



Town of Hermon

Public Safety Meeting Room

February 29, 2024

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

Please see the complete video at [Town Council Meetings | Hermon \(hermonmaine.gov\)](http://Town Council Meetings | Hermon (hermonmaine.gov))

**\*\*\*ALL ITEMS ARE SUBJECT TO APPROPRIATE COUNCIL ACTION\*\*\***

- I. CALL TO ORDER BY CHAIRPERSON:
- II. PLEDGE OF ALLEGIANCE:
- III. ROLL CALL:
- IV. PUBLIC ITEMS OR COMMENTS: *(ITEMS NOT ALREADY ON THE AGENDA)*
- V. REVIEW CONSENT CALENDAR: REGULAR BUSINESS, APPOINTMENTS, SIGNATURES, AND APPROVAL OF MINUTES:
 

MINUTES	-APPROVE	2/15/2024
SIGNATURES	-APPROVE	
RESOLVES	-SIGN	
WARRANTS	-SIGN	3/1/2024
- VI. NEWS, PRESENTATIONS AND RECOGNITIONS:
- VII. PUBLIC HEARINGS:
  - **Hold** Public Hearing – Solar Moratorium Ordinance
- VIII. COMMITTEE REPORTS:
- IX. SCHEDULED AGENDA ITEMS:
  - A. OLD BUSINESS:



**B. NEW BUSINESS:**

- O23-24-05** Consider enacting an ordinance to the Hermon Code of Ordinances titled “Utility Scale Solar Facilities Moratorium Ordinance”.
  
- R23-24-15** Consider appointing an authorized person for a Business Partnership Initiative with MaineDOT on behalf of Town of Hermon and C & K Variety (Hawk’s Deli & Marketplace)  
**Tabled from 10/12/2023 meeting.**
  
- R23-24-16** Consider appointing members to the Charter Ad-Hoc Committee  
**Tabled from 2/15/2029 meeting.**
  
- R23-24-17** Consider scheduling a public hearing on the Comprehensive Plan.  
**Postponed from 1/18/2024.**
  
- R23-24-18** Consider appointing Scott Perkins to be an “authorized person” to apply for and administer a USDA Rural Business Development Grant submitted on behalf of the Penobscot Snowmobile Club for “trail grooming equipment.”

**C. WORKSHOPS:**

**FY 25 Budget discussion – Josh Berry**

**D. OTHER ITEMS: (FROM TABLE PACKAGE)**

**X. APPOINTMENTS:**

**XI. MANAGER STATUS REPORT:**

**XII. FINAL PUBLIC ITEMS OR COMMENT: (ITEMS NOT ALREADY ON THE AGENDA)**

**XIII. COUNCIL ITEMS:**

**XIV. EXECUTIVE SESSION:**

Consider enter into Executive Session to discuss a personnel matter, Town Manager position per 1 M.S.R.A. § 405(6)(A)



**XV. ADJOURNMENT:**

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

**Explanatory note #1:** All items in the CONSENT CALENDAR are considered routine and are proposed for adoption by the Town Council with one motion without DISCUSSION or deliberation. If DISCUSSION on any item is desired, any member of the Council or public may request the removal of an item for it to be placed in the regular agenda prior to the motion to approve the Consent Agenda.

**Explanatory Note #2:** In the interest of effect decision-making: At 10:00 p.m., the Chairman shall poll the Council and Town Manager to identify remaining items which shall be carried forward to the next Regular Meeting.

**Explanatory Note #3:** A Councilor who feels the need for the Council excusing his/her absence will make the request to the Town Manager or the Town Clerk prior to the meeting.



