



Town of Hermon

Public Safety Meeting Room

October 6, 2016

Town Council Meeting

7:00 PM

AGENDA

\*\*\* Televised live on Cable Channel 121.111 \*\*\*

Council Meetings may be viewed live online and are archived after the meeting  
has taken place – check hermon.net for link.

\*\*\*ALL ITEMS ARE SUBJECT TO APPROPRIATE COUNCIL ACTION\*\*\*

**I. CALL TO ORDER BY CHAIRPERSON**

**II. PLEDGE OF ALLEGIANCE**

**III. ROLL CALL**

**IV. REVIEW CONSENT CALENDAR: REGULAR BUSINESS, APPOINTMENTS, SIGNATURES,  
And APPROVAL OF MINUTES:**

MINUTES. -APPROVE July 14, 2016 & July 28, 2016

WARRANTS. –SIGN October 7, 2016

QUITCLAIMS. – SIGN M/L 046-006-015

**V. NEWS, PRESENTATIONS AND RECOGNITIONS**

**VI. PUBLIC ITEMS OR COMMENTS (*Items Not Already on Agenda*)**

**VII. PUBLIC HEARINGS**

#1. **Hold** Public Hearing – proposed language amendment to the Hermon Code of Ordinances regarding Non Conforming Uses.

#2. **Hold** Public Hearing – proposed Contract Zone to rehabilitate existing campground.

**VIII. COMMITTEE REPORTS**



**IX. SCHEDULED AGENDA ITEMS**

**A. OLD BUSINESS**

- #3. **Consider** adopting an amendment to the Hermon Code of Ordinances, Title 15 Land Usage, Chapter 154, Section 154-110 Non-Conformance; subsection 154-112 Non Conforming Uses B.
- #4. **Consider** approving a request for a Contract Zone for M/L 021-027-000
- #5. **Open** bids received for tax acquired property and award bid.
- #6. **Consider** approving FD request for Facebook Page to broadcast information.

**B. NEW BUSINESS**

- #7. **Recognize** Interim Fire Chief for his service to the Town of Hermon.
- #8. **Announce** Fire Prevention Week Open House.
- #9. **Consider** approving funds for Transfer Station Improvements.
- #10. **Consider** approving funds for Snow's Corner Cemetery Improvements.
- #11. **Consider** approving authorization to seek bids to install a Basin/Oil Separator and Drainage at the Public Works yard.

**C. WORKSHOPS**

- #12. **Discuss** resolution opposing retail marijuana.

**D. OTHER ITEMS (from Table Package)**

**X. APPOINTMENTS**

**XI. MANAGER STATUS REPORT:**

**XII. FINAL PUBLIC ITEMS OR COMMENT** (*Items Not Already on Agenda*)

**XIII. COUNCIL ITEMS:**

**XIV. EXECUTIVE SESSION:**

**XV. ADJOURNMENT:**

**Explanatory note #1:** All items in the CONSENT CALENDAR are considered routine and are proposed for adoption by the Town Council with one motion without DISCUSSION or deliberation. If DISCUSSION on any item is desired, any member of the Council or public may request the removal of an item for it to be placed in the regular agenda prior to the motion to approve the Consent Agenda.

**Explanatory Note #2:** In the interest of effect decision-making: At 10:00 p.m., the Chairman shall poll the Council and Town Manager to identify remaining items which shall be carried forward to the next Regular Meeting.

**Explanatory Note #3:** A Councilor who feels the need for the Council excusing his/her absence will make the request to the Town Manager or the Town Clerk prior to the meeting.



Town of Hermon

Public Safety Building, Meeting Room

July 14, 2016

Town Council Meeting

7:00 PM

MINUTES

\*\*\* Televised live on Cable Channel 121.111 \*\*\*

Council Meetings may be viewed live online and are archived after the meeting  
has taken place – check hermon.net for link.

\*\*\*ALL ITEMS ARE SUBJECT TO APPROPRIATE COUNCIL ACTION\*\*\*

**I. CALL TO ORDER BY TOWN CLERK**

The Town Clerk called the meeting to order at 7:00pm.

**II. PLEDGE OF ALLEGIANCE**

The Town Clerk led those in attendance in the Pledge of Allegiance.

**III. SWEAR IN NEW MEMBERS**

The Town Clerk administered the Oath of Office to new Councilors, Steve Watson, Jeanne Jacques and John Snyder.

**IV. ROLL CALL**

**Members Present:** Anne Freeman, Donna Ellis, Steve Thomas, Doug Sinclair, Jeanne Jacques, John Snyder

**Members Absent:** None

**Others Present:** Town Manager Roger Raymond, Town Clerk Ruth A. Nickerson, Byron Ogden, Donna Pulver and Randy Gardner

**V. SELECT A NEW CHAIRMAN AND VICE CHAIRMAN**

The Town Clerk opened the floor for the nomination of Town Council Chair. Doug Sinclair nominated Steve Thomas for Chair. Anne Freeman seconded the nomination. There were no other nominations. A show of hands was unanimous in favor of Mr. Thomas as Council Chair.



The floor was then opened for nominations of Vice-Chair. Anne Freeman nominated Doug Sinclair for Vice-Chair. Steve Thomas seconded the nomination. There were no other nominations. A show of hands was unanimous in favor of Mr. Sinclair as Council Vice-Chair.

The Town Clerk then turned the meeting over to Council Chairman Steve Thomas.

**VI. REVIEW CONSENT CALENDAR: REGULAR BUSINESS, APPOINTMENTS, SIGNATURES, And APPROAL OF MINUTES:**

WARRANTS. –SIGN July 15, 2016

**Councilor Sinclair moved to approve the Consent Calendar as presented. Councilor Jacques seconded the motion. A Roll Call vote was unanimous in favor of the motion.**

*The motion carries.*

**VII. NEWS, PRESENTATIONS AND RECOGNITIONS**

None

**VII. PUBLIC ITEMS OR COMMENTS** (*Items Not Already on Agenda*)

None

**VIII. PUBLIC HEARINGS**

None

**IX. SCHEDULED AGENDA ITEMS**

**A. OLD BUSINESS**

None

**B. NEW BUSINESS**

**#1. Consider approving hauler license applications for 2016-2017**

Evergreen Waste System has requested to renew their ‘License to Haul Solid Waste’ to Perc, and to Casella.

**Councilor Sinclair moved to approve the request to renew Evergreen Waste’s Hauler License for 2016-2017. Councilor Freeman seconded the motion. A Roll Call vote was unanimous in favor of the motion.**

*The motion carries.*



**#2. Consider approving Private Drive names.**

**Councilor Sinclair moved to approve R16-17-01. Councilor Freeman seconded the motion. A Roll call vote was unanimous in favor of the motion.**

*The motion carries.*

*\*(R16-17-01 is attached for review.)*

**#3. Consider setting date for a special town meeting to act on the acceptance of grants from MDOT for road improvements and raising the local match**

Manager Raymond explained that the Town of Hermon has received two Municipal Partnership Grant offers from MDOT. The first grant is in the amount of \$360,884 to be matched 50% by the Town for the purpose of rehabilitating 2.27 miles of the Newburgh Road beginning at the entrance to Jackson Beach Park and extending northerly 2.27 miles to the intersection of the Klatte Road. The project scope is to include full depth pavement reclamation with HMA overlay and drainage improvements, including ditching and culvert replacements.

The second grant is in the amount of \$173,150 to be matched 50% by the Town for the purpose of overseeing a pavement preservation project on the Coldbrook Road beginning approximately 69 miles westerly of Odlin Road and extending westerly 1.14 miles. The project scope includes 1¼ inch overlay with shim and drainage improvements including ditching and culvert replacement. A special town meeting is necessary to accept the grants and to raise the needed 50% match totaling \$534,034.

Mr. Raymond explained that the funds can be raised from Unrestricted Fund Balance since we expect fund balance to increase over \$900,000 resulting from a favorable year end for 2015-2016 and from the Highway Improvement Plan for 2017-2018 fiscal year. It is proposed an engineer would be hired during the summer months and the plans for construction would be completed for November 2016. The project would be sent out to bid by December 31, 2016. Work would begin early spring 2017 and completed by July 31, 2017. The Manager then suggested the Special Town Meeting take place on July 28, 2016.

**Councilor Freeman moved to approve R16-17-02. Councilor Sinclair seconded the motion. A Roll Call vote was unanimous in favor of the motion.**

*The motion carries.*

*\*(R16-17-02 is attached for review.)*

**#4. Consider authorizing request for proposals from local contractors for road improvements**

The Town Manager told how there are several road improvement projects that are planned for the summer construction season. These projects include ditching along Creamery Road, Hopkins Road and along several streets in Freedom Park.

**Councilor Jacques moved to approve R16-17-03. Councilor Sinclair seconded the motion. A Roll Call vote was unanimous in favor of the motion.**

*The motion carries.*

*\*(R16-17-03 is attached for review.)*



**#5. Consider approving a Concourse Gathering Permit Application for the Penobscot Snowmobile Club**

Manager Raymond explained that the Penobscot Snowmobile Club is proposing a two day event on August 20 and 21 at property owned by the Club and located off the Bog Road. The event will be a drag race. The Club has applied for a Concourse Gathering Permit for the two day event. The Council agreed to waive the required bond due to the fact that the event will take place on private property.

**Councilor Sinclair moved to approve the Concourse Gathering Permit. Councilor Jacques seconded the motion. A Roll Call vote was unanimous in favor of the motion.**

*The motion carries.*

**#6. Consider appointing two members of the Town Council to assist the Town Manager in the selection of a new Fire Chief**

The Town Manger told how he is in the process of hiring a new Fire Chief. He offered the Council the opportunity to participate in the selection process. He explained that the Town Charter assigns the responsibility to the Town Manager; however he would appreciate participation from at least two Councilors for the interviews of the top three candidates. These interviews will take place the latter part of August.

**Councilors Watson and Freeman volunteered to participate in the interviews.**

**#7. Consider authorizing contract for purchase of winter sand**

Manager Raymond spoke regarding winter sand and how it makes sense to let the current contractor be responsible for managing the delivery of sand to the shed. He told how Gardner Construction has proposed to process and haul the Town's winter sand for \$9.75 per cubic yard for a two year period and third year option with the condition, if fuel prices increase more than 50 cents per gallon, a fair increase will be provided to cover the higher cost of fuel. Mr. Raymond informed the Council that having the contractor who is responsible for sanding and plowing put up the sand will be more convenient for both the Town and contractor. It eliminates the potential of complaints that the sand is lumpy and damaging equipment.

**Councilor Sinclair moved to approve FR16-17-01. Councilor Jacques seconded the motion. A Roll Call vote was unanimous in favor of the motion.**

*The motion carries.*

\*(FR16-17-01 is attached for review.)

**#8. Set a date for a budget workshop to review and establish council goals for the ensuing year**

The Town Manager requested the Council set a workshop on July 28, 2016 to establish the list of Council goals for 2016-2017.

**#9. Consider Mutual Aid Agreement with Maine National Guard**



Manager Raymond told how it is time to renew the Town's agreement with the Maine Air National Guard to obtain personnel and firefighter equipment when needed or a fire or hazardous materials incident which the Guard can provide assistance to the Town of Hermon. This agreement has been in place for a number of years and has worked very well.

**Councilor Sinclair moved to approve R16-17-04. Councilor Snyder seconded the motion. A Roll Call vote was unanimous in favor of the motion.**

*The motion carries.*

\*(R16-17-04 is attached for review.)

