



**Town of Hermon**

**Public Safety Meeting Room**

**August 21, 2019**

**Special Town Council Meeting**

**IMMEDIATELY FOLLOWING THE SPECIAL TOWN MEETING**

**7:00 PM**

**AGENDA**

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:**
  - SIGNATURES. –APPROVE Conley Event LLC liquor license – additional signatures needed  
because first application did not show deck on the building for the  
liquor license approved on 7-18-2019 council meeting**
  - MINUTES. -APPROVE 8/8/19 Minutes**
  - WARRANTS. –SIGN 8/23/2019**
  - RESOLVES. –SIGN**
- V. NEWS, PRESENTATIONS AND RECOGNITIONS:**
- VI. PUBLIC ITEMS OR COMMENTS: *(Items Not Already on Agenda)***
- VII. PUBLIC HEARINGS:**
- VIII. COMMITTEE REPORTS:**



**IX. SCHEDULED AGENDA ITEMS:**

**A. OLD BUSINESS:**

**FR19-20-13** Consider paying for all costs and services related to the demolishing of 25 Billings Road out of the Public Land Acquisition Reserve Account HERM14

**R19-20-14** Consider amending the Town of Hermon Purchasing Policy

**B. NEW BUSINESS:**

**R19-20-12** Consider Holding a public Hearing for Just Down The Road Grille on September 12, 2019 for an outside band called “Midnight Rose”

**R19-20-13** Approve the Mill rate, Due Date and Interest Rate for 2019 Taxes

**FR19-20-12** Consider paying for Engineering Services for the rehabilitation of the Patricia A. Duran School bathrooms in the entrance using HERM07 Reserve funds

**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:**

**Consider enter into Executive Session to discuss a legal matter per 1 M.S.R.A. 405(6)(E)**

**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**

**August 8, 2019**

**Town Council Meeting**

**7:00 PM**

**MINUTES**

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**

Chair McCluskey led those in attendance in the Pledge of Allegiance

**III. ROLL CALL**

**Members Present:** John Snyder III, Douglas Sinclair Sr., Donna Ellis, Anthony “Tony” Reynolds, Charles Lever IV, Steve Thomas and Timothy McCluskey

**Members Absent:** None

**Others Present:** Town Manager Howard Kroll, Town Clerk Kristen Cushman, Stephen Boyd, Cody Sullivan, Chief Frank Roma, Byron Ouellette, Scott Perkins, Josh Berry and Nate Wicklow, approximately 14 residents and 3 nonresidents.

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

**SIGNATURES. –APPROVE**

**MINUTES. -APPROVE 7/18/19 Minutes**

**WARRANTS. –SIGN 9/9/2019 Warrant**

**RESOLVES. -SIGN**

**Councilor Snyder moved to approve the Consent Calendar as presented. Councilor Reynolds seconded the motion. Motion passes 7-0.**



V. NEWS, PRESENTATIONS AND RECOGNITIONS:

Markus Desjardins, a part time fire fighter for Hermon Fire, spoke on his support from Hermon Fire during is deployment to Kandahar, Afghanistan. He presented a flag he flew in Kandahar to the Fire Chief for the support. Mr. Desjardins also nominated Hermon Fire for their support and having a job to return to after his three deployments to the ESGR (Employer Support of the Guard and Reserve) organization.

Mr. Orcut a representative from the ESGR (Employer Support of the Guard and Reserve) organization would like to recognize the HFD for its support of those members in our department who are Reservists/Guard members. Mr. Orcut presented three awards: Cody Sullivan for support of a guardsman, Chief Roma for supporting a employee in the National Guard Reserve and Hermon Fire Department, Chief Roma for outstanding service and continued support of National Defense.

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

Mr. Alden Brown spoke on the condition of our cemeteries. In the cemetery the mowers have damaged the grass by spinning tires to gain traction to go over the hills, chipped and broke stones with the mowers, lack of weed whacking on the parts of the cemetery that is not visible from the road. Older stones have not been cleaned in years. Mr. Brown would like to see the cemeteries maintained better.

Mr. Randy Gardner spoke on an article published in the Bangor Daily News regarding "school shaming" and feeding children a cheese sandwich because parents are behind in paying the hot lunch bill. Councilor Reynolds and Councilor Snyder stated this was discussed when they were on the School Board and at the School Council agreed to not have a child go hungry or be singled out for non payment. The School will continue to try and collect in the meantime. Mr. Gardner was proud of Hermon for taking this stand.