**Town of Hermon**  
**Public Safety Meeting Room**  
**February 15, 2024**  
**Town Council Meeting**  
**7:00 PM**  
**MINUTES**

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**\*\*\*ALL ITEMS ARE SUBJECT TO APPROPRIATE COUNCIL ACTION\*\*\***

**I. CALL TO ORDER BY CHAIRPERSON:**

**II. PLEDGE OF ALLEGIANCE:**

Chair Murphy led those in attendance in the Pledge of Allegiance

**III. ROLL CALL:**

**Members Present:** Richard Cyr, Christopher Gray, Danielle Haggerty, Ronald Murphy, John Snyer III and Steven Thomas

**Members Absent:** Derek Wood - Excused

**Others Present:** Town Manager Joshua Berry, Town Clerk Kristen Cushman and 11 residents/guests

**IV. PUBLIC ITEMS OR COMMENTS: (ITEMS NOT ALREADY ON THE AGENDA)**

**Greg Newell, Stage Rd:**

I have had many questions about the company DNS that has done IT assessment of the school district and the supposed "forensic audit" that was completed on the ransomware attack.

First thing is **words means things**. For example, "audit" to a tax person or accountant, means looking at numbers and check to see if accounts balances are correct and so much more.

But for an IT person audit means something different. It means scans of networks, scans of software, scanning and reviewing Anti-Virus, firewalls, etc. Reviewing of policies, guidelines, etc. And there is much more to it.



Most audits have a standard they are basing it off of.

The following terms are used in IT:

- IT audit
- IT assessment
- Network scan
- Penetration test
- Security audit

These terms are NOT interchangeable.

The school did not have an IT audit, or any of the terms that I just used. I called DNS to ask what standard they used to evaluate the school. They refused to tell me. I asked if they used NIST standard. They still refused to tell me.

The DNS assessment and recommendations is only 10 pages long.

The Team I lead for IT audits, that we did for the DoD on Army Units would be hundreds of pages long.

I was expecting a report, if they used NIST standard, to be around 100 pages long. ***(National Institute of Standards and Technology)***

All this leads me to the ransomware attack. The superintendent has used several different terms, but the one he has used the most was a **forensic audit** was completed.

Now this term is not like any of the others I have stated so far. It comes with lots of requirements.

A forensic audit is done when a crime has been committed against an organization. The IT arena, law enforcement and lawyers have created very specific certifications and procedures that would stand up in the court of law.

The last time I checked the DoD was having individuals use the SANS company certifications.

- Ransomware and Cyber Extortion
- Windows Forensic Analysis
- Mac and iOS Forensic Analysis and Incident Response

I have not been able to or allowed to see the full report on what they did with the ransomware attack.



But if it was this one-page description of what steps they took, that was in the 4Dec2023 Superintendent report is it, then a correct and proper investigation was not done.

And I would not trust the results one bit.

I have more than 22 years' worth of IT experience and I have read lots of forensic reports. I could not do it.

It takes a very specialized company and people to do it.

And when I talked to DNS in December, they stated they do not do any type of forensic work and wouldn't even know where to send someone to get one done.

They stated that I should go to a Cyber Insurance company and ask them who they would use.

Also, by the way, the school does not have cyber insurance.

**V. REVIEW CONSENT CALENDAR: REGULAR BUSINESS, APPOINTMENTS, SIGNATURES, AND APPROVAL OF MINUTES:**

MINUTES	-APPROVE	2/1/2024
SIGNATURES	-APPROVE	
RESOLVES	-SIGN	
WARRANTS	-SIGN	2/16/2024

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

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

**VII. PUBLIC HEARINGS:**

**VIII. COMMITTEE REPORTS:**

**IX. SCHEDULED AGENDA ITEMS:**

**A. OLD BUSINESS:**

**B. NEW BUSINESS:**

**FR23-24-15 Consider accepting the FY25 Capital Improvement Plan**

**Councilor Thomas moved to approve FR23-24-15. Councilor Snyder seconded the motion. The motion was accepted. Motion passes 6-0.**



**FR23-24-16** Consider accepting Maine Forest Service Volunteer Fire Assistance Program Grant

**Councilor Snyder moved to approve FR23-24-16. Councilor Gray seconded the motion. The motion was accepted. Motion passes 6-0.**

**FR23-24-17** Consider accepting sponsoring funds from Pottle family for the High School Athletic Complex

**Councilor Snyder moved to approve FR23-24-17. Councilor Gray seconded the motion. The motion was accepted. Motion passes 6-0.**

