

**TONOPAH TOWN BOARD
MEETING MINUTES**

AUGUST 14, 2013

Tonopah Town Board Chairman Horace Carlyle called the meeting to order at 7:09 p.m. Also present were Javier Gonzalez and Duane Downing. There were twelve other people in attendance.

1. Public Comment

Buddy Perchetti stated that there have been questions regarding a spring on the mountain near or on his lot. Mr. Perchetti wanted to clarify this issue. Mr. Perchetti stated he subdivided and surveyed that property and there was never a spring on the property. In the meantime two residents stopped his trucks from dumping up there. The truck drivers were told they would be sued because they were dumping on a pad covering a spring. One of the two truckers quit dumping and cost Mr. Perchetti \$5,000 worth of fill. Mr. Perchetti further stated that the Water Company located the leak yesterday. No action taken by the Board.

2. Review and approval of minutes, in context, from the regular meeting held on July 24, 2013.

Duane Downing motioned to approve the minutes, in context, from the regular meeting held July 24, 2013. Harvey Gonzalez seconded. No further discussion. Motion carried 3-0.

3. Nye County Code Chapter 8.24 – Solid Waste Management. The dumping of solid waste on a residential lot instead of the Tonopah Landfill and the lack of dust control.

Robert Shane O'Donnell stated his primary concern is dust control. He stated he has damage to his vehicle from the fine sand. Mr. O'Donnell stated that Mr. Perchetti has made attempts to control the dust with a water truck but better efforts need to be made. Mr. O'Donnell's primary concern is finding a solution for the sand. Mr. O'Donnell feels it's a nuisance that's not going to go away. Mr. O'Donnell said he has tried to talk to people at Nye County and some won't even return his calls or emails. Mr. O'Donnell doesn't know the answer to this problem that's why he was at the meeting tonight.

Buddy Perchetti discussed his plans for the property. Mr. Perchetti provided the Clerk with copies of Science Daily "Waste Asphalt – Doesn't Pollute Groundwater, UF Researchers say". Mr. Perchetti stated this documentation states that concrete and asphalt are approved as fill for homes and approved by ABA. Mr. Perchetti agreed that Mr. O'Donnell has a legitimate complaint regarding the dust. Mr. Perchetti further stated the only person who spoke with him directly regarding this problem was Debbie Cobb. After Ms. Cobb spoke with him, he was at the site within an hour to put water on the lot. Mr. Perchetti admitted that may not have been enough but at least he made an effort. Mr. Perchetti stated he plans to cap the entire lot with Type 2 or Pit Run. Mr. Perchetti said he is trying keep water on it 24 hours a day until he gets it cap. Mr. Perchetti's future plans for the lots are to build two houses for sale, sale the property or possibly build storage sheds.

Douglas Stretch Baker stated he was not representing the County. Mr. Baker further stated that a County truck has never hauled anything to that lot. Mr. Baker stated he has been on site in a private capacity but never representing or on behalf of Nye County. Materials accumulated by contractor's working on sewer or water jobs belong to the contractor according to the regulations and that contractor could do with it what they wished. It helped the County at the landfill because it wasn't filled with good fill dirt. Mr. Carlyle questioned what constituted a "licensed hauler" to haul and dispose of solid waste. Mr. Baker responded the materials in question are not considered "solid waste" the materials are classified as "fill".

Mr. O'Donnell commented that his issue is with the dust. Mr. O'Donnell hopes that Mr. Perchetti follows through with everything he says he's going to do. Mr. O'Donnell agreed it is Mr. Perchetti's property and whatever he does with it is his business as long as it is not a nuisance to the neighborhood. Mr. Downing stated it seems that Mr. O'Donnell's concerns are in fact being addressed and the problem will more than likely resolve itself.

Mr. Carlyle thanked everyone for their input on this issue.

Debbie Cobb stated she spoke with Mr. Perchetti and feels he will act in good faith. Ms. Cobb further stated that all of those concerned are property owners and have rights as such.

The Board recessed at 7:39 p.m. The Board reconvened at 7:41 p.m. The Board recessed to the Library Board of Trustees at 7:43 p.m. The Board reconvened at 7:49 p.m.

4. Discussion, decision and possible approval/denial to make a recommendation to the Nye County Board of County Commissioners regarding appointment to the vacant seat on the Town Board.