#### **#10. Vote for member to the MMA Legislative Policy Committee**

The Town Manager asked the Town Council to vote for him to be a member of the MMA Legislative Policy Committee for the next two years. This committee reviews all proposed legislation that may impact a community and makes a recommendation to the Legislature. He explained that the new Town Manager will be listed as an alternate member.

**Councilor Sinclair moved to nominate Roger Raymond to the MMA/LPC Committee. Councilor Freeman seconded the motion. The motion was accepted without doubt.**

*The motion carries.*

#### **#11. Consider participating in the program Spirit of America**

**Councilor Sinclair moved to table this agenda item. Councilor Ellis seconded the motion. The motion was accepted without doubt.**

*The motion carries.*

#### **#12. Consider adopting 2016-2017 Council Schedule**

**Councilor Sinclair moved to approve O16-17-01. Councilor Freeman seconded the motion. A Roll Call vote was unanimous in favor of the motion.**

*The motion carries.*

\*(O16-17-01 is attached for review.)

### **C. WORKSHOPS**

None

### **D. OTHER ITEMS (from Table Package)**

None

## **X. APPOINTMENTS**

### **#13. Approve & Sign 2016-2017 Municipal Appointments**



- The Council signed all 16/17 Appointment Papers

#### #14. Appointments to the School Building Committee

- The Council appointed Steve Thomas and John Snyder to the School Building Committee.

#### #15. Appointments to the High School Recreation Facility Committee

- The Council appointed Steve Thomas and John Snyder to the High School Rec Facility Committee.

#### #16. Appointments to the Public Safety Committee

- The Council appointed Anne Freeman and Doug Sinclair to the Public Safety Committee.
- The Council also appointed Jeanne Jacques and Doug Sinclair to the Economic Development Committee.

### XI. MANAGER STATUS REPORT:

**Hiring a replacement deputy for the Hermon Community Policing Unit** – We are very pleased with the candidates that have applied. The Sherriff handles all interviewing. This position should be filled mid to end of August.

**Road Projects** – Klatte Road and Fuller Road are complete. Local road paving has begun. Evergreen Drive is finished. We are on the Kelly Road right now. These road projects will be complete by end of July. The Printer’s Way project is nearly complete.

**Town Manager work schedule** – I have sold my home and have purchased a summer property two hours away. I will have limited work days during the month of August. I will be available by phone, and will continue to handle Council Meetings.

**Sign for the Transfer Station** – The sign design is complete. We will add the hours of operation to it.

**2017 State Valuation** – is a very important document. It will dictate our 2019 school subsidy.

**Route 2/Annis Road intersection** – There was a recent motorcycle accident at the intersection. I will forward the accident report to MDOT. When we hit a certain number of accidents we will get a traffic light there.

**Town Office** – The new deputy clerks in the Town Office are doing well. Training is going well. Donna Shorey’s retirement presents a significant loss to us.





**XII. FINAL PUBLIC ITEMS OR COMMENT** (*Items Not Already on Agenda*)

**Randy Gardner** reiterated that Mr. Raymond will soon be leaving. He asked the Council to please continue to pursue positive change at the Route 2/Annis Road intersection. He told how he listens to screeching tires every night and there are accidents near every day with constant near misses. Mr. Gardner stated that while he is not sure of the solution, there has to be one.

**XIII. COUNCIL ITEMS:**

**Anne Freeman** commended Roger Raymond, stating that the town roads are better right now than she ever can remember them being.

**Doug Sinclair** stated that he hopes the Council continues to work well together, and is looking forward to the work this new Council will complete.

**Donna Ellis** told how she has been hearing many, many, many positive comments about Jackson Beach.

**Steve Thomas** thanked his fellow Councilors for their confidence in him and his ability to be Council Chair.

**XIV. EXECUTIVE SESSION:**

None

**XV. ADJOURNMENT:**

**Councilor Ellis** moved to adjourn the meeting at 8:30pm. **Councilor Jacques** seconded the motion. **With no objection the meeting was adjourned.**

**Respectfully Submitted,**

**Ruth A. Nickerson, CCM**  
**Town Clerk**



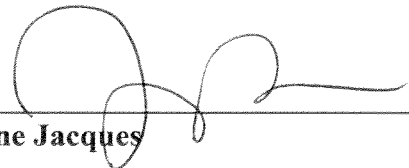
R16-17-01

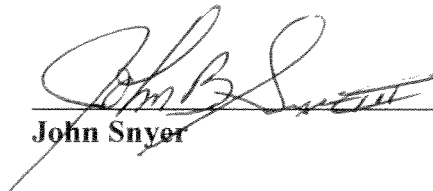
Be it resolved by the Hermon Town Council in town council assembled a private way located off Lily Lane is named Olin Lane and a private way located off Route 2 past the Stage Road and before Bridge Lane is named Werner Way.


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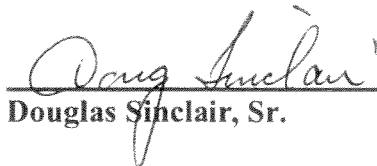
**SIGNED** this July 14, 2016 by the Hermon Town Council:

  
\_\_\_\_\_  
Donna Ellis


  
\_\_\_\_\_  
Jeanne Jacques

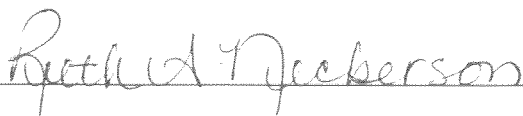
  
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John Snyder

  
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Steve Watson

  
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Douglas Sinclair, Sr.

  
\_\_\_\_\_  
Steven Thomas

  
\_\_\_\_\_  
Anne Freeman

Attest Original:   
\_\_\_\_\_

Motion	<u>Sinclair</u>	Yeas	<u>7</u>	Date	<u>July 14, 2016</u>
Second	<u>Freeman</u>	Nays	<u>0</u>		



R16-17-02

Be it resolved by the Hermon Town Council in town council assembled a special town meeting is scheduled for 7:00 p.m. Thursday July 28, 2016 at the Public Safety Building for the purpose of having the citizens consider accepting two grants approved by the Maine Department of Transportation in the total amount of \$534,134 to complete improvements to 1.14 miles on a portion of the Coldbrook Road and 2.27 miles on the Newburgh Road with the question reading as follows:

**“Shall the Town vote to authorize the expenditure of \$534,134 to be raised from Unrestricted Fund Balance for the purpose of matching two grants totaling \$534,134 to complete improvements to 1.14 miles on the Coldbrook Road and 2.27 miles on the Newburgh Road?”**

Be it further resolved the Warrant for the special town meeting be signed.

SIGNED this July 14, 2016 by the Hermon Town Council:

Donna Ellis

Jeanne Jacques

John Snyder

Steve Watson

Douglas Sinclair, Sr.

Steven Thomas

Anne Freeman

Attest Original: Rebecca Neaberson

Motion	<u>Freeman</u>	Yeas	<u>7</u>	Date	<u>July 14, 2016</u>
Second	<u>Sinclair</u>	Nays	<u>0</u>		



**R16-17-03**

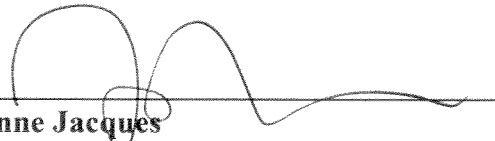
Be it resolved by the Hermon Town Council in town council assembled the Public Works Director is authorized to seek quotes from qualified local contractors to complete drainage improvements along Creamery Road and Freedom Parkway and such quotes be returned to the Town Council for consideration at the July 28<sup>th</sup> Town Council Meeting.

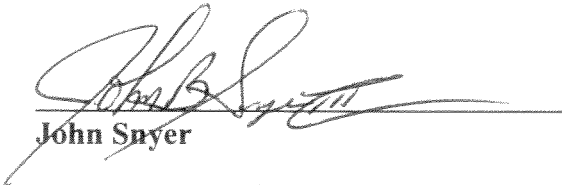
Be it further resolved the request for quotes will not be advertised in the Bangor Daily News but will be submitted to the following local contractors:

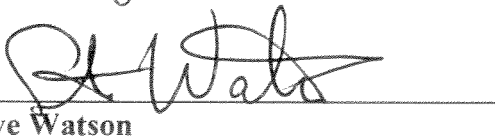
- Alan Dorr Construction
- Gardner Construction Enterprises
- Hermon Sand & Gravel
- Lane Construction
- Sitewerx, Inc
- Pike Industries
- Advance Development Co.
- Sargent Corp.
- D & D Construction
- Gary Pomeroy

**SIGNED** this July 14, 2016 by the Hermon Town Council:


  
\_\_\_\_\_  
**Donna Ellis**

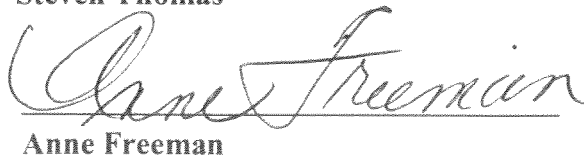
  
\_\_\_\_\_  
**Jeanne Jacques**

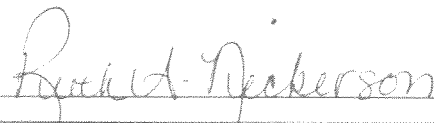
  
\_\_\_\_\_  
**John Snyder**

  
\_\_\_\_\_  
**Steve Watson**

  
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**Douglas Sinclair, Sr.**

  
\_\_\_\_\_  
**Steven Thomas**

  
\_\_\_\_\_  
**Anne Freeman**

Attest Original:  \_\_\_\_\_

Motion <u>Jacques</u>	Yeas <u>7</u>	Date <u>July 14, 2016</u>
Second <u>Sinclair</u>	Nays <u>0</u>	




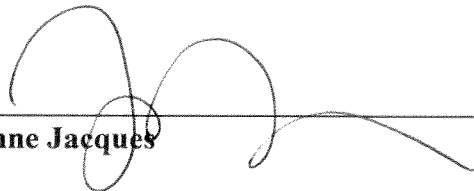
**FR16-17-01**

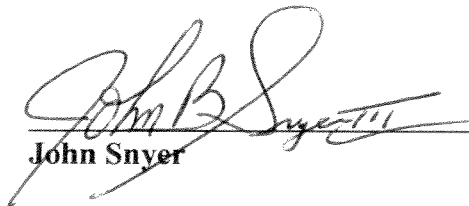
Be it resolved by the Hermon Town Council in town council assembled the contract to purchase winter sand for the 2016-2017 and 2017-2018 snow season be awarded to Gardner Construction Enterprises in the amount of \$9.75 per cubic yard and an additional \$1.00 per cubic yard to mix the sand and pile it. Be it further resolved the contract be extended to include the 2018-2019 snow season at the cost of \$9.75 per cubic yard and a fuel surcharge based on the increase of fuel during the two proceeding years of the contract.

