



**Town of Hermon**

**Via Teleconference**

**December 17, 2020**

**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**
  - MINUTES. -APPROVE 12-10-2020 Minutes**
  - WARRANTS. –SIGN**
  - RESOLVES. -SIGN**
- V. NEWS, PRESENTATIONS AND RECOGNITIONS:**
  - Boston Post Cane Presentation to Winnotta Reynolds born 7/24/1923, 96.61 years**
- VI. PUBLIC ITEMS OR COMMENTS: (*Items Not Already on Agenda*)**
- VII. PUBLIC HEARINGS:**
  - Public Hearing for Utility Scale Solar Facilities Moratorium Ordinance**



**VIII. COMMITTEE REPORTS:**

**IX. SCHEDULED AGENDA ITEMS:**

**A. OLD BUSINESS:**

**B. NEW BUSINESS:**

**Consider** – Enacting an ordinance to the Hermon Code of Ordinances titled “Utility Scale Solar Facilities Moratorium Ordinance”

**O19-20-04** **Consider** scheduling a Public Hearing for Hermon Golf Inc. Liquor License Application on January 7, 2021.

**FR20-21-14** **Consider** authorizing two additional connections for FY 20-21. Cost \$4000

**FR20-21-15** **Consider** authorizing to write off \$1,254.00 sewer maintenance reserve for unpaid/uncollectable sewer debt.

**C. WORKSHOPS:**

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

**X. APPOINTMENTS:**

Reappoint personnel to various positions as required by Charter and State Statute.

- **Registrar of Voters**

**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

December 10, 2020

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 Thomas led those in attendance in the Pledge of Allegiance

**III. ROLL CALL**

- Members Present:** John Snyder III, Douglas “Doug” Sinclair Sr., Ronald “Ron” Murphy, Anthony “Tony” Reynolds, Charles Lever IV, Steven “Steve” Thomas and G. Stephen “Steve” Watson
- Members Absent:** None
- Others Present:** Town Manager Howard Kroll, Town Clerk Kristen Cushman

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

- SIGNATURES. –APPROVE**
- MINUTES. -APPROVE 11-19-2020 Minutes**
- WARRANTS. –SIGN 12-10-2020 Warrant**
- RESOLVES. -SIGN**

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

**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:

B. NEW BUSINESS:

**FR20-21-12 Consider accepting CARES ACT Grant in the amount of \$ 1,861.24.**

**Councilor Reynolds moved to approve FR20-21-12. Councilor Snyder seconded the motion. The motion was accepted. Motion passes 7-0.**

C. WORKSHOPS:

**Review Bids for the Stoneybrook Drainage Improvements Project**

**Manager Kroll gave an overview the Stoneybrook Drainage Improvements Project. Mr. Kroll stated CES put out the RFP. Town of Hermon received 4 bids for the project. The low bidder is L.G. Whitcomb Landscaping LLC. Scott Perkins with Economic Development investigated a suggested reference provided by Landon Whitcomb of L.G. Whitcomb, LLC. A call with Bob Rhodes Jr. of Bangor Housing is the Director of Construction and Asset Management confirmed L.G. Whitcomb, LLC performed substantial work at the Crestwood Apartments and Capehart totaling over \$800,00 in project costs. Mr. Rhodes stated he would “hire them again”.**

**Manager Kroll stated construction oversight contract was awarded to Haley Ward with CES.**

**Manager Kroll also recommended extending the project by 10 days. This is due to the fact we are on 10<sup>th</sup> day of December and the project was projected to be completed by the end of December 2020.**

D. OTHER ITEMS: (from Table Package)

**Councilor Reynolds moved to waive council rules and accept the table packet. Councilor Murphy seconded the motion. The motion was accepted. Motion passes 6-2.**



**IX. SCHEDULED AGENDA ITEMS:**

- B. NEW BUSINESS: FR20-21-13 Consider approving contract for Stoneybrook Repairs**

**Councilor Reynolds moved to approve FR20-21-13. Councilor Murphy seconded the motion. The motion was accepted. Motion passes 5-2.**