VII. PUBLIC HEARINGS:

Hold Public Hearing – Penobscot Snowmobile Club concourse gathering permit - Grass drag race

Chair McCluskey opened the public hearing at 8:04PM. The hearing closed at 8:05PM with no comments.

Hold Public Hearing – Zone Change 014-024-000 – Coldbrook Road

Chair McCluskey opened the public hearing at 8:05PM. The hearing closed at 8:06PM with no comments.



**VIII. COMMITTEE REPORTS:**

**IX. SCHEDULED AGENDA ITEMS:**

**A. OLD BUSINESS:**

**R19-20-08** Consider approving a public/private Agreement for Emergency Medical Services between the Town of Hermon and Hermon Volunteer Rescue & First Aid Squad, LLC. Item tabled from 7/18/2019 meeting.

**Chair McCluskey stated he would like to see the current contract updated.**

**Councilor Thomas moved to table R19-20-08 – date not determined. Councilor Sinclair seconded the motion. Motion was accepted unless doubted.**

**NEW BUSINESS:**

**R19-20-09** Consider approving Penobscot Snowmobile Club concourse gathering permit – Grass drag race

**Councilor Reynolds moved to approve R19-20-09 Councilor Snyder seconded the motion. Motion was accepted unless doubted.**

**R19-20-10** Consider approving Zone Change 014-024-000 – Coldbrook Road

**Councilor Snyder moved to approve R19-20-10 Councilor Lever seconded the motion. The motion was accepted. Motion passes 7-0.**

**FR19-20-06** Consider awarding New Boston Road Project for replacing culverts and ditching.

**Councilor Snyder moved to award the bid to Garnder Construction for \$6790.00 FR19-20-06 Councilor Sinclair seconded the motion. The motion was accepted. Motion passes 7-0.**

**FR19-20-07** Consider awarding Wendy Acres Drive Project for replacing culverts and ditching

**Councilor Snyder moved to award the bid to Garnder Construction for \$26,200.00 FR19-20-07 Councilor Reynolds seconded the motion. The motion was accepted. Motion passes 7-0.**



**FR19-20-08 Consider approving a Change Order for the Canopy Project at the Patricia A. Duran School**

**Councilor Lever moved to approve FR19-20-08 Councilor Reynolds seconded the motion. The motion was accepted. Motion passes 7-0.**

**FR19-20-09 Consider approving a transfer of \$600 from Hermon Veteran Memorial Park trust account (balance of \$12,293.38) to Hermon Veteran Memorial trust account (balance of \$62.59).**

**Councilor Reynolds moved to approve FR19-20-09 Councilor Snyder seconded the motion. The motion was accepted. Motion passes 7-0.**

## **B. WORKSHOPS:**

### **1. Stone Farm Road drainage – discussion**

**Multiple residents spoke on the condition of their properties with large amounts of water and the water flow on Stone Farm Road and Stoneybrooke Way.**

**Josh Berry – Code Office: Gave a quick over view of the plan that was discussed on 8-9-19 at 5PM with Town Attorney, Town Manager, Councilor Reynolds, Town Engineer, Josh Berry, Cody Sullivan, Keiser & Keiser, Nate Wicklow, and his Engineer. At the meeting it was determined one of the contributing factors is an overflowing artesian well that is producing approximately 28,000 gallons a day since March 2019. The plan discussed is to divert the water away from the storm water design and go from there.**

### **2. Purchasing Policy – discussion**

**Town Manager Kroll will rework the purchasing policy and present again to the council.**

### **3. 25 Billings Road – discussion**

**Council felt the demolition of this property needs to happen before school is back in session. Chair McCluskey will call a short meeting in the near future to act on demolition of property.**

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

**Councilor Snyder moved to waive council rules and accept the table packet. Councilor Reynolds seconded the motion. Motion was accepted unless doubted.**



**NEW BUSINESS:**

**R19-20-11 Consider calling a Special Town Meeting and Special Town Council Meeting on Wednesday, 21 August 2019.**

**Councilor Snyder moved to approve R19-20-11 Councilor Reynolds seconded the motion. The motion was accepted. Motion passes 7-0.**

