



Town of Hermon
Public Safety Meeting Room
July 18, 2024
Town Council Meeting
6:30 PM
AGENDA

To watch Council Meetings go to 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*****

Clerk to Elect Council Chairperson

Clerk to Elect Council Vice-Chairperson

- 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 6/27/2024**
 - SIGNATURES -APPROVE**
 - RESOLVES -SIGN**
 - WARRANTS -SIGN 7/5/2024, 7/19/2024**
- VI. NEWS, PRESENTATIONS AND RECOGNITIONS:**
- VII. PUBLIC HEARINGS:**



VIII. COMMITTEE REPORTS:

IX. SCHEDULED AGENDA ITEMS:

A. OLD BUSINESS:

O23-24-06 Consider amendments to the FY 24-25 Council schedule

O24-25-01 Consider approving a 180-day extension to Solar Moratorium

B. NEW BUSINESS:

C. WORKSHOPS:

- **Cable Franchise Agreement – Stephen Fields**

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

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
June 27, 2024
Town Council Meeting
7:00 PM
MINUTES

To watch Council Meetings go to 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:

Chair Murphy led those in attendance in the Pledge of Allegiance

III. ROLL CALL:

Members Present: Richard Cyr, Christopher Gray, Ronald Murphy, John Snyder III, and Steven Thomas

Members Absent: Derek Wood

Others Present: Interim Town Manager Scott Perkins, Town Clerk Kristen Cushman and 32 residents/guests

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

- **Greg Newell, Stage Rd**



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

MINUTES	-APPROVE	5/23/24, 6/6/2024
SIGNATURES	-APPROVE	Quitclaim M/L 022-055-000 account 1802.
RESOLVES	-SIGN	
WARRANTS	-SIGN	06/07/2024, 6/21/2024

Councilor Snyder moved to approve the Consent Calendar as presented. Councilor Gray seconded the motion. Motion passes 5-0.

VI. NEWS, PRESENTATIONS AND RECOGNITIONS:

Recognition to Jessefa Murphy

I wanted to take a moment to extend my heartfelt appreciation for your outstanding efforts in outfitting the election trailer. Your dedication and attention to detail have been instrumental in enhancing our operational capabilities, ensuring a smooth and efficient process for the upcoming elections.

Your initiative in working with Coldbrook Trailers to procure the trailer, adding the Town logo decals, and meticulously painting the floor have truly transformed the space. The addition of a portable battery for interior lighting, along with the carefully installed shelving and E-track on the trailer walls, demonstrates your commitment to creating a functional and organized environment.

Your numerous trips to Ace Hardware for supplies and your relentless pursuit in obtaining and adjusting the necessary equipment, underscore your thoroughness and dedication to this project.

The result of your hard work is a testament to your exceptional skills and unwavering commitment to excellence. Thank you once again for going above and beyond to ensure that our election operations are not only efficient but also reflect the pride and professionalism of our community.

Kristen Cushman, Clerk



VII. PUBLIC HEARINGS:

- Hold Public Hearing - Charter amendments

Chair Murphy opened the public hearing at 7:08PM. Public comments were given. The hearing closed at 8:23PM.

- Hold Public Hearing - Penobscot Snowmobile Club, truck pulls

Chair Murphy opened the public hearing at 8:23PM. No public comments were given. The hearing closed at 8:24PM.

VIII. COMMITTEE REPORTS:

IX. SCHEDULED AGENDA ITEMS:

A. OLD BUSINESS:

B. NEW BUSINESS:

R23-24-33 Consider approving charter amendments and place on the November 5, 2024 election

Councilor Gray moved to vote on each amendment separately within R23-24-33. Councilor Cyr seconded the motion. The motion was accepted. Motion passes 5-0.

Presented to the Hermon Town Council:

Be it ordered that the Town Council shall hold a public hearing on Thursday, June 27, 2024, at 7:00 p.m. at the Hermon Town Council Chambers to consider the following Charter amendments to Articles IV, VI, and VIII of the Hermon Town Charter:

First Amendment:

Articles Summary

Article VI

School Committee. A Department of Education is created with seven School Committee members, five elected at large from Hermon, being responsible for the care and management of the public schools of the town, and two from S.A.D. #23 RSU 87. ~~empowered to vote on Secondary Education matters.~~



Second Amendment:

Sec. 4.01 – APPOINTMENT; QUALIFICATION

The Town Council shall appoint a Town Manager for any length it desires ~~an indefinite term~~ and fix his/her compensation. The manager shall be appointed on the basis of his/her executive and administrative qualifications. He/she need not be a resident of the Town or State at the time of his/her appointment but may reside outside the Town while in office only with the approval of the Council.

