't get to it. He says that even the hunters don't go out there because the terrain is so rugged, but he didn't know if there is any support, or for something to go against it. When this all came about I had Carrie call Tonopah, they had a meeting in Tonopah, I think two or three nights later, I had her call the other places where they held the meetings.

Carrie Radomski; Town Secretary – Stated that was earlier, before Thanksgiving and they said they were going to hold meetings to discuss if they were going to comment and what their comments would be, I haven't heard since then.

DG – Stated we reached out all the way around this thing, to see what the feelings were and if there was anybody for it. With that I open this up to the audience for any comments.

Ryan Tweney – Stated I wrote the document called scoping comments. I learned about this fairly recently and I heard some very disturbing things about it. First of all as Dick Gardner said it's not clear why they need that land when there is so much other land. I focused my intent on trying to understand what they were up to. On the one map that's online it shows the area of the northern most part that they want to grab from this area and that's to the north and east of here. It is beautiful land it has a lot of archaeological and historical significance. There are off road trails out there, it adjoins the Coffey Ranch, it's very close to the Spicer Ranch and to the other ranches out there. One problem is that the map that they provided is very imprecise and can't be reconciled with either the topographical maps of the area or as George and Renie Younghans pointed out to me, they can't be reconciled with the FAA sectional map of the area which is used by private and commercial aircraft to plan routes.

9e General Business Continued

Mr. Tweney statements continued

So it's not clear exactly what they want, except that in total it's apparently ten percent of the three million acres that they already have, or something over three hundred thousand acres, that is a lot of land. It will encroach on existing trails, existing roads, probably on mining claims though it's too imprecise to know what's out there that might be effected by that. It will impact use of that area by the VFW, which just has a successful poker run through that area and there are very few areas that the VFW can have an adequate poker run, because all of the areas to the west of the area would involve at least some access to National Park Land, and the National Park will not permit a large off road group on any of its land. So, in effect the poker run is going to have to deal with trails that are out to the east and to the north, and there are some, including the ones that were most recently run. My wife and I ran it and it's a wonderful place and we saw all kinds of things we didn't know were there and I think there's a lot of potential for that whole area as a recreational area, and I don't think the Air Force ought to be asking to take it away. Particularly when there is no clear rationale why they want it, apparently they have mentioned a turnaround area during Red Flag exercises. So, several people suggested that maybe a partial withdrawal during specified times, when they are having red flag, might be negotiated with the Air Force. Apparently there is a similar arrangement that the Marine Base at Twenty Nine Palms, where certain times when the Marines want to use the area it's closed to the public. Perhaps something like that could be worked out, I don't know if that's possible or not. In any case I tried to lay out, quickly, as well as I could some of the objections to this and I just got the list that David Spicer created which has even more implying this seems like a bad idea. My thought in writing the scoping comments that it would be far more effective as something sent in by an organization rather than by just me, who has no official standing of any sort. So my thought about that is that if the Town Board would like to take over my scoping comments, and I don't know if David will do that, take over his scoping comments and put them together and make a reply to the Air Force on this, I think that would be a good idea and I would urge you to do that. One problem is that the dead line for the comments is very close, it's December 10th, and it must be postmarked. I'm going to be out of town starting Wednesday, so I'm not going to be able to help much past this point. If you get comments to me, by email, in the morning tomorrow I can possibly incorporate them but I think at this point somebody is going to have to take that up. I have no proprietary interest in these comments, do with them as you will, except don't change them to say that we want the Air Force to take our land. I really don't want them to take this land and I know that they are the elephant in the room and my guess is that the Air Force will pretty much get what they want. What we have to do is try to minimize the impact, minimize the damage, possibly reach a partial use agreement where at a certain agreed upon time we close the area to the public and then open it on a specific date. That might meet every bodies needs. If all it is is a matter of range turnaround for the jets during Red Flag that should not be a problem. If what they have in mind is something different like, weapons testing, building facilities that they don't want the public to see then it might be another matter and I don't know where we go from there. In any case let's work together as a community. Let's not let the Air Force just take over our lands. These are BLM (Bureau of Land Management) lands, these are important to us.

Unidentified Audience – Asked what about writing to the Senator and Congressman?

