



Town of Hermon

Public Safety Meeting Room

April 13, 2017

Town Council Meeting

7:00 PM

AGENDA

***** Televised live on Cable Channel 97.2 *****

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** February 23, 2017, March 16, 2017, March 23, 2017 and March 30, 2017
 - WARRANTS. -SIGN**
 - QUIT CLAIMS.-SIGN** M/L 050-061-000, Account #1424, B13929/P310, 2014 –W. Innis
M/L 050-061-000, Account #1425, B13929/P311, 2014 –W. Innis
- V. NEWS, PRESENTATIONS AND RECOGNITIONS**
 - 2017-2018 Budget Presentation
- VI. PUBLIC ITEMS OR COMMENTS (*Items Not Already on Agenda*)**
- VII. PUBLIC HEARINGS**



VIII. COMMITTEE REPORTS

IX. SCHEDULED AGENDA ITEMS

A. OLD BUSINESS

- #1. Consider approving a construction overlimit permit for MDOT.
- #2. Consider awarding MPI (Municipal Partnership Initiative) Engineering Inspections

B. NEW BUSINESS

- #3. Consider awarding 2017 Paving Contract for MPI and local roads
- #4. Consider awarding 2017 MPI Road Construction Contract (Coldbrook & Newburgh)
- #5. Consider scheduling a Public Hearing for a zone change request.
- #6. Consider approving a new street name.

C. WORKSHOPS

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 Meeting Room

February 23, 2017

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 CHAIRPERSON

Chair Thomas called the meeting to order at 7:00pm.

II. PLEDGE OF ALLEGIANCE

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

III. ROLL CALL

Members Present: Anne Freeman, Donna Ellis, Steve Thomas, Doug Sinclair, Jeanne Jacques and Steve Watson

Members Absent: John Snyder

Others Present: Town Manager Howard Kroll, Town Clerk Ruth A. Nickerson, Assessor Benjamin Birch, Lister Josh Berry, Parks & Rec Director Michelle Thayer, Public Works Director Scott Perkins and Sgt. Pelletier

Councilor Freeman moved to excuse the absence of Councilor Snyder. Councilor Jacques seconded the motion. The motion was accepted without doubt.

The motion carries.

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



MINUTES. -APPROVE

WARRANTS. –SIGN February 25, 2017

Councilor Jacques moved to approve the Consent Calendar as presented. Councilor Sinclair 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

None

B. NEW BUSINESS

#1. Consider scheduling a Public Hearing for Hermon Golf Liquor License Renewal.

The Town Manager explained that Hermon Golf Inc. has requested to renew their annual liquor license. This requires a public hearing and Council approval.

Councilor Watson moved to approve R16-17-59. Councilor Freeman seconded the motion. The motion was accepted without doubt.

The motion carries.

**(R16-17-59 is attached for review.)*

#2. Hear presentation from Assessing Office.



Assessor Ben Birch offered an update to the Council from the Assessing Office. He spoke of the Governor's proposed budget and its impact on municipal programs which include Revenue Sharing, Homestead Exemption, BETR & BETE and two-way telecommunications. He told of the requirements of his office with regard to assessing and collecting Personal Property. The total taxable valuation of Personal Property for FY 2016 was \$19,701,300. Mr. Birch then referred to seven proposed legislative bills that could have an effect on taxation speaking specifically about two of them, LD73-An Act to Increase the Homestead Property Tax Exemption for Certain Persons who are at least 75 years of age, and LD133-An Act to Support Lower Property Taxes by Restoring State-Municipal Revenue Sharing.

Mr. Birch then gave an update regarding the ongoing in house Revaluation Project. He told that field work has been completed through map 40. Adjustment Analysis has been completed for the Residential A & B neighborhoods.

Additionally, Lillian and Josh have been working steadily. They have written articles for the Connection, updated the Assessing web page, processed TIF's, and have worked on new subdivision/developments and zoning changes.

Chair Thomas asked about our value being at 98%. Mr. Birch explained that any value 91% or higher is considered 100%. A brief conversation ensued regarding values and its effect on school funding. Mr. Birch agreed to make 95% our target value.

#3. Consider approving Capital Improvement Plan for FY 2017/2018.

Manager Kroll explained that there are some recommended adjustments to the CIP since the last workshop. He then explained that per the Charter, the 'Plan' must be approved at tonight's meeting. The Manager suggested decreasing the proposed funding for the Fire Equipment Reserve. A significant amount of conversation took place amongst the Councilors regarding vehicles, mileage and vehicle replacement costs.

The Council agreed with the proposed Capital Improvement Plan for FY 2017/2018. The CIP is up 5% from last year.

C.WORKSHOPS

Councilor Jacques moved to consider items in the Table Packet. Councilor Ellis seconded the motion. The motion was accepted without doubt.

The motion carries.

D. OTHER ITEMS (from Table Package)

A. New Business

#4. Consider approving installation of impellers at pump station.



The Manager told how the current impellers at the Route #2 pump station cannot keep up with the waste. It has been recommended that the impellers are replaced with expellers. This will allow the waste to move freely through the system regardless of size.

Councilor Jacques moved to approve FR16-17-52. Councilor Ellis seconded the motion. A Roll Call vote resulted in 6 Yeas and No Nays. Councilor Snyder absent.

The motion carries.

**(FR16-17-52 is attached for review.)*

B. Old Business

#5. Consider authorizing the submission of a contract modification with MDOT (electrical supply to light poles)

Mr. Perkins informed the Council that there are 27 decorative light poles to be installed as part of the sidewalk project. Scott told how we want to light those poles and it will be more appropriate to install the conductors at the beginning of the project. If approved by MDOT the Town will be responsible for 50% of the cost.

Councilor Watson moved to approve R16-17-60. Councilor Sinclair seconded the motion. The motion was accepted without doubt.

The motion carries.

**(R16-17-60 is attached for review.)*

#6. Consider authorizing the submission of a contract modification with MDOT (HHS crosswalk location)

Mr. Perkins explained showed the Council a drawing depicting the new crosswalk. Originally the crosswalk was going to be down the road from the high school and would cross into the main entrance of the shopping plaza. Current plans show the crosswalk going from the mouth of the high school entrance across to Dunkin Donuts. Additional sidewalk will be built to accommodate the crosswalk.

Councilor Watson moved to approve R16-17-61. Councilor Freeman seconded the motion. The motion was accepted without doubt.

The motion carries.

**(R16-17-61 is attached for review.)*

X. APPOINTMENTS

None

XI. MANAGER STATUS REPORT:

- **Council Meeting Schedule** Manager Kroll informed the Council of a conflict with the Council



Meeting Schedule. He proposed amending the schedule for the next three meetings. March 9th meeting to be held on March 16th. March 23rd meeting to be held March 30th. April 3rd meeting to be held April 6th. Howard then told how he will provide a preliminary copy of the proposed 17/18 budget at the March 30 meeting.

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

None

XIII. COUNCIL ITEMS:

Councilor Freeman told of her surprise when she visited www.hermon.net today. This was the first time she had seen the new website.

Councilor Thomas told of yet another accident at the top of Miller Hill. Sgt. Pelletier affirmed that the accident was caused due to driver inattention and there were no injuries.

XIV. EXECUTIVE SESSION:

None

XV. ADJOURNMENT:

Councilor Ellis moved to adjourn the meeting at 8:49pm. **Councilor Freeman** seconded the motion. With no objection the meeting was adjourned.

Respectfully Submitted,

Ruth A. Nickerson, CCM
Town Clerk



R16-17-59

Be it resolved by the Hermon Town Council in Town Council assembled a public hearing be scheduled to hear public comment regarding Hermon Golf's Liquor License Application.


March 16, 2017

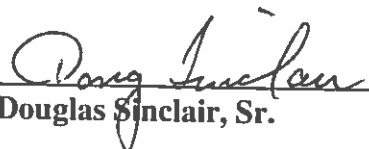
SIGNED this February 16, 2017 by the Hermon Town Council:


Donna Ellis


Jeanne Jacques

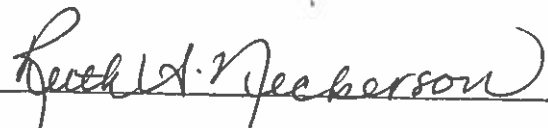
Absent
John Snyder


Steve Watson


Douglas Sinclair, Sr.


Steven Thomas


Anne Freeman

Attest Original: 

Motion	<u>Watson</u>	Yeas	<u>accept</u>	Date	<u>2-23-17</u>
Second	<u>Freeman</u>	Nays	<u>14/0 do not</u>		

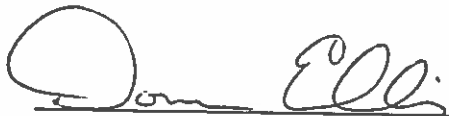


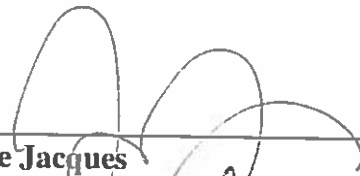
ER16-17-52

Be it resolved by the Hermon Town Council in town council assembled the Town Manager or his Designee be authorized to expend an amount not to exceed \$3,775 for purchasing and installing two (2) X-Pellers at our Route 2 pump station.

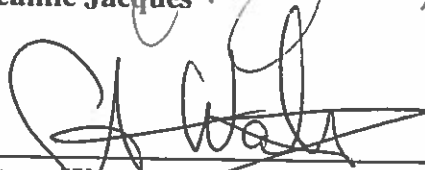
Be it further resolved the cost of the services is to be paid for from the Sewer Maintenance Reserve Account (HERM12).

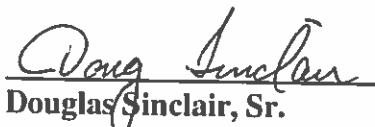
SIGNED this February 23, 2017 by the Hermon Town Council:

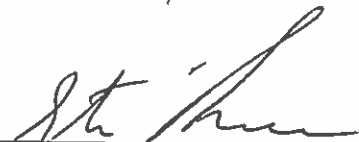

Donna Ellis



Jeanne Jacques

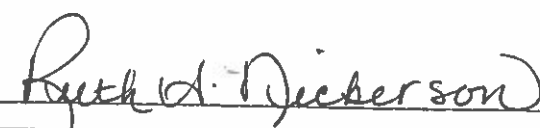
Absent
John Snyder


Steve Watson


Douglas Sinclair, Sr.


Steven Thomas


Anne Freeman

Attest Original: 

Motion	<u>Jacques</u>	Yeas	<u>6</u>	Date	<u>2-23-17</u>
Second	<u>Ellis</u>	Nays	<u>0</u>		



R16-17-60

Be it resolved by the Hermon Town Council in town council assembled the Town Manager or his Designee be authorized to submit a contract modification with the Maine Department of Transportation to supply electrical services to light poles.