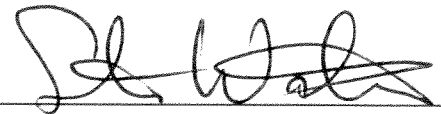
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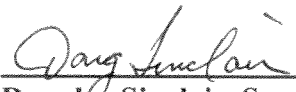
**SIGNED** this July 14, 2016 by the Hermon Town Council:


  
\_\_\_\_\_  
**Donna Ellis**


  
\_\_\_\_\_  
**Jeanne Jacques**

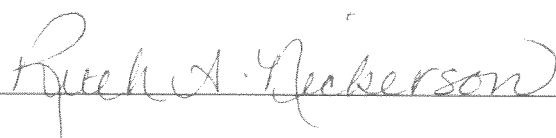
  
\_\_\_\_\_  
**John Snyder**

  
\_\_\_\_\_  
**Steve Watson**

  
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**Douglas Sinclair, Sr.**

  
\_\_\_\_\_  
**Steven Thomas**

  
\_\_\_\_\_  
**Anne Freeman**

Attest Original:   
\_\_\_\_\_

Motion <u>Sinclair</u>	Yeas <u>7</u>	Date <u>7/14/16</u>
Second <u>Jacques</u>	Nays <u>0</u>	




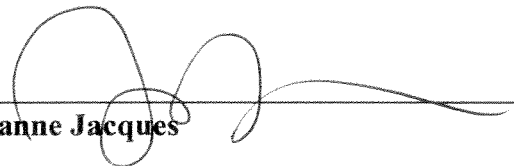
**R16-17-04**

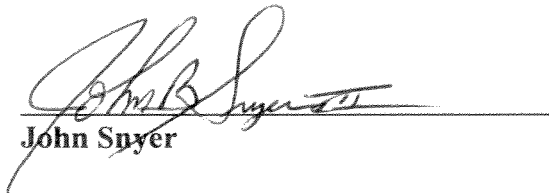
Be it resolved by the Hermon Town Council in town council assembled the Mutual Aid Agreement for Fire Protection and Hazardous Materials Incident Response between the Town of Hermon and Secretary of the Air Force on behalf of the Maine Air National Guard Fire Department is approved.

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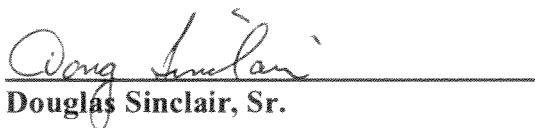
**SIGNED** this July 14, 2016 by the Hermon Town Council:

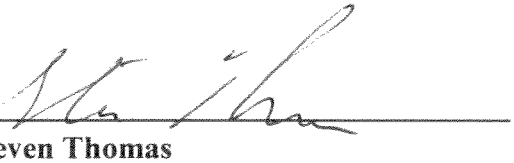
  
\_\_\_\_\_  
**Donna Ellis**

  
\_\_\_\_\_  
**Jeanne Jacques**

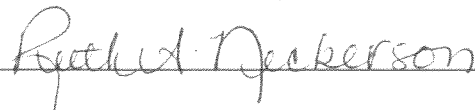
  
\_\_\_\_\_  
**John Snyder**

  
\_\_\_\_\_  
**Steve Watson**

  
\_\_\_\_\_  
**Douglas Sinclair, Sr.**

  
\_\_\_\_\_  
**Steven Thomas**

  
\_\_\_\_\_  
**Anne Freeman**

Attest Original:  \_\_\_\_\_

Motion: <u>Sinclair</u>	Yeas <u>7</u>	Date <u>July 14, 2016</u>
Second <u>Snyder</u>	Nays <u>0</u>	

**Order**  
**016-017-001**



2016-2017

**Council Meeting Schedule**

- July 14, 2016
- July 28, 2016
- August 11, 2016
- August 25, 2016
- September 8, 2016
- September 22, 2016
- October 6, 2016
- October 20, 2016
- November 3, 2016
- November 17, 2016
- December 1, 2016
- December 15, 2016
- December 29, 2016
- January 12, 2017
- January 26, 2017
- February 9, 2017
- February 23, 2017
- March 9, 2017
- March 23, 2017
- April 6, 2017
- April 20, 2017
- May 4, 2017
- May 18, 2017
- June 1, 2017

**June 13, 2017** *Municipal Election*

**June 15, 2017** *Annual Town Meeting*

June 29, 2017

**Signed this July 14, 2016 by the Hermon Town Council**

Donna Ellis

Anne Freeman

Steven Thomas

Douglas Sinclair, Sr.

John Snyder, III

Jeanne Jacques

Steve Watson



Town of Hermon  
Public Safety Meeting Room  
July 28, 2016  
Town Council Meeting  
Immediately Following  
Special Town Meeting @7:00PM  
MINUTES

\*\*\* Televised live on Cable Channel 121.111 \*\*\*

Council Meetings may be viewed live online and are archived after the meeting  
has taken place – check hermon.net for link.

\*\*\*ALL ITEMS ARE SUBJECT TO APPROPRIATE COUNCIL ACTION\*\*\*

**I. CALL TO ORDER BY CHAIRPERSON**

Chair Thomas called the meeting to order at 7:05pm.

**II. PLEDGE OF ALLEGIANCE**

Chair Thomas led those in attendance in the Pledge of Allegiance.

**III. ROLL CALL**

**Members Present:** Anne Freeman, Steve Thomas, Doug Sinclair, John Snyder and Steve Watson

**Members Absent:** Donna Ellis and Jeanne Jacques

**Others Present:** Town Manager Roger Raymond, Town Clerk Ruth A. Nickerson, Cody Sullivan, Bob Duran, Donna Pulver, Scott Perkins, Chandler Corriveau, Frank Roma, Senator Geoff Gratwick and Sgt. Pelletier

**Councilor Sinclair moved to approve the absence of Councilors Ellis and Jacques. Councilor Snyder seconded the motion. A Roll Call vote was unanimous in favor of the motion.**

*The motion carries.*

**IV. REVIEW CONSENT CALENDAR: REGULAR BUSINESS, APPOINTMENTS, SIGNATURES, And APPROVAL OF MINUTES:**

**MINUTES. -APPROVE April 21, 2016**





WARRANTS. –SIGN July 29, 2016

- Sign – Waste Hauler Agreement from Waste Management for 16-17.

**Councilor Sinclair moved to approve the Consent Calendar as presented. Councilor Freeman seconded the motion. A Roll Call vote was unanimous in favor of the motion.**

*The motion carries.*

**V. NEWS, PRESENTATIONS AND RECOGNITIONS**

None

**VI. PUBLIC ITEMS OR COMMENTS (*Items Not Already on Agenda*)**

None

**VII. PUBLIC HEARINGS**

None

**VIII. COMMITTEE REPORTS**

None

**IX. SCHEDULED AGENDA ITEMS**

**A. OLD BUSINESS**

**#1. Consider awarding contract for drainage improvements in Freedom Park**

The Town Council authorized the Public Works Director to seek proposals to complete drainage improvements in Freedom Park. The funds for these improvements were approved at the Annual Town Meeting. 2 bids were received. Both bids were higher than the budgeted monies available. The Council resolved to authorize the Public Works Director to negotiate with the low bidder, D & D Construction, the scope of work by prioritizing the project components to a sum not to exceed \$23,500.

**Councilor Snyder moved to approve FR16-17-02. Councilor Sinclair seconded the motion. A Roll Call vote was unanimous in favor of the motion.**

*The motion carries.*

\*(FR16-17-02 is attached for review.)

**#2. Consider awarding contract for shoulder work on Hopkins Road**

The Town Council previously authorized the Public Works Director to seek proposals to complete shoulder improvements along the Hopkins Road. 3 bids were received. The Council awarded the bid to Alan Dorr Construction.

**Councilor Freeman moved to approve FR16-17-03. Councilor Snyder seconded the motion. A Roll Call vote was unanimous in favor of the motion.**

*The motion carries.*

\*(FR16-17-03 is attached for review.)



### **#3. Consider awarding contract for drainage improvements Creamery Road**

The Town Council previously authorized the Public Works Director to seek proposals to complete drainage improvements along the Creamery Road. 2 bids were received. The Council awarded the bid to Alan Dorr Construction.

**Councilor Sinclair moved to approve FR61-17-04. Councilor Snyder seconded the motion. A Roll Call vote was unanimous in favor of the motion.**

*The motion carries.*

*\*(FR16-17-04 is attached for review.)*

### **#4. Consider approving the ballot questions for the Charter amendments**

The Town Clerk has prepared the ballot questions for the amendments to the Charter that were approved by the prior Town Council. The Town Attorney has reviewed the ballot at the Clerk's request. Council approval is required so the Clerk can prepare the actual ballot for the November election. Charter Amendments require 30% of the voters @ the last gubernatorial election which equals 814 voters. These items must be acted on individually because there was no Charter Commission.

**Councilor Sinclair moved to approve R16-17-05. Councilor Snyder seconded the motion. A Roll Call vote was unanimous in favor of the motion.**

*The motion carries.*

*\*(R16-17-05 is attached for review.)*

## **B. NEW BUSINESS**

### **#5. Consider carrying the balance forward in Police Revenues for the police cruiser purchase**

The Finance Office has requested the Town Council vote to carry forward the insurance payment received for the Tahoe police cruiser that was totaled this spring to 2016-2017 because the payment is being paid during this current year. The amount of the insurance payment is \$18,550, and will be used to offset the cost of the new Ford Explorer.

**Councilor Freeman moved to approve FR16-17-05. Councilor Sinclair seconded the motion. A Roll Call vote was unanimous in favor of the motion.**

*The motion carries.*

*\*(FR16-17-05 is attached for review.)*

### **#6. Consider Request for Bids for Mowing and Cemetery Maintenance**

The Town Manager explained that the current three year contract will expire this fall. The Public Works Director has amended the current specification for the bid request from prior years to include blowing cemetery stones clean, maintaining the pump stations and maintaining Hermon Corner. Bob Duran spoke to the Council regarding his disappointment in the Cemetery Mowing and Maintenance over the last 3 years.



**Councilor Sinclair moved to approve R16-17-06. Councilor Snyder seconded the motion. A Roll Call vote was unanimous in favor of the motion.**

*The motion carries.*

**\*(R16-17-06 is attached for review.)**

**#7. Review and Approve amended job description for the position of Fire Chief**

The Manager told how in anticipation of hiring a new Fire Chief, the officers of the Hermon Fire Department have recommended some changes to the current job description. He explained that the Department feels strongly that the new chief should be an “Active Chief” with current certifications and the ability to complete an annual fit test in addition to an annual physical. A conversation took place regarding how to write a good job description that does not drive away good candidates. The Town Manager took care to make sure the Council had a good understanding of an Administrative Chief vs. an Active Chief, clarifying that the proposed job description is for a working active chief.

**Councilor Sinclair moved to table this agenda item to a workshop for further discussion and review. Councilor Freeman seconded the motion. The motion was accepted without doubt.**

*The motion carries.*

**#8. Amend 2016-2017 Salary and Wage Schedule for the Deputy Tax Collector-Registration Agent**

Manager Raymond explained to the Council that when he submitted the Wage Schedule to the Council for approval he mistakenly stated the hourly wages for the position of Deputy Tax Collector/ Motor Vehicle Agent. He requested the Town Council restate the correct hourly amount of \$17.59.

**Councilor Freeman moved to approve R16-17-08. Councilor Snyder seconded the motion. A Roll Call vote was unanimous in favor of the motion.**

*The motion carries.*

**\*(R16-17-08 is attached for review.)**

**#9. Consider authorizing expenditure for equipping the 2016 police cruiser**

\$5,000.00 has been requested by the Hermon Policing Unit for the purpose of equipping the new Ford Explorer. This vehicle will replace the totaled Tahoe. The cost of this project will be paid for in part from the proceeds of the insurance payment and the Police Equipment Reserve Account.

**Councilor Snyder moved to approve FR16-17-06. Councilor Freeman seconded the motion. A Roll Call vote was unanimous in favor of the motion.**

*The motion carries.*

**\*(FR16-17-06 is attached for review.)**

**#10. Consider approving expenditure from the Public Works Facility Reserve for improvements at the salt and sand storage building**



The Public Works Director asked the Council to consider spending \$1,170 from the Public Works Facility Reserve to replace the metal entrance door to the salt and sand shed. The existing door has corroded including the frame and cannot be opened without considerable force.

