

Club Repeaters:

Eric:

146.610-
PL 127.3 hz

Waterford:

146.82-
PL 186.2 hz

QUARAE



Volume 4, Issue 5

May 2005

New Mexico High Court Says Amateurs Antennas Can Stay

Two 130-foot antenna support structures on the property of New Mexico radio amateur Gerry Smith, W6TER, will remain, now that arguments to permit them have prevailed in the state Supreme Court. This month's opinion reversed New Mexico Court of Appeals and District Court decisions that had ruled against allowing Smith to continue constructing the towers on his rural Bernalillo County property. In July 1999, the county issued Smith a building permit but in December of that year ordered him to halt the project claiming it had erred in issuing the permit. New Mexico Supreme Court Chief Justice Richard C. Bosson recounted events a bit differently in the unanimous opinion. "After neighbors complained, the county changed its mind, tried unsuccessfully to stop the construction and devised new reasons why Plaintiff's [Smith's] radio towers should not be allowed," Bosson wrote.

Smith bought his property in July 1999 after extensively researching deed covenants, conditions and restrictions, receiving assurances from county officials and submitting a detailed, professionally prepared site plan. After Smith got his building permit and began work on the tower project, Bernalillo County attempted to shut it down, citing June 1999 amendments to its zoning ordinance that, the county asserted, had removed Amateur Radio antennas as an "incidental use" in the A-2 (rural agricultural) zone. Smith took his case to District Court, which agreed with the county's rationale and added another reason of its own to prohibit the structures. The case then went to the Appeals Court. In 2002, New Mexico became the 14th state to adopt an Amateur Radio antenna bill, based on

the limited federal preemption known as PRB-1, which requires municipalities to reasonably accommodate" Amateur Radio communication. Paraphrasing the language of PRB-1, the Appeals Court agreed that the District Court had acted properly in denying Smith's petition because the two 130-foot towers were "unreasonable" as a customarily incidental use.

The New Mexico Supreme Court applied three standards of review and agreed with Smith on all counts. The high court said that the plain terms of the county ordinance indicate that Amateur Radio towers are exempt from height restrictions, that the county had previously interpreted ham radio antennas as customarily incidental, and that the county had failed to adopt a specific standard to preserve scenic value. "The results of this case may be unfortunate for the neighbors who understandably regard Plaintiff's radio towers as an eyesore," Bosson wrote for the court. "But Plaintiff fairly relied on the express language of the ordinance and the assurances of the county zoning officials in buying his property."

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RAE Club Meeting

Thurs May 5th – 7 pm
at the RAE Clubhouse –
3940 Wagner RD off of Bargain RD off of
RT 99 in McKean.
See You There!

Officers and Contacts – 2005

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Joe McLain, KB3ALU
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UPCOMING EVENTS

Thurs. May 5th-

General Membership Meeting

Time: 7 pm

Location: RAE Clubhouse on Wagner RD. which is off of Bargain RD off RT 99

Tues. May 31st-

Board of Directors Meeting

Time: 7 pm

Location: RAE Clubhouse



Edinboro Triathlon

The next RAE public service event will be the Edinboro Triathlon which will be held on Saturday June 3rd. The event consists of a .6 mile swim, a 23.6 mile bike course, and a 6.2 mile run. If you are interested in helping out, a sign-up sheet will be available at the RAE club meeting or you can contact Doug Sweet AD4UL at 453-2915 or via E-mail at ad4ul@arrl.net.



If you have something an article or items for swap and shop for the QUARAE, please contact John Lis N3NKV via e-mail at john@jjlis.com or via twisted pair at 825-5565.

The deadline for submissions is the last Friday of each month.

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General Membership Meeting Minutes

Radio Association of Erie

April 7, 2005

General Membership Meeting Minutes

Board Members Present: KB3A, N3ZNP, N3NKV, KD3D, N3LBI, KB3JSN,

Not Present: KC2HVX, KB3ALU, N3BXL

Meeting brought to order by President KB3A at 7:01 pm at the RAE Club House.

