



**Town of Hermon**  
**Public Safety Meeting Room**  
**October 13, 2022**  
**Town Council Meeting**  
**7:00 PM**  
**MINUTES**

To watch Council Meetings go to [hermonmaine.gov](https://hermonmaine.gov) click Council click Town Council Meetings click Zoom  
Council Meetings will be archived online after the meeting has taken place.

\*\*\*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:** Richard Cyr, Ronald Murphy, John Snyder III, Steven Thomas, G. Stephen Watson and Derek Wood

**Members Absent:** None

**Others Present:** Interim Town Manager Joshua Berry, Town Clerk Kristen Cushman, Town Attorney Tim Pease and 34 residents/guests

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

**SIGNATURES. –APPROVE**

**MINUTES. –APPROVE** 9/15/2022

**WARRANTS. –SIGN** 9/30/2022, 10/14/2022

**RESOLVES. –SIGN**

**Councilor Snyder moved to approve the Consent Calendar as presented. Councilor Murphy seconded the motion. Motion passes 6-0.**



V. NEWS, PRESENTATIONS AND RECOGNITIONS:

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

**Tim Pease, Town Attorney with Rudman Winchell:**

**During the public comment sessions the last couple of months, people have asked what has happened with the former town manager. And it occurred to me that I wanted to make a statement about that, because it's not appropriate for the council to address that on an ongoing basis. So, for those folks who might have missed it back on July 14, Mr. Kroll submitted his written resignation. And there was a special council meeting at four o'clock on that day, the council read that resignation record, and accepted that resignation. And the minutes of that meeting reflect that there was a written resignation and it was accepted. So it's just simply not appropriate for people to engage in speculation in this forum. And so, I'd ask you to respect that process and respect the privacy of the former town manager during the public comment section.**

**Everett Buzzell 560 Newburgh Rd: Can we see the papers?**

**Tim Pease: So anytime you want to see paperwork, that is government paperwork, all you need to do is make a Freedom of Access Act request. So, it asks you to make that request to the town manager. And then we can look at it. And if the documents are something that can be released, we certainly would do that for you. Some documents are privileged under the law and don't get to be turned over, but some do, so simply make the request and the town manager will be able to get those documents.**

**Brian Veneziano 51 Bishop Dr: I support the C & K project. Does the town council have the authority to require completed plans for a project? This is a general question for all projects not just C & K.**

**Chair Thomas: The council did not have the authority to revoke the permit.**

**Brian Veneziano: Did the town seek legal guidance before completing the water test on C & K with proper owner's consent?**

**Chair Thomas: I don't believe there was any legal discussion.**

**Brian Veneziano: Why was the test taken? Was there any DEP requirement to have a water test?**

**Chair Thomas: I was told it was not a requirement of the project.**



**Brian Veneziano: At the prior council meeting it was stated that the council is elected and the planning board is appointed and the buck stops here and the town council signs the permits. Does the council have final approval authority on any of these projects?**

**Chair Thomas: We are not authorized to sign off on permits. This would go through the Planning Board or Code Enforcement Officer.**

**Brian Veneziano: Not only do I believe C &K lost money and progress, but other small businesses looking at Hermon sees this sort of frustration going on. So future businesses have to be concerned about future projects getting bogged down into the political process rather than your planning process.**

**Chair Thomas: I think we have a long history of working with businesses. It is a free country and people can express their concern about the project. But me personally, I think the planning board has done a great job for many years, if you look around some of our business parks, they are very nicely laid out and, including subdivisions, are well designed. I think are well designed, and quality builds, all of that has been managed by the planning board. Then, in addition to that, think how much growth we've seen over the past several years, we've seen \$20 to \$30 million in value created every single year for probably 10 years. All of that has been handled by the planning board and should be commended for all the hard work. And another individual who deserves recognition is our economic development officer, Scott Perkins. When you look at all the new businesses that come to town, Scott Perkins has been fantastic to the town. He's helped bring in business, set up loan programs. And because of his efforts, we have so much business development. That's the reason why the mill rate is so low. Scott should be recognized as well.**

**Greg Newell 40 Stage Rd: I think the Planning Board was reading the rules and wasn't listening to the abutters regarding how close the building was and whether there was fences. I wish there is better communication between the C & K, Planning Board and the abutters.**

**Adam Baker 564 Newburgh Rd: Has worked for the school department for the past 8 years as a custodian, then as head custodian and currently bus #4 driver until the position is filled. Mr. Baker has one pick up after dropping off the high school kids on his way to drop off at the middle school, the access road. The bus puts on the red stop lights and make it's turn onto the access road. On average, two cars pass the bus while the red lights are on. Mr. Baker has spoken with the police and unfortunately, they are not around when traffic is heavy.**



Everett Buzzell 564 Newburgh Rd: Have made several complaints to the police regarding political signs being stolen. There are big issues in this town, residents will be needing lights, heat and food.