**Councilor Freeman moved to approve FR16-17-07. Councilor Snyder seconded the motion. A Roll Call vote was unanimous in favor of the motion.**

*The motion carries.*

*\*(FR16-17-07 is attached for review.)*

## **C. WORKSHOPS**

### **#11. Hold a workshop to establish the goals for the ensuring year**

The Manager explained that he added two new goals to the existing list for 2016-2017 for a total of 20 goals.

1. Develop a wage scale for all hourly and salaried employees.
2. Update the 2017-2018 Capital Improvement Plan to include components of the Road and Street Improvement Plan, Economic Development Plan, Cemetery Maintenance Plan, Sewer Maintenance Plan and the School Improvement Plan including the expansion at the Hermon Elementary School for both the School Department and Recreation Department.
3. Update the Road and Street Plan including safety improvements at the intersection of Route 2.
4. Adopt the Economic Development Plan and implement the goals and objectives outlined by the plan.
5. Establish a Recycling Committee to study the feasibility of expanding the recycling program post PERC 2018.
6. Implement the activities outlined by the 2016-2017 Capital Improvement Plan including conducting a space need evaluation for the Public Safety Building and Town Office specific to record storage for the Town office and police office space for the Public Safety Building.
7. Complete an in house revaluation of all properties including update of the tax maps and property assessment cards.
8. Submit for voter approval proposed Charter changes.
9. Continue to foster and maintain a good working relationship with the members of the School Committee, Hermon Rescue and the Sheriff's Office.
10. Continue to maintain a Public Safety Committee specifically to improve the Community Policing Program, Emergency Medical Services and mutual aid for fire services with surrounding communities.
11. Hire a new fire chief.
12. Complete update of the website.
13. Continue to work with the City of Bangor to amend the sewer billing process to include funds for the maintenance and upgrade of the sewer system.
14. Continue to improve Jackson Beach.
15. Consider addressing the wetland issue on property adjacent to the high school.
16. Continue to maintain a recreation program that serves all citizens including senior citizens.
17. Continue to maintain reserve accounts for capital improvements in order to minimize sharp increases in the mill rate.



18. Continue to maintain a good working relationship with Ryder in order to encourage the registration of company trucks in Hermon.
19. Require the Town Manger to work with department heads and key staff to develop on year and five year goals for their department.
20. Complete codification of all ordinances.

**Councilor Snyder moved to discuss other items in the table packet. Councilor Watson seconded the motion. The motion was accepted without doubt.**

*The motion carries.*

**D. OTHER ITEMS (from Table Package)**

**#12. Consider authorizing Change Order 1 for Printer's Drive paving project**

The Manager requested the Council authorize and additional \$4,503.13 to cover the cost of the only change order for Printer's Drive. \$2,998.75 will be used for paving driveway aprons. \$1,506.38 will be used for an additional 100 cubic yards of RAP to build the shoulders.

**Councilor Snyder moved to approve FR16-17-08. Councilor Freeman seconded the motion. A Roll Call vote was unanimous in favor of the motion.**

*The motion carries.*

\*(FR16-17-08 is attached for review.)

**X. APPOINTMENTS**

None

**XI. MANAGER STATUS REPORT:**

**Route 2 Sidewalk Project** will be 1.35 million dollar project. No local tax dollars are required. Monies for this project will come from grant money and TIF dollars.

**Route 2- Annis Road intersection** has been targeted for a 2019 Safety Grant.

**Town Manager Schedule** will be reduced through the end of August. I have relocated to Golden Pond. Do not hesitate to contact me by phone anytime.

**Expansion Project at the Hermon Elementary School** includes a Sr. Center. Will get to see the design at the next meeting on Monday.

**Extra float at Jackson Beach** has received approval. This is a 20 ft addition.

**PERC contract** will be signed next week. PERC has agreed to the changes we requested, which makes it so that if the PERC proposal does not work the Town of Hermon is off the hook.

**XII. FINAL PUBLIC ITEMS OR COMMENT (Items Not Already on Agenda)**

None



**XIII. COUNCIL ITEMS:**

None

**XIV. EXECUTIVE SESSION:**

None

**XV. ADJOURNMENT:**

**Councilor Freeman moved to adjourn the meeting at 9:07pm. Councilor Sinclair seconded the motion. With no objection the meeting was adjourned.**

**Respectfully Submitted,**

**Ruth A. Nickerson, CCM  
Town Clerk**



**FR16-17-08**

Be it resolved by the Hermon Town Council in town council assembled the contract for reclaiming and repaving Printers Way be increased by \$4,505.13 to cover the cost of Change Order 1 which included \$2,998.75 for paving driveway aprons and \$1,506.38 for 100 cubic yards of additional RAP to build the shoulders.

Be it further resolved the cost of Change Order 1 will be charged to TIF Revenue as approved at Annual Town Meeting.

**SIGNED** this July 28, 2016 by the Hermon Town Council:

absent  
**Donna Ellis**

absent  
**Jeanne Jacques**

[Signature]  
**John Snyder**

[Signature]  
**Steve Watson**

[Signature]  
**Douglas Sinclair, Sr.**

[Signature]  
**Steven Thomas**

[Signature]  
**Anne Freeman**

Attest Original: [Signature]

Motion <u>Snyder</u>	Yeas <u>5</u>	Date <u>7/28/16</u>
Second <u>Freeman</u>	Nays <u>0</u>	



**FR16-17-02**

Whereas, quotes were requested from local contractors approved by the Hermon Town Council to complete drainage improvements in Freedom Park; and,

Whereas, quotes were received as follows:

Wellman Paving	\$117,425.30
D & D Construction	\$88,500.00

Be it resolved by the Hermon Town Council in town council assembled the contract for drainage improvements in Freedom Park be rejected because the low bid exceeds the budgeted amount by \$65,500.

Be it further resolved the Town Council authorizes the Public Works Director to negotiate with the low bidder, D & D Construction, the scope of work by prioritizing the project components to a sum not to exceed \$23,500 and such funds to be paid for from TIF Revenues.

**SIGNED** this July 28, 2016 by the Hermon Town Council:

absent  
Donna Ellis

absent  
Jeanne Jacques

John Snyder

Steve Watson

\_\_\_\_\_  
Douglas Sinclair, Sr.

Steven Thomas

Anne Freeman

Attest Original: Richard Neiberson

Motion <u>Snyder</u>	Yeas <u>5</u>	Date <u>7/28/16</u>
Second <u>Sinclair</u>	Nays <u>0</u>	





**FR16-17-03**

Whereas, quotes were requested from local contractors approved by the Hermon Town Council to complete shoulder improvements on the Hopkins Road; and,

Whereas, quotes were received as follows:

D & D Construction	\$18,500.00
Wellman Paving	\$8,279.90
Alan Dorr Construction	\$7,900.00

Be it resolved by the Hermon Town Council in town council assembled the contract for shoulder improvements along the Hopkins Road be awarded to Alan Dorr Construction in the lump sum amount of \$7,900.00.

Be it further resolved the cost for the work be charged to the Road Construction Acct. #13-02-12-10.

**SIGNED** this July 28, 2016 by the Hermon Town Council:

absent  
Donna Ellis

absent  
Jeanne Jacques

John Snyder

Steve Watson

Douglas Sinclair, Sr.

Steven Thomas

Anne Freeman

Attest Original: Reech W. Neeberson

Motion <u>Freeman</u>	Yeas <u>5</u>	Date <u>7/28/16</u>
Second <u>Snyder</u>	Nays <u>0</u>	



**FR16-17-04**

Whereas, quotes were requested from local contractors approved by the Hermon Town Council to complete shoulder improvements on the Creamery Road; and,

Whereas, quotes were received as follows:

D & D Construction	\$30,500.00
Wellman Paving	\$27,357.50
Alan Dorr Construction	\$19,800.90

Be it resolved by the Hermon Town Council in town council assembled the contract for shoulder improvements along the Creamery Road be awarded to Alan Dorr Construction in the lump sum amount of \$19,800.90.

Be it further resolved the cost for the work be charged to the Highway Improvement Acct. #30-06-57-06.

**SIGNED** this July 28, 2016 by the Hermon Town Council:

absent  
Donna Ellis

absent  
Jeanne Jacques

John Snyder

Steve Watson

Douglas Sinclair, Sr.

Steven Thomas

Anne Freeman

Attest Original: Ruth A. Nickerson

Motion <u>Sinclair</u>	Yeas <u>5</u>	Date <u>7/28/16</u>
Second <u>Snyder</u>	Nays <u>0</u>	



**R16-17-05**

Be it resolved by the Hermon Town Council in town council assembled the ballot for the Charter amendments be approved and submitted to the voters of the Town of Hermon for consideration at the November 8<sup>th</sup>, 2016 General Election.

The ballot will read as follows:

***Charter Amendments***  
*November 2016*

1. Vote to eliminate term limits for Town Council and School Committee members (Sections 2.02 and 6.01).
2. Vote to eliminate the requirement for the Town Attorney to attend all Annual Town Meetings (Section 3.01)
3. Vote to include cost center format for school budget as set by the school board pursuant to Department of Education requirements (Sections 6.08 and 8.06)
4. Vote to amend duties of the Board of Assessment Review by removing the right to confer jurisdiction over appeals arising from any Town Ordinance (Section. 7.02 b)
5. Vote to require one member of the Board of Assessment Review to be an attorney licensed to practice in the State of Maine and one member a Maine certified real estate appraiser or certified Maine assessor (Section 7.03)
6. Vote to authorize the Assessor to set the overlay as required by state law and to require the Town Council to adopt the tax levy by council resolution (Sections. 8.03 and 8.04)
7. Vote to include the School Department when preparing the Capital Improvement Plan (Section 8.12)
8. Vote to authorize the Town Council to limit the use of funds from Reserve Accounts to meet cash flow (Section 8.14)
9. Vote to restrict a Town Councilor from having any immediate family member working for the Town, except seasonal municipal or school employees, while serving on the council. Immediate family member will include spouse, children, sibling, including step, half and in-law relations and domestic partners. (Section 2.02 subsection b).
10. Vote to reaffirm the Town Council's authority to determine the total amount of the School budget to be submitted to a budget validation referendum. (Sections 6.08 and 8.02)



**FR16-17-05**

Be it resolved by the Hermon Town Council in town council assembled the payment received from the insurance company reimbursing for the damage to the 2012 Tahoe be carried forward to the 2016-2017 fiscal year in the amount of \$18, 550, such to be used to offset the cost of the new Ford Explorer.

**SIGNED** this July 28, 2016 by the Hermon Town Council:

absent  
**Donna Ellis**

absent  
**Jeanne Jacques**

**John Snyder**

**Steve Watson**

**Douglas Sinclair, Sr.**

**Steven Thomas**

**Anne Freeman**

Attest Original: Richard Nicholson

Motion <u>Freeman</u>	Yeas <u>5</u>	Date <u>7/28/16</u>
Second <u>Sinclair</u>	Nays <u>0</u>	



**R16-17-06**

Whereas, the current mowing and cemetery maintenance contract will be expiring at the end of the 2016 mowing season; and,

Whereas, the Public Works Director chooses to seek bids for a new three year contract; and,

Whereas, the Public Works Director has suggested several changes to the scope of work:

Be it resolved by the Hermon Town Council in town council assembled, the Public Works Director is authorized to seek proposals from interested contractors who provide lawn maintenance services pursuant to the Scope of Services recommended by the Public Works Director.

