



**Town of Hermon**

**Public Safety Meeting Room**

**April 13, 2023**

**Town Council Meeting**

**7:00 PM**

**AGENDA**

To watch Council Meetings go to [hermonmaine.gov](http://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**
- III. ROLL CALL**
- IV. REVIEW CONSENT CALENDAR: REGULAR BUSINESS, APPOINTMENTS, SIGNATURES, And APPROVAL OF MINUTES:**
  - SIGNATURES. APPROVE:**
  - MINUTES. APPROVE 03/30/2023**
  - WARRANTS. SIGN: 04/14/2023**
  - 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:**



**B. NEW BUSINESS:**

- R22-23-33** Consider scheduling and setting a
- Special Town Meeting for School Budget warrant articles on May 15, 2023
  - Secret Ballot Election on June 13, 2023
  - Annual Town Meeting on June 15, 2023
- FR22-23-15** Consider awarding contract for roadside mowing for FY23 - FY25
- FR22-23-16** Consider moving money from Transfer Station reserve to transfer station appropriation to purchase a CONEX box from Maine Trailer for \$3050.00 for the new Specialty Recycling program. Reserve balance \$5,400.00.
- FR22-23-17** Consider awarding contract for Odlin Road Sewer Extension Project. Funded from Economic Development project account with a balance of \$558,681.46.

**C. WORKSHOPS:**

- **Solar Ordinance – Jesse**
- **Mobile Vending Ordinance – Jesse**
- **Recreation Reserve account – Josh**
- **Municipal Budget – Josh**

**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**  
**March 30, 2023**  
**Special Council Meeting**  
**7:00 PM**  
**AGENDA**

To watch Council Meetings go to 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, Danielle Haggerty, Ronald Murphy, John Snyder III, Steven Thomas, and G. Stephen Watson

**Members Absent:** Derek Wood

**Others Present:** Town Manager Joshua Berry, Town Clerk Kristen Cushman, Town Attorney Tim Pease and 36 residents/guests

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

**SIGNATURES. APPROVE:**

**MINUTES. APPROVE:** 03/16/2023, Special Town Meeting 3/16/2023

**WARRANTS. SIGN:** 03/30/2023

**RESOLVES. SIGN:**

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

**V. NEWS, PRESENTATIONS AND RECOGNITIONS:**



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

Kim Stewart, Timberview Dr.: Would like to see FOAA requests made public on the website.

VII. EXECUTIVE SESSION:

Enter into Executive Session for the purpose of discussing a legal matter regarding Hermon Volunteer Rescue Squad (HVRS) per 1 M.R.S.A. 405 (6)(E).

**Councilor Murphy moved to enter Executive Session to discuss a legal matter regarding Hermon Volunteer Rescue Squad (HVRS) per 1 M.S.R.A. 405 (6)(E). Councilor Cyr seconded the motion. The motion was accepted. Motion passes 5-0. Councilor Watson abstained.**

**The motion carries. Executive Session started at 7:09 p.m.**

**Councilors returned and ended executive session at 8:25 p.m.**

VIII. ADDITIONAL ITEMS:

Consider taking action, as necessary, for the provision of ambulance service for the Town of Hermon.

**Chair Thomas:**

**Hermon Volunteer Rescue and First Aid Squad Inc, also known as Hermon Rescue, is an independent non-profit organization that operates from its building located at 262 Billings Road in Hermon. Hermon Rescue is not a department of the Town and has served neighboring communities on a contractual basis for over 50 years. The Town of Hermon has a 10-year contract with Hermon Rescue that expires in 2025, if not terminated for cause or unilaterally within the required 90-day notice period. The contract also outlines first responder services to be provided by the Hermon Fire Department. The Town of Hermon pays a stipend for emergency medical services of \$294,000 per year, but there is no financial commitment noted in the contract terms.**

**Two events over the last few months caused the Council to consider whether Hermon Rescue was still capable of serving the people of Hermon.**

**First, Josh Berry, interim Town Manager at that time, suggested a meeting with two council members, Ron Murphy and myself, and Chief Roma before he retired in September 2022. During the meeting, Chief Roma spoke about his experience with Hermon Rescue and shared troubling information about recent call history. Chief Roma had an on-going health issue and was so concerned about the level of care**



provided by Hermon Rescue, that he had made arrangements to use another responder if any EMS calls were made on his behalf as allowed under EMS guidelines. Please note that Frank Roma approved this public message. Chief Roma also shared information about a possible investigation by the Maine Attorney General into Hermon Rescue and warned that there may be lawsuits filed in the next few months regarding incompetent medical care provided by Hermon Rescue. He closed by mentioning Hermon Rescue has some good responders that want to provide excellent care for Hermon residents but have been prohibited to provide the necessary care by Hermon Rescue Management.

Second, in December, the Hermon Council received a notice of claim indicating a potential lawsuit against the Town of Hermon stemming from an emergency medical call at Towne Centre Apartments September 2021. The notice alleges that an employee of Hermon Rescue acted negligently when providing medical services for a patient who was in cardiac arrest. A complaint was filed with the Maine Emergency Medical Board against the employee related to his care and treatment of the individual September 4, 2021, resulting in a consent agreement and permanent revocation of the employee's Maine Advanced EMT License.

The Hermon Council was alarmed by this information and concerned for the well-being of Hermon residents. With the assistance of the Town's legal counsel, we started a review of not only Hermon Rescue but first responder models around the State.

**Findings:**

After reviewing several hundred pages of documents in the possession of the Town regarding HVRS over the past few years, there appeared to be a notable uptick of complaints regarding a wide variety of issues beginning in 2020. The complaints are specific, sufficiently reliable, and numerous.

In the three-year period between 2020 and 2022, there are over a dozen distinct complaints from various individuals and entities involving HVRS's failure to meet service expectations. A sampling of those complaints include:

1. Failure to conduct criminal background checks on employees (or act appropriately based upon the findings);
2. Multiple instances of requiring patients to walk to the ambulance;
3. HVRS employees conducting medical tests on patients that are beyond the employee's qualifications;
4. HVRS employees canceling ambulances requested by the authority having jurisdiction;
5. Failure to administer proper medical care, including tests for a patient during a seizure, and not administering oxygen when required;



**6. Failure to be available for calls.**

**This is not an exhaustive list.**

**The Town of Hermon has experienced tremendous growth over the past decade, with a dynamic business community, sprawling residential subdivisions, and requisite educational system. Our needs have evolved and become more complex. Unfortunately, we have found that Hermon Rescue is not meeting the demands of our community.**

**Chief Cody Sullivan:**

**The Town of Hermon will enter a contract with Northern Light Medical Transport for emergency ambulance service serving the town. This contract will provide BLS transport service to the residents of Hermon and ALS services when appropriate and available. Coverage will be provided from the NLMT base on Union St. in Bangor. With the increased FD staffing, the FD EMS first responders will arrive on scene and begin patient assessment, treatment, and stabilization until transport services arrive.**

**History of staffing at HFD: currently the only full-time staff is a full-time Captain and myself, covering days Monday through Friday. Currently for emergencies on weekends and weeknights, calls are covered by on call FFs, meaning when you call 911 there is not personnel at the station ready to respond. The dispatch center pages the call and members respond from home or wherever they may be at that time if they are available. There is currently no guarantee of coverage and if members are not available there can be significant delays to the response. Proposal to bring the F.D. to full-time 24/7/365 staffing with the addition of 4 fulltime Firefighter/EMS Providers. These 4 new positions will work a 24-hour rotating schedule to accomplish the 24/7/365 coverage for fire protection and EMS first response in the Town of Hermon.**

**These new fulltime positions will act as a force multiplier for the town of Hermon because they will all be crossed trained firefighter/medical providers. Currently the HFD provides an EMS first response service when available, permitted to the Basic EMT level on Delta and Echo level EMS calls. The new fulltime positions will be hired with preference to Advanced EMTs and Paramedics, which will greatly increase the EMS coverage for the town. With this increased staffing, the HFD will be increasing our license level to the Advanced EMT level and increasing the equipment carried, to provide a higher level of care to the residents. HFD first responders at a higher license level will be simultaneously dispatched with the ambulance to respond to all medical emergencies in the Town of Hermon.**



**Timeline for implementation of full-time fire dept. staffing and increasing the license level of FD EMS first responder service: If approved at annual town meeting, the town would begin the posting and hiring process of fulltime positions immediately. We anticipate this process to take 3 months to complete with positions being filled in mid-September. Concurrently with the hiring process we will begin procurement of the necessary equipment to increase the EMS service license level to Advanced EMT and we anticipate the process to take between 3 and 6 months which brings us to mid-December to have all equipment in place and in service.**

**With approval we will begin the hiring process as soon as possible with the intention of having the position filled no later than September 15<sup>th</sup>, 2023.**

1. **Develop job posting**
2. **Post job openings**
3. **Close posting after desired number of applicants is achieved or desired time has elapsed**
4. **Select candidates from applicants to move on**
5. **Conduct Written Exam?**
6. **Conduct Practical EMS Skills Assessment?**
7. **Conduct Physical Test?**
8. **Select candidates to move on**
9. **Conduct Oral Board**
10. **Select final candidates to be given conditional job offers**

**Public Comment:**

**Tim Pease, Town Attorney: As the Chair mentioned in above statement, the Town received a notice of claim in late last year involving Hermon Rescue. I've asked the Council to not address any of the specifics of that complaint.**

**Terry Hamm-Morris: This will be a Northern Light ambulance but if you want to go to a different hospital, is this possible?**

**Chief Sullivan: Yes, the ambulance will take you to the hospital of your choice.**

**Everett Buzzell, Newburgh Rd:**

- **Dislikes Northern Light as a hospital – worked there for over 20 years.**
- **Hermon should keep Hermon Volunteer Rescue Squad (HVRS)**

**Kim Stewart, Timberview Dr.: Chief Sullivan, what does it mean for Northern Light to provide ALS when available?**



**Chief Sullivan: Ties back into the whole area. So, if there are times where there are limited ambulances available, we reach out for resources as far as level of care will be available. There will be other ALS trucks available if needed and we can request them.**

**Kim Stewart, Timberview Dr.: You stated quicker care, what is the time difference estimate?**

**Chief Sullivan: Currently HVRS and fire department are not necessarily staffed 24/7/365 with folks in the buildings ready to respond. With this model we will be pushing for a firefighter, EMS provider here and ready to respond within one to two minutes after a call.**

**Tony Smen, Corinth ME: Would like the council to do more homework on this subject.**

**Kevin Byers, Fuller Rd.: Forty-year member of HVRS. Ambulance could be 30 minutes before responding if coming from Ellsworth or Lucerne. Encourage you to do more research before deciding. What is the budget difference from what we are paying HVRS and what the fire department is requesting?**

**Josh Berry, Town Manager: The increase would be \$215,000. Total funding would be approximately \$515,000.**

**Christopher Gray, Fuller Rd.: Will the new EMT/firefighters be housed inhouse?**

**Chief Sullivan: Yes**

**Councilor Ronald Murphy: Mr. Murphy stated the Council has done their homework on HVRS and has not taken this decision lightly. We are looking at the future of this town for the better of the citizens.**





**Action taken:**

**Be it resolved by the Hermon Town Council in Town Council assembled to instruct the Town Manager to provide notice to HVRs that the Town is unilaterally terminating the agreement with HVRs, effective at the end of the fiscal year, and instruct the Town Manager to execute an agreement with Northern Light to provide transport services.**

**Councilor Murphy moved to approve R22-23-32. Councilor Cyr seconded the motion. The motion was accepted. Motion passes 5 yes.**

**Kristen Cushman, Clerk: After the vote was called, I realized I did not call a vote for Councilor Watson. Conferred with the Tim Pease, Town Attorney, regarding the vote. Vote passed with 5 yes votes.**

**IX. PUBLIC HEARINGS:**

**X. COMMITTEE REPORTS:**

**XI. SCHEDULED AGENDA ITEMS:**

**A. OLD BUSINESS:**

**B. NEW BUSINESS:**

**C. WORKSHOPS:**

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

**XII. APPOINTMENTS:**

**XIII. MANAGER STATUS REPORT:**

**Next council meeting is April 13, 2023 where the budget will be presented.**

**Comprehensive survey is due by April 7, 2023.**

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

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



**XV. COUNCIL ITEMS:**

**Danielle Haggerty: Survey was mailed out today and came in under the \$6,000 amount.**

**School budget meetings: Thank you for Micah Grant allowing the council to be involved in the meetings. The State miscalculated some numbers for State EPS and local required appropriations. The school district is requesting an additional \$6,365,219.46 from local tax funded revenue source. This is approximately a 10.5% increase to taxpayers.**

**Paying for sending student out of district: This is a high-cost area with 6 figures. I have asked that they consider placing the money they know about for sending students out of the district, along with a substantial buffer along with moving this money into a reserve account. So the money is there year after year and replenished if it is used and help take care of the kids and not upset the operational budget.**

**Ronald Murphy: April 4, 2023, from 9:00 am to 11:00 am at the council chambers we will have Coffee and Conversation with a Councilor.**

**Haily Keezer, Orchard Dr.: The upcoming School Board meeting on 4/3/2023 has a motion to approve a network engineer. I remember Micah Grant said they were not going to have that position. Has this been discussed with either Danielle or John at the meetings?**

**Danielle Haggerty/John Snyder: No, mainly just talk numbers.**

**Haily Keezer, Orchard Dr.: Just wondering where the money is coming from to pay this position in the current budget, and it would be reoccurring in the next budget.**

**XVI. ADJOURNMENT:**

**Councilor Murphy made a motion to end the council meeting at 9:25 pm. Councilor Cyr seconded. With no objection the council meeting was adjourned at 9:25 pm.**

**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.

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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.



**R22-23-33**

Be it resolved by the Hermon Town Council in Town Council assembled to schedule a Special Town Meeting for School Budget warrant articles on May 15, 2023 at 7:00 at the Hermon Public Safety building.

In addition, to set the Secret Ballot Election to be held on Tuesday, June 13, 2023 from 7:00am to 8:00 pm at the Patricia A. Duran School to elect Town Council, School Committee Members, school referendum & validation.

In addition, to set the Annual Town Meeting Town Budget warrant articles to be held on Thursday, June 15, 2023 at 7:00 pm at the Hermon Public Safety building.

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**SIGNED this April 13, 2023, by the Hermon Town Council:**

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

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

\_\_\_\_\_  
Richard Cyr

\_\_\_\_\_  
Danielle Haggerty

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

\_\_\_\_\_  
Derek Wood

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

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

|              |            |            |
|--------------|------------|------------|
| Motion _____ | Yeas _____ |            |
| Second _____ | Nays _____ | Date _____ |



April 5, 2023

Memo: Roadside Mowing- RFP Information

Josh,

Three bids as shown on the tabulation form from firms interested in roadside mowing were received from S&M Lawncare, Hopkins Paving, LLC and Municipal Mowing, LLC on March 24, 2023.

Mike Hopkins withdrew his bid on April 5, 2023.

The contract will be for a 3-year term for FY23 - FY25. The specifications include local and State-Aid highway miles, with reimbursement by MDOT (per contract) for the State miles identified.

Please include an agenda item for financial resolve to award a contract to the acceptable contractor after discussion.

Grand total amounts are as follows:

|                       |             |
|-----------------------|-------------|
| S&M Lawncare          | \$49,336.80 |
| Municipal Mowing, LLC | \$50,976.00 |

Thanks,

Scott Perkins  
Town of Hermon  
848-1010 (office)  
852-2403 (cell)

**Mailing address**  
333 Billings Road  
Hermon, ME 04401

**Physical Address:**  
333 Billings Rd  
Hermon, ME 04401

**Telephone: 207 848-1010**  
**FAX: 207 848-3316**  
**Website: [www.Hermonmaine.gov](http://www.Hermonmaine.gov)**

# Town of Hermon

Bid Opening for Roadside Mowing & Landfill Maintenance: March 24, 2023 @ 1:00pm  
 Scott Perkins & Kristen Cushman

| Item  | S&M Lawncare<br>(147 Center Road, Charleston)                         | Hopkins Paving, LLC<br>(800 Coldbrook Road, Hermon) | Municipal Mowing, LLC<br>(1108 Main Road, Carmel)   |
|---|---|---|---|
| Roadside Mowing (57.86 Miles local roads)     | \$8,910.44  | \$8,389.70  | \$12,150.60   |
| Roadside Mowing (21.34 Miles State roads)     | \$3,286.36  | \$3,307.70  | \$4,481.40  |
| Transfer Station- Capped Landfill Mowing      | \$500.00  | \$2,500.00  | \$360.00  |
| <b>Total 2023:</b>                            | <b>\$12,696.80</b>  | <b>\$14,197.40</b>                                  | <b>\$16,992.00</b>                                  |
| Total 2024 per centerline mile                | \$15,840.00   | \$12,672.00   | \$16,632.00   |
| Total 2024 Transfer Station (lump sum)        | \$500.00  | \$2,500.00  | \$360.00  |
| Total 2025 per centerline mile                | \$19,800.00   | \$13,068.00   | \$16,632.00   |
| Total 2024 Transfer Station (lump sum)        | \$500.00  | \$2,500.00  | \$360.00  |
| <b>Grand Total FY23 - FY25:</b>               | <b>\$49,336.80</b>  | <b>\$44,937.40</b>                                  | <b>\$50,976.00</b>                                  |
| Certificate of Insurance included or on file? | NO  | YES   | YES   |
| Worker's Compensation or Waiver provided?     | NO  | YES   | YES   |
| Equipment:                                    | 2021 Massey Ferguson # 67145<br>2021 2HE2500 Slope Mower-Hammer Teeth | 70-100 HP John Deere w/ 7' flail mower              | 2020 Kubota M7060 HDC 70 HP w/7' Offset flail mower |



**FR22-23-15**

Be it resolved by the Hermon Town Council in town council assembled the Town Manager or his Designee be authorized to award the bid for roadside mowing to \_\_\_\_\_ for FY23, FY24 and FY25.

**SIGNED** this April 13, 2023 by the Hermon Town Council:

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

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

\_\_\_\_\_  
**Richard Cyr**

\_\_\_\_\_  
**Danielle Haggerty**

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

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

\_\_\_\_\_  
**Derek Wood**

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

|              |            |            |
|--------------|------------|------------|
| Motion _____ | Yeas _____ | Date _____ |
| Second _____ | Nays _____ |            |



**FR22-23-16**

Be it resolved by the Hermon Town Council in town council assembled to authorize the Town Manager to transfer up to \$3,500.00 from Reserve Account Herm29 (Transfers Station Reserve) to the Transfer Station Appropriation Account. Purpose to cover the cost of a CONEX box for a new Specialty Recycling program. (see chart below)

|  |            |                                 |            |
|--|------------|---------------------------------|------------|
| Cell Phones                            | 4.00 Each  | Printers/Fax/Scanners           | 5.00 Each  |
| Freon: A/C, Dehumidifier, Refrigerator | 20.00 Each | Smoke Detectors                 | 10.00 Each |
| Halogen/ Incandescent light bulb       | .50 Each   | Straight Fluorescent lamps      | 2.00 Each  |
| Hard Drives                            | 5.00 Each  | Televisions/CRT Monitors        | 5.00 Each  |
| HID/Sodium Lamps                       | 1.00 Each  | U-Bend/Circle/(CFL) Lamps       | 1.00 Each  |
| Laptops/CPU'S                          | 5.00 Each  | UV Lamps/4' Coated Fluorescents | 1.50 Each  |

SIGNED this **April 13, 2023**, by the Hermon Town Council:

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

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

\_\_\_\_\_  
Richard Cyr

\_\_\_\_\_  
Danielle Haggerty

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

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

\_\_\_\_\_  
Derek Wood

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

Motion \_\_\_\_\_ Yeas \_\_\_\_\_

Second \_\_\_\_\_ Nays \_\_\_\_\_

Date \_\_\_\_\_



**FR22-23-17**

Be it resolved by the Hermon Town Council in town council assembled the Town Manager or his Designee be authorized to pay for the Odlin Road Sewer Extension Project in an amount not to exceed \$ \_\_\_\_\_ payable to \_\_\_\_\_. Be it further resolved the cost of the project is to be funded from the Economic Development project account 11-01-04-08.

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**SIGNED** this April 13, 2023 by the Hermon Town Council:

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**Steven Thomas**

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**Ronald Murphy**

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**Richard Cyr**

---

**Danielle Haggerty**

---

**John Snyder III**

---

**G. Stephen Watson**

---

**Derek Wood**

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

|              |            |            |
|--------------|------------|------------|
| Motion _____ | Yeas _____ | Date _____ |
| Second _____ | Nays _____ |            |





April 6, 2023

Memo: Odlin Road Sewer Extension Project

Josh,

Three quotes from qualified local firms are shown below for the Odlin Road Sewer Extension Project which will service two businesses and provide future access regarding growth in the area. The quotes were provided by *Showcase Excavation*, *Gardner Construction Enterprises* and *Desuilt Consulting*.

The specifications included in the packet describe installing three manhole sewer structures and SDR pipe extending 325' on the northerly side of Odlin Road.

Please include an agenda item for financial resolve to be paid from the Economic Development project account 11-01-04-08 to award a contract to the acceptable contractor.

Quote amounts are as follows:

|                      |          |
|----------------------|----------|
| Showcase Excavation  | \$39,450 |
| Gardner Construction | \$48,800 |
| Desuilt Consulting   | \$48,850 |

Thanks,

Scott Perkins  
DECD Director  
Town of Hermon



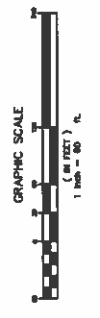
**Plymouth Engineering, Inc.**  
 P.E. and E. in Law Offices  
 2000 Plymouth Road  
 Plymouth, Michigan 48150  
 www.plymouthengineering.com

|          |   |
|----------|---|
| DATE     | 2/17/17   |
| PROJECT  | HERMON SEWER EXTENSION                              |
| CLIENT   | 2023 COLIN ROAD HERMON, RENOVASCOT CMT (MAYE 04401) |
| SCALE    | AS SHOWN  |
| DESIGNER | WES   |
| CHECKER  | WES   |
| APPROVER | WES   |
| DATE     | 2/17/17   |

**HERMON SEWER EXTENSION**  
 SEPTIC SERVICE LAYOUT

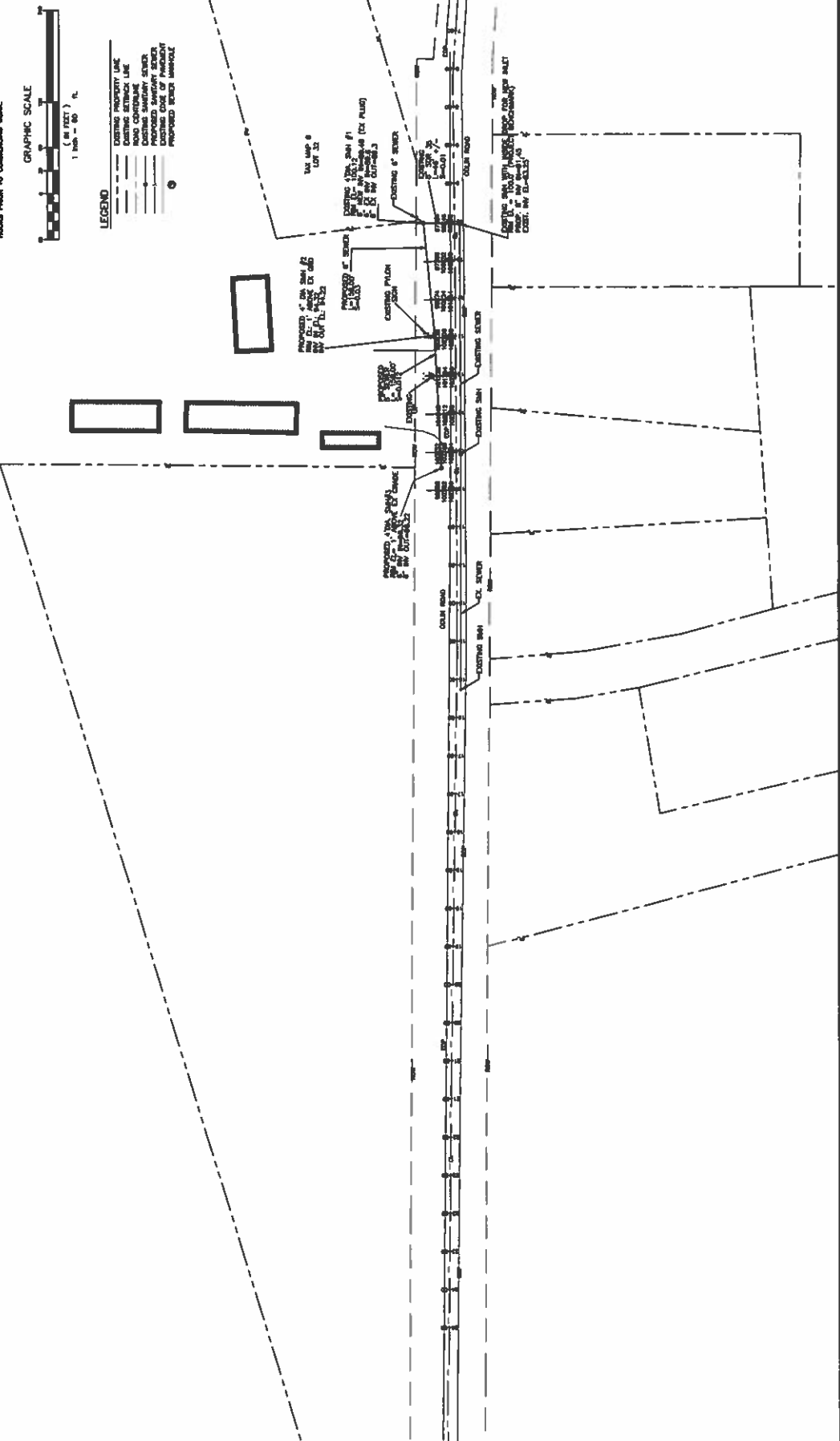
|     |         |                               |
|-----|---------|-------------------------------|
| NO. | DATE    | DESCRIPTION                   |
| 1   | 2/17/17 | PRELIMINARY DESIGN AND LAYOUT |
| 2   | 2/17/17 | FINAL DESIGN AND LAYOUT       |

- NOTES:**
- ELEVATIONS ARE BASED ON ASSUMED BENCHMARK.
  - PRECISE LOCATION OF PLAN FEATURES BASED ON GOOGLE EARTH AND Aerial PHOTOGRAPHY.
  - PROPOSED BUILDING DATA PROVIDED BY LOT OWNERS CONSIDERED.
  - THIS PLAN IS SUBJECT TO THE EXISTING AND PROPOSED ZONING ORDINANCES AND REGULATIONS AND ANY AMENDMENTS TO THE ZONING ORDINANCES AND REGULATIONS ON THE DATE OF THIS PLAN.
  - PROPOSED SEWER AND SANITATION LINES AND INSTALLATIONS REQUIRE PERMITS FROM THE STATE OF MICHIGAN AND ANY APPLICABLE LOCALITY. THIS IS NOT A GUARANTEE OF THE ACCURACY OF THE DATA PROVIDED FROM ANY SOURCE.



**LEGEND**

|               |                           |
|---------------|---------------------------|
| (Dashed line) | EXISTING PROPERTY LINE    |
| (Dashed line) | EXISTING SEWER LINE       |
| (Solid line)  | PROPOSED SEWER LINE       |
| (Dashed line) | EXISTING SANITATION LINE  |
| (Solid line)  | PROPOSED SANITATION LINE  |
| (Dashed line) | EXISTING CURB OF PAVEMENT |
| (Solid line)  | PROPOSED CURB OF PAVEMENT |







## Memo

**To:** Joshua Berry – Town Manager  
Hermon Town Council

**CC:** Kristen Cushman – Town Clerk

**From:** Jessefa Murphy – Code Enforcement Officer

**Date:** April 6, 2023

**Re:** Solar Ordinance

This ordinance was drafted by the Planning Board, town staff, and myself over the span of several months, taking into consideration comments made by the public at both Planning Board and Town Council meetings. We feel that this ordinance is fair and has the Town of Hermon's best interest at hand.

**History:**

On December 17, 2020, a solar moratorium was placed to take time for the town to develop a solar ordinance. The 180-day moratorium had expired with no addition of a solar ordinance. On October 13, 2022 a second moratorium 180-day moratorium was put into place, it will soon expire on May 11, 2023.

On February 21 of 2023, the planning board was presented a Solar Ordinance Draft. On March 21<sup>st</sup>, 2023, the Planning Board held a public meeting and voted 4-0 in favor to recommend a Solar Ordinance to the Town Council. The goal is to have the ordinance passed in favor at the April 27<sup>th</sup> Town Council meeting.

Respectfully,



Jessefa Murphy

Code Enforcement Officer

Mailing Address  
333 Billings Rd  
Hermon, ME 04401

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## Memo

**To:** Joshua Berry – Town Manager  
Hermon Town Council

**CC:** Kristen Cushman – Town Clerk  
Jessefa Murphy – Code Enforcement

**From:** Ed Marsh – Planning Board Chair

**Date:** April 7, 2023

**Re:** Solar Ordinance

On March 21<sup>st</sup>, 2023, the town of Hermon's Planning Board held a public meeting and voted 4-0 in favor to recommend a Solar Ordinance to the Town Council. This ordinance was drafted by the Planning Board and the Code Enforcement officer over the span of several months, taking into consideration comments made by the public at both Planning Board and Town Council meetings. We feel that this ordinance is fair and has the Town of Hermon's best interest at hand.

Respectfully,

Ed Marsh  
Planning Board Chair

# Hermon Solar System Ordinance

**A. Title**

This Ordinance shall be known and may be cited as the "Hermon Solar Energy Systems Ordinance" and will be referred to herein as the "Ordinance"

**B. Authority**

This Ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII of the Maine Constitution.

**C. Purpose**

This section regulates the development and installation of solar energy systems in the Town of Hermon. This ordinance is intended to balance the interests of the residents of the Town of Hermon and the users and installers of all solar energy systems by providing standards for the siting, design, construction, operation, monitoring, modification, and decommissioning of such systems, and to address public safety. These standards are also intended:

1. To minimize the adverse impacts of solar energy systems on surrounding land use, including visual impacts, environmental impacts, impacts to historically significant areas, health safety impacts, and property value impacts.
2. To allow the Town of Hermon to protect the public health, safety and welfare.
3. To support the goals and policies of the Town's Comprehensive Plan.
4. To Provide for the decommissioning and removal of solar panels associated with transmission lines which are no longer being used for energy generation and transmission purposes.

**D. Definitions**

Solar Energy System (SES): a solar photovoltaic cell, module, or array, or solar hot air or water collector device, including all Solar Related Equipment, which relies upon solar radiation as an energy source for collection, inversion, storage, and distribution of solar energy for electricity generation or transfer of stored heat.

Solar Energy System, Ground-Mounted. A Solar Energy System that is structurally mounted to the ground and is not roof-mounted; may be of any size (small, medium, or largescale).

Solar Energy System, Roof-Mounted. A Solar Energy System that is mounted on the roof of a building or structure; may be of any size (small, medium, or large-scale).

Solar Energy System, Wall-Mounted. A Solar Energy System that is mounted on the wall or side of a building or structure; may be of any size (small, medium, or large-scale).

Large-Scale Solar Energy System (LSSSES). A Solar Energy System with any array greater than 21,780 square feet (0.5 acres) on any one lot and less than then (10) acres on any one lot. The physical size based on total airspace projected over the ground. The main intention of the LSSSES is to provide 0.5 MW or greater and is not for personal use for a business or building located on the same parcel.

Personal Scale Solar Energy System – Major (PSSES-Major). Solar Energy Systems with an array greater than 1200 square feet and less than 21,780 square feet (0.5 acres) on any one lot. Are accessory to the principal use on the parcel, consist of one or more ground, roof, or wall mounted systems, and are intended to primarily reduce on-site consumption of utility power or fuels and may be used to reduce the onsite consumption of utility power or fuels on immediately adjacent lots. The sale and/or distribution of excess energy to a public utility for distribution shall be incidental to any PSSES and shall not be its primary purpose.

Personal Scale Solar Energy System – Minor (PSSES-Minor). Solar Energy Systems with an array less than or equal to 1200 square feet on any one lot. Are accessory to the principal use on the parcel, consist of one or more ground, roof, or wall mounted systems, and are intended to primarily reduce on-site consumption of utility power or fuels and may be used to reduce the onsite consumption of utility power or fuels on immediately adjacent lots. The sale and/or distribution of excess energy to a public utility for distribution shall be incidental to any PSSES and shall not be its primary purpose.

Kilowatt (kW): a unit for measuring power that is equivalent to 1,000 watts. Megawatt (MW): a unit for measuring power that is equivalent to one million watts, or 1,000 kilowatts.

Megawatt Hour (MWh): A megawatt hour is equal to 1,000 Kilowatt hours (Kwh). It is equal to 1,000 kilowatts of electricity used continuously for one hour.

Rated Nameplate Capacity. The maximum rated output of electric power production of the photovoltaic system in watts of Direct Current (DC).

Solar Energy. Radiant energy (direct, diffuse and/or reflective) received from the sun. Solar Array. A grouping of multiple solar modules with the purpose of harvesting solar energy.

Solar Farm. See Solar Energy System.

Solar Related Equipment. Items including, but not limited to, a solar photovoltaic cell, module, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing, fencing, foundations, or other structures used or intended to be used for collection and management of solar energy.

Pure Tone. The simplest periodic sound: a constant sound created as a pressure disturbance that fluctuates sinusoidally as a fixed frequency.

#### **E. Applicability**

1. The provisions of this Ordinance shall apply to Solar Energy Systems as defined by this Ordinance and by Title 28-A, MRSA, Section 1421,1423, within the boundaries of the Town of Hermon.
2. The requirements of this Ordinance shall apply to all Roof Mounted, Wall Mounted, PSSES Minor, PSSES Major, and LSSES installed after April 27, 2023



3. All Solar Energy Systems shall be designed, erected, and installed in accordance with all applicable local, state, and federal codes, regulations, and standards including (but not limited to) Section 11.10, Section 11.12 of the Fire Code, NFPA 70, and EPA Tier II reporting.
4. Any modification, upgrade, or structural change that materially alters the size, placement or output of an existing Solar Energy System shall comply with this ordinance.

**F. Conflict with other Ordinances**

Whenever the requirements of this Ordinance are in conflict with the requirements of any other lawfully adopted rule, regulation, Ordinance, deed restriction or covenant, the more restrictive or higher standard covenant shall govern, unless otherwise prohibited by State Law.

**G. Severability**

In the event that any section, subsection, or provision of this Ordinance shall be declared by any court or competent jurisdiction to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection, or other portion of this Ordinance; to this end, the provisions of this Ordinance are hereby declared to be severable.

**H. Amendments**

**1. Initiation**

An amendment to this Ordinance may be initiated by one of the following:

- a. The Planning Board, provided a majority of the board has so voted.
- b. Request of the Hermon Town Council to the Planning Board.
- c. Written petition of 10% of the number of registered voters who voted in the most recent gubernatorial election, in accordance with 30-A MRSA § 2522 or 2528.
- d. An individual may initiate an amendment through any of the above methods.

**2. Hearings**

All proposed amendments shall be referred to the Planning Board for their recommendation. The Planning Board shall hold a public hearing at least 30 days before submitting any proposed amendment and shall make a written recommendation to the Hermon Town Council within 30 days from the public hearing.

**3. Majority Vote**

After receiving the recommendation of the Planning Board, the amendment may be adopted or rejected by majority vote of the Hermon Town Council after convening for a public hearing.

**I. Effective Date**

This Ordinance, when adopted, and any amendments thereto, shall be effective immediately following its/their adoption or approval by the Hermon Town Council. A copy of this Ordinance, certified by the Hermon Town Clerk shall be filed with the Hermon Town Clerk.

**J. Schedule of Uses**

| Type         | AF | RA | RB | RC | VC | C | I |
|--------------|----|----|----|----|----|---|---|
| Roof Mounted | Y  | Y  | Y  | Y  | Y  | Y | Y |
| Wall Mounted | N  | N  | N  | N  | N  | Y | Y |
| PSES - MINOR | P  | P  | P  | P  | P  | P | P |
| PSES MAJOR   | S  | N  | N  | N  | N  | N | S |
| LSES         | N  | N  | N  | N  | N  | N | S |

**K. Standard for Personal Scale Solar Energy System (PSES)**

**1. PSES Minor**

Personal Scale Solar Energy System – Minor (PSES-Minor). Shall meet the following conditions:

- a. All PSES-Minor shall be placed such that concentrated solar radiation or glare does not project anywhere off site.
- b. No noise produced by any PSES-Minor shall be 10 decibels (dB) greater than the preconstruction / existing background level, as measured from any other street or lot prior to and after installation.
- c. The total height of a building with a PSES-Minor shall not exceed the maximum building height specified for principal or accessory buildings within the underlying zoning district.
- d. Wall-mounted PSES-Minor shall comply with the setbacks for principal and accessory structures in the underlying zoning districts.
- e. **Roof/Wall Mounted PSES- Minor**
  - i. The owner shall provide evidence certified by an appropriately licensed professional that the roof is capable of supporting the collateral load of the SES.
  - ii. SES mounted on roofs of any building shall be subject to the maximum height regulations specified for principal and accessory buildings within the applicable zoning district.
  - iii. Glare – All SES shall be situated to eliminate concentrated glare onto nearby structures or roadways.
  - iv. For firefighter access, a minimum three (3) foot buffer zone is required from the ridge and one (1) edge of the roof or parapet.
  - v. Preservation of Town’s Character - All reasonable efforts, as determined by the Planning Board, shall be made to ensure any SES is consistent with the character of the community. The Planning Board will rely on existing Zoning Classifications for local neighborhood area, maintenance of scenic views,

maintenance of open space land and farms, and the Town Comprehensive Plan, and associated Town planning documents.

**f. Ground Mounted PSES- Minor**

- i. Ground mounted PSES-Minor shall comply with the setbacks for principal and accessory structures in the underlying zoning districts.
- ii. The height of ground mounted PSES-Minor solar panels and related equipment and supports shall not exceed the height requirements of the underlying zoning district.
- iii. The minimum height of ground mounted PSES-Minor solar panels shall be 4 feet.
- iv. Ground mounted PSES-Minor shall not be placed within any legal easement or right-of-way location or be placed within any storm water conveyance system or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system.

**2. PSES Major**

- a. PSES-Major shall be permitted as a use by right in all zoning districts and shall require a building permit from the Code Enforcement Officer, except that ground-mounted PSES-Major shall not be constructed or installed in any Resource Protection, Stream Protection, Shoreland Limited Residential, or Aquifer Protections Overlay Districts.
- b. Upon completion of installation, the PSES-Major shall be maintained in good working order. Failure of the operator or property owner to maintain the PSES-Major in good working order is grounds for appropriate enforcement actions pursuant to Article X of this Ordinance. Enforcement may include orders for decommissioning and removal.
- c. All on-site, newly installed (after the effective date of this ordinance) utility, collector, or transmission lines connected to a PSES- Major shall be placed underground.
- d. The operator or landowner of a PSES-Major shall provide, as part of the application filed with the Code Enforcement Officer, written confirmation that, if a connection is planned, the utility company to which the PSES-Major will be connected has been informed of the customer's intent to install a grid connected system and that the utility company has approved, or conditionally approved of such connection. Off-grid systems shall be exempt from this requirement.

- e. No portion of the PSSES-Major shall contain or be used to display advertising. The manufacturer's name and equipment information or indication of ownership shall be allowed on any equipment of the PSSES-Major, provided they comply with the prevailing sign regulations.
- f. All PSSES-Major shall be placed such that concentrated solar radiation or glare does not project anywhere off site.
- g. No noise produced by any PSSES-Major shall be 10 decibels (dB) greater than the preconstruction / existing background level, as measured from any other street or lot.
- h. The issuance of a permit under this Ordinance does not create in the property owner, its, his, her or their successors and assigns in title, or create in the property itself the right to remain free of shadows and/or obstructions to solar energy caused by development or growth of any trees or vegetation on other properties.
- i. Zoning and/or building permit applications shall document compliance with this Ordinance and any applicable land use requirements not otherwise covered in this Ordinance and shall be accompanied by drawings showing the location of the system on the building or property, including property lines. Permits must be kept on the premises where the PSSES-Major is constructed.
- j. The zoning and/or building permit(s) shall be void if the PSSES-Major, whether new or pre-existing, is moved or otherwise altered, either intentionally or by natural forces, in a manner which causes the PSSES-Major not to be in conformity with this Ordinance.
- k. A PSSES-Major must be properly maintained and be kept free from all hazards, including but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety, or general welfare. In the event of a violation of any of the foregoing provisions, the Code Enforcement Officer shall give written notice specifying the violation to the operator or landowner of the PSSES-Major which includes the required remedy.
- l. Each PSSES-Major and all solar related equipment shall be removed within 12 months of the date when the use has been discontinued, or abandoned, or upon termination of the useful life of same.
- m. A PSSES-Major shall be presumed to be discontinued or abandoned if no electricity is generated by such solar collector for a period of 6 continuous months. See decommissioning considerations.
- n. Roof/Wall Mounted PSSES- Major

- i. A roof mounted or wall mounted PSSES-Major may be located on a principal or accessory building.
  - ii. The total height of a building with a PSSES-Major shall not exceed the maximum building height specified for principal or accessory buildings within the underlying zoning district.
  - iii. Wall mounted PSSES-Major shall comply with the setbacks for principal and accessory structures for the underlying zoning districts in which a PSSES-Major is located.
  - iv. Solar panels shall not extend beyond any portion of the roof or wall edges. For firefighter access, a minimum three (3) foot buffer zone is required from the ridge and one (1) edge of the roof or parapet.
  - v. Any building permit issued for a PSSES-Major shall be approved by the Code Enforcement Officer, in consultation with the Fire Chief. Prior to approval, the Code Enforcement Officer, in consultation with the Fire Chief, shall determine that any roof or wall mounted PSSES- Major does not present any unreasonable safety risk to a structure, including but not limited to, weight load, wind resistance, and emergency ingress and egress.
- o. Ground Mounted PSSES - Major
- i. The minimum yard setbacks shall comply with the setbacks for principal and accessory structures in the underlying zoning district.
  - ii. The height of ground mounted PSSES-Major solar panels and related equipment and supports shall not exceed the height requirements of the underlying zoning district in which a PSSES-Major is located.
  - iii. The minimum clearance height of ground mounted PSSES-Major solar panels shall be 4 feet.
  - iv. The area beneath the ground mounted PSSES-Major is considered pervious cover. However, use of impervious construction materials under the system could cause the area to be considered impervious and subject to the impervious surfaces limitations for the applicable zoning district.
  - v. The surface area of the arrays of a ground mounted PSSES-Major, regardless of the mounted angle of any solar panels, shall be considered impervious and calculated in the lot coverage of the lot on which the system is located.
  - vi. Appropriate safety/warning signage concerning voltage shall be placed at ground mounted electrical devices, equipment, and structures. All electrical

control devices associated with the PSES-Major shall be locked to prevent unauthorized access or entry.

- vii. Ground-mounted PSES-Major shall not be placed within any legal easement or right-of-way location or be placed within any storm water conveyance system or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system.

**L. Standard for Large Scale Solar Energy System (LSES)**

1. LSES permitted or constructed prior to the effective date of this Section shall not be required to meet the terms and conditions of this Ordinance unless they are expanded. Any physical modification to an existing LSES, whether or not permitted or existing prior to the effective date of this Section, that materially alters the LSES and any new LSES or expansion of a LSES shall require a Conditional Use Permit from the Planning Board under this Ordinance. Routine maintenance or like-kind replacements do not require a building permit or Planning Board approval.
2. A description of the owner of the SES, the operator if different, and detail of qualifications and track record to run the facility.
3. If the operator will be leasing the land, a copy of the agreement (minus financial compensation) clearly outlining the relationship inclusive of the rights and responsibilities of the operator, landowner and any other responsible party with regard to the SES and the life of the agreement;
4. A description of how and to whom the energy produced will be sold;
5. A decommissioning plan that follows the requirements of Sections N of this ordinance;
6. A copy of the agreement and schematic details of the connection arrangement with the transmission system clearly indicating which party is responsible for various requirements and how they will be operated and maintained;
7. The layout, design and installation shall conform to applicable industry standards, such as those of the American National Standards (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory(ETL), Florida Solar Energy Center (FSEC) or other similar certifying organizations, and shall comply with local ordinances, and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the application.
8. A description of the panels to be installed, including make and model, and associated major system components.

9. A construction plan and timeline, identifying known contractors, site control and anticipated on-line date;
10. An operations and maintenance plan, including site control and the projected operating life of the system, including established end of life cycle efficiency percentage; Such a plan shall include measures for maintaining safe access to the installation, stormwater controls, as well as general procedures for operational maintenance of the installation. Additionally, such plans shall include efforts to promote beneficial flora and fauna, as well as a commitment to not using pest-control substances (e.g. pesticides, herbicides, fungicides, and/or insecticides).
11. An emergency management plan for all anticipated hazards that has been reviewed and accepted by local law enforcement, the Town of Hermon's Fire Chief, and Penobscot County Emergency Management Agency.
12. Annual training must be provided must be provided emergency personnel, including, but not limited to, local law enforcement, the Town of Hermon's Fire Department, and organizations that support the town of Hermon for public safety.
13. A stormwater management plan, certified by a licensed Maine engineer, that demonstrates stormwater from the SES will infiltrate into the ground beneath the SES at a rate equal to that of the infiltration rate prior to the placement of the system.
14. A background noise measurement for the site location as performed by a qualified professional.
15. Proof of financial capacity to construct and operate the proposed facility;
16. LSSSES shall not be constructed or installed in any Resource Protection, Stream Protection, or Shoreland zones.
17. No portion of the LSSSES shall contain or be used to display advertising. The manufacturer's name and equipment information or indication of ownership shall be allowed on any equipment of the LSSSES, provided they comply with the prevailing sign regulations. A sign shall be required to identify the owner/operator and provide a 24-hour emergency contact phone number. Solar energy systems shall not be used for displaying any advertising. A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on the any fence surrounding the SES informing individuals of potential voltage hazards
18. No noise produced by any LSSSES shall be 10 decibels (dB) greater than the preconstruction / existing background level, as measured from any other street or lot.
19. Setback - Structures within a SES shall be setback a minimum of 100 feet from all lot lines and/or 300 feet from any neighboring structure, whichever is greater. Any solar photovoltaic cells or arrays shall be subject to a maximum height of 10 feet above the ground surface. Associated SES structures shall be subject to the maximum height

regulations specified for principal and accessory buildings within the applicable zoning district.

20. Prohibited Locations – Components of a ground mounted SES shall not be placed within any legal easement or right-of-way location, or be placed within any stormwater conveyance system, or in any other manner that would alter or impede stormwater runoff from collecting in a constructed stormwater conveyance system.
21. Fence - Ground Mounted Solar Energy Systems shall be protected by a perimeter fence. Such fences shall allow for small wildlife passage and movement.
22. Screening - Lots on which Ground Mounted Solar Energy Systems are located shall utilize buffers / screening from roads and residences by plantings, berms, and natural topographical features. Ground mounted SES shall be screened from view to the greatest extent practical of any adjacent property that is residentially zoned or used for residential purposes, as well as any public way. The screen shall consist of a vegetative barrier which provide a visual screen. In lieu of a vegetative screen, a fence that provides visual screening, and meets requirements of the controlling ordinance, may be allowed only if a vegetative screen is deemed impractical by the Planning Board.
23. Glare – All SES shall be situated to eliminate concentrated glare onto nearby structures or roadways.
24. No trees, vegetation, or other landscaping, other than that provided for in the application or as a condition of approval of any plan, application, or permit, may be removed or altered for the installation or operation of a LSES. For any lot on which timber harvesting or related activities has occurred or is occurring, no conditional use permit application for a LSES shall be filed until one year after the end of any timber harvesting or related activities. Any lot owner conducting timber harvesting or related activities shall submit to the Code Enforcement officer the date on which any timber harvesting or related activities concluded.
25. At no time will there be any use of herbicides or pesticides without the prior written approval of the Code Enforcement Officer.
26. At no time will it be permitted to use chemicals to clean LSES equipment.
27. Proposed site re-grading shall not be excessive and shall be kept to the minimum amount necessary. Unless waived by the Planning Board, any topsoil that must be removed shall be stored and stabilized on-site for future use, including for Decommissioning
28. No fuel or other hazardous material shall be stored on site, except materials associated with storage batteries. Storage batteries shall conform to Federal, State and local requirements.
29. The LSES operator or, if no commercial operator, landowner shall maintain a phone number and identify a person responsible for the public to contact throughout the life of the project. This information shall be provided to the Town of Hermon and to immediate abutters of the LSES.



30. The issuance of a conditional use permit under this Ordinance does not create in the landowner, its, his, her or their successors and assigns in title, or create in the property itself, the right to remain free of shadows and/or obstructions to solar energy caused by development or growth of any trees or vegetation on any other property.

## **M. Permitting and Fees**

### **Fees**

- a. For any LSES, the application fee shall be \$10,000. The Permit Fee is \$2,500. An applicant shall deposit the application fee with the Town at the time the application is filed. All costs incurred by the Town relating to the review and processing of the application, including the cost of services necessary to review an application that are provided by outside engineers, attorneys, planners, environmental specialists, and other consultants or experts shall be billed against the deposit. The applicant shall maintain a minimum of \$5,000 in the account until the review process and construction (if approved) is completed. If the balance in the account drops below \$5,000, the applicant shall deposit additional money to bring the account balance to \$7,500 within five (5) business days. The Town will refund any remaining balance in the account within 60 days after the final inspection of the constructed solar energy system. In the event that the account balance is not brought up to \$7,500 within five (5) business days, the LSES application shall be deemed automatically suspended.
- b. For any PSES-Major, the application fee shall be \$500.
- c. For PSES-Minor, including ground, roof, and wall mounted units, the application fee shall be the standard building permit fee (application fee + \$0.10/sf).

## **N. LSES Decommissioning, Removal, Abandonment, and Bonding**

In addition to any state laws related to the decommissioning of solar energy systems, the following provisions apply to LSES constructed in Hermon.

1. Any LSES shall be considered Decommissioned when:
  - a. The LSES has reached the end of its useful life, sustained casualty loss, or other significant damage, is not repaired or used or has reached a point of obsolescence and, after at least six consecutive months after any of these or similar events, the LSES is declared Decommissioned by the Code Enforcement Officer; or when the efficiency percentage is below 80%, or when the LSES is no longer connected to or providing to the power grid.

b. The LSES fails to operate as designed for a period of six or more consecutive months and is declared Decommissioned by the Code Enforcement Officer; or,

c. If the actions described in subsection (a) or (b) have not yet occurred, the solar facility operator or landowner may submit a written notice to the Town of Hermon declaring a Decommissioning of the LSES, which notice shall provide a date of Decommissioning and state the status of the LSES until the proposed decommissioning date.

2. The Date of Decommissioning shall be the date so declared by the Code Enforcement Officer or so provided in writing by the LSES operator or, if no commercial operator, the landowner. The Code Enforcement Officer shall notify the solar facility operator or landowner by certified mail with signed receipt specifying, at a minimum, the Date of Decommissioning and that the LSES must be removed, and the site be restored to its condition prior to development within 365 days. A copy of the notice shall be forwarded by the Code Enforcement Officer to the Select Board and Planning Board.

### 3. Decommissioning Process and Requirements

a. The LSES operator or, if no commercial operator, the landowner shall commission a Phase I Environmental Site Assessment after any land disturbance. Should contamination be encountered or suspected, a Phase II Environmental Site Assessment shall be conducted. All discovered and encountered hazardous materials shall be removed and disposed of in accordance with all local, state, and federal regulations.

b. The LSES operator or, if no commercial operator, the landowner shall be responsible for determining, applying for, and receiving all necessary Decommissioning permits from the Town and any state or federal agencies.

c. The LSES operator or, if no commercial operator, the landowner shall be responsible for removing all LSES materials, including, but not limited to, all Solar Equipment, barriers, fencing, OH/UG electric wiring and conduits, foundations, auger screws, electrical equipment, panels, inverters, signage, buildings, concrete pads, batteries, transformers, and associated debris.

d. The LSES operator or, if no commercial operator, the landowner shall remove all graveled areas and access ways unless the solar facility operator or landowner requests in writing for such to stay in place.

e. The LSES operator or, if no commercial operator, the

landowner shall remove all stormwater management and BMP's unless the solar facility operator or landowner requests in writing for such to stay in place.

f. The LSSES operator or, if no commercial operator, the landowner shall stabilize all disturbed areas as necessary to minimize erosion, including, but not limited to, spreading topsoil, and revegetating with natural grasses and trees (a minimum of 25 - 1½" caliper trees per acre) native to the immediate area. Trees shall have a 90% survival rate after 2 years or be replaced. Replacement trees shall start a new 2-year period.

g. The LSSES operator or, if no commercial operator, the landowner shall remove all non-utility owned equipment, conduits, structures, fencing, and foundation to a depth of at least four feet below grade.

#### 4. Decommissioning Bond

a. Before issuance of any building permit for a LSSES, the applicant or initial solar facility operator, or other entity approved by the Code Enforcement Officer, shall provide a Decommissioning Bond in form and substance approved by the Municipal Officers of the Town of Hermon and made payable to the Town of Hermon for all costs associated with the Decommissioning of the LSSES.

b. The initial value of the Decommissioning Bond shall be equal to 150 percent of the estimated cost of Decommissioning the LSSES. At the end of the fifth year of operation of the LSSES and for each successive 5-year period that the LSSES is in operation, the LSSES operator or, if no commercial operator, the landowner shall be required to submit an updated cost estimate to the Code Enforcement Officer, which estimate shall be prepared by a third-party entity and shall be paid for by the LSSES operator or landowner. The Municipal Officers of the Town of Hermon shall have the authority to reasonably accept or not accept the cost estimate value(s). Within 90 days of acceptance by the Municipal Officers of the Town of Hermon, the operator or landowner shall provide the Town of Hermon with a new Decommissioning Bond in the amount equal to 150 percent of the new estimate. The value of any Decommissioning Bond shall not include the net salvage value of any Solar Related Equipment or any utility, collector, or transmission lines.

Any Decommissioning Bond shall be of form and substance reasonably acceptable to the Municipal Officers of the Town of Hermon and shall detail the conditions of the bond, the method for release of the entire bond or portions of the bond to the Town of Hermon, and the procedure for the collection by the Town of Hermon. The bond documents shall specifically reference the subject LSSES. The Decommissioning Bond shall include a provision granting and guaranteeing the Town of Hermon the authority to access the funds and property and perform the Decommissioning of the LSSES if the solar facility

operator or landowner fail to meet their obligations to fully and properly remove the LSSES. Proof of bonding must be submitted annually to the Town of Hermon.

- a. The LSSES operator or, if no commercial operator, the landowner shall be responsible for notifying the Code Enforcement Officer in writing if the Decommissioning Bond is revoked or is no longer valid or in force within 30 days of the operator's receipt of notice of same. Within 90 days of such an event, the operator or landowner shall provide the Town of Hermon with a replacement Decommissioning Bond that is reasonably found acceptable by the Municipal Officers of the Town of Hermon. If an acceptable replacement bond is not provided within 90 days, any Conditional Use Permit approval(s) for the LSSES shall be void.
- b. The Decommissioning Bond or replacement bond must be kept in effect throughout the lifetime of the LSSES. The LSSES operator or, if no commercial operator, the landowner may apply to the Municipal Officers of the Town of Hermon for the release of the Decommissioning Bond at such time that:
  - i. A Certification, prepared by a Maine licensed Professional Engineer experienced in such matters, is provided by the solar facility operator or landowner reporting that the LSSES has been Decommissioned as required by this Ordinance and as required by any Town of Hermon approval or applicable conditions of approval, and
  - ii. All Decommissioning requirements and activities are found to be satisfactorily complete by the Code Enforcement Officer and the Municipal Officers of the Town of Hermon.
- c. If the LSSES operator or, if no commercial operator, the landowner fails to Decommission the LSSES as required by this Ordinance and as required by any applicable conditions of approval, the Town of Hermon will use reasonable effort to notify the solar facility operator or landowner of its intent to use the Decommissioning Bond and use any and all legal or available means necessary to Decommission the LSSES.
- d. Any LSSES Decommissioning costs exceeding the proceeds of the Decommissioning Bond and incurred by (and/or to be incurred by) the Town of Hermon shall be funded by the LSSES operator or, if no commercial operator, the landowner within 30 days of such notice. Failing receipt of such funding, the Town of Hermon shall use any and all legal or available means necessary to recover the excess costs, and any costs of such recovery, which means may include imposing a Special tax and/or a tax lien on the real estate of the LSSES.

5. Waiver

The Planning Board shall have the authority to waive any provision or requirement of this Solar Energy Systems Section of the Zoning Ordinance of the Town of Hermon, Maine should the Planning Board determine that any requested waiver is in the public interest, is consistent with the purpose and intent of this Section, and will not have a significant, adverse effect upon public safety and the environment. To consider and grant a waiver:

- a. The applicant must submit a written waiver request to the Planning Board citing the relevant Ordinance provision and stating the relief sought and the reasons for the relief.
- b. To be approved, the waiver request must receive a unanimous vote from the Planning Board.
- c. The Planning Board shall include in its records a statement of the waiver request and the reasons or factual findings for the granting of any waiver.

**O. Violations and Enforcement**

Any construction of buildings or structures, and any use of land, buildings, or structures except in conformance with the provisions of this Ordinance shall be deemed a violation of this Ordinance and a nuisance.

**CODE ENFORCEMENT OFFICER.**

It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he/she shall notify in writing the person responsible for such violation, indicating the nature of the violation, and ordering the action necessary to correct the violation, including discontinuance of illegal use of land, buildings, structures, and abatement of nuisance conditions. A copy of such notice shall be maintained as a permanent record.

1. LEGAL ACTIONS.

When the above does not result in the correction or abatement of the violation or nuisance condition, the Selectmen, upon notice from the Code Enforcement Officer, are hereby authorized to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of the Ordinance in the name of the municipality.

2. PENALTIES.

Any person or persons who violate any provision(s) of this Ordinance or any permit issued under the provisions of this Ordinance, shall be subject to civil penalties in accordance with the provisions of Title 30-A MRS § 4452.

### 3. CONTRACTOR LIABILITY.

Any contractor involved in any activity regulated by the provisions of this Ordinance may be held liable for violating this Ordinance if the necessary permits for said activity have not been obtained or if work performed by the contractor does not conform to all conditions of approval of the permit or the terms of this Ordinance.

### 4. APPEALS

The Board of Appeals shall hear appeals from final decisions of the Code Enforcement Officer and or Planning Board on decisions to grant or deny permits or approvals pursuant to this Ordinance in accordance with the Town's Board of Appeals Ordinance. Appeals shall be filed within 30 days of the Code Enforcement Officer or Planning Board's official, written decision on the application.

#### **P. Adoptions**

- a. Adopted by Town Meeting , 2023



## Memo

**To:** Joshua Berry – Town Manager  
Hermon Town Council

**CC:** Kristen Cushman – Town Clerk

**From:** Jessefa Murphy – Code Enforcement Officer

**Date:** April 6, 2023

**Re:** Mobile Vending Ordinance

This ordinance was drafted by the Planning Board, town staff, and myself over the span of a few months, taking into consideration needs of business owners property owners here in Hermon. The goal of the ordinance is not to discourage mobile vending, but to encourage it in areas where other commercial activities occur.

We feel that this ordinance is fair and has the Town of Hermon's best interest at hand, as well as business owners.

Respectfully,

A handwritten signature in black ink, appearing to read "Jessefa Murphy", is written over a faint, light-colored signature line.

Jessefa Murphy

Code Enforcement Officer

Mailing Address  
333 Billings Rd  
Hermon, ME 04401

Telephone: 207-848-1010  
Fax: 207-848-3316

Physical Address  
333 Billings Rd  
Hermon, ME 04401



## Memo

**To:** Joshua Berry – Town Manager  
Hermon Town Council

**CC:** Kristen Cushman – Town Clerk  
Jessefa Murphy – Code Enforcement

**From:** Ed Marsh – Planning Board Chair

**Re:** Mobile Vending Ordinance

On March 21<sup>st</sup>, 2023, the town of Hermon's Planning Board held a public meeting and voted 4-0 in favor to recommend a Mobile Vending Ordinance to the Town Council. This ordinance was drafted by the Planning Board and the Code Enforcement officer taking into consideration the interest of both business owners and citizens of Hermon. We feel that this ordinance is fair, does not discourage mobile vending while respecting other businesses and property owners, it coincides with current zoning and land use ordinance, and has the Town of Hermon's best interest at hand

Respectfully,

A handwritten signature in blue ink, appearing to read "Ed Marsh", is written over a light blue horizontal line.

Ed Marsh  
Planning Board Chair



# The Town of Hermon Mobile Vending Ordinance

**I. Title**

- a. This Ordinance shall be known and may be cited as the "Hermon Mobile Vending Ordinance" and will be referred to herein as the "Ordinance"

**II. Authority**

- a. This Ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII of the Maine Constitution.

**III. Purposes**

- a. The purpose of this Ordinance is to regulate mobile vendors to protect the public's health, safety, and welfare, while fostering a dynamic business climate that generally promotes an active pedestrian environment.

This ordinance applies to any food service establishment, including ice cream vendors, hot dog stands, push carts, food trucks, and other food services that are located on private property. Mobile units for the sale of food on public ways is regulated by the Lunch Wagon Statute under 30-A M.R.S.A. Section 3931. Food trucks/Mobile Vendors shall be regulated exclusively in Section IV and XI.

This ordinance shall not be construed to include employed route salesmen while engaged in making deliveries to their regular customers or person making deliveries on order from customers of retail stores in the town.

**IV. Definitions**

- a. **"Food Truck"** shall mean a vehicle not more than ten (10) feet in width and twenty-five (25) feet in length providing food or drink for members of the public on private property or in parking lots outside of the travel way, which is not stationary but capable of moving from site to site.
- b. **"Mobile Vendor"** shall mean and include any food service establishment not more than eight (8) feet in width and eighteen (18) feet in length attached to wheels and which is capable of moving under its own power or being self-contained unit to be readily moved and must have a wash basin and napkins if selling food and which has all utilities and facilities contained within it or is capable of hookup thereto, in order to serve persons present at its location. The term shall exclude any use which falls exclusively within the definition of "lunch wagon" under 30-A M.R.S.A. Sec. 3931 as amended from time to time. "Operate" shall mean to sell food, non-alcoholic beverages, and other permitted food items from a food truck.
- c. **"Mobile Retailor"** shall mean through which items are sold directly to consumers by a mobile vendor, goods in small quantities or broken lots, and not in bulk. The term shall not include casual sales, as defined.
- d. **"Operator"** shall mean any person operating or permitted to operate a food truck

**V. Applicability**

- a. The provisions of this Ordinance shall apply to Mobile Vending as defined by this Ordinance and by Title 28-A, MRSA, Section 1421,1423, within the boundaries of the Town of Hermon.

**VI. Conflict with other Ordinances**

- a. Whenever the requirements of this Ordinance are in conflict with the requirements of any other lawfully adopted rule, regulation, Ordinance, deed restriction or covenant, the more restrictive or higher standard covenant shall govern, unless otherwise prohibited by State Law.

**VII. Severability**

- a. In the event that any section, subsection, or provision of this Ordinance shall be declared by any court or competent jurisdiction to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection, or other portion of this Ordinance; to this end, the provisions of this Ordinance are hereby declared to be severable.

**VIII. Amendments**

**1. Initiation**

An amendment to this Ordinance may be initiated by one of the following:

- a. The Planning Board provided a majority of the board has so voted.
- b. Request of the Hermon Town Council to the Planning Board.
- c. Written petition of 10% of the number of registered voters who voted in the most recent gubernatorial election, in accordance with 30-A MRSA § 2522 or 2528.
- d. An individual may initiate an amendment through any of the above methods.

**2. Hearings**

All proposed amendments shall be referred to the Planning Board for their recommendation. The Planning Board shall hold a public hearing at least 30 days before submitting any proposed amendment and shall make a written recommendation to the Hermon Town Council within 30 days from the public hearing.

**3. Majority Vote**

After receiving the recommendation of the Planning Board, the amendment may be adopted or rejected by majority vote of the Hermon Town Council after convening for a public hearing.

**IX. Effective Date**

- a. This Ordinance, when adopted, and any amendments thereto, shall be effective immediately following its/their adoption or approval by the Hermon Town Council. A copy of this Ordinance, certified by the Hermon Town Clerk shall be filed with the Hermon Town Clerk.

**X. Schedule of Uses**

| Type           | AF | RA | RB | RC | VC | C | I |
|----------------|----|----|----|----|----|---|---|
| Mobile Vending | N  | N  | N  | N  | P  | P | P |

- a. No mobile vendor selling food shall be located within 50 feet of an existing restaurant measured from the front door or within 50 feet of another mobile vendor, unless agreed to in writing by the restaurant owner(s) or other mobile vendor or at the specific direction of the Town Council.

- b. Mobile vending is not allowed within or adjacent to schools, cemeteries, residential neighborhoods, or town parks, unless there is an event described in XII .e., above or with the specific permission of the Superintendent (for single event), School Committee (for more than one event), and Town Council (for single and more than one event). The Superintendent may put single events before the School Committee for approval.
- c. Mobile vending is not allowed on town property without permission of the Town Council, in which a public hearing is required.
- d. Mobile vendors will not be situated or so located in a way that will obstruct the free passage of pedestrians or vehicles or obstruct an entrance or exit.
- e. Mobile Vending Units may not be parked overnight on city streets or in city parking lots, unless with specific permission of the Select Board.

**XI. Mobile Vending**

Operational Requirements: All Mobile Vending Trucks and Mobile Vending Trailers operations shall comply with the following standards:

- a. All Mobile Vending Trucks and Mobile Vending Trailers shall obtain and maintain a mobile vending permit from the Town of Hermon as well as any federal and state licenses. Copies of State licenses and permits shall be given to the town as a part of the application process.
- b. All Mobile Vendors must comply with all applicable local, state, and federal rules and statutes, including but not limited to those rules pertaining to the preparation and sale of food.
- c. Hours of operation shall start no earlier than 8am and shall cease at 8pm
- d. Additional trailers and adjunct structures shall not be permitted as part of the operation.
- e. Mobile Vendors shall operate as self-contained units, carrying all potable water required for operation on board and storing all liquid wastes and gray water onboard. Mobile Vendors shall submit a wastewater management plan to the Code Enforcement Officer. No wastes shall be discharged onto the ground or into a private septic system.
- f. Mobile vending units may connect to a hardwired electrical service receptacle installed by a Maine-licensed master electrician.
- g. Utility Connections, including but not limited to, Electrical wires, extension cords, etc. may not run across parking lots, roads, sidewalks, or other areas where vehicles may run over them. Electrical wires, extension cords, etc. may not run across areas with pedestrian foot traffic unless protected by a cable protector ramp.
- h. Mobile vending units may be connected to a generator for power during operational hours but may not exceed 60dB. Generators may not operate outside of operational hours.
- i. No amplified music shall be played at any time.
- j. No amplified intercom system shall be used at any time.
- k. Beverage sales shall be limited to non-alcoholic beverages, unless issued an alcohol license by the Town of Hermon.
- l. The mobile vending unit shall be attended at all times, during hours of operation.

- m. The operation shall provide appropriate trash and recycling receptacles for customer refuse and all trash and recyclables shall be removed from the operation at closing. All refuse receptacles must be anchored or of sufficient weight to prevent them from being displaced off the site or into streets, driveways, and parking areas. In no case shall such containers be more than ten feet from the mobile vendor vehicle. A permittee shall keep sidewalks, roadways, and other public or private spaces adjoining and adjacent to his/her locations clean and free from paper and refuse of any kind which may be generated by the operation of the business
- n. Outdoor seating may be provided at the Mobile Food Truck/ Trailer site for no more than 20 persons. All seating must be anchored or of sufficient weight to prevent tables and chairs from being displaced off the site or into streets, driveways, and parking areas.
- o. The approved mobile vendor permit issued by the Town of Hermon must be conspicuously displayed on the vending equipment.
- p. Approval of a license shall be for a period of one year subject to annual renewal by the Code Enforcement officer upon continued compliance with the regulations. The license is nontransferable.
- q. Food trucks shall not impede access to any entrance or driveway of any building.

**XII. Permitting, Licensing, Insurance, and Fees**

- a. The application shall be on a form provide by the Town, must be received at least three (3) days prior to the event, and shall require the applicant to furnish the following information:
  1. Name, address, telephone number, and email address of the food truck owner.
  2. Name, address, and telephone number, and email address of the food truck operator, if different from the owner.
  3. A certificate of insurance.
  4. Description of the Mobile Vending Truck or Trailer and any accessory items (coolers, tables, etc.) to be used as a part of the vending operation.
  5. A photograph, sketch, or plan of the food truck
  6. Property Owner's consent in writing
  7. Overall Plot Plan showing the parcel, structure, and area where the food truck will operate. If applicable, include the number of tables and seating that will be available for use.
  8. For parking areas, provide a plan depicting adequate and safe interface between pedestrians and vehicles. Also include the vehicular traffic flow and approved number of parking spots by land owner (include in property owner's consent)
  9. List of items to be sold
  10. Copy of applicable licenses (i.e. Dept. Of Human Services)

**11. Wastewater Management Plan**

**12. Size and location of propane tanks.**

- b. Permits
- c. The licensee shall provide written evidence of insurance coverage for the period of the license and executed by an insurance company authorized to issue such policy in the state, in the usual form of automobile liability insurance policies in this state for injuries to persons and property resulting from the use and operation of the vehicle to be licensed.

Such policy of insurance shall be issued for the principal sum not less than \$300,000 for bodily injury, death and property damage. A certificate of insurance bearing an endorsement thereon by the issuing agent shall be deposited with the Clerk. Such certificate shall state that the issuing agent will notify the clerk in writing no less than thirty (30) days prior to the cancellation thereof.

- d. A mobile vendor license shall be valid for one (1) year and must be renewed annually. Should the applicant wish to change the location of the vending operation during the valid license timeframe, then the applicant shall notify the code enforcement officer and reapply for a new license with the location information revised accordingly. No license fee will be charged for a location change but the new license will expire on the same date as the original license.
- e. It shall be unlawful for any mobile vendor to sell, display, or offer for sale any food, beverages, goods, or merchandise within the Town without first obtaining a mobile vendor license signed by a majority of the Town Council.
- f. Exemptions: The provisions do not apply to caterers transporting food or beverage to a residence or business, or a fundraising event, or non-profits.
- g. Fees:

|                            |                 |
|----------------------------|-----------------|
| <b>Mobile Vending Fees</b> |                 |
| <b>Annual - 365 Days</b>   | <b>\$ 50.00</b> |

h.

**XIII. Violations and Enforcement**

**CODE ENFORCEMENT OFFICER.**

It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he/she shall notify in writing the person responsible for such violation, indicating the nature of the violation, and ordering the action necessary to correct the

violation, including discontinuance of illegal use of land, buildings, structures, and abatement of nuisance conditions. A copy of such notice shall be maintained as a permanent record.

**1. LEGAL ACTIONS.**

When the above does not result in the correction or abatement of the violation or nuisance condition, the Selectmen, upon notice from the Code Enforcement Officer, are hereby authorized to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of the Ordinance in the name of the municipality.

**2. PENALTIES.**

Any person or persons who violate any provision(s) of this Ordinance or any permit issued under the provisions of this Ordinance, shall be subject to civil penalties in accordance with the provisions of Title 30-A MRSA § 4452.

**3. LIABILITY.**

Any persons involved in any activity regulated by the provisions of this Ordinance may be held liable for violating this Ordinance if the necessary permits for said activity have not been obtained or

**4. APPEALS**

The Board of Appeals shall hear appeals from final decisions of the Code Enforcement Officer and or Planning Board on decisions to grant or deny permits or approvals pursuant to this Ordinance in accordance with the Town's Board of Appeals Ordinance. Appeals shall be filed within 30 days of the Code Enforcement Officer or Planning Board's official, written decision on the application.

**XIV. Adoptions**

- a. Adopted by Town Meeting , 2023



TO: Hermon Town Council  
FROM: Josh Berry, Town Manager  
DATE: April 7, 2023  
RE: Hermon Recreation Department Elementary School Projects

The Hermon Recreation Department will be looking to fund four projects from its reserve accounts. The proposals for these projects by Gardner Construction Enterprises, LLC are as follows. For proposals 1-3, please reference page 3. For proposal 4, please reference page 4.

1. Proposal to construct a graded surface measuring 192' x 132' for the proposed use as soccer field.  
Proposal entails:
  - a. Loam, seed, and mulch the disturbed areas.
    - i. Total cost of work described \$24,400
  
2. Proposal to build parking area of approximately 21 lots, along north side of the access road between existing parking area and loop turn around. Proposal entails
  - a. Groundwork including excavation to subgrade, installation of gravel buildup, finish grading and compaction.
  - b. Loam, seed, and mulch the disturbed areas.
  - c. Parking area will not disturb the (2) trees in that area.
    - i. Total cost of work described \$13,700
  
3. Proposal to prepare and remove debris from a building near the end of the Elementary school access road. The building will be burned for training purposes by the Hermon Fire Department.  
Proposal entails
  - a. Removal of concrete slab.
  - b. Loam, seed, and mulch the disturbed areas.
    - i. Total Cost of work described \$2,200



4. Proposal to provide all labor, equipment, and material to relocate 12'x16' building (Snack Shack) that is currently located at the corner of the Elementary school parking lot approximately 90' west of its current location and onto a new pad. This also proposes several improvements to the nearby football field.
- a. Construct a 16'x20' concrete pad for building and deck.
  - b. Construct new pressure treated deck to replace existing.
  - c. Demolition and removal of unused soccer scoreboard.
  - d. Loam, seed, and mulch all disturbed area.
    - i. Total cost of work described \$11,500
    - ii. Allowance for electrical \$2,600

Total costs for all projects

|                                 |                 |
|---------------------------------|-----------------|
| Base Cost:                      | \$ 51,800       |
| Potential Electrical Allowance: | <u>\$ 2,600</u> |
| Costs Not to Exceed:            | \$54,400        |