SIGNED this February 23, 2017 by the Hermon Town Council:



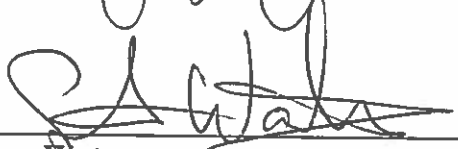
Donna Ellis



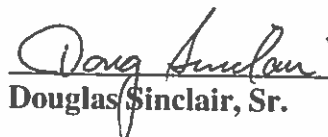
Jeanne Jacques

Absent


John Snyder




Steve Watson



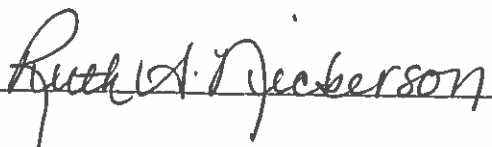
Douglas Sinclair, Sr.



Steven Thomas



Anne Freeman

Attest Original: 

Motion <u>Watson</u>	Yeas <u>accept</u>	Date <u>2-23-17</u>
Second <u>Sinclair</u>	Nays <u>no doubt</u>	




R16-17-61

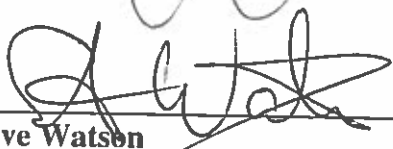
Be it resolved by the Hermon Town Council in town council assembled the Town Manager or his Designee be authorized to submit a contract modification with the Maine Department of Transportation to change the intersection of Hermon High School with a dedicated crosswalk to the Hermon Shopping Plaza

SIGNED this February 23, 2017 by the Hermon Town Council:


Donna Ellis


Jeanne Jacques

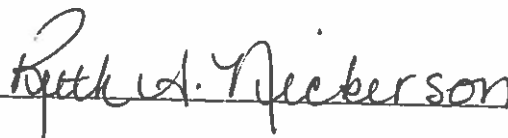
Absent
John Snyder


Steve Watson


Douglas Sinclair, Sr.


Steven Thomas


Anne Freeman

Attest Original: 

Motion	<u>Watson</u>	Yeas	<u>accept</u>	Date	<u>2-23-17</u>
Second	<u>Freeman</u>	Nays	<u>w/o doubt</u>		



Town of Hermon

Public Safety Meeting Room

March 16, 2017

Town Council Meeting

7:00 PM

MINUTES

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ALL ITEMS ARE SUBJECT TO APPROPRIATE COUNCIL ACTION

I. CALL TO ORDER BY CHAIRPERSON

Chair Thomas called the meeting to order at 7:00pm.

II. PLEDGE OF ALLEGIANCE

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

III. ROLL CALL

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

Members Absent: None

Others Present: Town Manager Howard Kroll, Town Clerk Ruth A. Nickerson, Senator Geoff Gratwick, Fire Chief Frank Roma, Scott Perkins, Cody Sullivan, Jordanna Sprague and Dana Hill

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

MINUTES. -APPROVE February 17, 2017

QUIT CLAIMS. -SIGN M/L 045-023-000 Account #2216 - Bogan



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

V. NEWS, PRESENTATIONS AND RECOGNITIONS

Fire Chief Roma recognized Cody Sullivan for his hard work mounting the new sign on the FD building. He also gave credit to members of the Fire Department who kept very busy during the most recent storm.

- **Recognition of Live-In Firefighter Jordanna Sprague.**

Chief Roma introduced Live-In Firefighter Jordanna Sprague to the Council and those in attendance. He told how Jordanna recently received notification that she is the Eastern Maine Community College recipient of the Leon Gorman Scholarship for 2017. This scholarship provides a complete expense free college experience. Chief stated that Jordanna will go to the corporate headquarters of L.L. Bean in Freeport to receive her scholarship directly from the Gorman family.

Jordanna then thanked the Council for the opportunity to be a live-in student here in Hermon. Ms. Sprague told how awesome it is to be able to go out in the field while learning in the classroom at the same time; giving credit to her time here at HFD as a catalyst to her receiving this scholarship.

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

Senator Gratwick joined in congratulating Jordanna Sprague for her recent accomplishment. The Senator then stated that her not been here as much as he would like because it has been so busy in Augusta. The Senator told how we live in very interesting times, telling how there is significant parallel between Maine and Washington with regard to spending priorities.

VII. PUBLIC HEARINGS

None

VIII. COMMITTEE REPORTS

None

IX. SCHEDULED AGENDA ITEMS

A. OLD BUSINESS

#1. Accept 2017-2018 Capital Improvement Plan (CIP)



Manager Kroll explained that after several discussions and workshops this is the formal request for approval of the 2017-2018 Capital Improvement Plan. This Plan has a \$200.00 increase over last years CIP. The Manager told how funds from TIF and Unrestricted Fund Balance will be applied throughout the CIP.

Councilor Jacques moved to approve R16-17-62. Councilor Snyder seconded the motion. A Roll Call vote was unanimous in favor of the motion.

The motion carries.

***(R16-17-62 is attached for review.)**

#2. Approve scheduled purchase of SCBA Bottles. (Article # 7 of ATM – 06/14/2016)

Chief Roma informed the Council that the purchase of air cylinders for our Self Contained Breathing Apparatus' was approved at the Annual Town Meeting in June 2016. He told how the typical SCBA bottle has a 15 year life span. These bottles are tested every three years. The actual price for 30 new cylinders is \$22,400. In response to Chair Thomas, Chief Roma explained that the department has 15 SCBA's and this provides two cylinders for each. Each cylinder provides 30 minutes of air. They cylinders are refilled immediately here at the Station with our Cascade System. Responding to Councilor Jacques, the Chief stated that it has been 15 years since new cylinders have been purchased.

Councilor Snyder moved to approve FR16-17-53. Councilor Jacques seconded the motion. A Roll Call vote was unanimous in favor of the motion.

The motion carries.

***(FR16-17-53 is attached for review.)**

#3. Approve 2017 CIP Radio Purchase

Chief Roma informed the Council that the purchase of new Radios is part of the current Capital Improvement Plan for 2016-2017. The Town of Hermon is currently out of compliance with FCC regulations because our radios are outdated. The Chief requested authorization for the purchase of three radios. The old radios have no trade in value.

Councilor Jacques moved to approve FR16-17-54. Councilor Snyder seconded the motion. A Roll Call vote was unanimous in favor of the motion.

The motion carries.

***(FR16-17-54 is attached for review.)**

#4. Consider approving expenditure for Economic & Development (Marketing & Advertising)

Manager Kroll told how he and Scott Perkins met with WABI-TV regarding a marketing opportunity. Part of the Economic Development Plan approved by the Council in August 2016 is to establish a marketing program for the Town of Hermon. Mr. Perkins told how we were going to wait until July to pursue this part of the plan, but WABI's current "Buy Maine First" promotion meets our needs very well. Additionally, this is the right time of the year to play



our commercials. Mr. Perkins asked the Council to consider waiving the Purchase Policy requirements for this activity. The “Buy Maine First” promotion runs for twelve months. The Town’s cost to participate in this marketing campaign is \$11,400 or \$950 per month. Mr. Perkins proposed to the Council that we utilize monies currently budgeted for mileage and miscellaneous in order to participate now and not wait for July 2017.

Councilor Freeman moved to approve FR16-17-55. Councilor Snyder seconded the motion. A Roll Call vote was unanimous in favor of the motion.

The motion carries.

**(FR16-17-55 is attached for review.)*

B. NEW BUSINESS

#5. Consider approving abatement for M/L 042-049-036(11) Account #3861 – Thayer

Manager Kroll apologized to Mary & Maury Thayer. We have double taxed a piece of their property since 2013. The Manager requested authorization from the Council to abate taxes in the amount of \$671.93. In response to Councilor Snyder, the Manager affirmed that we had one property listed twice on the tax roll.

Councilor Jacques moved to approve R16-17-63. Councilor Freeman seconded the motion. A Roll Call vote was unanimous in favor of the motion.

The motion carries.

**(R16-17-63 is attached.)*

#6. Consider approving a proposed street name- “Cole Circle”

The Town Manager told there is a plan for a proposed subdivision with 6 lots of the Bog Road. The Addressing Officer has requested the Council approve the road name, “Cole Circle,” for the proposed road in the subdivision.

Councilor Jacques moved to approve R16-17-64. Councilor Ellis seconded the motion. The motion was accepted without doubt.

The motion carries.

**(R16-17-64 is attached for review.)*

#7. Consider authorizing application for Harbor Management and Access Grant.

The Manager informed the Council that he has received a notice from the Department of Agriculture, Forestry and Conservation regarding available grants open for application. There is a competitive grant that we should pursue. This grant is specific to Water Conservation and Submerged Land. Scott Perkins told how our floating docks at Jackson Beach are supposed to free float. This project would fall in to the less than \$20,000 category and the dock qualifies for the grant. The Council agreed that this grant opportunity should be pursued.



Councilor Sinclair moved to approve R16-17-65. Councilor Snyder seconded the motion. The motion was accepted without doubt.

The motion carries.

**(R16-17-65 is attached for review.)*

C. WORKSHOPS

None

D. OTHER ITEMS (from Table Package)

None

X. APPOINTMENTS

None

XI. MANAGER STATUS REPORT:

Manager Kroll thanked and commended the staff for their hard work during these challenging winter storms.

- **Marijuana Legalization Act**

Howard told how on February 28, 2017 Donna Ellis, Doug Sinclair, Anne Freeman, Scott Perkins, Josh Berry and Sgt. Pelletier attended Maine Municipal Association's workshop on Marijuana. This workshop was created and attended by elected and appointed officials across the State. At this workshop the laws and regulations alongside business options were presented. As a Municipality, the Town of Hermon has a choice: 1.) let the State determine how marijuana will distributed and regulated: 2.) create our own ordinances to determine distribution regulations: or 3.) ban marijuana completely. Several communities have already created ordinances that ban the sale of and ban the establishment of social clubs. At the same time other communities have opened their arms wide and planning how to incorporate into their commercial business regulations.

The Council discussed the process of making the Town of Hermon a "dry town" with regard to marijuana. They decided to wait no longer to begin the process and agreed to vote on the next step tonight.

Councilor Sinclair moved to amend the Council Rules and vote on an item that was not on the agenda. Councilor Watson seconded the motion. A Roll Call was unanimous in favor of the motion.

The motion carries.



Councilor Sinclair moved to proceed with prohibiting the sale of recreational marijuana and associated social clubs entirely and limit the number of retail marijuana stores as provided in the law. Councilor Watson seconded the motion. A Roll Call vote was unanimous in favor of the Motion.

The motion carries.