Harvey Gonzalez motioned to deny making a recommendation to the Nye County Board of County Commissioners regarding appointment to the vacant seat on the Town Board. Duane Downing seconded. Discussion: Mr. Carlyle recommended the Board allow those present who have applied to the Board a few minutes to introduce themselves and discuss their qualifications. Mr. Gonzalez felt this was unnecessary. Mr. Downing agreed. Chris Mulkerns presented the board with a letter prepared by Town staff for the Chairman to sign. Mr. Gonzalez amended his motion to include the letter to Nye County Board of County Commissioners signed by the Tonopah Town Board Chairman. Duane Downing seconded. No further discussion. Motion carried 3-0.

5. Discussion and possible action to advertise the Town of Tonopah in the "Big Map", covering Western Nevada, Death Valley and the Eastern Sierra. (Advertising to include the Town, the Tonopah Historic Mining Park, the Convention Center and Star Trails.

Mr. Carlyle asked if there was any public comment before a motion is made. No public comment at this time. Harvey Gonzalez motioned to approve advertising in the "Big Map" covering Western Nevada, Death Valley and the Eastern Sierra for the Town of Tonopah, the

Convention Center, and the Tonopah Historic Mining Park, not to exceed \$1,500.00. Duane Downing seconded. No further discussion. Motion carried 3-0.

6. Discussion and possible action to select the Garland Corporation as the Town of Tonopah's authorized Roofing agent through the U.S. Communities program.

Chris Mulkerns explained the U.S. Communities Program to the Board.

Duane Downing motioned to select the Garland Corporation as the Town of Tonopah's authorized Roofing agent through the U. S. Communities program. Harvey Gonzalez seconded. No further discussion. Motion carried 3-0.

7. Tonopah Department Budget Reports

Chris Mulkerns reviewed the current budget expenditures and revenues with the Board.

No action taken by the Board.

8. Tonopah Development Corporation Report

No action taken by the Board.

9. Public Comment

Ed Ylst commented about notification of the Tonopah Town Board meetings. Mr. Ylst stated he felt the reader board was to be used for notification of Convention Center events such as the board meetings. Mr. Ylst further stated the Tonopah Town Board meetings would be better attended if the Town notified the community through the reader board and possibly use of a "sandwich" board with an arrow pointing to the Convention Center with the event name and time. No action taken by the Board.

10. Town Board Member's/Department Manager's/Nye County Commissioner's Comments

No action taken by the Board.

11. Closure of Meeting, Pursuant to NRS 288.220 for purposes of conferring with Town's Management Representative regarding labor negotiation issues, and other personnel issues.

This item was tabled.

12. Closed meeting, pursuant to NRS 288.220 for purposes of conferring with Town's Management Representative regarding labor negotiation issues, and other personnel issues.

This item was tabled.

13. Discussion deliberation and possible decision on labor negotiations, issues and other personnel matters presented in the closed meeting.

This item was tabled.

14. Correspondence

- a) State of Nevada Office of the Attorney General, letter June 19, 2013 with attachments.
- b) Dillian's Rule in Nevada, by Brian Chally, Esq.
- c) Agenda Joint Meeting of the Nye County Board of Commissioners, July 29, 2013
- d) United States Department of Interior, Best in the Desert (BITD), July 30, 2013
- e) Business Licenses, July 2013
- f) Agenda Joint Meeting of the Nye County Board of Commissioners, August 6, 2013
- g) Notice of Vacancy, Round Mountain Town Board, August 8, 2013
- h) Report to the Town Board Tonopah Convention Center, August 1, 2013
- i) Nye County Comprehensive Economic Development Strategy Annual Report
- j) Tonopah Historic Mining Park Foundation letter, August 5, 2013
- k) Agenda Round Mountain Town Board Regular Meeting, August 13, 2013

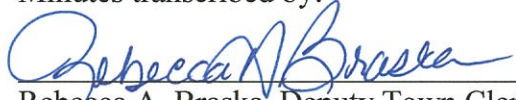
15. Approval of Vouchers for Payment

The vouchers were reviewed and all were signed by Board members. Duane Downing motioned to approve the vouchers for payment as presented. Harvey Gonzalez seconded. No further discussion. Motion carried 3-0.

16. Adjourn

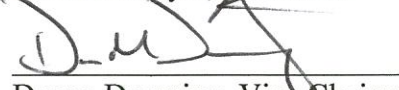
Meeting was adjourned at 8:18 p.m.

Minutes transcribed by:


Rebecca A. Braska, Deputy Town Clerk

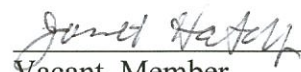
Approved:


Horace Carlyle, Chairman


Duane Downing, Vice Chairman


Ron Kipp, Clerk

Javier Gonzalez, Member


Vacant, Member