**X. APPOINTMENTS:**

**XI. MANAGER STATUS REPORT:**

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

**XIII. COUNCIL ITEMS:**

**Charles Lever IV: Congratulation to Frank and Cody on their awards.**

**Doug Sinclair Sr.: Ditching for a resident on the Swan Road. Mr. Kroll stated it was on the list to be done this year.**

**Tim McCluskey: Asked about the committee for developing a track in Hermon. Mr. Kroll reported Mr. Gary Gonyar has a committee formed and would like to have two councilors represented. Steve Thomas and John Snyder volunteered.**

**Mr. McCluskey stated our cemeteries need attention.**

**XIV. EXECUTIVE SESSION:**

**XV. ADJOURNMENT:**

**Councilor Reynolds moved to approve R19-20-04 Councilor Lever seconded the motion. The motion was accepted. Motion passes 7-0.**

**Respectfully Submitted,**

**Howard Kroll and Kristen Cushman  
Town Manager and Town Clerk**

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**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.



**FR19-20-13**

Be it resolved by the Hermon Town Council in town council assembled authorize the Town Manager or his Designee to approve a paying for the demolish services provided by \_\_\_\_\_ in the amount of \$\_\_\_\_\_ and Ted McLeod Well Drilling services for \$1200 for capping the well at 25 Billings Road.

Resolve is to be funded from the Public Land Acquisition Reserve Account (Herm14).

**SIGNED** this August 21, 2019 by the Hermon Town Council:

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

\_\_\_\_\_  
Tim McCluskey

\_\_\_\_\_  
Charles Lever IV

\_\_\_\_\_  
Anthony Reynolds

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

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

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

**COPY**

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

Motion _____	Yeas _____	Date _____
Second _____	Nays _____	



# TOWN OF HERMON

## MUNICIPAL PURCHASING POLICY

The Hermon Town Council adopts the following policy for all purchases:

### **Section 1: Purpose**

The purpose of this policy is to standardize the purchasing procedure of the Town of Hermon thereby securing for the town the advantages of a centralized and uniform policy saving the taxpayers' money and increasing public confidence in the procedures for municipal purchasing; to promote the fair and equitable treatment of all suppliers of goods and services; and to set forth the duties and responsibilities of the department heads, Town Manager and the Finance Director, thereby fostering interdepartmental cooperation and trust in the purchasing system.

### **Section 2: Definitions**

- 1. Bid most advantageous to the Town.** "Bid most advantageous to the Town" means a bid chosen on the basis of price, quality of merchandise, suitability of merchandise, and service reputation of the vendor, and therefore may not necessarily mean the lowest bid received.
- 2. Competitive bidding.** "Competitive bidding" means the process of obtaining the bid most advantageous to the Town for any purchase, whether through formal or informal bidding procedures.
- 3. Informal bid.** "Informal bid" means a written or oral quotation obtained from an approved vendor but not required to be opened publicly at a specified day, place and time.
- 4. Formal bid.** "Formal bid" means a written quotation obtained in a sealed envelope from an approved vendor or through advertisement and opened at a specific day, place and time.
- 5. Cooperative purchase.** "Cooperative purchase" means a purchase made by the Town in conjunction with or from another governmental or quasi-governmental agency, such as but not limited to, the State of Maine, ~~Penobscot Valley Council of Governments~~, the School Department, or another municipality.
- 6. Purchase.** "Purchase" means buying, renting, leasing, or otherwise acquiring supplies or services for a price.

**7. Services.** "Services" means the lease or rental of all grounds, buildings, offices, space or equipment required by the Town, the repair or maintenance of equipment or real property owned by or the responsibility of the Town and all labor furnished to the Town by persons, firms, individuals or corporations not part of or connected with the Town government. "Services" shall not include professional services provided to or for the Town by lawyers, architects, engineers, auditors and consultants. Nor shall "services" include utilities such as electricity, water, and phone services.

**8. Specifications.** "Specifications" means standards, including quality, set by department heads as a guide to the Town Manager and as a measure of that which successful vendors must achieve. Specifications shall be either technical specifications for bids, which shall state formulations as broadly as practicable, yet shall be specific enough to describe the requirements of the department or non-technical specifications for bids, which shall state the quality required in general terms.