Third Amendment:

Sec. 6.01 – NUMBER, ELECTION, AND TERM

The School Committee shall consist of five (5) members, each of whom shall be nominated and elected by the registered voters of the entire Town to administer and provide oversight for the School Department.

Each member shall be elected for a term of three (3) years and shall serve until his/her successor is elected and qualified. After serving three full consecutive terms as a School Committeeperson, an individual must wait one year before serving on the Committee again.

In addition to the five (5) members above, there shall also be two (2) members of the School Committee to be appointed by the director of RSU 87 R.S.U. #87 for as long as secondary school tuition students from RSU 87 ~~#87 d/b/a SAD #23~~ are contracting with the Town of Hermon ~~comprise~~ comprise no less than 25% of the secondary education student population at Hermon High School. The School Committee shall have all the powers and duties prescribed for school committees by the general laws of the State of Maine, except as otherwise provided by the Charter as follows:

- (a) A specific agenda item shall be provided at all regular meetings to allow public input.
- (b) The School Committee shall provide for keeping a verbatim record of its proceedings to be retained and disposed of in accordance with State Law.
- (c) The contract between the School Department and RSU 87 shall be for a period of three (3) years.



Fourth Amendment:

Sec. 6.08 – BUDGET

The School Committee shall submit and present its proposed annual budget to the Town ~~Manager~~ Council at a time to be determined by the Town Council pursuant to Section 8.03 of this Charter. ~~no less than thirty (30) days prior to the Annual Town Meeting or Special Town Meeting called for adoption of the school budget along with explanation of any pending items.~~

Fifth Amendment:

Sec. 8.02 - PREPARATION AND SUBMISSION OF THE BUDGET

The Town Manager, at a time to be determined by the Town Council, shall submit to the Council a budget and an explanatory budget message. The budget authority of the Town Council shall include amending or approving the budget proposed by the Town Manager and determining the total appropriations made to various municipal offices, departments or agencies. The school budget will be presented to the Town Council, which shall determine the total amount of school budget to be presented for school budget validation vote, pursuant to 20-A M.R.S.A. Section ~~2308(2)~~ 2307(2) and the Town Council will forward the School Committee's recommendation to the voters in accordance with State law.

Sixth Amendment:

Remove references to S.A.D. 23 wherever used in the Charter and replace with RSU #87.

Note: New text is underlined; deleted text is ~~struck out~~.



Amendments made by the Hermon Town Council:

First Amendment: Article VI

Shall the municipality approve an amendment to Article VI of the Articles Summary of the Charter of the Town of Hermon, as set forth below?

***Articles Summary
Article VI***

School Committee. A Department of Education is created with seven School Committee members, five elected at large from Hermon, being responsible for the care and management of the public schools of the town, and two from ~~S.A.D. #23~~ RSU 87 empowered to vote on Hermon High School Secondary Education matters.

SUMMARY: This amendment replaces “S.A.D. #23” with RSU 87 and replaces “Secondary Education” with “Hermon High School”.

Councilor Snyder moved to approve First Amendment: Article VI with above changes. Councilor Cyr seconded the motion. The motion was accepted. Motion passes 5-0.

Second Amendment:

Shall the municipality approve an amendment to Section 4.01 of Article IV of the Charter of the Town of Hermon, as set forth below?

ARTICLE IV - TOWN MANAGER

Sec. 4.01 – APPOINTMENT; QUALIFICATION

The Town Council shall appoint a Town Manager for any length it desires ~~an indefinite term~~ and fix his/her compensation. The manager shall be appointed on the basis of his/her executive and administrative qualifications. He/she need not be a resident of the Town or State at the time of his/her appointment but may reside outside the Town while in office only with the approval of the Council.

SUMMARY: This amendment seeks to make this charter provision consistent with State Law which permits a municipality to contract with a Town Manager for a term of any length it desires.