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

None

XIII. COUNCIL ITEMS:

Councilor Snyer asked if we have a plan for the winter care of the new sidewalks to be built this summer. He also asked if it is possible to remove the pole from the middle of the sidewalk on the Billings Road. **Scott Perkins** affirmed that there is a plan for the care and maintenance of the sidewalks. He also stated that the new pole has already been set and as soon as the weather provides the old pole will be removed from the center of the sidewalk.

Councilor Sinclair stated that it was a nice little trip to Freeport.

Councilor Thomas asked those in attendance to sing along as we recognized Councilor Sinclair's birthday.

XIV. EXECUTIVE SESSION:

None

XV. ADJOURNMENT:

Chair Thomas adjourned the meeting at 8:00pm.

Respectfully Submitted,

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

R16-17-62

Be it resolved by the Hermon Town Council in Town Council assembled to accept the 2017-18 Capital Improvement Plan as follows:


Acct #	Reserve Account	2016	2017	\$ Change - Prop- erty tax request	request for TIF Revenues	Request for Unrestrict- ed fund balance funds	TOTAL REQUEST	Explanation
HERM01	Police Equipment Res	20500	20500	0	0	28000	48500	<i>\$28000 unrestricted fund balance request</i>
HERM02	Unemployment Res	5000	5000	0			5000	
HERM03	Legal Res	0	0	0			0	
HERM04	Cemetery Res	8500	8500	0			8500	
HERM05	Fire Equipment Res	53000	53000	0			53000	
HERM06	Highway Improvement Res.	250000	250000	0			250000	
HERM08	PW Equip/bldg. Res	77000	77000	0		100000	177000	<i>\$100000 unrestricted fund balance request</i>
HERM09	Recreation Facility Res	22500	22500	0			22500	
HERM11	Municipal Office Res	8000	8000	0			8000	
HERM12	Sewer Maintenance Res	28500	28500	0			28500	
HERM13	Public Land Acquisition Res.	2500	2500	0			2500	
HERM14	Planning & Ordinance Res.	3000	3000	0			3000	
HERM16	Economic Development Res.	139000		0	100000		100000	<i>\$100000 TIF Funds request</i>
HERM17	Public Safety Building Res.	10000	10000	0			10000	
HERM19	Town Office Equip & Tech. Res.	10000	10000	0			10000	
HERM24	Tax Stabilization Res	25000	25000	0			25000	
HERM28	Jackson Beach Res	2500	10000	7500			10000	
HERM27	Transfer Station Site Res	12000	5000	-7000			5000	
HERM26	Bicentennial Res	0	0	0			0	
HERM29	Rural Fire Protection Res	1800	1500	-300			1500	
HERM31	Snow's Corner Cemetery		0				0	
HERM32	Veterans Mem.Park Res	3000	3000	0			3000	
HERM34	Sick Leave Res	6000	6000	0			6000	
	Total	687800	549000	200	100000	128000	777000	

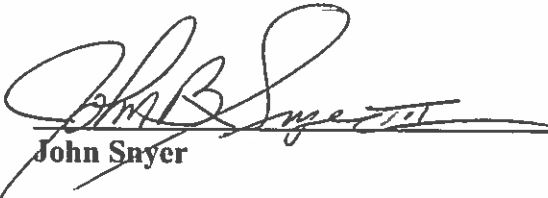
CIP 2017 to 2021 Comparisons							
Account #	Reserve Account	2016	2017				
	Local Appropriation	548800	549000	200			\$200 increase FY16 to FY17
	TIF Funds	139000			100000		\$39000 decrease FY16 to FY17
	Unrestricted Fund Balance					128000	\$128000 increase FY16 to FY17 proceeds will help purchase new cruiser and PW truck
	Grants	0	0				
	Other (Enterprise)	0	0				
	Total	687800	549000	0%	100000.00	128000.00	777000.00

Be it further resolved that the amounts listed above will include, at a future date, the Hermon School Department Reserve Accounts and projects proposed to be funded in FY17-18 and ultimately be voted on by the Town of Hermon Voters on Tuesday, June 14, 2017.

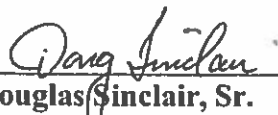
SIGNED this March 16, 2017 by the Hermon Town Council:


Donna Ellis


Jeanne Jacques

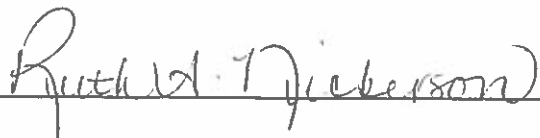

John Snyder


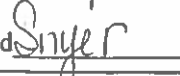

Steve Watson


Douglas Sinclair, Sr.


Steven Thomas


Anne Freeman

Attest Original: 


Motion		Yeas	7	Date	3/16/17
Second		Nays	0		



FR16-17-53

Be it resolved by the Hermon Town Council in town council assembled an expenditure in the amount of \$22,400 for the purchase of 30 SCBA air bottles is charged to the Fire Equipment Reserve (HERM05) as outlined in Article 7 of the June 14, 2016 Annual Town Meeting.

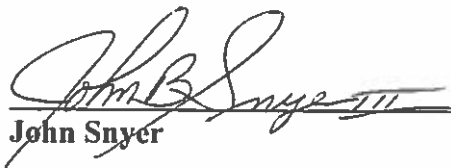
SIGNED this March 16, 2017 by the Hermon Town Council:



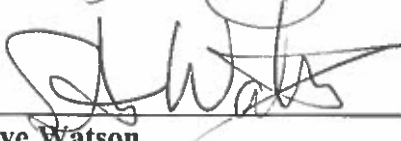
Donna Ellis




Jeanne Jacques



John Snyder



Steve Watson



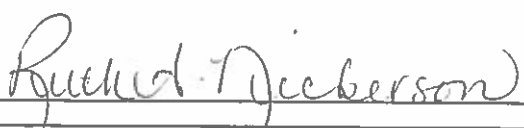
Douglas Sinclair, Sr.



Steven Thomas



Anne Freeman

Attest Original:  _____

Motion	<u>Snyder</u>	Yeas	<u>7</u>	Date	<u>3/16/17</u>
Second	<u>Jacques</u>	Nays	<u>0</u>		



FR16-17-54

Be it resolved by the Hermon Town Council in town council assembled the Town Manager or his Designee be authorized to expend an amount not to exceed \$3,221.11 for purchasing three (3) new portable radios. Be it further resolved the cost of the radios is to be paid for from the Fire Department Reserve Account (HERM05).

SIGNED this March 16, 2017 by the Hermon Town Council:

Donna Ellis

Jeanne Jacques

John Snyder

Steve Watson

Douglas Sinclair, Sr.

Steven Thomas

Anne Freeman

Attest Original:

Motion	<u>Jacques</u>	Yeas	<u>7</u>	Date	<u>3/16/17</u>
Second	<u>Snyder</u>	Nays	<u>0</u>		



ER16-17-55

Be it resolved by the Hermon Town Council in town council assembled the Town Manager or his Designee be authorized to expend an amount not to exceed \$3000 to purchase marketing and advertising with WABI. Be it further resolved that the Hermon Town Council in town Council assembled authorize the Town Manager or his designee to be exempt from following the Town of Hermon Purchasing Policy for competitive bids.

SIGNED this March 16, 2017 by the Hermon Town Council:

Donna Ellis

Jeanne Jacques

John Snyder

Steve Watson

Douglas Sinclair, Sr.

Steven Thomas

Anne Freeman

Attest Original:
Ruth W. Nicholson

Motion	<u>Freeman</u>	Yeas	<u>7</u>	Date	<u>3/16/17</u>
Second	<u>Snyder</u>	Nays	<u>0</u>		



R16-17-63

Be it resolved by the Hermon Town Council in town council assembled to approve the property tax abatement request from Maury and Mary Thayer of 23 Timberview Drive, Hermon, Maine for a total of \$671.93 for FY2013-FY2016 due to duplicate assessment of a vacant parcel they own known as 10 Rockwood Drive/M/L 042-049-036.

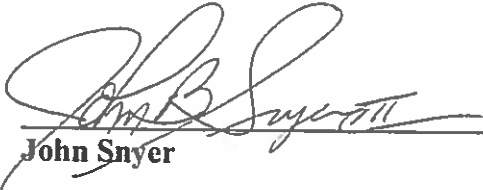
SIGNED this March 16, 2017 by the Hermon Town Council:




Donna Ellis




Jeanne Jacques



John Snyder



Steve Watson




Douglas Sinclair, Sr.


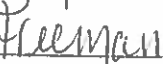


Steven Thomas



Anne Freeman

Attest Original: 

Motion		Yeas	<u>7</u>	Date	<u>3/16/17</u>
Second		Nays	<u>0</u>		



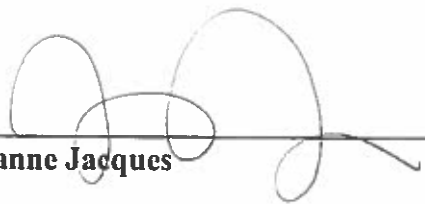
R16-17-64

Be it resolved by the Hermon Town Council in town council assembled to approve the naming of a new street to be called Cole Circle. Proposed street is off of the Bog Road consisting of 6 lots with approximately 800' of roadway.

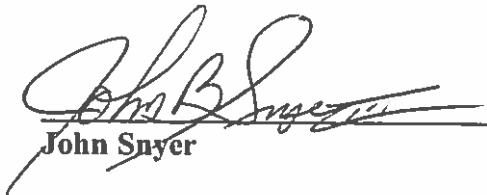
SIGNED this March 16, 2017 by the Hermon Town Council:



Donna Ellis




Jeanne Jacques



John Snyder



Steve Watson



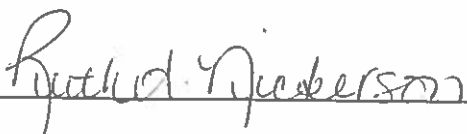
Douglas Sinclair, Sr.

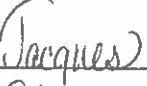
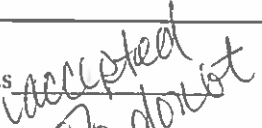




Steven Thomas



Anne Freeman

Attest Original: 

Motion 	Yeas 	Date <u>3/16/17</u>
Second 	Nays 	



R16-17-65

Be it resolved by the Hermon Town Council in town council assembled the Town Manager or his Designee be authorized to submit an application for a grant under the State of Maine Submerged Harbor Access Management Program. The grant funds, if awarded, would go toward improvements at Jackson beach to include extending the concrete ramp head.