**9. Standing Purchase Orders.** "Standing Purchase Orders" mean purchase orders that are issued with approval for a 90 day period and not to exceed \$500, without the issuance of a new purchase order.

### **Section 3: Applicability**

This regulation shall apply to purchases made by all departments and agencies of the Town, excepting the school department.

### **Section 4: Appropriation**

Neither the Purchasing Agent nor any Department Head shall make any purchase or allow any purchase to be made until a purchase order has been approved by the Town Manager, Deputy Treasurer, or Finance Director, in accordance with Section 5 of this policy. The only exception will be for emergency, holiday, or weekend purchases. At those times, Department Heads may sign purchase orders and then obtain approval by the Town Manager or Finance Director within 48 hours after the opening of the office on the next business day.



## Section 5: Purchase Limits

**\$0 - \$500.** Formal competitive bidding is not required. However, the purchaser should endeavor to get the best value for the money spent. Department Head or his designee can approve purchases up to \$500 with Town Manager, Deputy Treasurer, or Finance Director approval. ~~at which time the Town Manager must approve all purchase orders.~~ Standing Purchase orders will be allowed up \$500.

**\$500 - \$2,500.** Formal competitive bidding is not required. However, the purchaser should endeavor to get the best value for the money spent. Department Head or his or her designee can approve with a second signature required from the Town Manager, Deputy Treasurer, or Finance Director.

**\$2,500 - ~~\$15,000~~7,500.** Verbal quotations shall be solicited from a minimum of three qualified bidders, if available. A summary of verbal quotes or the actual written quotes must be documented and attached to the purchase order. The purchase order can only be signed by the Town Manager. In his or her absence, the Deputy Treasurer or Finance Director may sign the purchase order if it is an emergency repair or already budgeted item.

**Over ~~\$7,500~~15,000.** Written bid specifications or equivalent shall be approved by the Town Council. In addition to a copy of the bid notice and specifications, a list will be provided identifying who the bid request and specifications will be mailed to. The Town Council may amend the list if so desired. A small bid notification notice will be printed in the Bangor Daily News to direct bidders to the Town's website for one the official bid notice and the specifications that have been approved by the Town Council unless waived by the Town Council. Town Council will award the bid as they deemed to be in the best interest of the Town. The Town Manager will sign the purchase order or contract once the bid has been awarded by the Town Council.

## Section 6: Competitive Bidding

1. Competitive bids shall be required for all purchases in excess of \$15,000 7,500 unless specifically exempted by action of the Town Council.
2. Competitive bids may be required for purchases under \$15,0007,500 when directed by the Town Manager.
3. Formal bidding procedures shall be followed when the purchase is over \$15,0007,500 unless otherwise exempted by a majority vote of the Town Council.
4. The Town Manager may make cooperative purchases for purchases less than \$15,0007,500 without competitive bidding if the Town Manager determines the purchase is being made after competitive bidding by the cooperative entity or at price more advantageous than the Town would be likely to obtain by competitive bidding.

5. The Town Manager may waive the requirements for competitive bidding for purchases of \$15,0007,500 or less in cases of emergency or when the purchase is inappropriate for competitive bidding due to the nature of the item, time constraints or other factors, provided that the Town Manager Agent shall file a full and complete statement of the reasons for waiving competitive bidding. In addition the Town Manager may submit a list to the town council, in the first month of each fiscal year, of all purchases which will not follow the competitive bid process. Removal of an item from this list shall require a majority vote of the ~~€~~Town ~~e~~Council.

## Section 7: Administrative Procedures

1. The Town Clerk or designee shall keep a record of all bids submitted. In addition, the Town Clerk or designee will maintain a list of all individuals or companies who requested a copy of the bid documents or who were provided a copy. If the request is obtained at the Town Office, the person receiving the documents will be asked to sign an acknowledgement that a copy of the bid request was received. Contractors on the list who are qualified to submit a bid or quote will be mailed a Request for Bid packet and will be contacted by telephone or electronically several days after the request is mailed to confirm it has been received. A record will be maintained noting the date the contact was made and who confirmed receipt of the request.

2. All bidders shall be notified in writing of bid results.

3. Tie bids shall be resolved by the Town Manager, except if the bid exceeds \$15,0007,500, the Town Council shall resolve the issue.