Be it further resolved the Request for Proposal also be advertised in the weekend edition of the Bangor Daily News and the results returned to the Town Council for consideration.

---

**SIGNED** this July 28, 2016 by the Hermon Town Council:

absent  
\_\_\_\_\_  
**Donna Ellis**

absent  
\_\_\_\_\_  
**Jeanne Jacques**

\_\_\_\_\_  
**John Snyder**

\_\_\_\_\_  
**Steve Watson**

\_\_\_\_\_  
**Douglas Sinclair, Sr.**

\_\_\_\_\_  
**Steven Thomas**

\_\_\_\_\_  
**Anne Freeman**

Attest Original:

Motion: <u>Sinclair</u>	Yeas: <u>5</u>	Date: <u>7/28/16</u>
Second: <u>Snyder</u>	Nays: <u>0</u>	



**R16-17-08**

Be it resolved by the Hermon Town Council in town council assembled the 2016-2017 Salary and Wage Schedule for the Deputy Tax Collector-Registration Agent be amended by increasing the hourly amount from \$17.42 to \$17.59, effective July 1, 2016.

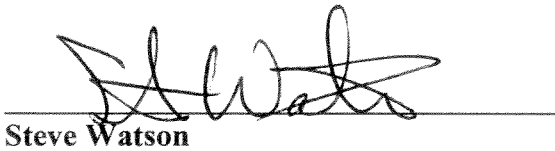
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**SIGNED** this July 28, 2016 by the Hermon Town Council:

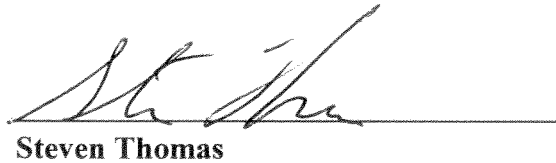
absent  
Donna Ellis

absent  
Jeanne Jacques

  
John Snyder

  
Steve Watson

  
Douglas Sinclair, Sr.

  
Steven Thomas

  
Anne Freeman

Attest Original: Rebecca Nicholson

Motion <u>Freeman</u>	Yeas <u>5</u>	Date <u>7/28/16</u>
Second <u>Snyder</u>	Nays <u>0</u>	



**FR16-17-06**

Be it resolved by the Hermon Town Council in town council the Hermon Community Policing Unit is authorized to expend an amount not to exceed \$5,000 to reequip the new 2016 cruiser.

Be it further resolved the cost of these improvements will be paid from the Police Equipment Reserve and the proceeds received from the insurance company.

---

**SIGNED** this July 28, 2016 by the Hermon Town Council:

absent  
Donna Ellis

absent  
Jeanne Jacques

[Signature]  
John Snyder

[Signature]  
Steve Watson

[Signature]  
Douglas Sinclair, Sr.

[Signature]  
Steven Thomas

[Signature]  
Anne Freeman

Attest Original: Ruthie D. Nieberson

Motion <u>Snyder</u>	Yeas <u>5</u>	Date <u>7/28/16</u>
Second <u>Freeman</u>	Nays <u>0</u>	



FR16-17-07

Be it resolved by the Hermon Town Council in town council assembled the Public Works Director be authorized to expend an amount not to exceed \$1,170 from the Public Works Facility Reserve to complete repairs to the entrance door to the sand and salt storage building.

---

**SIGNED** this July 28, 2016 by the Hermon Town Council:

absent  
**Donna Ellis**

absent  
**Jeanne Jacques**

[Signature]  
**John Snyder**

[Signature]  
**Steve Watson**

[Signature]  
**Douglas Sinclair, Sr.**

[Signature]  
**Steven Thomas**

[Signature]  
**Anne Freeman**

Attest Original: [Signature]

Motion <u>Freeman</u>	Yeas <u>5</u>	Date <u>7/28/16</u>
Second <u>Snyder</u>	Nays <u>0</u>	



**MUNICIPAL QUITCLAIM DEED WITHOUT COVENANTS**

The **TOWN OF HERMON**, a Municipal corporation located in Penobscot County, Maine, in consideration of taxes and costs due, releases to **Rand, Amanda of Corinth**, Penobscot County, Maine, Penobscot County, State of Maine, Described as follows:

Designated as **Map/Lot 046-006-015(T) Account 2196** on the Tax Maps of the Town of Hermon prepared by James W. Sewall dated January 2012, on file at the Town of Hermon municipal office.

The purpose of this Deed is to release any interest the Grantor may have by virtue of undischarged tax liens filed in the name of to **Rand, Amanda, Account 2196** at the Penobscot Registry as:

	<b>Year</b>	<b>Book</b>	<b>Page</b>
<b>Lien:</b>	2013	13616	48

**EXCEPTING AND RESERVING** all interests of the Municipality of Hermon in and to the above-described premises arising by virtue of undischarged tax liens for tax years subsequent to Tax Year **2013**.

The said Inhabitants of the Municipality of Hermon have caused this instrument to be signed in its corporate name by Chair Stephen Thomas, Vice-Chair Douglas Sinclair, Sr., Anne Freeman, Donna Ellis, Jeanne Jacques, John Snyder III and George S. Watson, its Municipal Officers duly authorized, this **6<sup>th</sup> day of October 2016**.

\_\_\_\_\_  
**Stephen Thomas, Chair**

\_\_\_\_\_  
**Anne Freeman**

\_\_\_\_\_  
**Douglas Sinclair, Sr., Vice-Chair**

\_\_\_\_\_  
**Donna Ellis**

\_\_\_\_\_  
**Jeanne Jacques**

\_\_\_\_\_  
**John Snyder III**

\_\_\_\_\_  
**George S. Watson**

**ACKNOWLEDGMENT**

State of Maine  
Penobscot County, ss.

Then personally appeared before me the above named in their capacity as Chair Stephen Thomas, Vice-Chair Douglas Sinclair, Sr., Anne Freeman, Donna Ellis, Jeanne Jacques, John Snyder III, and George S. Watson it's Municipal Officers for the Town of Hermon, Maine and acknowledged the foregoing to be his free act and deed in their said capacity and the free act and deed of the Town of Hermon.

Dated: 10/6/2016 Before me, \_\_\_\_\_  
Notary Public

## MEMORANDUM

To: Members of the Hermon Town Council  
From: Howard Kroll, Town Manager  
Re: 6 October 2016 Town Council Meeting  
Date: 30 September 2016

### **#3. Consider- Adopting an ordinance amendment to the Hermon Code of Ordinances- Title XV- Section 154, “Non-Conforming Uses § 154-112 B”**

Town of Hermon Planning Board and Staff are seeking Town Council’s consideration to amend the Non-Conforming Uses § 154-112 B section of Title XV.

Section B, ***Discontinuance***, would be amended to add the following language:

***Exception: A nonconforming residential use may be resumed without consideration of any time limitations, provided the previously existing interior dwelling features of the structure to be reoccupied have not been removed. Dwelling shall be issued a Certificate of Occupancy upon occupancy.***

***Town Manager recommends Town Council approve the proposed ordinance amendment.***

### **#4. Consider- adopting an ordinance amendment to the Hermon Code of Ordinances- Title XV- Section 154, “§ 154-007, Contract Zone”**

Town of Hermon Planning Board and Staff are seeking Town Council’s consideration to amend the Contract Zone § 154-007 B section of Title XV.

Mr. James Gallant, 2100 Ohio Street, Bangor, ME, is seeking a Contract Zone for reestablishing the Wheeler Stream Campground, 2209 Route 2 in Hermon also known as Map 21 Lot 27, to a conforming use.

Currently the property is non-conforming due to being in the Village Commercial District, Agricultural Forestry and Limited Shoreland Residential

with the developed portion of the campground being in the Village Commercial District. Campgrounds are not allowed in the Village Commercial District but are in the Agricultural Forestry District.

***Town Manager recommends Town Council approve the proposed ordinance amendment.***

**#5. Open Bids for tax acquired property and award bid.**

Staff is seeking Town Council authorization to accept and award, if submitted, to the highest bid for a tax acquired property. The Town has tax acquired the property as know as Map 36 Lot 32 located on the New Boston Road through the foreclosure process. This is land only. No structure is on the property. If there is a high bid the Town Council should consider selling the property with no perfected deed. Property sold as is.

***Town Manager recommends authorization.***

**#6. Consider approving FD request for Facebook Page to broadcast information.**

Fire Chief Roma has requested that the Fire Department obtain permission to establish a Hermon Fire Department Facebook page. The purpose of the page is to allow the Fire Department to disseminate pertinent information to the public related to Fire Department and its mission.

In March 2015 the Town Council did authorize a Hermon Public Safety Facebook page that included both the Fire and Police Department to have a joint page. That never happened and most of the employees named in the proposal are no longer employed with the Town of Hermon.

***Town Manager recommends Town Council authorize the Fire Department to establish their own Facebook page and to keep it within the highest standards of professionalism and content.***

**#7. Recognize Interim Fire Chief for his service to the Town of Hermon.**

Interim Fire Chief Darrel Cyr served in his capacity in between the vacancy period of a full time Fire Chief. During this period Interim Fire Chief Cyr was instrumental in maintaining a high level of service and discipline within the department. We are grateful for his service and express our deepest gratitude for his leadership and guidance during this time of transition.

***Town Manager recommends Town Council recognize Interim Fire Chief Darrel Cyr for his commitment and service to the Town of Hermon and***

***thank him for his leadership and guidance through the transition of Fire Chiefs.***

**#8. Announce Fire Prevention Week Open House.**

The Hermon Fire Department is proud to announce the first Fire Prevention Week Open House on Saturday, 15 October 2016, at the Hermon Public Safety Building from 11 am to 2 pm, to see first hand the Fire Department's equipment, meet our fire fighters and Sparky the Fire Dog.

***Town Manager recommends Town Council announce and invite the public to attend the Fire Department Fire Prevention Week Open House on Saturday, 15 October 2016 from 11 am -2 pm.***

**#9. Consider- Approving Funds for Transfer Station Improvements**

Staff is seeking Town Council authorization to spend approved funds (2016 Annual Town Meeting Article 5) from the Transfer Station Reserve Account (HERM29) toward improvements at the Transfer Station.

Staff is seeking the authorization to be used for purchasing an attendant building for the Transfer Station. The request is for \$2,593.60. The balance remaining if approved, would be \$2,513.50.

***Town Manager recommends authorization.***

**#10. Consider- Approving Funds for Snow's Corner Cemetery Improvements**

Staff is seeking Town Council authorization to spend approved funds (2013 Annual Town Meeting FY 2013) from the Snow's Corner Cemetery Reserve Account (HERM27) toward improvements at the Snow's Corner Cemetery.

Staff is seeking the authorization to be used for purchasing services to install a gravel base for the road inside the cemetery. The request is for \$9,800. The balance remaining if approved, would be \$3,324.00.

**#11. Consider- Approving Authorization to seek bids from Qualified Contractors to install Basin/Oil Separator and Drainage at the Public Works Yard**

Staff is seeking Town Council authorization to seek bids from qualified contractors to install basin/oil separator and drainage work at the Public Works Yard. Bids will be accepted until Friday, 14 October 2016 @ 4:00 p.m. if authorized.

We will return after the bids are collected and seek to use funding sources to pay for the project.