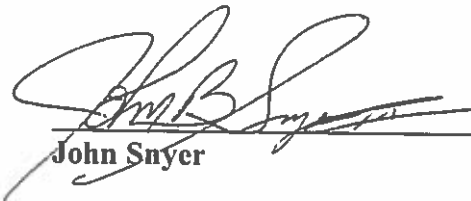
SIGNED this March 16, 2017 by the Hermon Town Council:



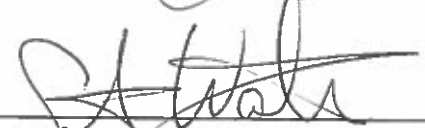
Donna Ellis



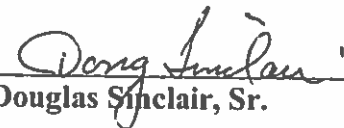
Jeanne Jacques



John Snyder




Steve Watson



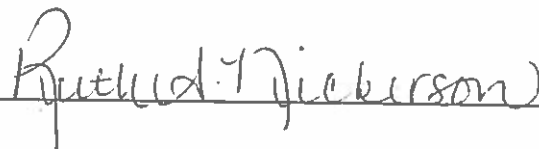
Douglas Sinclair, Sr.



Steven Thomas



Anne Freeman

Attest Original: 

Motion <u>Sinclair</u>	Yeas <u>accepted</u>	Date, <u>3/16/17</u>
Second <u>Snyder</u>	Nays <u>no doubt</u>	



Town of Hermon

Public Safety Meeting Room

March 23, 2017

Town Council Meeting

7:00 PM

MINUTES

*** Televised live on Cable Channel 97.2 ***

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 7:00pm.

II. PLEDGE OF ALLEGIANCE

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

III. ROLL CALL

Members Present: Anne Freeman, Donna Ellis, Steve Thomas, Doug Sinclair, Jeanne Jacques and Steve Watson

Members Absent: John Snyder

Others Present: Town Manager Howard Kroll, Rachel Grass, Finance Director, Scott Perkins, Economic Development Director, Casey Leonard, RKO-Auditor and Sgt. Pelletier

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

MINUTES. -APPROVE



WARRANTS. –SIGN March 24, 2017

Councilor Freeman moved to approve the Consent Calendar as presented. Councilor Jacques seconded the motion. A Roll Call vote was unanimous in favor of the motion with the exception of John Snyder who was absent, vote 6-0-1.

The motion carries.

V. NEWS, PRESENTATIONS AND RECOGNITIONS

- **Presentation by Runyon, Kersteen & Ouellette**

Auditor Casey Leonard handed out presentations (see attached) with an overall summary of the Town's financial statements. Town is in good shape financially with a healthy surplus and policies in place to ensure compliance. Auditor recommended that the Town look closer at reconciling more routinely with the School Department. Auditor and Finance Director recommended that instead of our current process that we go to a 12 month equal payment to the school so that they can reconcile their own books. Town Manager and Council agreed that is a step in the right direction. Auditor will be on site late September early October versus July due to documentation not usually ready for his or her review due to journal entries made after the FY is over. This move will help the auditor receive the documentation in a timely manner so they can complete the audit within that calendar year and give the town and school better opportunity to adjust their policies and procedures.

Council was interested in asking how typical it was for an audit to be put out to bid. Auditor Leonard responded it was solely up to the entity to do that but his firm's reputation is extremely positive and he usually recommends that the entity look at changing partners within the firm versus the whole firm. This prevents the entity from having a new auditor come in every three years and have to learn the town all over again. Staff agreed that is the approach they would recommend. Council will consider audit RFP or asking for a new partner at the 13 April meeting.

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 prohibiting all Marijuana Retail Operations within the Town.**



ACTION: Town Manager explained the process required and that he would ensure legal counsel would review all draft language that would be required to amend the Land Use Code.

Councilor Sinclair moved to approve R16-17-68. Councilor Watson seconded the motion. The motion was accepted 6-0-1 with Councilor Snyder absent.

The motion carries.

***(R16-17-68 is attached for review.)**

B. NEW BUSINESS

#2. Consider renewing contract with the Bangor Humane Society.

ACTION: Town Manager explained the contract was a yearly process and is signed annually with modest increases, if any.

Councilor Freeman moved to approve R16-17-66. Councilor Watson seconded the motion. The motion was accepted 6-0-1 with Councilor Snyder absent.

The motion carries.

***(R16-17-66 is attached for review.)**

#3. Consider approving an agreement with MDOT

ACTION: Town Manager explained the terms of the agreement and what it meant for the town to protect its roads from damage during construction and other vulnerable times of year.

Councilor Freeman moved to approve R16-17-67. Councilor Ellis seconded the motion. The motion was accepted 6-0-1 with Councilor Snyder absent.

The motion carries.

***(R16-17-67 is attached for review.)**

C. WORKSHOPS

None

D. OTHER ITEMS (from Table Package)

None

X. APPOINTMENTS

None

XI. MANAGER STATUS REPORT: Manager thanked PW staff and Gardner Construction for their work during the last blizzard. Also thanked the Finance Department for their work on the audit.



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

None

XIII. COUNCIL ITEMS:

None

XIV. EXECUTIVE SESSION:

#4. Hold an executive session pursuant to Title 1, Section 405, and Subsection 6(A) to discuss a personnel issue.

ACTION: Councilor Sinclair made a motion that the council go into executive session at 7:45 p.m. pursuant to Title 1, Section 405, Subsection 6(A) to discuss a personnel issue. Motion seconded by Councilor Ellis, motion passes 6-0-1 with Councilor Snyer absent.

Councilor Snyer arrives at 8:10 p.m. and enters executive session.

Councilor Jacques departs executive session at 8:55 p.m.

Councilor Sinclair make a motion to exit the executive session at 9:20 p.m. motion seconded by Councilor Snyer. Motion passes 6-0-1 with Councilor Jacques absent.

XV. ADJOURNMENT:


ACTION: Councilor Sinclair makes a motion to adjourn at 9:20 p.m., motion seconded by Councilor Freeman, motion passes 6-0-1. Councilor Jacques absent. Meeting adjourned at 9:20 p.m.



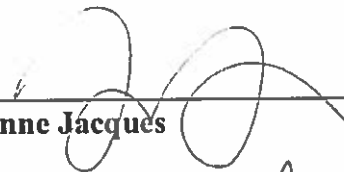
R16-17-66

Be it resolved by the Hermon Town Council in town council assembled to approve the proposed contract renewal with Bangor Humane Society commencing on 1 July 2017 and expiring on 30 June 2018.

SIGNED this March 23, 2017 by the Hermon Town Council:



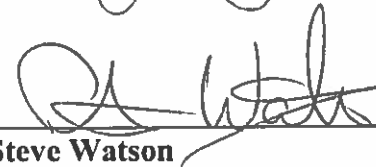
Donna Ellis



Jeanne Jacques

Absent

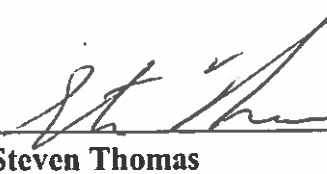
John Snyder



Steve Watson



Douglas Sinclair, Sr.



Steven Thomas



Anne Freeman

Attest Original: _____

Motion <u>Freeman</u>	Yeas <u>6</u>	Date <u>3/23/17</u>
Second <u>Watson</u>	Nays <u>0</u>	



R16-17-67

Be it resolved by the Hermon Town Council in town council assembled to approve an agreement with the Maine Department of Transportation that will require the Town to issue a construction over limit permit to contractor who will haul non-divisible over limit loads on municipal ways namely the Newburgh Road otherwise known as Project 018973.00.

SIGNED this March 23, 2017 by the Hermon Town Council:



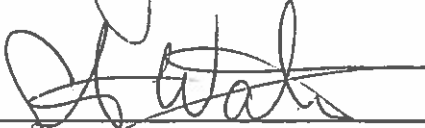
Donna Ellis



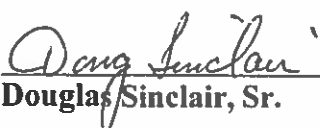
Jeanne Jacques

Absent

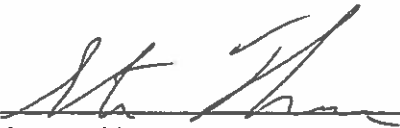
John Snyder



Steve Watson




Douglas Sinclair, Sr.



Steven Thomas



Anne Freeman

Attest Original:  _____

Motion	<u>Freeman</u>	Yeas	<u>6</u>	Date	<u>3/23/17</u>
Second	<u>Jacques</u>	Nays	<u>0</u>		



R16-17-68

Be it resolved by the Hermon Town Council in Town Council assembled to direct the Town Manager to submit a letter to the Town of Hermon Planning Board, via the Code Enforcement Officer, recommending the board consider prohibiting the retail sale of recreational marijuana, social clubs and cultivation facilities entirely within the Town of Hermon.

Be it further resolved that the Town of Hermon Planning Board proceed with adding the prohibited use to the Town of Hermon Land Use Ordinance using a land use amendment process.

SIGNED this March 23, 2017 by the Hermon Town Council:

Donna Ellis

Jeanne Jacques

Absent
John Snyder

Steve Watson

Douglas Sinclair, Sr.

Steven Thomas

Anne Freeman

Attest Original:

Motion	<u>Sinclair</u>	Yeas	<u>6</u>	Date	<u>3/23/17</u>
Second	<u>Watson</u>	Nays	<u>0</u>		



Town of Hermon

Public Safety Meeting Room

March 30, 2017

Town Council Meeting

7:00 PM

MINUTES

***** Televised live on Cable Channel 97.2 *****

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

Vice-Chair Sinclair called the meeting to order at 7:00pm.

II. PLEDGE OF ALLEGIANCE

Vice-Chair Sinclair led those in attendance in the Pledge of Allegiance.

III. ROLL CALL

Members Present: Anne Freeman, Donna Ellis, Doug Sinclair, John Snyder and Steve Watson

Members Absent: Jeanne Jacques and Steve Watson

Other's Present: Town Manager Howard Kroll and Town Clerk Ruth A. Nickerson

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

None

V. NEWS, PRESENTATIONS AND RECOGNITIONS

None

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

None

**Councilor Snyder stated that he would abstain from participating in this Council Meeting. Mr. Snyder is the owner of Hermon Golf Inc.*

VII. PUBLIC HEARINGS

#1. Hold Public Hearing – Hermon Golf Inc Liquor License



Vice Chair Sinclair opened the Public Hearing at 7:02pm. He opened the floor for comments from the public for or against approving this liquor license request. There were none. The Public Hearing closed at 7:02pm.

VIII. COMMITTEE REPORTS

None

IX. SCHEDULED AGENDA ITEMS

A. OLD BUSINESS

#2. Consider approving Hermon Golf Inc. Liquor License Application.