4. All bids shall be awarded on the basis of the bid most advantageous to the Town. Hermon businesses will be given preference in awarding contracts if within a reasonable amount from the next closest bid. Hermon businesses and residents that are awarded contracts or work of any kind must have their real estate and personal property taxes paid in full prior to the Town releasing payment of those services.

5. The Town reserves the right to accept or reject any or all bids, to investigate the qualifications of any bidder, and to waive or not waive any and all informalities in the bids when making an award.

6. The Town retains custody of all bids submitted to the Town pursuant to this policy.

~~7. The Town Clerk with assistance from the Economic Development Director, Department Heads and Town Manager will be required to develop and maintain a list of preferred Hermon businesses by category that will be given an opportunity to do business with the Town. That list will be provided to the Town Council annually for review.~~

8. All bids received for purchases exceeding \$15,0007,500 will be opened publicly at the time of bid opening. No sealed bid will be opened without having two persons present.

9. All bid requests will be posted on the town's website.

10. Any local business who request to be notified electronically when a bid request in a category or categories of interest is made can do so in writing to the Town Clerk.

~~11. The use of the Hermon Connection to inform citizens and businesses of upcoming bid requests will continue.~~

### **Section 8: Purchases & Payments That Do Not Require a P.O**

1. When there is a current contract in place for a service or ongoing work.

2. Abatement reimbursements, TIF/CEA payments to taxpayers, Unemployment payments to the Dept. of Labor, County Tax, legal fees, postage, mileage and cell phone reimbursements, educational trainings, advertising for public notices, cleaning services provided by the School Dept, Town Council project items, the Hermon Connection costs, liabilities to the State of Maine (vitals, IF&W, Motor Vehicle, dogs, DEP, LP), excise tax refunds, overpayment of any tax, mobile data from PSO, health evaluations for Fire Department, drug testing, City of Bangor sewer & dry hydrant services & rentals, leases, porter potty rentals.

3. Local Contribution to the School Department, social service payments approved at Annual Town Meeting, Utilities (electricity, oil, propane, telephone, internet).

4. Annual fees such as Trio software and maintenance fees, membership dues, property & casualty insurance, worker's comp insurance, any other insurances, and tax bills.

**APPROVED & AMMENDED this February 27, 2014** by the Hermon Town Council.  
**APPROVED & AMMENDED this August 21, 2019** by the Hermon Town Council.



R19-20-12

Be it resolved by the Hermon Town Council in town council assembled to schedule a public hearing on Thursday, September 12, 2019 to consider Just Down the Road Grille Concourse Gathering Permit Application for an outside band "Midnight Rose" to perform from 7PM – 11PM.

SIGNED this August 21, 2019 by the Hermon Town Council:

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

\_\_\_\_\_  
Charles Lever IV

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

\_\_\_\_\_  
Anthony Reynolds

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

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

\_\_\_\_\_  
Timothy McCluskey

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

Motion _____	Yeas _____	Date _____
Second _____	Nays _____	

**COPY**



**R18-19-13**

Be it resolved by the Hermon Town Council in town council assembled, the mill rate for fiscal year 2019-2020 is set at \_\_\_\_\_ mills with a commitment date of 8-16-2019, a due date of 4-1-2020, interest to start on April 2, 2020 at the annual interest rate of 9% on the unpaid balance.

SIGNED this August 21, 2019 by the Hermon Town Council:

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

\_\_\_\_\_  
Anthony Reynolds

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

\_\_\_\_\_  
Charles Lever IV

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

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

\_\_\_\_\_  
Timothy McCluskey



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

Motion _____	Yeas _____	
Second _____	Nays _____	Date _____



**FR19-20-12**

Be it resolved by the Hermon Town Council in town council assembled authorize the Town Manager or his Designee to approve a paying for the engineering services provided by Carpenter Associates in the amount of \$\_\_\_\_\_.

Resolve is to be funded from the School Repair Reserve Account (Herm07).

**SIGNED** this August 21, 2019 by the Hermon Town Council:

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

\_\_\_\_\_  
**Tim McCluskey**

\_\_\_\_\_  
**Charles Lever IV**

\_\_\_\_\_  
**Anthony Reynolds**

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**Douglas Sinclair, Sr.**

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**Steven Thomas**

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

**COPY**

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Motion _____	Yeas _____	Date _____
Second _____	Nays _____	