***Town Manager recommends authorization.***

**#12. Review and Discuss proposed Resolution for “No on Question #1”**

Ms. Kim Nichols, 531 Ridge Drive-Hermon, is requesting the Hermon Town Council to consider adopting a resolution to Vote NO on Question #1 at the 8 November 2016 Presidential Election.

Ms. Nichols provided you with her resolution and would like to further review and discuss with the Town Council on this subject.

***Town Manager recommends reviewing and discussing the proposed Resolution for “No on Question #1” as well as hear from both sides of the question. Both parties have been invited, more than twice, to attend and offer their position to the Town Council.***

# 1.  
10-06-2016

LEGAL NOTICE  
Hermon Town Council

The Hermon Town Council will hold a public hearing Thursday Octo 6, 2016, at 7:00 PM at the Hermon Public Safety Building for the following purpose of:

Review of proposed language amendment to the Hermon Code of Ordinances, Title XV – Land Usage, Chapter 154, Section 154-110 Non – Conformance, subsection 154-112 Non Conforming Uses B.

See amendment attached -

Posted 09/23/2016

## **NON-CONFORMANCE**

### **§ 154.110 GENERAL.**

(A) *Continuation.* The use of land, buildings or structures, lawful at the time of adoption or subsequent amendment of this chapter, may continue although such use does not conform to the provisions of this chapter.

(B) *Transfer of ownership.* Ownership of land and structures which remain lawful but become non-conforming by adoption or amendment of this chapter may be transferred and the new owner may continue the non-conforming use subject to the provisions of this chapter.

(C) *Repair and maintenance.* This chapter allows, without a permit, the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations which do not involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use or structure as federal, state, or local building and safety codes may require. Nothing in this chapter shall prevent strengthening or restoring to a safe condition any part of any structure declared unsafe by the Code Enforcement Officer.

(D) *Permits issued prior to adoption.* Nothing in this chapter shall require a change in plans, construction, or use of structure, or part thereof for which a complete application for permit has been made or for which a permit has been issued prior to adoption or amendment of this chapter, provided construction is underway within 60 days after issuance of such permit.

(Ord. passed 1-3-2013)

### **§ 154.111 NON-CONFORMING STRUCTURES.**

(A) *Expansions.* A non-conforming structure may be expanded after obtaining a permit from the Code Enforcement Officer if such addition or expansion does not increase the non-conformity of the structure.

(B) *Shoreland areas.* In shoreland areas, additions to structures other-wise requiring site plan approval, as set forth in §§ 154.040 through 154.047, shall first be submitted to the Planning Board for site plan approval. After 1-1-1989, if any portion of a structure is less than the required setback from the normal high-water line of a water-body or upland edge of a wetland, that portion of the structure shall not be expanded as measured in floor area or volume by 30% or more during the lifetime of the structure.

(C) *Foundations.* Construction or enlargement of a foundation in shoreland areas shall not be considered an expansion provided:

(1) The structure and new foundation are placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board or its designee, basing its decision on the criteria specified in division (E), relocation, below.

(2) (a) The completed foundation does not extend beyond the exterior dimensions of the structure; and

(b) The foundation does not cause the structure to be elevated by more than three additional feet.

(D) *Foundations in non-shoreland areas.* Construction or enlargement of a foundation in non-shoreland areas shall not be considered an expansion provided that the foundation does not infringe on any required setback any more, and in any location, than the existing structure. A structure may be raised up to three feet without violating this provision.

(E) *Relocation in shoreland zones.*

(1) A non-conforming structure may be relocated within the boundaries of the parcel provided that the site of relocation conforms to all setback or other dimensional requirements to the greatest practical extent as determined by the Planning Board.

(2) In determining “greatest practical extent,” the Planning Board shall base its decision on the size of the lot, the slope of the land, the potential for soil erosion, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.

(F) *Reconstruction or replacement.*

(1) Any non-conforming structure which is damaged or destroyed may be reconstructed or replaced provided that a permit is obtained from the Planning Board within one year of the date of said damage or destruction and provided that such reconstruction or replacement is in compliance with the dimensional requirements to the greatest practical extent as determined by the Planning Board.

(2) In determining “greatest practical extent,” the Planning Board shall consider the criteria in division (E) above.

(3) The Planning Board may allow, by site plan review, the rebuilding of any non-conforming structure on the same footprint which it occupied prior to its removal provided that the structure was removed voluntarily and that the application is made within two years of its removal.

(G) *Change of use of a non-conforming structure.*

(1) The use of a non-conforming structure may not be changed to another use unless the Planning Board after receiving a written application determines that the new use will have no greater adverse



impact on the water body or wetland, or on the subject or adjacent properties and resources than the existing use.

(2) In determining that no greater adverse impact will occur, the Planning Board shall require written documentation from the applicant, regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, flood plain management, archaeological and historic resources, and commercial fishing and maritime activities, and other functionally water-dependent uses.

(H) *Mobile home.* A mobile home which is a non-conforming structure at the time of adoption or amendment of this chapter, may thereafter be replaced by a different mobile home only if the replacement mobile home conforms to the provisions of this chapter.

(Ord. passed 1-3-2013)

#### **§ 154.112 NON-CONFORMING USES.**

(A) *Expansion.* Expansion of a non-conforming use shall require a site plan review permit issued by the Planning Board. In addition to site plan review requirements, such expansion shall be subject to the discretionary conditions listed in § 154.007(D) above. Where § 154.007(D) reads “Town Council” substitute “Planning Board” for this section. In addition, expansions are subject to the following:

(1) An addition to a structure located within the required setback from the normal high water mark which contains a non-conforming use shall not be expanded.

(2) An addition to a structure located beyond the required setback from the normal high water mark which contains a non-conforming use shall not increase the area, or volume, or footprint of the primary non conforming structure existing on the date the use became non-conforming by more than 50%;

(3) An addition to a non-conforming use which is not within a structure shall not increase the original area of the non-conforming use existing on the effective date that the use became non-conforming by more than 50%.

(4) When reviewing a proposed expansion to a structure the Board shall consider the materials, colors, and fenestration of the addition. Materials, colors, and fenestration of the addition shall match that of the original structure as closely as possible.

(5) New structures housing non-conforming uses shall not be permitted.

(6) Exception: in the Shorland Zone, expansions of non-conforming uses are prohibited, except that legally non-conforming residential uses may, after obtaining a permit from the Planning Board, be

expanded within existing residential structures or within such expansions of structures as permitted in § 154.111(A) above.

(B) *Discontinuance.* A non-conforming use which is discontinued for a continuous period of one year shall not be resumed. The uses of land, buildings or structures shall thereafter conform to the provisions of this chapter.

**Exception: A nonconforming residential use may be resumed without consideration of any time limitations, provided the previously existing interior dwelling features of the structure to be reoccupied have not been removed. Dwelling shall be issued a Certificate of Occupancy upon occupancy.**

(C) *Presumption prohibited.* If a non-conforming use is superseded by a permitted use of land, structure, or structure and land in combination, such land, structure, or combination of land and structure shall thereafter conform to the provisions of this chapter and the non-conforming use may not be resumed.

(D) *Change of use.*

(1) Non-conforming use may be changed to another non-conforming use provided that the Planning Board finds, after receiving a written application, that the proposed use is equally or more appropriate to the district, and that it will have no greater adverse impact on adjacent properties than the former use.

(2) The determination of appropriateness shall be based on the probable impact on ground water resources, and the probable changes in traffic (volume and type), parking, noise, potential for litter, wastes or by-products, fumes, odors, or other nuisances likely to result from such change of use. The performance standards of this chapter shall apply to such requests to establish new non-conforming uses.

(3) In determining whether or not greater adverse impact will occur, the Planning Board shall require written documentation from the applicant, regarding the probable effects on ground water, public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, flood plain management, archaeological and historic resources, and commercial fishing and maritime activities, and other functionally water-dependent uses.

(Ord. passed 1-3-2013)

### § 154.113 NON-CONFORMING LOTS.

(A) *Single lot of record.* Any use allowed in the applicable district may be constructed on a single lot of record at the date of adoption or amendment of this chapter even though such lot does not conform

to the minimum standards for the area or width as established in this chapter, provided such lot is in the separate ownership and is not of continuous frontage with another lot in the same ownership. Variance of yard and other requirements besides area and width, if applicable, must be obtained by appeal to the Board of Appeals. Nothing in this division shall relieve the owner or builder of the necessity of complying with Plumbing laws and other state laws.

(B) *Adjacent, developed lots.*

(1) If two or more adjacent lots are in the same ownership of record at the time of adoption or amendment of this chapter, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that lots of at least 20,000 square feet are created and that all such lots meet the requirements of the state subsurface wastewater disposal rules.

(2) If two or more principal uses or structures existed on a single lot of record on the effective date of this chapter each may be sold on a separate lot provided that the above referenced minimum 20,000 square feet per lot is complied with. In addition, when such lots are divided, each lot thus created must be as conforming as possible to the dimensional requirements of this chapter.

(C) *Adjacent lots - vacant or partially built.* If two or more adjacent lots are in the same ownership of record at the time of or since adoption or amendment of this chapter, if any of these lots do not individually meet the dimensional requirements of this chapter, and if one or more of the lots are vacant or contain no principal structure, the lots shall be combined to the extent necessary to meet the dimensional requirements. No division of the parcel shall be made which creates a dimension or area less than this chapter requires.

(D) *Non-conforming lots in approved subdivision.* The provisions of this section regarding the merging of non-conforming lots of continuous frontage which are in single ownership, into a single parcel or lot for the purpose of this chapter, shall not apply to any lot or parcel rendered non-conforming by the adoption of this chapter if such lot or parcel is in a subdivision which has been duly approved by the Planning Board prior to the adoption of this chapter, provided substantial construction in such subdivision has commenced within three years from the adoption of this chapter.

(Ord. passed 1-3-2013)

**§ 154.114 PUBLIC HEARING REQUIRED.**

Any action by the Planning Board or Zoning Board under this section shall require a public hearing. The public hearing shall be advertised in the Bangor Daily News at least seven days in advance of the hearing, and abutting property owners shall be notified.

# 2.  
10-06-2016

LEGAL NOTICE  
HERMON TOWN COUNCIL

The Hermon Town Council will hold a public hearing Thursday, October 6, 2016, at 7:00 PM at the Hermon Public Safety Building for the following purpose of:

Review of an application received from James Gallant for a proposed Contract Zone for Map 21, Lot 27 for rehabilitation of the existing campground. Application may be review at the Town Clerks Office - 333 Billings Road during normal business hours.

Posted 9/23/16



# 9.  
10-06-2016

September 29, 2016

MEMO: Transfer Station Improvement

To: Howard Kroll

Howard,

As discussed, research was completed on purchasing an attendant building for the transfer station. Hill View Mini Barns offers an insulated "A" frame building delivered in place for \$2,593.60.

Please see the enclosed documentation and sketch of the building for more information.

Possible funding sources:

You can fund this project out of the transfer station reserve (HERM 27) after Council approval. After the suggested expenditure, the carry forward starting balance would be \$2,513.50 for 2017.