**X. APPOINTMENTS:**

**XI. MANAGER STATUS REPORT:**

**Will have a Special Town Meeting on 12/17/2020 along with our regular meeting.**

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

**XIII. COUNCIL ITEMS:**

**Ronald Murphy: Inquired about a hold on the sidewalk on Route 2. Manager Kroll stated the whole was covered with cold patch and had been lifted up. This will require additional cold patch to be placed to cover the whole.**

**Douglas Sinclair: He will be retiring within the next week and has sold his business.**

**XIV. EXECUTIVE SESSION:**

**XV. ADJOURNMENT:**

**Councilor Reynolds moved to adjourn the meeting at 7:28 PM. Councilor Snyder gave seconded. With no objection the meeting was adjourned at 7:28 PM.**

**Respectfully Submitted,**

**Kristen Cushman  
Town Clerk**

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TO: Howard Kroll, Town Manager  
FROM : Annette M. Merrithew, Code Enforcement Officer  
DATE: November 10, 2020

*AMM*

RE: Utility Scale Solar Facilities Moratorium Ordinance

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I would like to ask/ recommend that the Hermon Town Council review and approve the attached moratorium ordinance at their November 19, 2020 Council meeting. I have placed the appropriate public hearing notice in the Bangor Daily News to be in the 11/11/2020 edition as well as posted the public hearing notice in the town office and on the website meeting the 7 day notice requirement.

History –

Over the past few months the Hermon Planning Board has reviewed and approved to utility solar farms using the best method that was available to them in the Hermon Land Use Code, however, what was used for the review and permitting is quite open to interpretation and basically allows these solar farms any where in Hermon not just the industrial zoning areas. This moratorium would give the Planning Board the ability to review criteria to include in the Land Use Code that would look at the zoning areas, language on placement and decommissioning as well as add needed definitions. This moratorium is for 180 days and is ample time for Planning Board review/ public hearings, attorney review as well as Council review/ public hearing.



**TOWN OF HERMON  
MORATORIUM ORDINANCE  
ON  
UTILITY SCALE SOLAR FACILITIES**

The Town of Hermon Council hereby enacts a moratorium ordinance entitled the Utility Scale Solar Facilities Moratorium Ordinance as follows:

**WHEREAS**, area of the Town of Hermon is suddenly faced with the prospect of increased development pressure from Utility Scale Solar Facilities;

**WHEREAS**, residents of the Town of Hermon have expressed concerns about such proposed or anticipated developments, including concerns regarding the quality of life, adjacent property values, health and safety, decommissioning costs, visual impacts, and environmental impacts;

**WHEREAS**, without appropriate regulation, the development of such proposals could pose a threat to the quality of life, adjacent property values, and the health and safety of the Town of Hermon's residents;

**WHEREAS**, the Town of Hermon seeks to balance these risks with the benefits associated with clean energy projects like Utility Scale Solar Facilities through appropriate regulations;

**WHEREAS**, the Town of Hermon requires at least 180 days to consider, develop, and implement necessary ordinances and regulations to protect the health, safety, and welfare of the residents of the Town of Hermon; and

**WHEREAS**, in the judgment of the Town Council, the foregoing facts demonstrate that a moratorium on the development of Utility Scale Solar Facilities is necessary pursuant to 30-A M.R.S. § 4356(1).

**NOW, THEREFORE**, the Town of Hermon hereby ordains that the following Utility Scale Solar Facilities Moratorium Ordinance be enacted:

- I. **Authority:** This Utility Scale Solar Facilities Moratorium Ordinance is enacted pursuant to 30-A M.R.S.A. § 4356; the Town of Hermon's home rule authority pursuant to the Maine Constitution and 30-A M.R.S.A. § 3001; and section 2.13(6) of the Charter of the Town of Hermon.
- II. **Definitions:** The following definition shall be used in the interpretation and construction of this Moratorium Ordinance:
  - a. **Utility Scale Solar Facility:** is any solar facility, project, or installation which is intended to or in fact does generate solar power and feeds said power into the electric grid supplying the local utility with power. This shall include any ground-mounted or pole-mounted photovoltaic (PV) project that generates greater than 1 megawatt (MW) of solar energy. Residential/commercial solar arrays that generate less than 1 MW of solar energy are not included in this definition. Solar arrays installed on roofs of commercial or residential properties in compliance with existing ordinances and codes are not included in this definition.
- III. **Purpose:** The purpose of this Moratorium Ordinance is to allow municipal officials a reasonable time to evaluate the concerns raised in regards to anticipated or proposed Utility Scale Solar Facilities, to determine the adequacy of existing land use ordinances and regulations, and, if necessary, develop additional ordinances and regulations to provide adequate protection for the property, health, welfare, and safety of the Town of Hermon's residents.
- IV. **Moratorium on Utility Scale Solar Facilities:** The Town of Hermon hereby declares and imposes a moratorium, prohibiting the development of any and all Utility Scale Solar Facilities within the Town of Hermon. No person or organization shall develop or operate a Utility Scale Solar Facility within the Town of Hermon.
- V. **Moratorium on Processing Applications:** No official, officer, board, or body of the Town of Hermon, including but not limited to the Code Enforcement Officer, the Planning Board, or the Municipal Officers, shall accept, process, review, deny, approve, authorize, or issue any applications, petitions, plans, permits, licenses, or requests for approval or authorization involving Utility Scale Solar Facilities development, construction, operation, or use located, in whole or in part, within the Town of Hermon.
- VI. **Severability:** Any provisions of the Town of Hermon's existing ordinances that are inconsistent or conflicting with the provisions of this Moratorium Ordinance are hereby repealed to the extent applicable for the duration of this Moratorium Ordinance. If any section or provision of this Moratorium Ordinance is declared by any court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision.
- VII. **Effective Date, Retroactivity & Term:**
  - a. Pursuant to the Charter of the Town of Hermon, this Moratorium Ordinance shall take effect 30 days after passage by the Town of Hermon Council.
  - b. Upon its effective date, notwithstanding the provisions of 1 M.R.S. § 302, this Ordinance shall be retroactive and applicable, to the maximum extent permitted by law and subject to the severability clause above, to all filed, pending, or future



applications and petitions for Utility Scale Solar Facilities which have not received all necessary development permits and licenses from the Town of Hermon and all proposed Utility Scale Solar Facilities that were not fully operational and/or did not have all the required State permits as of November 12, 2020, the date the Moratorium Ordinance was first proposed to the Town of Hermon Council.

- c. Unless, after notice and hearing, the Town of Hermon Council votes to extend it, this Moratorium Ordinance shall remain in full force and effect for 180 days after its enactment, or until a new and revised set of regulations is adopted by the Town of Hermon, whichever shall first occur.

**VIII. Enforcement:** The Municipal Officers are hereby authorized to institute any and all actions, either legal or equitable, that they deem necessary or appropriate to enforce the provisions of this Moratorium Ordinance.

**IX. Civil Penalties:** Any violation of this Moratorium Ordinance is subject to an enforcement action under 30-A M.R.S.A. § 4452. Any violation of this Moratorium Ordinance constitutes a nuisance. Each day of violation shall constitute a separate offense. All civil penalties shall inure to the benefit of the Town of Hermon.

SIGNED THIS 17<sup>th</sup> day of December 2020, BY THE MUNICIPAL OFFICERS:

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

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

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

\_\_\_\_\_  
**G. Stephen Watson**

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

\_\_\_\_\_  
**Ronald Murphy**

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

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



STATE OF MAINE  
 DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES  
 BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS  
 DIVISION OF LIQUOR LICENSING AND ENFORCEMENT

**Application for an On-Premises License**

*All Questions Must Be Answered Completely. Please print legibly.*

Division Use Only	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Payment Type:	
OK with SOS:    Yes <input type="checkbox"/> No <input type="checkbox"/>	