Councilor Watson moved to approve the Liquor License Application submitted by Hermon Golf Inc. Councilor Freeman seconded the motion. A Roll Call vote resulted in 4 Yeas and 0 Nays, Councilor Snyder abstained. Councilors Thomas and Jacques were absent.

The motion carries.

B. NEW BUSINESS

None

C. WORKSHOPS

None

D. OTHER ITEMS (from Table Package)

None

X. APPOINTMENTS

None

XI. MANAGER STATUS REPORT:

None

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

None

XIII. COUNCIL ITEMS:

None

XIV. EXECUTIVE SESSION:

None

XV. ADJOURNMENT:

Councilor Ellis moved to adjourn the meeting at 7:05pm. Councilor Freeman seconded the motion. With no objection the meeting was adjourned.

Respectfully Submitted, Ruth A. Nickerson, CCM, Town Clerk

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 **Wayne Innis of Hermon**, Penobscot County, Maine, Penobscot County, State of Maine, Described as follows:

Designated as **Map/Lot 050-061-000 Account 1424** 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 **Wayne Innis, Account 1424** at the Penobscot Registry as:

	Year	Book	Page
Lien:	2014	13929	310

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 **2014**.

The said Inhabitants of the Municipality of Hermon have caused this instrument to be signed in its corporate name by Chair Steven Thomas, Vice-Chair Douglas Sinclair, Sr., Anne Freeman, Donna Ellis, Jeanne Jacques, G. Steve Watson, John Snyer III its Municipal Officers duly authorized, this 13th day of April 2017.

Steven Thomas, Chair

Anne Freeman

Douglas Sinclair, Sr., Vice-Chair

Donna Ellis

Jeanne Jacques

G. Steve Watson

John Snyer III

ACKNOWLEDGMENT

State of Maine
Penobscot County, ss.

Then personally appeared before me the above named in their capacity as Chair Steven Thomas, Vice-Chair Douglas Sinclair, Sr., Anne Freeman, Donna Ellis, G Steve Watson, Jeanne Jacques, John Snyer III, 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: April 13, 2017 Before me, _____
Notary Public

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 **Wayne Innis of Hermon**, Penobscot County, Maine, Penobscot County, State of Maine, Described as follows:

Designated as **Map/Lot 050-061-000 Account 1425** 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 **Wayne Innis, Account 1425** at the Penobscot Registry as:

	Year	Book	Page
Lien:	2014	13929	311

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 **2014**.

The said Inhabitants of the Municipality of Hermon have caused this instrument to be signed in its corporate name by Chair Steven Thomas, Vice-Chair Douglas Sinclair, Sr., Anne Freeman, Donna Ellis, Jeanne Jacques, G. Steve Watson, John Snyer III its Municipal Officers duly authorized, this **13th day of April 2017**.

Steven Thomas, Chair

Anne Freeman

Douglas Sinclair, Sr., Vice-Chair

Donna Ellis

Jeanne Jacques

G. Steve Watson

John Snyer III

ACKNOWLEDGMENT

State of Maine
Penobscot County, ss.

Then personally appeared before me the above named in their capacity as Chair Steven Thomas, Vice-Chair Douglas Sinclair, Sr., Anne Freeman, Donna Ellis, G Steve Watson, Jeanne Jacques, John Snyer III, 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: April 13, 2017 Before me, _____
Notary Public

1.
4-16-17

Return this AGREEMENT, when completed, to:

Maine Department of Transportation
ATTN.: George Macdougall, Contracts & Specifications Engineer
#16 State House Station, Child Street
Augusta, Maine 04333-0016

Project: 018973.00
Location: Newburgh Road

Pursuant to 29-A MRSA § 2382, the undersigned municipal officers of the **Town of Hermon** agree that a construction overlimit permit will be issued to the Contractor for the above-referenced project allowing the contractor to haul non-divisible overlimit loads on municipal ways.

The municipality may require the contractor to obtain a satisfactory bond pursuant to 29-A MRSA § 2388 to cover the cost of any damage that might occur as a result of the overlimit loads. If a bond is required, the exact amount of said bond should be determined prior to the use of any municipal way. The Maine DOT will assist in determining the amount of the bond if requested. A suggested format for a general construction overlimit bond is attached. A suggested format for a construction overlimit permit is also attached. This construction overlimit permit does not supersede rules that restrict the use of public ways, such as posting of public ways, pursuant to 29-A MRSA § 2395.

The maximum speed limit for trucks on any municipal way will be 25 mph (40 km per hour) unless a higher speed limit is specifically agreed upon, in writing, by the Municipal Officers.

TOWN OF HERMON
By the Municipal Officials



STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
16 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0016

Paul R. LePage
GOVERNOR

David Bernhardt
COMMISSIONER

Ruth A. Nickerson, Clerk
Town of Hermon
333 Billings Road, P.O. Box 6300
Hermon, ME 04402

Subject: Pond Road Bridge Deck Replacement
Project No: 018973.00
Town of Hermon

Dear Ms. Nickerson:

The Maine Department of Transportation will soon solicit quotes for the subject project for construction, and pursuant to 29-A MRSA § 2382 (7) we have established a "Construction Area". A copy of 29-A § 2382 is enclosed for your information. Also included is an agreement, which requires signature by the municipal officers, and additional background documents.

The agreement stipulates that the municipality will issue a permit for a stated period of time to the MDOT contractor for transporting construction equipment (backhoes, bulldozers, etc.) that exceed legal weight limits, over municipal roads. The agreement acknowledges the municipality's right to require a bond from the contractor to "guarantee suitable repair or payment of damages" per 29-A MRSA.

29-A MRSA § 2382 (7) states that "*the suitability of repairs or the amount of damage is to be determined by the Department of Transportation on state-maintained ways and bridges, otherwise by the municipal officers*". In other words, municipal officers determine the suitability of repairs on municipal ways and bridges.

The State cannot force municipalities to allow overweight vehicles to travel on posted municipal roads. Municipal postings supersede overweight permits. However, the agreement requires municipalities to make reasonable accommodations for overweight vehicles that are operated by contractors and the MDOT in connection with the construction project.

The specific municipal roads involved are not necessarily known at present, as the contractor's plan of operation won't be known until just prior to the start of work. If the municipality plans to require a bond; the amount of the bond should be determined prior to the start of work. If the project number administratively changes, you will be notified, and the agreement modified accordingly. Please return the completed agreement to my attention. Should you have any questions, please contact me at 624-3410.

Sincerely,

George M.A. Macdougall
Contracts & Specifications Engineer
Bureau of Project Development

SPECIAL PROVISION 105
CONSTRUCTION AREA

A Construction Area located in the **Town of Hermon** has been established by the Maine Department of Transportation (MDOT) in accordance with provisions of 29-A § 2382 Maine Revised Statutes Annotated (MRSA).

- (a) The section of highway under construction in the town of Hermon, Penobscot County on Newburgh Road over Interstate 95.
- (b) (Newburgh Road) over Interstate 95 station 16+50.00 to station 23+43.82 of the construction plus approaches.

Per 29-A § 2382 (7) MRSA, the MDOT may “*issue permits for stated periods of time for loads and equipment employed on public way construction projects, United States Government projects or construction of private ways, when within construction areas established by the Department of Transportation. The permit:*

A. Must be procured from the municipal officers for a construction area within that municipality;

B. May require the contractor to be responsible for damage to ways used in the construction areas and may provide for:

(1) Withholding by the agency contracting the work of final payment under contract; or

(2) The furnishing of a bond by the contractor to guarantee suitable repair or payment of damages.

The suitability of repairs or the amount of damage is to be determined by the Department of Transportation on state-maintained ways and bridges, otherwise by the municipal officers;

C. May be granted by the Department of Transportation or by the state engineer in charge of the construction contract; and

D. For construction areas, carries no fee and does not come within the scope of this section.”

The Municipal Officers for the **Town of Hermon** agreed that an Overlimit Permit will be issued to the Contractor for the purpose of using loads and equipment on municipal ways in excess of the limits as specified in 29-A MRSA, on the municipal ways as described in the “Construction Area”.

As noted above, a bond may be required by the municipality, the exact amount of said bond to be determined prior to use of any municipal way. The MDOT will assist in determining the bond amount if requested by the municipality.

The maximum speed limits for trucks on any town way will be 25 mph (40 km per hour) unless a higher legal limit is specifically agreed upon in writing by the Municipal Officers concerned.

GENERAL GUIDANCE

CONSTRUCTION OVERLIMIT PERMIT AND BONDING

The Maine Bureau of Motor Vehicles (BMV) establishes requirements and standards for the permitting of non-divisible over dimensional and overweight vehicles and loads (collectively overlimit loads) on state roads. These state motor vehicle permits are available on-line. 29-A MRSA and Secretary of State Administrative Rules Chapters 155-157 apply. Additionally, municipalities and county commissioners may issue overweight permits for travel on municipal and county ways maintained by that municipality or county. These permits are typically single trip permits requiring vehicle registration data, intended route etc.

However, in this case we're dealing with *Construction Permits* involving overlimit loads in support of construction projects. According to 29-A MRSA § 2382 (7), a Construction Permit is a permit "for a stated period of time that may be issued for loads and equipment employed on public way construction projects, United States Government projects or construction of private ways, when within construction areas established by the Department of Transportation". According to 29-A § 2382 MRSA, the construction overlimit permit must be procured from the municipal officers for overweight loads on a municipal way in support of a construction project within that municipality.

By signing the attached agreement, the municipality agrees to issue construction overlimit permits to the MDOT construction contractor.

Frequently Asked Questions:

A. Why sign the document in advance of the actual construction contract?

Response: There are three primary reasons: First, to comply with 29-A § 2382. Second, to ensure that there are no surprises regarding the use of municipal roads by the Maine DOT contractor (to reasonably reduce risk and thus keep the cost of construction down) and third, to ensure the town is aware of its rights to control its own roads, and its rights to require a separate contractor's bond. (This is in addition to the Payment Bond and the Performance Bond the Maine DOT requires of the contractor).

B. Different roads may require different levels of scrutiny. How is a posted road handled?

Response: Despite the general construction overweight permit, the contractor cannot exceed the load limit on a posted municipal road without specific municipal permission. 29-A § 2395 MRSA notes that any ways requiring special protection (such as posted roads) will continue to be protected and overweight permits are superseded by such postings. In such a case the contractor would have to use an alternate route.

C. Is there any reason why the contractor cannot be held to indemnify and hold harmless the Municipality beyond the simple posting of a bond?

Response: The objective of our standard letter is to deal with overweight equipment and trucks on municipal ways during construction of a Maine DOT construction project. The bond merely provides a measure of protection against damage to municipal ways as a direct result of construction activity. Other areas of risk and indemnification are beyond the scope of our letter.