Thanks,

Scott Perkins

Town of Hermon  
Economic & Community Development

Mailing address  
PO Box 6300  
Hermon, ME 04402-6300

Physical Address:  
333 Billings Rd  
Hermon, ME 04401

Telephone: 207 848-1010  
FAX: 207 848-3316  
Website: [www.Hermon.Net](http://www.Hermon.Net)



1310 Stage Rd  
 Etna, ME 04434  
 info@hillviewminibarns.com  
**www.hillviewminibarns.com**  
**207-269-2800**

242 Middle Rd  
 Sabattus, ME 04280  
 1520 Alfred Rd  
 Lyman, ME 04002  
 247 Main Rd  
 Holden, ME 04429

# Estimate

Date	Estimate #
9/21/2016	22712

<b>Name / Delivery Address</b>
Town of Hermon 333 Billings Rd. Hermon, Maine 04401 Contact : Scott Perkins

*We can do your gravel base!*

sperkins@hermon.net	Phone >>	207-848-1010	Alt. Phone >>		Alt phone 2	
Loading instructions		Building color	Trim Color	Shingle Color		Rep
		Pequea Green	White	Fossil Wood		FRM
Qty	Description	Price Each	Total			
	8x10 A-Frame ~ 80" high walls - 2x4 studs 16" O.C. ~ 3 Pressure Treated 4x4 skids ~ Snow load rating of 90 P.S.F. ~ Lifetime architectural shingles ~ TechShield roof sheathing ~ 30 year LP SmartSide Siding ~ 50 year Advantech Floor Fiberglass pre-hung door 9-lite in swing (R.O. 38.5"x78.75") Right Hinge	1,660.00	1,660.00T			
2	24"x36" Vertical sliding aluminum window w/grids - White	295.00	295.00T			
100	Tuff R 3" Floor Insulation System R 20.3 with house wrap x sq. ft. building (May be spray foam)	65.00	130.00T			
2	Gable Vent 8x16	3.25	325.00T			
10	2" round eave vents every 16" (charge per lin. ft. of building)	10.00	20.00T			
10	Ridge Vent per ft. for Metal or Shingled roofs	3.86	38.60T			
	Subtotal - A Frame	5.00	50.00T			
			2,518.60			

<b>Subtotal</b>
<b>Sales Tax (5.0%)</b>
<b>Total</b>

A 10% non-refundable deposit is required before the building is built. Quotes are honored for 30 days from the posted date, unless otherwise noted. Recreational camps do not meet IRC Energy codes. Customer must check with their town and confirm that buildings can be placed and used where delivered. Hill View Mini Barns is not responsible for any building permits by the town/city or state. Buildings cannot be placed under power lines.

I authorize Hill View Mini Barns to charge my credit card for final purchase payment. \_\_\_\_\_(initial)

Hill View Mini Barns recommends a gravel base or a cement slab that's flat and level on which to put the building. The driver is not responsible for cutting trees or branches, fences, or other obstacles that are in the way of getting to and placing the building in the desired location. There may be an additional charge of \$45.00 for each 1/2 hour for deliveries that take longer than 45 minutes. Hill View Mini Barns is not responsible for any property damage resulting from the delivery.

Signature \_\_\_\_\_

Date \_\_\_\_\_



1310 Stage Rd  
 Etna, ME 04434  
 info@hillviewminibarns.com  
 www.hillviewminibarns.com  
 207-269-2800

242 Middle Rd  
 Sabattus, ME 04280  
 1520 Alfred Rd  
 Lyman, ME 04002  
 247 Main Rd  
 Holden, ME 04429

# Estimate

Date	Estimate #
9/21/2016	22712

<b>Name / Delivery Address</b>
Town of Hermon 333 Billings Rd. Hermon, Maine 04401 Contact : Scott Perkins

*We can do your gravel base!*

sperkins@hermon.net	Phone >>	207-848-1010	Alt. Phone >>		Alt phone 2	
Loading instructions		Building color	Trim Color	Shingle Color		Rep
		Pequea Green	White	Fossil Wood		FRM
Qty	Description	Price Each	Total			
	Gravel Base for 8x10 building 10x12 Pad Size - Estimated 3-4 yds of gravel needed - Extra gravel needed \$150.00 per 6 yd load includes labor. - Additional work \$90.00 per HR. Statewide delivery fee for 8' wide ~ If mule is needed additional \$75.00 will be charged.	400.00	400.00			
		75.00	75.00T			

<b>Subtotal</b>	\$2,993.60
<b>Sales Tax (5.0%)</b>	\$129.68
<b>Total</b>	\$3,123.28

A 10% non-refundable deposit is required before the building is built. Quotes are honored for 30 days from the posted date, unless otherwise noted. Recreational camps do not meet IRC Energy codes. Customer must check with their town and confirm that buildings can be placed and used where delivered. Hill View Mini Barns is not responsible for any building permits by the town/city or state. Buildings cannot be placed under power lines.  
 I authorize Hill View Mini Barns to charge my credit card for final purchase payment. \_\_\_\_\_ (initial)  
 Hill View Mini Barns recommends a gravel base or a cement slab that's flat and level on which to put the building.  
 The driver is not responsible for cutting trees or branches, fences, or other obstacles that are in the way of getting to and placing the building in the desired location. There may be an additional charge of \$45.00 for each 1/2 hour for deliveries that take longer than 45 minutes. Hill View Mini Barns is not responsible for any property damage resulting from the delivery.

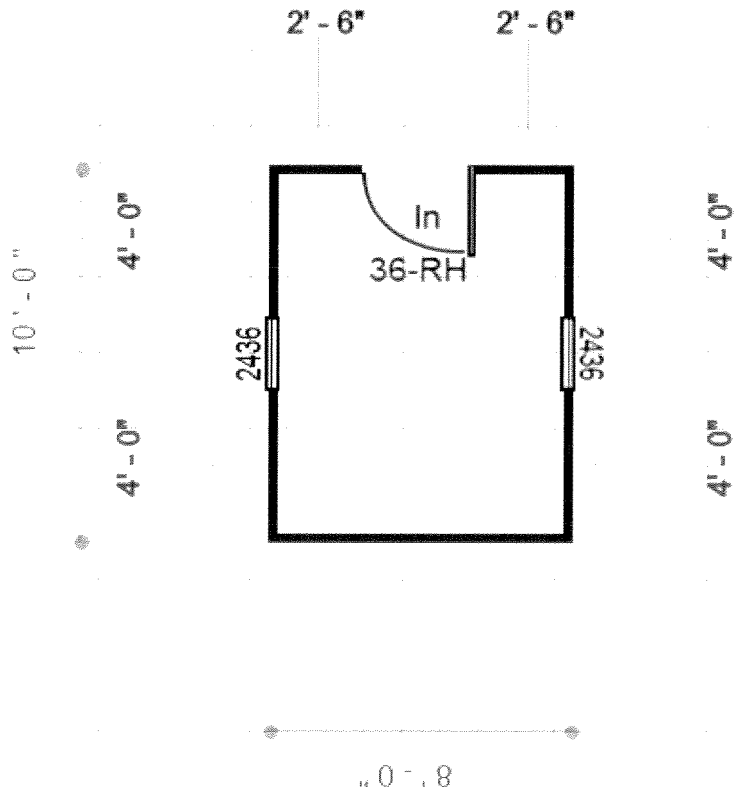
Signature \_\_\_\_\_

Date \_\_\_\_\_



Hill View Mini Barns ~ www.hillviewminibarns.com  
1310 Stage Rd ~ Etna, ME 04434 ~ 207-269-2800

Town of Hermon:  
22712  
09/023/2016







#10.  
10-06-2016

September 30, 2016

MEMO: Snow's Corner Cemetery Expansion

To: Howard Kroll

Howard,

A project to expand Snow's Corner Cemetery is ongoing as part of our capital plan. Road layout by Pligsa and Day Land Surveyors to establish the centerline with elevations and installing a gravel base for the road are next steps to advance the project. We need to ask the Town Council if they will approve expenditures from Snow's Corner Cemetery Reserve (HERM 31) not to exceed \$9,800 to complete this work.

Thanks,

Scott Perkins

Town of Hermon  
Economic & Community Development

Mailing address  
PO Box 6300  
Hermon, ME 04402-6300

Physical Address:  
333 Billings Rd  
Hermon, ME 04401

Telephone: 207 848-1010  
FAX: 207 848-3316  
Website: [www.Hermon.Net](http://www.Hermon.Net)

# 11.  
10-06-2016



September 30, 2016

MEMO: Public Works Drainage RFQ Request

To: Howard Kroll

Howard,

A project to build a Public Works building was completed with the exception of the oil/water separator and drainage catch basin as shown in the suggested RFQ packet drawing by Bangor Engineering. We need to ask the Town Council if they will approve going out to bid for this project at the next meeting so we can meet our timeline.

A resolve including your ability to award a contract to a qualified low bidder as described in our purchasing policy should also be part of the request to help expedite the project.

Thanks,



Scott Perkins

Town of Hermon  
Economic & Community Development

Mailing address  
PO Box 6300  
Hermon, ME 04402-6300

Physical Address:  
333 Billings Rd  
Hermon, ME 04401

Telephone: 207 848-1010  
FAX: 207 848-3316  
Website: [www.Hermon.Net](http://www.Hermon.Net)

**REQUEST FOR BIDS  
TOWN OF HERMON**

The Town of Hermon is accepting bids from qualified contractors to install Catch Basin/ Oil separator and drainage such referenced as the "Public Works Yard Drainage Project". Bids must be submitted no later than 4:00 p.m. E.S.T, Friday, October 14, 2016 in accordance to the bid and project specifications. Copies of the Request for Bids, bid specifications and instructions may be obtained on line at [hermon.net](http://hermon.net) or by contacting the Hermon Town Office at 848-1010 during normal business hours.

The Town of Hermon is an Equal Opportunity Employer

**Public Works Yard Drainage Project**  
**INSTRUCTIONS**

All bids must be submitted on the form attached to the Request for Bids.

All bids must be submitted in a sealed envelope marked on the outside of the envelope "Public Works Yard Drainage Project".

All bids must be submitted no later than 4:00 p.m., Friday, October 14, 2016 at which time bids will be opened and publicly read aloud at the Hermon Town Office, Conference Room.

All bids must be forwarded to: Public Works Director, PO Box 6300, Hermon, Maine 04401 or dropped off at the Hermon Town Office at 333 Billings Road.

Award of the contract by the Town Council will be based on the lump sum amount quoted for all work specified by the Request for Bids.

Questions regarding the Request for Bids may be addressed to: Scott Perkins, Public Works Director at 848-1010, email address at [SPerkins@Hermon.net](mailto:SPerkins@Hermon.net).

The Town reserves the right to accept or reject any or all bids or to waive any bid informality if it is determined by the Town Council to be in the best interest of the Town.

**SPECIFICATIONS**  
**Public Works Yard Drainage Project**

**Section 1- Extent of Work**

To provide all necessary materials, labor, equipment; supervision and knowledge necessary to install an oil/water separator for the PW storage building, a 4'x6' round concrete manhole/ catch basin, 320' of SDR pipe and insulation for separator line at the Public Works yard. All materials will be approved by the owner and provided by the contractor. Plans for installing oil/water separator are shown on the Bangor Engineering Hermon Public Works Storage Building Site Plan.

Work will be as follows:

Excavate and trench for drainage pipe installation according to the plans by Bangor Engineering and the PW Director for a total of 320'. Insulate approximately 160' of separator SDR line and install Oil- water separator according to site plan for storage building. Replace material and finish driveway trenches with native material unless undesirable.

All pipe installation will be installed with pitch so water runs freely from system. Catch basins and drainage system pipe will be installed according to November 2014 Edition Division 600 Section 603 Pipe Culverts and Storm Drains.