**R23-24-13** Consider appointing members to the Charter Ad-Hoc Committee

- Councilor Thomas suggested to have the Town Council pick the residents to serve on the committee vs the Town Manager selecting a panel for the Councils review and amend before final vote
- Councilor Haggerty suggested an additional area to add in the Charter – Code of Ethics to be the umbrella over all organizations of the town
- Councilors discussed the number of residents to be on committee with possibly an alternate – final decision was 5 residents
- Councilors established the Council members to serve: Chris Gray and Richard Cyr
- Residents presented why they would like to be on the committee

Kim Nichols

Charles Hillman

Greg Newell

Ed Ford

Chad Leonard

Frank Rapp

Haily Keezer

Rick Burgess

**Tabled until February 29, 2024 Council meeting**

### **C. WORKSHOPS:**

**Discussion on mailbox – current policy attached**

**Councilor Gray presented the Town of Veazie Mailbox/Post Replacement Policy and all councilors joined in with comments/reasons to be for or against a Hermon mailbox policy.**



**RFP – Auditor**

**Councilors reviewed the last RFP sent in August 2023. Town Manager to dust off the RFP with new dates and a timeline for the Council.**

**D. OTHER ITEMS: (FROM TABLE PACKAGE)**

**Councilor Cyr to waive council rules and accept the table packet. Councilor Snyder seconded the motion. The motion was accepted. Motion passes 6-0.**

**IX. SCHEDULED AGENDA ITEMS:**

**A. OLD BUSINESS:**

**B. NEW BUSINESS:**

**R23-24-14 Consider assigning Town Council members to the School Budget Committee for FY 24-25**

**Councilor Haggerty to waive council rules and accept the table packet to consider voting on R23-24-14. Councilor Cyr seconded the motion. Members to serve will be Danielle Haggerty and John Snyder III and Chris Gray will be the alternate. The motion was accepted. Motion passes 6-0.**

**C. WORKSHOPS:**

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

**Councilor Snyder to waive council rules and accept the table packet to consider entering executive session. Councilor Haggerty seconded the motion. The motion was accepted. Motion passes 6-0.**

**Executive Session started at 8:01pm**

**EXECUTIVE SESSION:**

**Consider entering into Executive Session to discuss labor negotiations per 1 M.S.R.A. § 405(6)(D)**

**Executive Session ended at 8:23pm.**

**Town Council ended table packet and resumed regular meeting agenda.**

**X. APPOINTMENTS:**





**XI. MANAGER STATUS REPORT:**

- Joint meeting with the Planning Board on February 20, 2024 at 6:30
- Town office will be closed February 19, 2024 for President's Day
- School vacation is next week, and the High School boys' team will be playing February 16, 2024 at 4:00pm at the Cross Center. Come out and show your support.
- Hermon Fire will be on WABI tonight highlighting the fire prevention week in the fall of 2023 that the Patricia A Duran School students participated in. Because they completed the packet of information they were treated to popsicles.

**XII. FINAL PUBLIC ITEMS OR COMMENT: (ITEMS NOT ALREADY ON THE AGENDA)**

- Greg Newell, Stage Rd
- Haily Keezer, Orchard Dr

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**XIII. COUNCIL ITEMS:**

Danielle Haggerty: Next School Budget meeting will be February 27, 2024 at 4:00pm. Along with an update on the school budget process and letter from the IT Director.

Richard Cyr: Ms. Lakedy might be getting some ARPA money from the State for a future building for the food pantry.

Chris Gray: Football helmets are nearing their expiration date and will need approximately \$30,000 to replace all the helmets.

Ronald Murphy: Read the letter from IT Director:

From: Alex Bridges <[alex.bridges@schools.hermon.net](mailto:alex.bridges@schools.hermon.net)>

Date: Mon, Feb 5, 2024 at 12:35 PM

Subject: Tech Updates 2/5/24

Good Morning,

I am excited to share with you some of the progress we have been making in regards to improving our network security and bringing our district where it needs to be.