D. Are we required to obtain a bond?

Response: No. In fact, few municipalities have required a construction bond. It is a matter of risk management.

E. If used, what amount should be required on the bond?

Response: Previous MDOT letters used to speak about a maximum bond amount of \$14,000 / mile (\$9,000 / kilometer) of traveled length, however 29-A § 2382 sets no maximum. The amount of the bond (if any bond is required at all) is based on the individual situation. The MDOT will assist in providing a bond amount estimate if so requested.

F. Why the blanket approval?

Response: The blanket approval we seek is the reasonable accommodation by the municipality to allow the Maine DOT contractor to use town ways (if required) to haul overweight construction equipment and trucks. This theoretically gives the municipality and the MDOT time to discuss exceptions to a blanket approval. In general, this avoids unnecessary risks and saves money for all concerned in the long run.

G. Who determines the suitability of repairs?

Response: For municipal ways, the suitability of repairs may be determined by municipal officers. The MDOT will assist.

H. What is a non-divisible load?

Response: Per Chapter 157 (The Administration of Over-Dimension and Overweight Permits) under the Secretary of State administrative rules (See Rule Chapters for the Department of the Secretary of State on line), a non-divisible load is defined as: A load which, if separated into smaller loads or vehicles, would:

- 1) make it unable to perform the function for which it was intended;
- 2) destroy its value or;
- 3) require more than eight work hours to dismantle using appropriate equipment. Sealed oceangoing containers, spent nuclear materials in casks, and government-controlled military vehicles and their loads will be considered non-divisible

I. What is the standard for Overweight trucks and equipment?

Response: Overweight means a weight that exceeds the legal limits established in 29-A MRSA Chapter 21.

J. This is an unorganized township with no county or municipal roads. Why should I respond?

Response: Because of limited staff, we send out a standard letter to cover contingencies and minimize risk to the construction process. From time to time the letter may not have a practical application. In most cases of unorganized territories, the agreement is signed and returned as a matter of routine. This ensures that surprises will not be encountered after the start of construction regarding travel over municipal and county ways.

Additional tips:

False Information - Permit are invalidated by false information. A permit is invalidated by the violation of any condition specified by the terms of the permit or by false information given on the application. On evidence of such violation of falsification, the permittee may be denied additional permits.

Proper Registration - Overload permits do not relieve the registrants of vehicles from their obligations to properly register their vehicles in accordance with Motor Vehicle Laws.

Agent's Power of Attorney - If you do require a contractor's bond, make sure you have a copy of the Surety Agent's power of attorney authorizing the surety agent to sign for the surety. Keep the power of attorney with your duplicate original bond at the municipality. The contractor will also have a duplicate original.

Other bonds - The Maine DOT requires a payment bond and a performance bond of the contractor which is held against unsatisfactory performance on the part of the contractor for all construction projects over \$100,000. (The Miller Act (40 U.S.C. 270a-270f) normally requires performance and payment bonds for any federal aid construction contract exceeding \$100,000. 14 MRSA § 871 provides a similar requirement for state funded construction projects.) These bonds cover the proper performance of the contract and the payment of all employees, suppliers and subcontractors.

SPECIAL PROVISION 105
OVERLIMIT PERMITS

Title 29-A § 2382 MRSA Overlimit Movement Permits.

1. Overlimit movement permits issued by State. The Secretary of State, acting under guidelines and advice of the Commissioner of Transportation, may grant permits to move nondivisible objects having a length, width, height or weight greater than specified in this Title over a way or bridge maintained by the Department of Transportation

2. Permit fee. The Secretary of State, with the advice of the Commissioner of Transportation, may set the fee for single trip permits, at not less than \$6, nor more than \$30, based on weight, height, length and width. The Secretary of State may, by rule, implement fees that have been set by the Commissioner of Transportation for multiple trip, long-term overweight movement permits. Rules established pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

3. County and municipal permits. A county commissioner or municipal officer may grant a permit, for a reasonable fee, for travel over a way or bridge maintained by that county or municipality

4. Permits for weight. A vehicle granted a permit for excess weight must first be registered for the maximum gross vehicle weight allowed for that vehicle.

5. Special mobile equipment. The Secretary of State may grant a permit, for no more than one year, to move pneumatic-tire equipment under its own power, including Class A and Class B special mobile equipment, over ways and bridges maintained by the Department of Transportation. The fee for that permit is \$15 for each 30-day period.

6. Scope of permit. A permit is limited to the particular vehicle or object to be moved, the trailer or semitrailer hauling the overlimit object and particular ways and bridges.

7. Construction permits. A permit for a stated period of time may be issued for loads and equipment employed on public way construction projects, United States Government projects or construction of private ways, when within construction areas established by the Department of Transportation. The permit:

A. Must be procured from the municipal officers for a construction area within that municipality;

B. May require the contractor to be responsible for damage to ways used in the construction areas and may provide for:

(1) Withholding by the agency contracting the work of final payment under contract; or

(2) The furnishing of a bond by the contractor to guarantee suitable repair or payment of damages.

The suitability of repairs or the amount of damage is to be determined by the Department of Transportation on state-maintained ways and bridges, otherwise by the municipal officers;

C. May be granted by the Department of Transportation or by the state engineer in charge of the construction contract; and

D. For construction areas, carries no fee and does not come within the scope of this section.

8. Gross vehicle weight permits. The following may grant permits to operate a vehicle having a gross vehicle weight exceeding the prescribed limit:

A. The Secretary of State, with the consent of the Department of Transportation, for state and state aid highways and bridges within city or compact village limits;

B. Municipal officers, for all other ways and bridges within that city and compact village limits; and

C. The county commissioners, for county roads and bridges located in unorganized territory.

9. Pilot vehicles. The following restrictions apply to pilot vehicles.

A. Pilot vehicles required by a permit must be equipped with warning lights and signs as required by the Secretary of State with the advice of the Department of Transportation.

B. Warning lights may be operated and lettering on the signs may be visible on a pilot vehicle only while it is escorting a vehicle with a permit on a public way.

With the advice of the Commissioner of Transportation and the Chief of the State Police, the Secretary of State shall establish rules for the operation of pilot vehicles.

9-A. Police escort. A person may not operate a single vehicle or a combination of vehicles of 125 feet or more in length or 16 feet or more in width on a public way unless the vehicle or combination of vehicles is accompanied by a police escort. The Secretary of State, with the advice of the Commissioner of Transportation, may require a police escort for vehicles of lesser dimensions.

A. The Bureau of State Police shall establish a fee for state police escorts to defray the costs of providing a police escort. A county sheriff or municipal police department may establish a fee to defray the costs of providing police escorts.

B. The Bureau of State Police shall provide a police escort if a request is made by a permittee. A county sheriff or municipal police department may refuse a permittee's request for a police escort.

C. A vehicle or combination of vehicles for which a police escort is required must be accompanied by a state police escort when operating on the interstate highway system.

10. Taxes paid. A permit for a mobile home may not be granted unless the applicant provides reasonable assurance that all property taxes, sewage disposal charges and drain and sewer assessments applicable to the mobile home, including those for the current tax year, have been paid or that the mobile home is exempt from those taxes. A municipality may waive the requirement that those taxes be paid before the issuance of a permit if the mobile home is to be moved from one location in the municipality to another location in the same municipality for purposes not related to the sale of the mobile home.

11. Violation. A person who moves an object over the public way in violation of this section commits a traffic infraction.

Section History:

PL 1993, Ch. 683, §A2 (NEW).

PL 1993, Ch. 683, §B5 (AFF).

PL 1997, Ch. 144, §1,2 (AMD).

PL 1999, Ch. 117, §2 (AMD).

PL 1999, Ch. 125, §1 (AMD).

PL 1999, Ch. 580, §13 (AMD).

PL 2001, Ch. 671, §30 (AMD).

PL 2003, Ch. 166, §13 (AMD).

PL 2003, Ch. 452, §Q73,74 (AMD).

PL 2003, Ch. 452, §X2 (AFF).

MUNICIPAL OVERLIMIT PERMIT FOR CONSTRUCTION

MUNICIPALITY: _____

Phone: 207- _____ ; fax: 207- _____

APPLICATION FOR OVERLIMIT PERMIT TO MOVE CONSTRUCTION EQUIPMENT AND LOADS IN EXCESS OF LEGAL LIMITS ON MUNICIPAL WAYS

Construction Time Period:

Per 29-A § 2382 (7) MRSA, application is hereby made to the MUNICIPALITY OF _____ for An Overlimit Permit to move construction equipment, material, objects or loads in excess of legal limits over ways maintained by the MUNICIPALITY in support of construction operations for the following Maine DOT project

Project Description:

Project Identification Number (PIN):

NAME OF PERMITTEE (Construction Company):

STREET/P.O. BOX:

CITY:

STATE/PROV:

ZIP / POSTAL CODE:

PHONE:

FAX:

This object or load cannot be readily reduced to the legal limits.

Signed by:

(name & title)

Permit is granted. A copy of this signed permit will be provided to the permittee as prove of permit. This permit will automatically expire at the physical completion of the above construction project. The original permit will be held on file at the municipality.

Signed:

Municipal Official

The Surety hereby waives notice of any alteration or extension of time made by the Municipality.

Signed and sealed this day of, 20..... .

WITNESS:

SIGNATURES:

CONTRACTOR:

Signature.....

.....

Print Name Legibly

Print Name Legibly

.....

.....

WITNESS:

SIGNATURES SURETY:

Signature.....

Signature.....

Print Name Legibly

Print Name Legibly

NAME OF LOCAL AGENCY:

ADDRESS

TELEPHONE

NAME OF SURETY

SURETY ADDRESS:.....

BOND # _____

The Surety hereby waives notice of any alteration or extension of time made by the Municipality.

Signed and sealed this day of, 20.....

WITNESS:

SIGNATURES:

CONTRACTOR:

Signature.....

.....

Print Name Legibly

Print Name Legibly

.....

.....

WITNESS:

SIGNATURES SURETY:

Signature.....

Signature.....

Print Name Legibly

Print Name Legibly

NAME OF LOCAL AGENCY:

ADDRESS

TELEPHONE

NAME OF SURETY

SURETY ADDRESS:.....

BOND # _____

2,
4-16-17



April 7, 2017

Memo re: MPI Project Inspection Proposal

Howard,

Sewall Company has proposed to complete inspections for the Town of Hermon on the MPI Projects located at Coldbrook and Newburgh roads. In my view, the design award bid winner should also inspect the work as it is constructed because they are familiar with the plan and details. I am recommending Sewall as the most advantageous bid to the Town.

The amount to award this contract is \$27,800. The work described covers pre-construction meetings, testing oversight and QC plan review. It also covers review of payment requisitions along with substantial and final completion inspections necessary to develop the punch list.

The time invested will be roughly 24 hours weekly for 288 hours plus expenses as described in the document.