Silent Key: A moment of silence was taken in memory of Jack Haven N3RKO

Secretary's Report: N3NKV made a motion to accept the minutes of the March meeting as published in the QUARAE. WB3DOM mentioned that the correct day for March of Dimes Walk is Sunday instead of Tuesday. N3LBI made a motion to accept the minutes as corrected. Second: WB3DOM. Motion Carried

Treasurer's Report: KD3D provided report

Board of Directors Report: N3LBI gave an overview of the March Board Meeting. Items discussed: repeater grants, public service, vhf/uhf contesting, and a club memorial for Jack

Renaming of Clubhouse: Chris KB3A mentioned that at the board meeting the board discussed renaming the clubhouse "The Jack Haven Memorial Clubhouse". WB3DOM made a motion to rename the clubhouse "The Jack Haven Memorial Club House" Seconded by WB3DOM. Carried.

Membership: KE3V mentioned that are 7 associate members, 77 full members, and 19 life members = 103 for 2005.

ARES/RACES: WX3E mentioned that ARES was on standby twice on Monday April 5th due to the snowstorm. Everyone who partici-

pated in the March 10th weather drill received a certificate from the EMA Office for participating. Also, the county purchase a power supply to be used at the EOC at 18th and French Streets.

QUARAE: N3NKV needs articles for the QUARAE. The deadline is 1 week prior to the club meeting.

Public Service: N3LBI mentioned that he needed 6 to 8 more volunteers were needed for the March of Dimes walk.

Website: No Report Available

Repeater: N3SRD: The 61/82 link should be back up and operable within the next few months. Autodial slots are still available by contacting N3APP. The 61 transmitter no longer transmits the 127.3hz output PL. In the future, the pl will be changed to 186.2hz. The date of the switch over will be announced.

Contesting: KB3A mentioned that the VHF/UHF Contest will be coming up in June. Plans call to add antennas to the existing HF array.

VE: K3LD- If anyone is interested to take a test, you have to contact Rob (N3OCL) cell phone #814-881-5238 or email at N3OCL@verizon.net so that we can make sure to have the test at the RAE clubhouse.

New Business:

WX3E mentioned that ARES/RACES put on a 1 hour program for the quarterly class for local emergency coordinators was held.

April 27th Skywarn Class at Hamot Auditorium

April 26th Bill KB3JSN will be on WJET News to discuss Skywarn

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General Membership Meeting Minutes continued

WX3E mentioned that the club may want to obtain Jack N3RKO's callsign as secondary callsign for the club.

Clubhouse: N3ZNP mentioned the master switch for the pump is in the basement. Neil received a quote to install a piece of gutter and a down spouts on the west side of the building. The cost is \$237 from Gutters Unlimited. N3LBI made a motion to go ahead with project seconded by KB3JZN

The 50/50 winner was Bill KB3JSN - \$13.50.

Motion to Adjourn: Unanimous.

Meeting adjourned at 7:40 PM

Respectfully Submitted

John Lis

Radio Association of Erie
Secretary

Antennas can Stay from Page 1

The Supreme Court said that if the county had wanted to prevent towers like Smith's, it could have expressly amended its zoning ordinance to include specific height limitations.

"The County cannot after the fact come up with a new legal rationale to block an unpopular activity, which was previously permitted, to the detriment of a property owner who did everything in his power to follow the rules," Bosson concluded in reversing the Court of Appeals affirmation of the District Court decision. Regarding his neighbors—the nearest of which is some 1500 feet away—Smith said their main concern was not that the towers were an eyesore. "It is depreciation of property value," he told ARRL. "In fact, over the course of this litigation, their property values have substantially escalated, in tune with other areas around where I live." The League actively participated

in Smith's case from the start, and ARRL General Counsel Chris Imlay, W3KD, filed a friend-of-the-court (amicus curiae) brief with the Court of Appeals in support of Smith's appeal. The League also filed three extensive briefs in the case, most recently with the New Mexico Supreme Court, said Imlay, who called the decision "a great precedent" for similar cases and a "shot in the arm for tower planning." "Most importantly, the case holds that Amateur Radio antennas—even large ones not specifically regulated by ordinance—can be constructed without an unlegislated 'reasonableness' factor," Imlay commented. Smith credited Albuquerque attorney Ed Ricco, N5LI, an ARRL Volunteer Counsel, for the successful outcome. "It was Ed's masterful briefs and oral argument that won this case," he said.