Mr. Tweney – Stated that's probably a good idea. I don't know where to start with that. The deadline is so short that I don't believe we can get that level of involvement in these scoping comments. The scoping comments are just the first step, okay; this is just a request by the Air Force to do what's called a Legislative Environmental Impact Statement. It's only the first step, so the next step would be for them to be far more specific in what they want and I think, and I'm not sure about this, they'll have to do an EA (Environmental Assessment) before they can finalize anything and in any case this is up to congressional action. It depends on legislative movements by the United States Congress.

DG – Stated I think we can still get a hold of the Congressmen and Senators and such because this withdrawal expires in 2021 but they want all of their comments in. Comments must be post marked by December 10, 2016 to be considered for the LEIS. So I would like to just take your comments in whole, Ryan, and just submit them to the County Commissioners, I would like to take David's comments, put them together and send them to the County Commissioners.

DG – Recognized Brad Hunt

Brad Hunt – Stated the only thing I wouldn't agree to put in at all is any type of compromise. I think it needs to state that this is BLM property for access to the public. Because once the Air Force gets it, I'll guarantee you, because I've seen it happen already, for the first year or two you might be, they might make arrangements so we can only go out at this and this time and then all of a sudden something's going to happen and they're going to say no, they get a new General in a Nellis and it's all over.

DG – Stated my thought about that Brad is what stops them from saying we know that the poker run next year is going to be, say on the 15th of October, just to use that as an example, then what's it for them to say that well we're going to have a Red Flag exercise starting the 10th and going all the way to November and then we're done.

9e General Business Continued

Debbie Baker – Stated my employer is the Air Force and I work up there, so with that said I am in support of this letter. I was very surprised to read it; Ryan and Karl, you guys drafted a wonderful letter. I also read the letter from the 99th Wing explain the scoping meeting and everything that they are doing. The NTTR, Nevada Test and Training Range, goes from Creech (Air Force Base) clear up to Fallon, NV. The map really doesn't depict how large of an area it is. You are correct they already have a lot of land and do they still need this extra little land for the planes to turn around? Well the Colonel says in his letter that it's for military testing and training and that may not be primarily just for planes they do a lot of testing up there. I can't tell you everything that they do up there but there's a lot and they need the land but this little bit of land that they are asking to increase is not going to allow them to do additional testing that they don't already have land for. In his letter, Lieutenant Colonel Freeman's letter, it says under number four that establishing the time period of withdrawal as either twenty years or fifty years or as an indefinite military withdrawal. Now, we can say okay, as in your letter the very last sentence in here "We would not oppose closing to the public the requested withdrawal area during the hottest times July and August generally. This would avoid the negative impacts mentioned above." that right there, they will take and just like you said, they'll schedule something and it won't be in July or August... but that's what we've said they could use, it'll be something else and that'll be in there for fifty years or indefinitely, it doesn't matter if you have something going on. I would recommend taking that whole sentence out. It's just like Brad said, you give them a little, they're going to take it all, and it's got to be in stone. Also, I read everything very carefully because it affects me, the proposal, and I know you can't see it very well on the map but knowing the land, it's up there. It does encroach over Coffers, Youngmans, Beatty Wash; the rest of it really doesn't affect us here in Beatty. It's down south by Creech or Indian Springs; they want to take the land from the edge of Creech to go all the way up to Mercury, so it will square off that land for them. Which doesn't affect us, it's mainly highway area and it doesn't encroach on any personal property. As far as Sheriff Wehrly's comment on scheduling Red Flag, Red Flag is not only American companies or military it's foreign. So they schedule what their people can come over and do so in my opinion that's not a viable suggestion.

Mr. Tweney – Stated I agree with that. I put that sentence in there about the partial closure. Karl and I were talking about this and somebody suggested that and we threw it in. I had a fierce reaction from the Sheriff, Sharon sent me a private email about that, objecting and saying exactly what Brad said Debbie said, give them an inch and they'll take the mile. So I think I agree, that last sentence, let's just not compromise and tell them no don't do this. I think that would be the best. As for the business about renewing, you know they present several options it's there, Congressional authorization for all of that land, the whole three million acres expires in 2021, and so it could be extended for twenty years, fifty years or indefinitely or it could be waived and the land could come back to the public. Who wants' it? That radioactive, toxic stuff? I don't think anybody is ever going to want it. Sure Congress is going to reauthorize at least what they already have and maybe some of those other lands, if there's no public opposition, south of here... maybe Congress will authorize that as well but I think we should fight our section of it.

DG – Stated I think we ought to oppose the whole thing.

Mr. Tweney – Stated as I said do with it as you will and I think adding in David's letter, either merging it in with mine or sending the two separate pieces. He (David) has a lot more specifics than Karl and I had in our letter. So by all means... please do something with it.

Karl Olson – Stated one of the things that is really important, and I know Dave knows this. If you don't get it in now, once it gets to the last public opinion with those alternatives in it, you're done. Now is the time to do it because you can write what you want to write. When it gets to the final stage you have to answer it line item by line item. There's no more saying economical disaster or anything like that. Now you're really up against it. Now's the time to do it and I think sending it to Congressmen, I think right now is the time to do it. If you wait until it gets to that final stage it's all hooked up. The only thing I'll say about mitigation, I belong to about three different organizations, and the only reason I belong to them, especially CORVA, is because they are all off-road and they use the money to fight closures. What they did in 29 Palms, they were going to give it to the Marines for their expanded operations in 29 Flats, and they were going to take a huge ATV/Jeep area. So as a last resort CORVA sued the government. They all sat down and they worked out a mitigation, but it's a definite, it's written in the law that at this time of the year the Marines can use it for a month maybe two months, I don't know, but it's a month. After that there's no way that they can take this again, and they did that as a last resort. They were going to lose it and CORVA filed suit, there were three ATV/Jeep groups and they filed suit and they did the mitigation. So when I was talking to Tim about this, Tim said look if you think you're going to lose the whole battle, keep that as a last resort, the mitigation. Use that as the last diplomatic way before you lose it all and that's when we talked about putting it in there.

9e General Business Continued

Mr. Olson – Stated I brought a topographical map and put it over one of their maps (at the meeting in October) and he (Air Force representative) couldn't match it to the topo map. They couldn't say where they were going to meet so then I asked him, I said well why are you taking out these three areas on the south range and he said oh, no we're not excluding them that's what we can use now. All of the rest of that land, if you paid particular attention the night of the meeting, is proposed wilderness and it says proposed wilderness right on it (the map). So when we see these little white spots here, that's what they can use now and I said to him, what you're proposing wilderness in the middle of the south range? I mean that's absurdity. They want this over here because this is all proposed wilderness, proposed wilderness on a military base, you can't go on it none of us can. I didn't understand that, I still don't get that proposal either. If you need more land why make it wilderness? It's already the range. That was why I brought up the mitigation, but I think you guys are right, take it out.

David Spicer – Stated what I've put down there, these are basically bullet points. We will be following this along with a formal letter where we put all of these ideas together as far as impact concerns and supporting documents. Also we will be submitting all of the stuff we have done on our side as far as how investments are concerned and the trails program. Regarding the map and the confusion on that, I know exactly where it is, I have my consultant preparing a map that will demonstrate and show exactly what sections in the township and range in each one of these square miles grid. We have to be very direct about that. We are in contact with the administrators of the Air Force, the ones that are heading this thing up, they're advisors, and thing is we need to be very, very precise and accurate. What we are dealing with here is not a negotiation time or a deal. So, what we are dealing with is putting all of the facts and figures together specifically on how this can impact this community. Whether it's economical, whether it's spiritual, whether it's moral, whatever the case may be, that's what they are looking for us to do. Not for us discuss whether they should have it or not, our use it or not, that's not even part of this debate, nor will they consider that. Strictly evidence as far as how it impacts this community and that's what these bullet points are about. So, again we'll have the map done a formal application of what we've done here. We're also working with some of the businesses in the area; Mr. Ed Ringle is ready to talk about his investments in the community based upon the recreation development we've began here. He has outright stated that he would begin writing a letter immediately. He intends to put two or three million, to quote him, in the community based entirely upon what we are doing here. So we'll be helping him and assisting him in his investment and that might get a response from the largest businessman in town, the potential impacts that occur here. If we lose his interest in what we are doing then that's a potential instantaneous, of two or three million dollars, which we might lose for the town of Beatty. He has credibility because he already has investments in this community. We are trying to bring those types of people to the fore, as far as this letter is concerned. One of the things that we will have, we can assist in that, is getting the State involved. A quick thing, when you see a map and you see a draft document it comes full play as to what it does, not just to the town of Beatty and to the County, but to the State of Nevada. Beatty is already constricted with the Air Force where it's situated and Death Valley on the other side, now you can drive through Death Valley but you can't put on races through Death Valley and things like that. If that land is withdrawn on the eastern side of Highway 95 it completely eliminates all of the public access. Another words the east side of 95 is gone, there will be no way to put a recreational event on, no way to put a race on. We don't know what will happen in ten to twenty years from now of what else may be used here, it might be the 49res coming through here, or horseback riding or something but that wipes that side out, and it puts us and pushes us to a route here, the Indian Springs route, that has to go through a massive amount of private property, including ours on that side, also through the potential of Corvus Gold's open pit, so that's going to be wiped out. So it puts you on the grade to go over Windy Gap which is an impossibility for doing recreational events and so you are pushed even further out here and now what happens to the next road out by the Red Barn, you have to go through Death Valley for two or three miles. So what it does to the State is it pushes all potential recreational travel, races that are planned for the future through the other side of Nevada. So it can affect this entire State and this entire corridor is affected by this potential. Again, if it's once withdrawn it can always be withdrawn, you don't have, there's no negotiation, when it belongs to the military it's gone. So those are things that we are keenly aware of. So again we'll have letters of support, we're assisting people to write about that. I think that we are trying to heighten the situation not just to us but to the County and to the State, the economical value of the land that's around us. We've got Hank and Joe Brackenberry we are assisting them in writing a document for the impacts there, the grazing fee allotment is an existing thing. The one thing that we are presenting in our submittal is the fact that if the Air Force owns that land, will it make one job? What happens if we have it? What's already happening because we have it? The massive amounts of people we've got using it, we've got so many levels out here, and it's already creating an economic benefit for us. Without the public lands around Beatty and in fact in the rest of the State here you have no potential economic growth because that's the only place that we have to expand into. So we're going to carry it further it's not just us it's everybody in the State here. In the first bullet points I can work with Carrie or you guys on how we want to put this together. I'll give you a copy as this thing progresses. So, you put together a good document, Ryan thanks for your help on this, well done. It's important that your name is on it as a citizen, it's important that my company name is on it from a nonprofit stand point, from a mining company. It's important that the Town Board's on it, that our biggest businessman is on it. We have to have diversity in factual presentation, you're not just speaking to the Military you're speaking to Congress and so we did talk about health, welfare, the benefits of economic development potential, the plight of this community along this corridor out here to be affected by this action. Those are all things that we are talking to in our formal submittal.

9e General Business Continued

Unidentified Audience – Asked what about a petition that our whole community could sign.

Mr. Spicer – Stated that's a great idea. You could put a petition together, as a community, to say... draft a simple comment; Discussion followed.

EG – Asked David, as soon as you get your map of the bike trails could we get a copy? I would like to include it with our letter.

Mr. Spicer – Stated we already have submitted all of our GIS documents to the Air Force themselves, they already have that. Also we are presenting what we intend to do beyond that which is fully within our capacity because the land is not withdrawn yet.

EG – Stated so if you could get us that, that would be great.

Brad Hunt – Stated seeing Kelly up there reminded me, we all know already what that test site does for this town. How many employees do they have? I don't think it hurts somewhere in there, especially from the Town Board, it doesn't hurt to pat somebody on the back. Tell them we appreciate them being here, point that out that we do appreciate what's here. It's given a lot of families in this town work, and that's half of Ed's business.

EG – Stated so just to go back to Dick's point earlier, the total additional acres that they want to add are 301,507 that is in addition to what they have. The Beatty part is 18,000 acres, so we can stress that whole amount but we really want to concentrate on that 18,000 and the effects on us.

DG – Stated I think that the letters speak to the fact that we just don't want them to do anything, we want them to leave us alone.

EG – Stated I'm just saying all of the backup things that we are adding. One thing, this idea and the Sheriff had mentioned that in her email too, this joint use thing, I don't like that all.

DG – Stated that is the last sentence that we said will be removed.

EG – Confirmed that we can use all of the information submitted for this item from all of the different parties.

Mr. Spicer – Stated in our formal letter we will talk about the merits of having the Air Force as a partner and one of the reasons why is last weekend I had twenty people from Nellis Air Force Base recreation division come out and they actually ran the trails, they stayed in town. These guys really want a partnership between the Air Force and the community and we already recognize that. We know the impact they've made on us. Without the test site out there a lot of Nevada wouldn't be here but there's a certain point where you have to say wait a minute, your wrecking the area.

EG – Stated we'll start the letter with that, that's a way to start that.

Mr. Spicer – Stated addressing it to begin with the purpose in the individual community we've got to recognize the partnership, instead of lamenting about what they are doing to us because they are doing good things. How do we recognize that and make our point?

Karl Olson – Stated I agree with what Erika said, don't take the whole battle on, take on our area. If you become all inclusive it loses its focus.

EG – Stated we can state that we understand this is your purpose, touch on that, but then concentrate on all of the things that you guys have put together in both of your letters and I've got a bunch of notes.

Mr. Spicer – Stated the consultants I'm working with that's exactly... focus on this community and its impact on it.

DG – Stated that's fine because I think...

Mr. Spicer – Stated they are going to have segregated comments from other places and they're only going to look at this and say what this community says is close to it, what that one says... if we put too many together it's going to lose its impact.

DG – Stated we can write that we are against this but we are really against what you're doing around here, on the west side; Discussion followed.

DG – Stated if that also gives help to the people on the east side so be it.

Carrie Radomski; Town Secretary – Stated I took the liberty of contacting Elaine Ezra of Terra Spectra and she agreed, she will get back to me, I sent her the information that we have from this and asked her if she could give me a map that will show the 18,000 acres that is proposed for withdrawal from Beatty and how it correlates with the Jeep runs and how it intersects. I'm hoping that we would have that by the 10th, so that would be an additional map that will show the overlay of the withdrawal and the trail.

I also emailed the Beatty Chamber of Commerce, Beatty Museum, and Beatty General Improvement and sent them this packet and let them know about the deadline.

RR – Motion that the BTAB submit the letters and comments on the Nevada Test and Training Range land withdrawal and to send it to everybody; Second EG; 3-1 abstain (KC)

f. For Possible Action – Discussion, deliberation and decision to select BTAB meeting dates in December 2016. – Beatty Town Office; Carrie Radomski

Carrie Radomski; Town Secretary – Stated that our normal meeting dates would be December 12 and December 26th which is a holiday, the first meeting will be January 9th so December 19th is kind of in the middle.

DG – Stated I like the 19th.

RR – Motion we meet on December 19th; Second EG; 4-0

10 General Public Comment

David Spicer – Stated just a little announcement, Beatty has now elevated itself. We had the State Championship Cycle Cross Racing here on Sunday. We managed to draw everybody in and we had 90 people that were registered to come down, only 45 or 48 showed up. The weather conditions are what ate us up, we had snow and sleet and mud, that's part of this type of racing. Nevertheless we now have in our resume the fact that we can and did put on a State Championship. The one thing to come out of this, the fact that the officials that were there are from the State of California and out of Reno and they are very excited about Beatty being a venue for future events and possibilities. The VFW served breakfast out there Sunday morning, and that was probably the biggest surprise to most of these people. They saw that as form of community support so it was really exciting for them. We impacted a lot of people that work in our community; realizing we are here and we can do these things, so that's important. We've had three events, we will move ourselves forward and get recognition and that's exactly what we are doing. As a matter of fact I got an immediate result out of that, I got a call from a group of ultra marathoners out of Las Vegas that want to come out in the summer months and put on a ultra marathon out there, which would include the roads out there, they want the 50 miles and out, there's a lot of following for that. We didn't have time to announce the State Championship and spread it around town but next time we will.

11 Adjournment

KC – Motion to adjourn at 8:25pm; Second RR; 4-0