Please add this to your agenda list for the Council to consider on April 13th.

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



February 14, 2017

Scott Perkins
Public Works Director
Town of Hermon
333 Billings Road
Hermon, Maine 04401

Subject: Proposal to Provide Construction Observation and Construction Administration Services for Newburgh & Coldbrook Road Construction – Hermon, Maine

Dear Mr. Perkins:

The James W. Sewall Company (Sewall) is pleased to be submitting this proposal for engineering services for construction observation work for the Newburgh and Coldbrook Road rehabilitation and preservation projects.

PROJECT UNDERSTANDING

Hermon is preserving the Coldbrook Road and rehabilitating the Newburgh Road this summer. Work includes ditching, replacing culverts, rebuilding select sections of road, full depth reclaim on the Newburgh Road and shim and overlay on the Coldbrook Road. Hermon is interested in hiring an inspector to be on-site during construction to assist in reviewing submittals, keep track of quantities, oversee testing performed by the contractor, check grades and generally oversee the project quality and progress.

SCOPE OF WORK

We anticipate providing part-time construction observation services for the duration of construction. For the purposes of this proposal, we have assumed that inspection time will average 24 hours per week for 12 weeks for a total of 288 hours. Attendance at construction related meetings including pre-construction, and pay requisitions are included in the 288 hours.

The inspector responsibilities will include the following:

- Maintaining an accurate project diary which includes details of the work observed, weather, crew & equipment, field measurements, quantities, etc.
- Oversight of project testing performed by the Contractor
- Tallying total project quantities
- Determining if contractor activities are performed per design plans and specifications.

We will provide construction administration services for the duration of project construction. Services will include attending a pre-construction meeting, review and approval of shop drawings and quality control (QC) plans, review and approval of payment requisitions, substantial completion and final completion inspections, and punch list development and oversight. We anticipate up to three pay requisition meetings located in Hermon.



Perkins / Hermon
February 14, 2017
Page 2 of 2

ESTIMATED FEES AND SCHEDULE

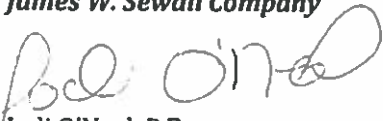
TASK	FEE
Construction Admin Services	\$5,600
Inspector (12 weeks part-time) including expenses	\$22,200
Total	\$27,800

We propose to provide the services as described herein on a time and materials basis. Our fee for completing the engineering services is \$27,800.00. Sewall will invoice on a monthly basis, based upon time worked on the project using our standard billing rates.

We believe that the elements of this proposal will meet your needs. If this proposal is acceptable, please indicate acceptance by signing in the space provided below and returning one copy. In such case, this document together with the attached Standard Conditions of Agreement and Standard Rate Schedule will constitute our agreement for technical services.

We look forward to working with you and are prepared to begin work on this project immediately upon receipt of your authorization to proceed.

Sincerely,
James W. Sewall Company


Jodi O'Neal, P.E.
Project Engineer


Brett Hart, PE
Director of Engineering

Enclosures: Standard Conditions of Agreement and Standard Rate Schedule

Scope of Work Accepted By:

_____ (Authorized Signature) _____ (Date)

_____ (Title)

Standard Rate Schedule

<i>Charges for Personnel</i>	<i>Hourly *</i>
Vice President	\$ 200.00
Senior Electrical Engineer.....	\$ 145.00
Director	\$ 135.00
Senior Project Manager.....	\$ 130.00
Project Manager	\$ 115.00
Project Engineer	\$ 95.00
Landscape Architect.....	\$ 95.00
Environmental Scientist	\$ 95.00
Staff Engineer	\$ 80.00
Designer	\$ 80.00
Senior Engineering Technician	\$ 70.00
Engineering Technician.....	\$ 60.00
Inspector.....	\$ 70.00
Clerical/Word Processing.....	\$ 55.00

* Above rates valid until December 31, 2017

Expenses

Reimbursement as listed below for out-of-office travel and subsistence expense, long-distance telephone and telegraph charges, prints, photocopies, postage, miscellaneous supplies and similar, direct expense will be additional to the above charges for time:

Travel	\$0.535/mile
Subsistence.....	At incurred cost plus 15%
Prints (Paper).....	\$0.35/SF
Prints (Mylar).....	\$0.90/SF
Photocopies, Black & White.....	\$.05/page
Photocopies, Color	\$.50/page
Overnight delivery service, postage	At incurred cost plus 15%
Fax.....	\$.50/page
Telephone	At incurred cost plus 15%
Film Developing.....	At incurred cost plus 15%
Supplies other than normal office supplies.....	At incurred cost plus 15%
Sub-contracted Work.....	At incurred cost plus 15%

Late Payment

A late payment fee of 1½% per month will be assessed on unpaid invoices beginning 30 days after invoice date.

Standard Conditions of Agreement

RIGHT-OF-ENTRY

Unless otherwise agreed, Client will obtain and furnish right-of-entry on the land on which Project is to be sited, and on any adjacent land for which limited right-of-entry may be needed such as for reference measurements, drainage analysis or similar valid Project purposes. While Engineer will take all reasonable precautions to minimize damage to any property entered upon in pursuit of Project functions, it is understood by Client that in the normal course of the work some damage may occur, the correction of which is not part of this Agreement. If Engineer is required to restore the land to its former condition, this will be accomplished and the cost will be added to Engineer's fee.

STANDARD OF CARE

Services performed by Engineer under this Agreement will be conducted in a manner consistent with that level of care and skill ordinarily exercised by members of the profession currently practicing under similar conditions. No other warranty, expressed or implied, is made.

OWNERSHIP OF DOCUMENTS & EQUIPMENT

All documents, including drawings, estimates, analyses, specifications, reports, field notes, computer hardware, software and other capital items acquired for the project, computer tapes/disks or other media, and data of every kind prepared or developed by the Engineer, are and shall remain the property of Engineer as instruments of service. Copies of such documents as are specifically described in the Agreement Scope will be furnished to Client in the quantities stipulated including, in behalf of Client, furnishing copies thereof to other parties for valid Project purposes. Copies of Project documents not specifically described in the Agreement Scope will be furnished to Client upon request, at cost of reproduction, to the extent such documents are necessary for valid Project-related purposes.

Client agrees that all documents furnished hereunder are solely for use in this Project and are not intended for use in other work of similar nature or for extensions of this Project. Any reuse without written verification or adaptation by Engineer for the specific purpose intended will be at Client's sole risk and without liability or legal exposure to Engineer, or to Engineer's independent consultants and subcontractors, and Client shall indemnify and hold harmless Engineer and his associates from all claims, damages, losses and expenses including attorney's fees arising out of or resulting therefrom.

Client further agrees that all plans, specifications, reports and other instruments of service furnished to Client, or his agents, for which payment to Engineer is not made will be returned upon demand and will not be used by Client for any purpose whatsoever.

All original data, plans and documents furnished by Client to Engineer shall be returned to Client when so requested. In this event, Engineer shall be permitted to make copies of such documents as may be necessary for Project record purposes.

INSURANCE

Engineer is protected against most risks of liability exposure by Workmen's Compensation and General Liability Insurance in amounts Engineer deems to be adequate. Certificates of all such insurance will be furnished to Client upon written request. Within the limits and conditions of such insurance, Engineer agrees to indemnify and save Client harmless from and against loss, damage or liability arising from any negligent acts by Engineer, its agents and employees, and Engineer agrees to require similar insurance coverage by any independent consultants or subcontractors engaged by Engineer. Engineer shall not be responsible for any loss, damage, or liability beyond the amounts, limits and conditions of such insurance. Engineer shall not be responsible for any loss, damage, or liability arising from negligent acts by Client, its staff, agents, and other consultants engaged by it.

PROFESSIONAL LIABILITY

Engineer's liability for damages due to professional negligent acts, errors or omissions shall be limited to \$50,000 or Engineer's fee, whichever is greater, in the aggregate to Client, Owner, and all construction contractors and subcontractors on the Project.

CLAIMS AGAINST ENGINEER

Client acknowledges that Engineer is a corporation and agrees that any claim made by Client arising out of any act or omission by any officer or employee of Engineer shall be made against Engineer and not against such officer or employee.

PAYMENTS TO ENGINEER

Engineer will submit invoices for progress payments at monthly or such other intervals as may be stipulated in the Agreement. Invoices will be sent by e-mail unless otherwise requested. Payment via ACH or wire transfer is preferred. Electronic payment instructions are attached. A late payment fee of 1 1/2% per month will be assessed on unpaid invoices beginning 30 days after invoice date. In event any such invoice remains unpaid after 30 days from invoice date, Engineer will further be entitled to suspend work until payment is received and such suspension shall not be deemed to constitute abrogation of the Agreement or grounds for claims of loss, damage or other liability due to delay.

In event payments are not received within 120 days after invoice date, Engineer shall be entitled to take any reasonable action or actions, including bringing suit to enforce payment, and shall additionally be entitled to recover all reasonable costs, including attorney's fees, incurred thereby.

ARBITRATION

With the exception of actions to recover payment as described in the preceding section, any and all claims, disputes, and other matters in question arising out of or relating to this Agreement or the breach thereof which is not disposed of by mutual agreement of the parties hereto shall be submitted to arbitration conducted and governed by the rules of the American Arbitration Association applicable to the Construction Industry in effect at the time of the execution of this Agreement. This agreement to arbitrate shall be specifically enforceable under the prevailing arbitration law.

Should a Demand for Arbitration be submitted by any party to this Agreement, all parties shall have full right of discovery of books, documents, or other tangible things to the extent permitted by the Maine Rules of Civil Procedures.

ASSIGNS

Neither Client nor Engineer may delegate, assign, sublet or transfer its duties or interest in this Agreement without written consent of the other party.

TERMINATION

This Agreement may be terminated in whole or in part in writing by either party in the event of substantial failure by the other party to fulfill its obligations under this Agreement through no fault of the terminating party: Provided, that no such termination may be effected unless the other party is given (1) not less than 10 calendar days written notice (delivered by certified mail, return receipt requested) of intent to terminate and (2) an opportunity for consultation with the terminating party prior to termination.

If termination is effected by Client, an equitable adjustment in the price provided for in this Agreement shall be made, which shall include a reasonable profit for services or other work performed. The equitable adjustment of any termination shall provide for payment to Engineer for services rendered and expenses incurred prior to termination, in addition to termination settlement costs reasonably incurred by Engineer relating to commitments which had become firm prior to the termination.