- MSLN Update: Our primary internet connection has been transitioned to MSLN as of 1/19/24 and our 30 day disconnect notice has been given to FirstLight. Some of our systems still utilize the old connection such as the phone system and sports streaming. The transition of these systems to MSLN will tentatively be completed by the end of February break.



- **Frontline Update: We are currently in a holding pattern on inventory. This is a project that will take place over the summer primarily with our internal IT staff.**
- **Firewall Update: I have proceeded with the procurement of a Fortinet FortiGate 600F Firewall which includes 5 years of licensing and support. This firewall is considered a next generation firewall or (NGFW) and has capabilities such as intrusion detection, antivirus, cloud threat intelligence, as well as web and application filtering.**
- **Server Update: I have proceeded with the procurement of two high end Dell servers with 5 years of support. These servers will host a new active directory server, phone system, print server, file shares, and network management software, and any other servers required to keep our district operational.**

**Thank you,  
Alex Bridges**

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

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

**The Motion carries. Executive Session started at 8:51pm**

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

**Councilors returned and ended executive session at 9:10pm**

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

**Councilor Snyder moved to adjourn the meeting at 9:15 PM. Councilor Gray seconded. With no objection the meeting was adjourned at 9:15 PM.**

**Respectfully Submitted,**

**Kristen Cushman  
Town Clerk**

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**O23-24-05**

**TOWN OF HERMON**

**MORATORIUM ORDINANCE**

**ON**

**UTILITY SCALE SOLAR FACILITIES**

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

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

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

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

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

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

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

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

I. Authority: This Utility Scale Solar Facilities Moratorium Ordinance is enacted pursuant to 30-A M.R.S.A. § 4356; the Town of Hermon's home rule authority pursuant to the Maine Constitution and 30-A M.R.S.A. § 3001; and section 2.13(6) of the Charter of the Town of Hermon.

II. Definitions: The following definition shall be used in the interpretation and construction of this Moratorium Ordinance:

a. Utility Scale Solar Facility: is any solar facility, project, or installation which is intended to or in fact does generate solar power and feeds said power into the electric grid supplying the local utility with power. This shall include any ground-mounted or pole-mounted photovoltaic (PV) project that covers more than ½ acre of land. Residential/commercial solar arrays that cover less than ½ acre of land are not included in this definition. Solar arrays installed on roofs of commercial or residential properties in compliance with existing ordinances and codes are not included in this definition.

III. Purpose: The purpose of this Moratorium Ordinance is to allow municipal officials a reasonable time to evaluate the concerns raised in regards to anticipated or proposed Utility Scale Solar Facilities, to determine the adequacy of existing land use ordinances and regulations, and, if necessary, develop additional ordinances and regulations to provide adequate protection for the property, health, welfare, and safety of the Town of Hermon's residents.

IV. Moratorium on Utility Scale Solar Facilities: The Town of Hermon hereby declares and imposes a moratorium, prohibiting the development of any and all Utility Scale Solar Facilities within the Town of Hermon. No person or organization shall develop or operate a Utility Scale Solar Facility within the Town of Hermon.

V. Moratorium on Processing Applications: No official, officer, board, or body of the Town of Hermon, including but not limited to the Code Enforcement Officer, the Planning Board, or the Municipal Officers, shall accept, process, review, deny, approve, authorize, or issue any applications, petitions, plans, permits, licenses, or requests for approval or authorization involving Utility Scale Solar Facilities development, construction, operation, or use located, in whole or in part, within the Town of Hermon.

VI. Severability: Any provisions of the Town of Hermon's existing ordinances that are inconsistent or conflicting with the provisions of this Moratorium Ordinance are hereby repealed to the extent applicable for the duration of this Moratorium Ordinance. If any section or provision of this Moratorium Ordinance is declared by any court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision.

**VII. Effective Date, Retroactivity & Term:**

a. Pursuant to the Charter of the Town of Hermon, this Moratorium Ordinance shall take effect 30 days after passage by the Town of Hermon Council.

b. Upon its effective date, notwithstanding the provisions of 1 M.R.S. § 302, this Ordinance shall be retroactive and applicable, to the maximum extent permitted by law and subject to the severability clause above, to all filed, pending, or future applications and petitions for Utility Scale Solar Facilities which have not received all necessary development permits and licenses from the Town of Hermon and all proposed Utility Scale Solar Facilities that were not fully operational and/or did not have all the required State permits as of November 1st, 2022, the date the Moratorium Ordinance was first proposed to the Town of Hermon Council.

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

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

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

SIGNED THIS 29<sup>th</sup> day of February 2024, BY THE MUNICIPAL OFFICERS:

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

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

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

\_\_\_\_\_  
Christopher Gray

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

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

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

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

Motion \_\_\_\_\_

Yeas \_\_\_\_\_

Second \_\_\_\_\_

Nays \_\_\_\_\_

Date \_\_\_\_\_



**R23-24-15**

Be it resolved by the Hermon Town Council in Town Council assembled that Scott Perkins be appointed as an “authorized person” to apply for a Business Partnership Initiative with MaineDOT on behalf of the Town of Hermon and C&K Variety (Hawk’s Deli & Marketplace) for a project to assist with completing items located within the public right of way on US Route 2 and Billings Road identified in the C&K Variety MaineDOT Traffic Movement Permit.

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**SIGNED this February 29, 2024 by the Hermon Town Council:**

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

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

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

\_\_\_\_\_  
Christopher Gray

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

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

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

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

Motion \_\_\_\_\_

Yeas \_\_\_\_\_

Second \_\_\_\_\_

Nays \_\_\_\_\_

Date \_\_\_\_\_



**R23-24-16**

Be it resolved by the Hermon Town Council in town council assembled to establish the Hermon Town Charter Review Ad hoc Committee. Said committee is to be established for the purpose of reviewing the Town’s Charter to provide guidance and recommendations for the updates of Article IV (Town Manager Section), Article VI (RSU agreement) and Article VIII (School Validation Vote) and further authorize the Town Manager, or his designee, to select the members for said committee.

Be it further resolved that the members of the committee will serve at the pleasure of the Town Council until such time the Town Council dissolves the committee and membership on the committee (approximately February 2024 – May 2024) to include:

**Voting members:**

Two member(s) of the Town Council, Richard Cyr and Christopher Gray  
Two member(s) of the School Committee, Stephanie Oiler and Brian Veneziano  
Five citizen(s) \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_,  
\_\_\_\_\_ and \_\_\_\_\_.

**Non-Voting members:**

Superintendent of the Hermon School Department and the Hermon Town Manager.

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**SIGNED this February 29, 2024, by the Hermon Town Council:**

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

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

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

\_\_\_\_\_  
Christopher Gray

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

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

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

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

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

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



**R23-24-17**

Be it resolved by the Hermon Town Council in Town Council assembled the authorization to schedule a public hearing to consider the Hermon Comprehensive Plan, Thursday, March 14, 2024.

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**SIGNED this February 29, 2024, by the Hermon Town Council:**

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

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

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

\_\_\_\_\_  
Christopher Gray

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

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

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

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

Motion \_\_\_\_\_

Yeas \_\_\_\_\_

Second \_\_\_\_\_

Nays \_\_\_\_\_

Date \_\_\_\_\_





**R23-24-18**

Be it resolved that Scott Perkins be appointed as an “authorized person” to apply for and administer a *USDA Rural Business Development Grant* submitted on behalf of the Penobscot Snowmobile Club for “trail grooming equipment.”

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SIGNED this **February 29, 2024**, by the Hermon Town Council:

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Ronald Murphy

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Steven Thomas

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Richard Cyr

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Christopher Gray

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Danielle Haggerty

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John Snyder III

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Derek Wood

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

Motion \_\_\_\_\_

Yeas \_\_\_\_\_

Second \_\_\_\_\_

Nays \_\_\_\_\_

Date \_\_\_\_\_