Haily Keezer 208 Orchard Dr: I wanted to clarify a few things and then comment on others. I have heard confusion, and misinformation over the school I.T. audit that was voted on last year and was supposed to be completed.

Was this audit completed?

Chair Thomas: It was not.

Haily Keezer: To clarify then, that money that was set aside for that audit was never spent by the town?

Chair Thomas: It was not spent.

Haily Keezer: Thank you for clarifying this for the voters.

I read in the meeting minutes, that the school may be coming to ask the town to deem the library as public. Though this sounds like a reasonable request, I have both information and, if need be, solutions to offer for your consideration at a later time. There's a common misconception, that if a school library is deemed "public " that they can get away with providing controversial and non-age-appropriate material in the library, using the excuse "it's there for adults". Schools draw the largest portion of our tax bill, with that in mind we must work together to be sure we are providing the highest quality materials that move education forward and align with core educational goals that prepare our students for their future. It may go without saying, but we still educate minor children, these years are precious and impressionable. I have and will continue to advocate for their innocence. For the countless parents who have entrusted me to be their voice, please don't be used as a scapegoat to fill a need that doesn't exist. Most are aware of the various rumors and tactics spreading around the town. Though I can't assume the real motive for these actions, I can say, where your heart is, your words will be also. Instead of spreading lies and hate, let's redirect that energy to getting to know one another, and find out what we can agree on, and how we can work together.



**If you truly have a heart for improving our town, and healing this divide, then it will be known through your words and actions. If we ask this of our children, then we should set the same example of grace, kindness and working together. I'm yet again reminded that life is SHORT... let's not lose sight of what truly matters. We are better and stronger working together.**

**Please see the complete video at [Town Council Meetings | Hermon \(hermonmaine.gov\)](https://www.hermonmaine.gov) for all public comments.**

## **VII. PUBLIC HEARINGS:**

- **Hold Public Hearing – Conley Events LLC, DBA Morgan Hill Event Center liquor license renewal.**

**Chair Thomas opened the public hearing at 7:32PM. No public comments were given. The hearing closed at 7:34PM**

- **Hold Public Hearing – Utility Scale Solar Facilities Moratorium Ordinance**

**Chair Thomas opened the public hearing at 7:34PM. Public comments were given. The hearing closed at 7:43PM**

- **Hold Public Hearing – Hermon Track and Football Improvements at Pottle Field - questions to appear on the ballot 11/8/2022  
PH notice to run on 10/4/2022**

**Chair Thomas opened the public hearing at 7:43PM. Public comments were given. The hearing closed at 8:06PM**

## **VIII. COMMITTEE REPORTS:**

## **IX. SCHEDULED AGENDA ITEMS:**

### **A. OLD BUSINESS:**



**B. NEW BUSINESS:**

**R22-23-17** Consider approving **Morgan Hill Event Center** liquor license renewal

**Councilor Murphy moved to approve R22-23-17. Councilor Wood seconded the motion. The motion was accepted. Motion passes 6-0.**

**O22-23-07** Consider enacting an ordinance to the Hermon Code of Ordinances titled "Utility Scale Solar Facilities Moratorium Ordinance".

**Councilor Cyr moved to approve O22-23-07. Councilor Murphy seconded the motion. The motion was accepted. Motion passes 6-0.**

**R22-23-18** Consider accepting of Richardson Drive as public road.

**Councilor Murphy moved to approve R22-23-18. Councilor Snyder seconded the motion. The motion was accepted. Motion passes 6-0.**

**R22-23-19** Consider authorizing Rudman Winchell for services regarding the comprehensive plan.

**Councilor Murphy moved to approve EMDC for \$24,000 on R22-23-19. Councilor Cyr seconded the motion. The motion was accepted. Motion passes 6-0.**

**C. WORKSHOPS:**

**Kiser's findings: Drainage Evaluation, School House Lane**

**Jim Kiser went over the report below:**



ENGINEERING & DEVELOPMENT CONSULTING

Job #943

21 September 2022

Jessefa Murphy  
Code Enforcement Officer  
333 Billings Road  
Hermon, ME 04401

**Drainage Evaluation, School House Lane**

Dear Jesse,

At the town's request, Kiser & Kiser has reviewed the drainage in the area around Billings Road and School House Lane. A resident, Wheeler (lot 24, TM 27) approached the town with drainage issues causing erosion and potential stability issues with his barn. This was predicated on past and proposed development in the area, including Hermon Village subdivision and C&K Variety.

**Observations:**

We have walked the area in and around the Wheeler property, reviewed proposed development plans and investigated historic DEP permitting files to assist in understanding the noted drainage concerns. School House Lane (Hermon Village subdivision) was developed in the late 1980's and was required to obtain a DEP Site Location permit. C&K is active in a redevelopment of the store property.

The Hermon Village permit required the development of a stormwater management plan which mitigated increased runoff by routing stormwater through a detention pond. This detention pond was constructed in an easement on lots 28 & 28-1 of TM 27 (subdivision lots 51 and 52). The C&K development received local and DEP Stormwater Law permit for control of stormwater associated with the development improvements.

The existing topography, as observed on a site walk and as shown on the C&K development plans, creates a berm along the property line at the back of the detention basin easement. This berm appears to predate the subdivision development. This berm channels water down the property line and between lots 24 and 25. A drainage ditch has been constructed that directs runoff along a portion of the line between lots 24 and 25 to Billings Road and a storm drain field inlet.

The back of the C&K lot (lot 20) appears to drain toward and onto lot 24. Existing drainage on lot 24 flows in a southwesterly direction and past the corner of the barn and continues to a field inlet at Billings Road on lot 22.





Drainage designs for School House Lane includes ditches starting on Homsted Lane and flowing down View Drive to School House. Drainage was designed to cross School House and follow an easement between lots 28 and 28-1 and enter the detention basin. The outflow from the basin was designed and does flow back to School House along the lower side of lot 28-1. However, the subdivision plan does not show an easement to accommodate the existing ditch line. This runoff continues to Billings Road and crosses Billings Road at the school property.

The C&K development plans have constructed a large cut in the westerly and northerly sides of the property to accommodate the siting of a new store. The plans have designed improvements to address drainage that may flow onto the development from the west and north; however, the undeveloped areas of the property that flow toward lot 24 do not appear to be altered by the development proposal. It should be noted that at the time of our site visits, a berm was created at the top of the large earthen cuts that directed surface drainage around the excavation. This berm may direct increased water toward lots 23 and 24.

The Wheeler lot appears to have fill placed at the back of the property to accommodate vehicle storage. This fill has diverted some shallow drainage that had been on the lot (based on old topography) and channelized the runoff that flows toward the corner of the barn. The channelized runoff would also increase the velocity of the drainage.

#### **Drainage Issues:**

There are a number of items that have occurred in this area related to drainage as follows:

1. School House drainage does not flow through the allocated easement to the detention basin. Based on 1996 aerial photos prior to construction of homes on lots 28 and 28-1, the ditch looks to be functional. In 2015, lot 28 was occupied and the ditch looks to be functional along with the outlet ditch from the detention basin. In 2018, lot 28-1 was occupied by a house and the ditch appears to be flowing down the side of School House.
2. The drainage ditch between lots 24 and 25 along with the hedge of trees appears to be evident in older 1991 photos. The disturbed area appears to be functionally draining the back of lot 25. The ditch is present and functional in 2018 photos. However, activities on lot 24 appear to have progressed toward lot 25 westerly of the beginning of the ditch.
3. Drainage from C&K property that sheet flows onto lot 24 has been dammed up and now concentrates into a channel flow due to progress fill activities on lot 24. 1996 photos show wooded areas on the back of lot 24. In 2004, a grassed area with vehicle storage is present and extending westerly. This area appears larger and more intensely used in 2015 and continuing to increase in intensity in the 2018 photo. At our site visit, the area appeared to have been pushed further to the west.