Upon termination Client may take over the work and prosecute same to completion by agreement with another party or otherwise. Any work taken over by Client for completion will be completed at Client's risk, and Client will hold harmless Engineer from all claims and damages arising out of improper use of Engineer's work

#3.
4-16-17



April 7, 2017

Memo re: Paving Award for MPI Projects and Local Roadways 2017

Howard,

At a bid opening for Newburgh and Coldbrook Road MPI paving projects and local roadway paving on March 28, 2017, nine paving companies submitted proposals. Please note that the bid tabulation form shows that Eaton Paving is the apparent low bidder.

We need to place an agenda item before the Council on April 13th to award the paving contract to the qualified low bidder after interviews are held and reference checks are completed.

Thanks,

A handwritten signature in black ink that reads "Scott Perkins".

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

4.
4-16-17



April 7, 2017

Memo re: MPI Project Awards for Road Construction on Newburgh and Coldbrook Roads

Howard,

At a bid opening for the Newburgh and Coldbrook Road MPI projects on March 21, 2017, seven construction companies submitted proposals. Please note that the bid tabulation form shows that Lane Construction is the qualified low bidder for this project.

We need to place an agenda item before the Council on April 13th to award this project to Lane Construction for the total amount of the base bid and alternate 1 totaling \$460,084.95.

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

#5.
4-16-17



TO: Howard Kroll, Town Manager
FROM: David Ramsay, Planning Board Chair
Date: March 21, 2017
RE: Zone Change request

Reese Company / Scott Pelletier has requested a zone change for Map 47, Lot 81 from Residential B to Residential A. At the March 21, 2017 Planning Board meeting the Board voted in favor of passing this request on to the Hermon Town Council for consideration.

CEO Merrithew will attach Reese Company's requests, copy of the draft minutes, and a copy of the tax map as backup to this memo.

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
email:

Duplicate

DATE APPLICATION IS RECEIVED: 1/30/17
DATE APPLICATION IS ACCEPTED AS COMPLETE: 1/30/17

Town of Hermon
Zone Change Application
Town of Hermon Code of Ordinances Title XV- Chapter 154, §154-006- Amendments

APPLICANT: Reese (Company)
NAME: _____
ADDRESS: 205 Bemis Road- Carmel, Maine
207-356-7889
TELEPHONE: _____ E-MAIL: _____
Purchase and Sales agreement
STATUS:(property owner, lessee, agent, purchaser, etc.) _____

PROPERTY OWNER: (if different than applicant)
NAME: Linda Hall
ADDRESS: 520 Wing Road
TELEPHONE: _____ E-MAIL: _____
520 Wing Road – Map 47, Lot 81
PROPERTY LOCATION: (address, tax map and lot number) _____

REASON FOR ZONE CHANGE REQUEST:

Applicant request a zone change on the subject property from RB district to RA district in order to maximize subdivison potential

All information provided in this application is said to be true under penalty of perjury by the laws of the State of Maine, County of Penobscot

Scott Reese
Applicant's Signature

1-30-2017
Date

APPLICANT'S PROPOSED FINDINGS OF FACT

Prior to making a recommendation or decision regarding a rezoning request, the Hermon Planning Board must review a "Findings of Fact" which the Board relies upon in reaching its conclusions and decisions. The burden of proving that a zone change request should be granted under the provisions of the Hermon Land Use Code rest with the applicant. Thus, it is necessary for the applicant to present facts in a brief written form which address in specific detail each of the following questions.

- (1) Is the proposal consistent with the Comprehensive Plan ? - **YES**
 - (2) Is the proposal consistent with the purpose of the Land Use Code and the proposed zone district ? - **YES – the zone change will still retain residential uses only**
 - (3) What is the relationship of the proposed zone change to the existing land uses, and the zoning of surrounding nearby property ? - **SAME**
 - (4) Has there been sufficient change in the character of the surrounding or nearby area, in the Comprehensive Plan or the Land Use Code to justify the rezoning ? - **Yes – in recent years subdivision development has occurred in area with zone changes to Residential A being approved**
 - (5) Is the property economically and physically suitable for the uses allowed under the existing zoning and under the proposed zoning ? Consideration should be given to the length of time the property has remained undeveloped compared to the surrounding and other parcels in the town with the same zoning. **YES**
 - (6) Is the proposal necessary to correct an error in the original zoning ? **NO**
-

INFORMATION REQUIRED WHEN APPLYING FOR A ZONE CHANGE

Application:

A completed application must be filed with the Planning Board: An application not completed in full at time of submission will not be considered complete and will be returned to the applicant.

1. Application Form and Findings of Fact: (attached)
2. Adjacent Property Owners List: The applicant shall provide a list of names and mailing addresses, as shown on the Town of Hermon assessing records of abutting properties to the subject property. (The Code Enforcement Officer / Tax Assessor will be able to provide this information)
3. Proof of Ownership/ Permission from the Owner: The applicant must submit proof of ownership of the property for which the zone change is being requested. All owners must join in or be represented in the application. If the applicant is not the owner of the property, written consent must be submitted by the owner granting the applicant permission to act as his or her agent.
4. The application shall be reviewed by the Economic Development Department for compliance to the Comprehensive Plan

FEES:

1. Zone Change Application fee \$300.00

Other fees associated with the zone change request:

1. Reimbursement of fees associated with the required legal notice(s) placed in the Bangor Daily News two (2) times. Reimbursement fee shall be paid at the time of ad placement. (CEO will provide documentation of fee cost)
2. All postage fees associated with abutter notifications of the public for Planning Board review at the current postage fees at the time of mailings. (CEO will provide documentation of mailing cost at time of mailing)

The Code Enforcement Officer is available to answer any questions about the application process and Planning Board meeting dates.

PURCHASE AND SALE AGREEMENT

("days" means business days unless otherwise noted, see paragraph 23)

January 21, 2017
Offer Date

Jan 21, 2017 Effective Date
Effective Date is defined in Paragraph 23 of this Agreement.

1. PARTIES: This Agreement is made between Reese Co ("Buyer") and LINDA HALL, Norman Hall ("Seller").

2. DESCRIPTION: Subject to the terms and conditions hereinafter set forth, Seller agrees to sell and Buyer agrees to buy (all part of; If "part of" see para. 26 for explanation) the property situated in municipality of HERMON, County of PENOBSCOT, State of Maine, located at 520 WING RD and described in deed(s) recorded at said County's Registry of Deeds Book(s) 5171, Page(s) 296.

3. FIXTURES: The Buyer and Seller agree that all fixtures, including but not limited to existing storm windows, screens, shades and/or blinds, shutters, curtain rods, built-in appliances, heating sources/systems including gas and/or kerosene-fired heaters and wood/pellet stoves, sump pump, electrical fixtures, landscaping, and N/A are included with the sale except for the following: NO EXCEPTIONS. Seller represents that all mechanical components of fixtures will be operational at the time of closing except: NO EXCEPTIONS.

4. PERSONAL PROPERTY: The following items of personal property as viewed on site unseen are included with the sale at no additional cost, in "as is" condition with no warranties:

5. PURCHASE PRICE/EARNEST MONEY: For such Deed and conveyance Buyer agrees to pay the total purchase price of \$ 160,000.00. Buyer has delivered; or will deliver to the Agency within 3 days of the Effective Date, a deposit of earnest money in the amount \$ 1,000.00. Buyer agrees that an additional deposit of earnest money in the amount of \$ N/A will be delivered N/A. If Buyer fails to deliver the initial or additional deposit in compliance with the above terms Seller may terminate this Agreement. This right to terminate ends once Buyer has delivered said deposit(s). The remainder of the purchase price shall be paid by wire, certified, cashier's or trust account check upon delivery of the Deed.

This Purchase and Sale Agreement is subject to the following conditions:

6. ESCROW AGENT/ACCEPTANCE: Realty of Maine ("Agency") shall hold said earnest money and act as escrow agent until closing; this offer shall be valid until January 21, 2017 (date) 3:00 AM PM; and, in the event of non-acceptance, this earnest money shall be returned promptly to Buyer.

7. TITLE AND CLOSING: A deed, conveying good and merchantable title in accordance with the Standards of Title adopted by the Maine Bar Association shall be delivered to Buyer and this transaction shall be closed and Buyer shall pay the balance due and execute all necessary papers on June 1, 2017 (closing date) or before, if agreed in writing by both parties. If Seller is unable to convey in accordance with the provisions of this paragraph, then Seller shall have a reasonable time period, not to exceed 30 calendar days, from the time Seller is notified of the defect, unless otherwise agreed to in writing by both Buyer and Seller, to remedy the title. Seller hereby agrees to make a good-faith effort to cure any title defect during such period. If, at the later of the closing date set forth above or the expiration of such reasonable time period, Seller is unable to remedy the title, Buyer may close and accept the deed with the title defect or may terminate this Agreement in which case the parties shall be relieved of any further obligations hereunder and any earnest money shall be returned to the Buyer.

8. DEED: The property shall be conveyed by a warranty deed, and shall be free and clear of all encumbrances except covenants, conditions, easements and restrictions of record which do not materially and adversely affect the continued current use of the property.

9. POSSESSION, OCCUPANCY, AND CONDITION: Unless otherwise agreed in writing, possession and occupancy of premises, free of tenants and occupants, shall be given to Buyer immediately at closing. Said premises shall then be broom clean, free of all possessions and debris, and in substantially the same condition as at present, excepting reasonable use and wear. Buyer shall have the right to view the property within 24 hours prior to closing.

10. RISK OF LOSS, DAMAGE, DESTRUCTION AND INSURANCE: Prior to closing, risk of loss, damage, or destruction of premises shall be assumed solely by the Seller. Seller shall keep the premises insured against fire and other extended casualty risks prior to closing. If the premises are damaged or destroyed prior to closing, Buyer may either terminate this Agreement and be refunded the earnest money, or close this transaction and accept the premises "as-is" together with an assignment of the insurance proceeds relating thereto.

**NOTICE OF PUBLIC HEARING
HERMON PLANNING BOARD**

NOTICE TO ABUTTERS

BY ORDER of the Hermon Planning Board, a Public Hearing has been scheduled for Tuesday, February 21, 2017 at 6:30pm in the Public Safety Meeting Room for the purpose of reviewing a zone change request to Map 47, Lots 81 located off the Wing Road, by changing the zone from Residential B to Residential A for residential subdivision purposes. The Planning Board will do a findings of fact and forward a report to the Hermon Town Council for further consideration. Map included with this notice.

Annette M. Merrithew
Code Enforcement Officer

6.
4-16-17



TO: Howard Kroll, Town Manager
FROM: Annette M. Merrithew, CEO / Addressing Officer
DATE: March 22, 2017

RE: Requested new proposed street name

As, Hermon's Addressing Officer I would like to request the Council approve a new street name- I have spoken with Penny Palmer at the Postal Service and reviewed the active list of names and the proposed name is acceptable.

The proposed name is Nye Lane

The proposed subdivision will be located off the Wing Road will consist of 13 lots and will have approximately 1000' of roadway.

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
email: