

**Kent Conservation Advisory Committee, Town of Kent,  
Minutes of Special Meeting, August 14, 2013**

**Attendees**

Committee members: Bill Buck, Marty Collins, Dave Ehnebuske, Beth Herr, Phil Tolmach, Bill Volckmann. Town Board Liaison: Lou Tartaro. Visitors: George Baum, Michael Donohue, Jean Ehnebuske.

The meeting was called to order at 7:05 PM.

**1. Voting on resolution**

After confirming that the CAC had a quorum, Chair Beth Herr stated the purpose of the specially-called meeting: to vote on the resolution to replace the floor in the Mount Nimham Fire Tower.

After discussion and a review of a letter (attached) from Town Attorney Tim Curtiss, vice-chair Dave Ehnebuske made a motion to accept the resolution. Phil Tolmach seconded the motion. The vote was unanimous to accept the resolution. The resolution and results of the vote are attached to these minutes. Note: CAC member Anne Balant-Campbell was absent and CAC member Bill Volckmann arrived after the vote had been taken.

**2. Other**

Town of Kent Open House

The Chair announced that the Town of Kent will be holding an Open House on Saturday, September 28, 11 AM – 4 PM, at the Town of Kent complex. Promoted as an opportunity for citizens to “Come See What *Your* Town Offers,” the day-long event offers the CAC a chance to educate individuals and families about how it serves the community. The Chair plans to be there with a CAC display that will include a large map of the Town of Kent.

New construction on Nichols Street

Bill Buck asked Councilman Lou Tartaro what the new construction at Kent Manor on Nichols Street is. After initially telling us about a German film crew blocking off the western end of Nichols Street for a film about the Hudson Valley, Lou said that the new construction on Nichols Street between Rt. 52 and Horsepound Road is the new water treatment facility. To date there is no progress on building any new homes in Kent Manor.

Possible grant opportunity

Bill Buck mentioned a possible grant opportunity. He said that more information could be found at comingtogether.com.

The meeting was adjourned at 7:25 PM.

**The next meeting of the Kent CAC will be at 7 PM on Wednesday, September 18, at the Kent Town Hall.**

Respectfully submitted,

Jean Ehnebuske,  
ex-officio recording secretary

**Attachments**: Letter from Tim Curtiss, Attorney, Town of Kent  
Resolution to replace the floor in the Mount Nimham Fire Tower and vote tally

# *Timothy J. Curtiss*

Attorney at Law

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20 Church Street  
Carmel, New York 10512  
Tel.: (845) 225-5500  
Fax: (845) 225-5946

August 13, 2013

Dear CAC Members:

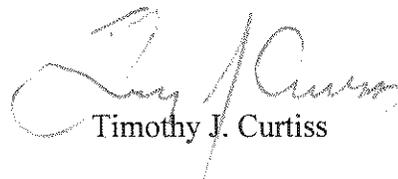
I have reviewed your email agenda for your August 14, 2013 meeting and would like to clarify the action you intend to take.

As a committee of town government, you cannot solicit directly funds to repair the Mt. Nimham Fire Tower. You can vote to allow your chairman to request a donation from Plan Kent to the Friends of Mt. Nimham to repair the floor. If you were to become directly involved in funding the project or soliciting the bids, it becomes a Town project subject to the WICS Law. That means that all contractors would have to pay prevailing wages, we would have to receive certified payrolls, worker's compensation would be posted as well as bonds and there would be specific insurance requirements. All of these requirements would probably double the cost of the project.

Thus, the action you should take would be really to just request that Plan Kent make a donation to the Friends of Mt. Nimham and the project could be funded privately at probably a much reduced cost.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,



Timothy J. Curtiss

TJC/em

cc: Mr. Louis Tartaro (By E-Mail [loulugi@aol.com](mailto:loulugi@aol.com))

## Resolution to replace the floor in the Mount Nimham fire tower

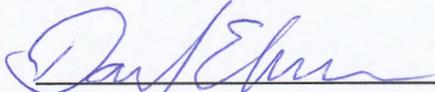
Because the Kent CAC is the steward for the Mount Nimham fire tower under an agreement with the New York State Department of Environmental Conservation, members of the CAC's Tower Committee regularly inspect and maintain the tower to ensure its condition is not deteriorating and that it remains in usable condition.

Earlier this year the Tower Committee concluded that the floor in the tower's cabin is approaching the end of its useful life and recommended that the CAC look into replacing it. The approach that was agreed to was to seek funding from the Friends of Mount Nimham (a part of PLAN Kent) once we had two bids from qualified firms for doing the work. The Tower Committee now has those bids, one in the amount of \$2,750 from Robert J. McCarthy and one in the amount of \$1,950 from J.C. Hamel Inspections. The Tower Committee recommends that the CAC move ahead with the work using the bid from Mr. Hamel, the lower of the two.

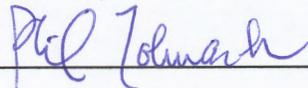
Now, therefore, in a special meeting on August 14, 2013, the Kent CAC resolves that:

1. the CAC Chair request PLAN Kent to expend funds from its Friends of Mount Nimham account to replace the floor of the fire tower per the lower of the two bids, and
2. the CAC Tower Committee contact the DEC to get their go-ahead since they own the tower.

Moved by:

 \_\_\_\_\_

Seconded by:

 \_\_\_\_\_

Vote:

_____	Anne Balant
<u>Yes</u>	Bill Buck
<u>Yes</u>	Marty Collins
<u>Yes</u>	David Ehnebuske
<u>Yes</u>	Beth Herr
<u>Yes</u>	Phil Tolmach
_____	Bill Volckmann