**Section I:    Licensee/Applicant(s) Information;  
 Type of License and Status**

Legal Business Entity Applicant Name (corporation, LLC): <b>HERMON GOLF INC.</b>	Business Name (D/B/A): <b>HERMON MEADOW GOLF CLUB</b>
Individual or Sole Proprietor Applicant Name(s):	Physical Location: <b>ZBI BILLINGS RD HERMON ME</b>
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different: <b>ZBI BILLINGS RD HERMON ME 04401</b>
Mailing address, if different from DBA address: <b>56 BEECH RIDGE DR HERMON ME 04401</b>	Email Address: <b>hermonmeadow@gmail.com</b>
Telephone #                      Fax #: <b>207 266 3830</b>	Business Telephone #                      Fax #: <b>207 848 3741</b>
Federal Tax Identification Number: <b>27-3294902</b>	Maine Seller Certificate # or Sales Tax #: <b>1146989</b>
Retail Beverage Alcohol Dealers Permit:	Website address:

1. New license or renewal of existing license?        New                      Expected Start date: \_\_\_\_\_  
        Renewal                      Expiration Date: 3/28/2021



**O20-21-04**

**BY ORDER** of the Hermon Town Council, the following Public Hearing has been scheduled for Thursday January 7, 2021 at 7:00PM at the Public Safety Meeting Room.

**TO CONSIDER** comment regarding the “Hermon Golf Inc” Liquor License Application.

The Public shall be given the right to comment before the Council takes action.

\_\_\_\_\_

\_\_\_\_\_  
**Stephen Thomas**

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

\_\_\_\_\_  
**G. Stephen Watson**

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

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

\_\_\_\_\_  
**Ronald Murphy**

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

**December 17, 2020**

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

Motion _____	Yeas _____	
Second _____	Nays _____	Date _____



**FR20-21-14**

Be it resolved by the Hermon Town Council in town council assembled the Town Manager or his Designee be authorized to pay for 2 (two) additional editions of the Hermon Connection that was taken out of the FY21 municipal budget. The cost would be \$4,000.

Be it further resolved the proceeds be withdrawn from the undesignated fund balance.

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**SIGNED this December 17, 2020 by the Hermon Town Council:**

\_\_\_\_\_  
G. Stephen Watson

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

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

\_\_\_\_\_  
Tony Reynolds

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

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

\_\_\_\_\_  
Ronald Murphy

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

Motion \_\_\_\_\_

Yeas \_\_\_\_\_

Second \_\_\_\_\_

Nays \_\_\_\_\_

Date \_\_\_\_\_



**FR20-21-15**

Be it resolved by the Hermon Town Council in town council assembled the Town Manager or his Designee be authorized to write off \$ 1,254.00 acct 30-12-57-12 Sewer Maintenance Reserve for unpaid, uncollectable sewer debt.

**SIGNED this December 17, 2020 by the Hermon Town Council:**

\_\_\_\_\_  
G. Stephen Watson

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

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

\_\_\_\_\_  
Tony Reynolds

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

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

\_\_\_\_\_  
Ronald Murphy

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

Motion \_\_\_\_\_

Yeas \_\_\_\_\_

Second \_\_\_\_\_

Nays \_\_\_\_\_

Date \_\_\_\_\_



**Certificate of Appointment**

To: **Kristen Cushman**

In accordance with the provisions of the laws of the State of Maine, the undersigned municipal officers of the Town of Hermon do hereby vote to appoint and confirm you as a **Registrar of Voters** for the Town of Hermon.

Your term of office will expire on December 31, 2022.

Given under our hands on this day, December 17, 2020.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**COPY**  
\*\*\*\*\*

I **Kristen Cushman**, do swear, that I will support the constitution of the United States, and of this State, so long as I shall continue a citizen thereof, that I will in all respects observe the provisions of the Charter and all the duties incumbent upon me as a **Registrar of Voters** for the Town of Hermon according to the Constitution and laws of the State of Maine, So Help Me God.

\_\_\_\_\_  
Signature

State of Maine  
County of Penobscot

\_\_\_\_\_, 2020

\*\*\*\*\*

Personally appeared the above named, **Kristen Cushman**, and took the oath necessary to qualify for office and perform the duties thereof for the above stated term according to law.

Before me,

\_\_\_\_\_  
Howard Kroll, Town Manager