- Courtesy ARRL Audio News

Skywarn Training 2005



102 people overall consisting of Hams, EMS providers, firefighters, storm chase team members, boy scouts, weather enthusiasts attended the training.



Gary Garnet of Cleveland NWS shared a lot of information about severe weather with the audience. He mentions that it is a good idea to say to come back to training every couple years for a refresher course

Bill to Restrict NWS Info Introduced in the Senate

Hams nationwide are being asked by those involved in severe weather spotting to write in opposition to Senate bill S 786. This is a measure introduced by Pennsylvania Senator Rick Santorum is pushing that some fear would restrict what information the National Weather Service provides to the public. Under the proposed legislation the N-W-S would be allowed to offer particular types of services only if the private sector does not offer them in a given geographic area. According to Santorum's office, for many years the N-W-S was restricted by just such a law. When the rule was finally changed in 2003, the N-W-S and its parent agency, the National Oceanic and Atmospheric Administration expanded into areas already served by the commercial weather industry.

The senators office does not deny that the bill is intended to protect private weather service companies in Pennsylvania including industry leader AccuWeather. Santorum's spokesman says that the measure is about job retention in Pennsylvania.

But S 786 has already drawn criticism from those who say it unfairly favors private weather providers, and would endanger the public by preventing the dissemination of certain weather data. A spokesman for the Aircraft Owners and Pilots Association says that the bill as written could prevent the N-W-S from distributing weather data to the Federal Aviation Administration for pilots to use. Several on-line ham blogs have also picked up on the Santorum bill. While on the surface it seems to mean little to radio amateurs, some believe that their participation in Sky Warn activities might be limited or curtailed if s 786 passes. Others fear that the information that they supply to the N-W-S could be delayed or not disseminated to the public by commercial weather providers. All are urging the ham community to write their legislators asking them to vote against this measure if and when it reaches the Senate floor. You can read the text of S 786 along with a lot of comments -- online at www.qrz.com.

-Amateur Radio Newsline

Radio Association of Erie
 P.O. Box 844
 Erie, Pa 16512

Amateur Radio News Time Capsule - May 1950

*The RAE meeting was held at the City Hall Annex and movies were shown after the business meeting and the one on oscillators was well received. Elections were also held for the upcoming year. Elected were: Doc Cook, W3VHP, President; Stan Kuduk, W8TAC Vice-President; Bill Hutchison, W3NGB, secretary; and Joe Yusz, W3KKT, Treasurer; Board of Directors Chairman, Doc Sheldon W3KLD. Board Members: Ralph Owens W3TXZ, Ken Lloyd W4QN, John Kozak W3NXK, Bill Tracy W3OIE, and Jack McQueen W3TFX.

*Field Day plans were starting to take place The club had plans to have rigs on all bands from 75 phone to 10 meters with operators for the full 24 hours. Howard Becker W3ODF was field day chairman that year.

*On May 11th, a large group went up to Buffalo to take their exam for a ham license. There were a few Class B hams who were going up to get their class a license.

*New calls for May 1950: Dick Reynolds W3QMY, Rev. Fr. Dunn W3PKJ (Class A) and Ellen Owen W3KJT(Class A). Bill Hutchison W3NGB upgraded to Class A.

*In the Erie-Dispatch Herald column, Jack McQueen mentioned that Connecticut prohibits driving a car and operating a transmitter at the same time. He mentions to hams who travel out of state should check into laws about using their rigs in their cars while mobile.

Amateur Radio News

By Jack McQueen W3TFX

The RAE met last Tuesday and nominations for directors were accepted. Nominated were John Kozak W3NXK, Doc Cook W3VHP, Bill Tracy W3OIE, and Stan Kuduk W8TAC. Election will be held May 16th at 8:00 p. m. in the City Hall Annex. The Meek TV set was accepted by a rail-

road worker in the Nickle Plate Shops in Condeat. All he needs now is a good Astatic booster to receive WICU perfect. Movies were shown after the business meeting and the one on



over. There are a few Class B Hams who may go up for their Class A at the same time.

BOB THORNTON our very able chef is carrying quite a load all by himself at the club. I think he needs a good helper. Everybody eats so everybody should help. Don't make one guy carry all the load. —73 JACK