### **Suggested Improvements**

1. Drainage from School House Lane should be directed back into the detention pond through the drainage easement between lots 28 & 28-1. This work would include removing the earth blockage near the road and re-establishing the drainage ditch. The detention pond needs to be cleaned of unwanted brush and the outlet structure and berm should be reset and repaired.
2. Clean, improve and potentially extend the swale between lot 24 and 25. This work should include easements between the lot owners to provide for the drainage flowing to the field inlet at Billings Road. Some tree clearing would be required to extend the swale westerly. The swale will control some of the drainage flowing onto lot 24 and may be able to direct most of the drainage off of the C&K lot if work is extended onto the C&K parcel.
3. The owners of lots 22, 23 and 24 should develop an agreement to formalize drainage crossing the properties and entering the field inlet at Billings Road.

As we discussed, there is uncertainty in responsibility for the detention basin's maintenance as there does not appear to be a homeowner's association for Hermon Village. We did a limited search of the Registry of Deeds and did not find a deed to the town for the roads within Hermon Village. The town, by default, will probably have to address the maintenance work to the pond. The rerouting of the drainage from School House Lane out of the swale to the detention pond should be the responsibility of the lot owner of 28-1 as they were most likely the construction that diverted that drainage. Again, they town may have to undertake that restoration work.

The property owner of lot 24 appears to have created some of the issues with drainage across that lot with improvements and fill displacing historic drainage patterns in the area. The lot's drainage may be improved with suggested actions. These drainage improvements would reduce and may eliminate drainage concerns around the barn.

The evaluation was prepared for the Town of Hermon based on visual observations and historic data. No field survey work was completed as part of our investigation. Additional studies and/or survey and design work maybe required to implement the suggested improvements.

Best Regards,

James R. Kiser, PE  
Kiser & Kiser Co.



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

**X. APPOINTMENTS:**

**XI. MANAGER STATUS REPORT:**

**Reports of high winds and rain over the next few days. Emergency contingency plan is in place if needed.**

**Tax commitment is wrapping up and tax bill should be out mid-November.**

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

**Danielle Haggerty 10 Bog Rd: When would the bonds be taken out if the track/turf project passes at the election?**

**Steve Thomas: 18 months to 2 years.**

**Ernest Wheeler 20 Billings Rd: DOT will be doing a traffic impact study in the area of Route 2 and Billings Rd intersection.**

**Josh Berry: DOT has come back after the original permitting and would like to review the intersection with the traffic impact study.**

**Please see the complete video at [Town Council Meetings | Hermon \(hermonmaine.gov\)](https://hermonmaine.gov) for all public comments.**

**XIII. COUNCIL ITEMS:**

**Ronald Murphy: The headstone for Mr. Wheeler's mother and father's grave site was in the wrong place....come to find out it has nothing to do with the town.**

**Josh Berry: I believe it was the company who set the stone.**

**Mr. Wheeler: Well it's a situation where someone got it wrong and now they want money to get it right, and I thought I can solve that problem I'll simply go do it myself.**



**Derek Wood: Winter is coming, and this is an invitation, not just for Mr. Buzzell. This is for any veteran, there are programs out there, one organization is Maine Veterans Project. They're a nonprofit organization, they take donations to help veterans that are struggling with winter for whatever reason. If anybody out there including on the internet needs help this winter with fuel oil, propane, firewood, Maine Veterans Project does help them out and feel free to reach out to me.**

#### **XIV. EXECUTIVE SESSION:**

**Councilor Murphy moved to enter Executive Session to discuss a personnel matter per 1 M.S.R.A. § 405 (6)(A). Councilor Cyr seconded the motion. The motion was accepted. Motion passes 6-0.**

**The motion carries. Executive Session started at 9:01 p.m.**

Consider entering Executive Session to discuss a personnel matter per 1 M.S.R.A. § 405(6)(A)

**Councilor Murphy made a motion to end executive session at 9:25 pm. Councilor Snyer seconded the motion. With no objection the Executive Session was adjourned at 9:25 pm.**

#### **XV. ADJOURNMENT:**

**Councilor Murphy moved to adjourn the meeting at 9:25 PM. Councilor Snyer seconded. With no objection the meeting was adjourned at 9:25 PM.**

**Respectfully Submitted,**

**Kristen Cushman  
Town Clerk**

**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.