**Section 2- Insurance Requirements**

Except as other wise provided by the Agreement, the Contractor and its subcontractors and consultants shall obtain and maintain, throughout the term of this Agreement, at no expense to the Owner, the following coverage:

A. Public Liability Insurance in the amount of not less than Five Hundred Thousand Dollars (\$500,000) or such other amount as is established by the Maine Tort Claim Act (14 M.R.S.A. Section 8101 et seq.) as amended from time to time, combined single limit, to protect the Contractor , any subcontractor performing services under the Contract, and the Owner from claims and damages that may arise from operations under the Contract, whether such operations be by Contractor or by a subcontractor or by anyone directly or indirectly employed by them.

B. Automobile Liability Insurance in the amount of not less than Four Hundred Thousand Dollars (\$400,000) or such other amount as is established by the Maine Tort Claims Act (14 M.R.S.A. Section 8101 et seq.) as amended from time to time, combined single limit, to protect the Contractor, any subcontractor performing work covered by this Contract, and the Owner from claims and damages that may arise from operations under the Contract, whether such operations be by Contractor or by subcontractor or by anyone directly or indirectly employed.

C. Workers' Compensation Insurance in amounts required by Maine law and Employer's Liability Insurance, as necessary, as required by Maine law.

D. All such insurance policies shall name the Owner and its officers, agents and employees as additional insured. The Contractor, at time of contract signing shall deliver to the Owner certificates satisfactory to the Owner evidencing such insurance coverages, which certificates shall state that the Contractor and its subcontractors must provide written notice to the Owner at least thirty (30) days prior to cancellation, non-renewal, material modification or expiration of any such insurance policy.

**Section 3- Indemnification**

The Contractor will defend, indemnify and hold harmless the Owner and its agents and employees from and against all claims, damages, losses and expenses including attorney's fees arising out of or resulting from the performance of the work.

#### **Section 4- Equipment and Labor**

Equipment used shall meet all State and Federal regulations including but not limited to Department of Labor and Maine Motor Vehicle Regulations and all work will be completed in accordance to all safety regulations established by the Department of Labor and OSHA.

#### **Section 5- Work Schedule**

Work will be completed no later than November 15, 2016 unless extended by the Owner.

#### **Section 6- Penalty**

The contractor shall be penalized \$250 per day for every day after November 15, 2016 the project has not been completed to the satisfaction of the Town unless the date has been extended by the Owner.

#### **Section 7- Breach of Contract**

In the event the contractor fails to complete the work as herein agreed, the town shall among its other remedies have the right to cancel the agreement by sending written notice of such cancellation by regular United States Mail, postage prepaid, to contractor at its last known business address. Such notice and cancellation does not constitute an election or waiver of any other remedy or remedies that the town may have against the contractor. In the event the town shall bring suit on account of breach of covenant, agreement or conditions herein written, contractor agrees to pay the town reasonable attorney's fees, in addition to the amount of judgment and costs

#### **Section 8- Payment Schedule**

Payments will be made monthly based on the percentage of the project completed and after submittal of an invoice by the contractor to the Town of Hermon noting the percentage of the project completed and the amount due including any change order. The Town will make payment within ten days from the receipt of the invoice and upon satisfactorily completion of the work as determined by the Town Engineer.

#### **Section 9- Safety Controls**

The Contractor will be responsible for making sure the construction area is properly secured at all times, kept in good order and safe travel for pedestrian and motorist. Pavement will swept clean prior to the end of every work day.

#### **Section 10- Contractor's Responsibility**

The Contractor will provide all materials, supplies, labor, equipment, and supervision to complete the project.

#### **Section 11- Change Order**

No change orders will be paid for if not first approved by the Town. All change orders will be quoted at actual cost plus no more than 20% markup.

#### **Section 12- Permits**

The contractor will obtain the Dig Safe permit and the Town will obtain all other required permits.

#### **Section 13- Erosion Control**

The Contractor will follow all MDEP erosion control requirements.

**Section 14- Guarantee**

To the extent construction or materials are provided in the provision of services hereunder, the Contractor and the subcontractors, if any, shall guarantee their work against any defects in workmanship and materials for a period of one year from the date of the Owner's written acceptance of this project, and agree to repair or replace at no cost or expense to the Owner all work, materials and fixtures at any time during said one-year period.

**Section 16- Traffic Control and Signing**

All traffic control and signing will be the responsibility of the Contractor and will be in accordance to federal and State safety requirements. The Town will require the Contractor to maintain certified flaggers for this project at all times when necessary.

**Section 17- List of Materials and Length of Ditching-**

The detail for the Scope of Service has been provided in order to help the Contractor understand the extent of work being proposed. The Contractor should verify the quantity to make sure they are accurate because it is the intent of the Town to have the entire project described in the Scope of Service and be completed accordance to best practices for drainage pipe installation as referenced above. The Lump Sum bid shall include this work.

**TOWN OF HERMON**

**Public Works Yard Drainage Project**

I \_\_\_\_\_ doing business as \_\_\_\_\_ agree to complete all work and provide all materials, equipment and supervision associated with the project Public Works Yard Drainage Project, except as noted by the specifications, for the lump price of \$ \_\_\_\_\_

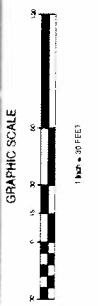
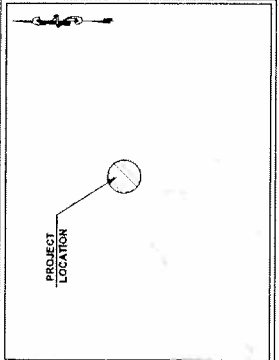
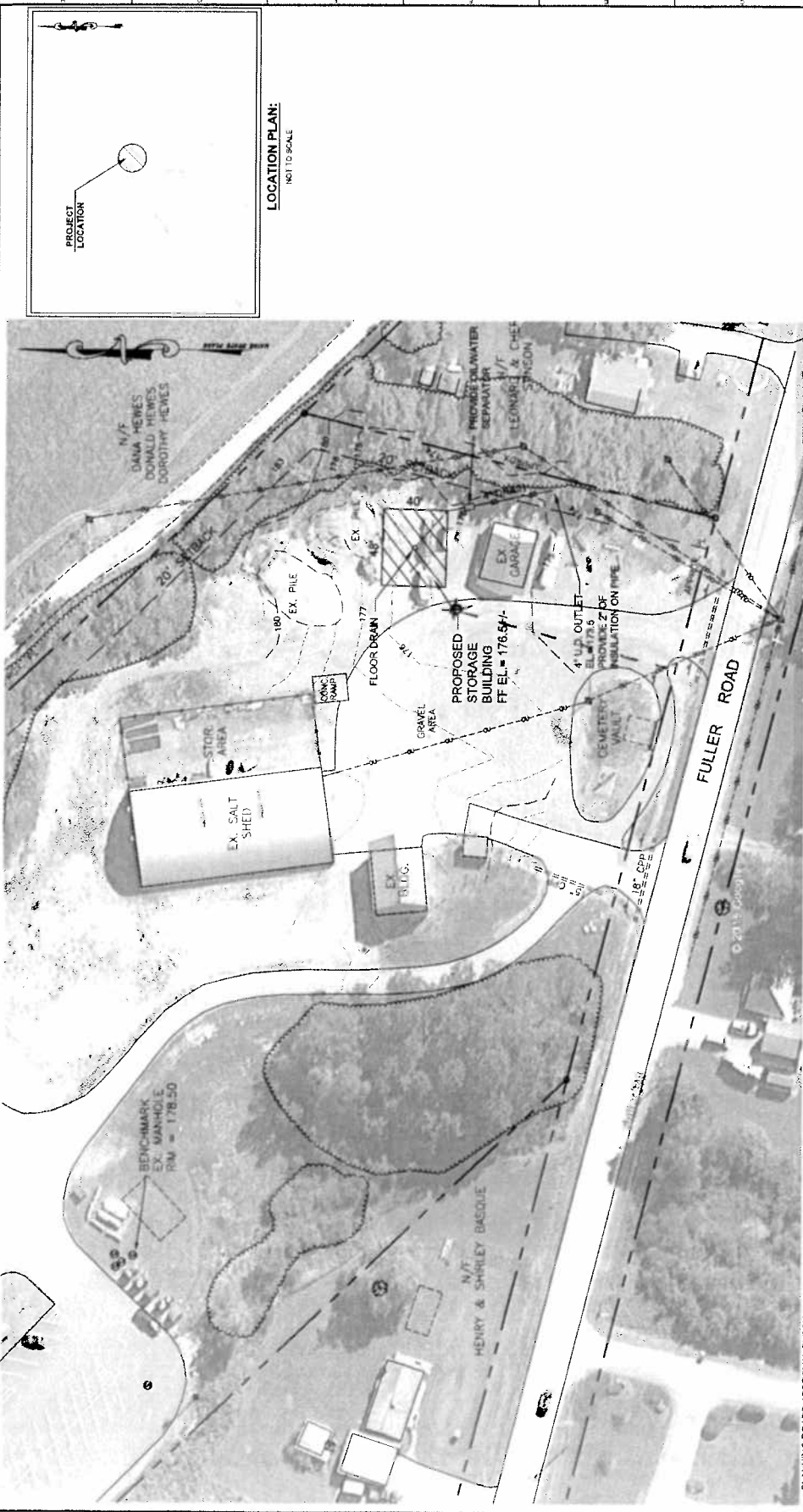
Signed \_\_\_\_\_

Name of Company \_\_\_\_\_

Contact Person \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number \_\_\_\_\_



- LEGEND:**
- EXISTING/NEAR FOUND
  - PROPERTY LINE
  - EX. SEWERLINE
  - EX. WATERLINE
  - EX. OVERHEAD UTILITY
  - EX. WELLS
  - UTILITY/PILE
  - TRENCHLINE
  - EX. CULVERT

- NOTES:**
1. ALL WORK TO BE PERFORMED IN ACCORDANCE TO THE TOWN OF HERMON'S LAND USE AND SUBDIVISION ORDINANCES.
  2. ALL EXISTING UTILITIES SHOWN ARE APPROXIMATE ONLY AND SHALL BE VERIFIED IN THE FIELD BEFORE CONSTRUCTION BEGINS.
  3. ALL SEDIMENTATION AND EROSION CONTROL MEASURES SHALL BE IN ACCORDANCE TO THE MAINE EROSION AND SEDIMENTATION CONTROL BOOK FOR CONSTRUCTION. BEST MANAGEMENT PRACTICES' SEDIMENTATION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION.
  4. ALL DISTURBED AREAS NOT PLANNED OR LANDSCAPED SHALL BE LOAMED AND SEED.
  5. LOT LINES ARE APPROXIMATE AND ARE BASED ON A SITE PLAN DRAWN BY PLIMMOUTH ENGINEERING INC., DATED FEBRUARY 2, 2008, FOR THE TOWN OF HERMON PUBLIC SAFETY FACILITY.
  6. LOT 15 IS IN RESIDENTIAL B ZONE.

PLANNING BOARD APPROVAL BLOCK  
THIS IS TO CERTIFY THAT THE DEVELOPMENT SHOWN ON THIS PLAN AND CONSIDERING EACH OF THE CRITERIA SET FORTH IN THE LAND USE ORDINANCE OF THE TOWN OF HERMON, MAINE, THE UNDERSIGNED HAVING MADE PHONIC FACT ESTABLISHING THAT THE DEVELOPMENT SHOWN ON THIS PLAN MEETS ALL OF THE CRITERIA SET FORTH THEREIN, THIS DEVELOPMENT IS APPROVED, SUBJECT TO ANY CONDITIONS SET BY THE HERMON PLANNING BOARD.

DATE: \_\_\_\_\_  
TOWN OF HERMON PLANNING BOARD  
HERMON, MAINE