NOTE: New text is underlined; deleted text is ~~struck out~~.

Councilor Snyder moved to approve Second Amendment: Appointment; Qualification with above changes. Councilor Gray seconded the motion. The motion was accepted. Motion passes 5-0.



Third Amendment:

Shall the municipality approve an amendment to Section 6.01 of Article VI of the Charter of the Town of Hermon, as set forth below?

ARTICLE VI – SCHOOL COMMITTEE

Sec. 6.01 – NUMBER, ELECTION, AND TERM

The School Committee shall consist of five (5) members, each of whom shall be nominated and elected by the registered voters of the entire Town to administer and provide oversight for the School Department.

Each member shall be elected for a term of three (3) years and shall serve until his/her successor is elected and qualified. After serving three full consecutive terms as a School Committeeperson, an individual must wait one year before serving on the Committee again.

In addition to the five (5) members above, there shall also be two (2) members of the School Committee to be appointed by the directors of RSU 87 R.S.U. #87 for as long as high school ~~secondary school~~ tuition students from RSU 87 #87 d/a/ SAD #23 are contracting with the Town of Hermon ~~compromise and comprise~~ no less than 25% of the high school secondary education student population at Hermon High School. The School Committee shall have all the powers and duties prescribed for school committees by the general laws of the State of Maine, except as otherwise provided by the Charter as follows:

(d.) A specific agenda item shall be provided at all regular meetings to allow public input.

(e.) The School Committee shall provide for keeping a verbatim record of its proceedings to be retained and disposed of in accordance with State Law.

(f.) The contract between the School Department and RSU 87 shall be for a period of three (3) years.

(g.) The School Committee members appointed by RSU 87 shall only be authorized to vote on non-financial, Hermon High School matters.

SUMMARY: This amendment:

1. Replaces “S.A.D. #23” with “RSU 87”;
2. Replaces “secondary school” and “secondary education” “high school”;
3. Corrects the spelling of the word “comprise”;
4. Specifies that the length of any contract between RSU 87 and the Hermon School Department must be for a three (3) year period; and
5. Clarifies that members appointed by RSU 87 to the Hermon School Committee are limited to voting on non-financial, Hermon High School matters only.

NOTE: New text is underlined; deleted text is ~~struck out~~.

Councilor Snyder moved to approve Third Amendment: Sec. 6.01 – NUMBER, ELECTION, AND TERM with above changes. Councilor Cyr seconded the motion. The motion was accepted. Motion passes 5-0.



Fourth Amendment:

Shall the municipality approve an amendment to Section 6.08 of Article VI of the Charter of the Town of Hermon, as set forth below?

ARTICLE VI – SCHOOL COMMITTEE

Sec. 6.08 – BUDGET

The School Committee shall submit and present its proposed annual budget to the Town ~~Manager~~ Council at a time to be determined by the Town Council pursuant to Section 8.02 of this Charter. ~~no less than thirty (30) days prior to the Annual Town Meeting or Special Town Meeting called for adoption of the school budget along with explanation of any pending items.~~

SUMMARY: This amendment seeks to clarify the format of the budget presented by the School Department to the Town Council.

NOTE: New text is underlined; deleted text is ~~struck out~~.

Councilor Snyder moved to approve Fourth Amendment: Budget with above changes. Councilor Gray seconded the motion. The motion was accepted. Motion passes 5-0.

Fifth Amendment:

Shall the municipality approve an amendment to Section 8.02 of Article VIII of the Charter of the Town of Hermon, as set forth below?

ARTICLE VIII – BUDGET

Sec. 8.02 - PREPARATION AND SUBMISSION OF THE BUDGET

The Town Manager, at a time to be determined by the Town Council, shall submit to the Council a budget and an explanatory budget message. The budget authority of the Town Council shall include amending or approving the budget proposed by the Town Manager and determining the total appropriations made to various municipal offices, departments or agencies. The school budget will be presented to the Town Council, which shall determine the total amount of school budget to be presented for school budget validation vote, pursuant to 20-A M.R.S.A. Section ~~2308(2)~~ 2307(2) and the Town Council will forward the School Committee’s recommendation to the voters in accordance with State law.

SUMMARY: This amendment seeks to correct the statutory reference.

NOTE: New text is underlined; deleted text is ~~struck out~~.

Councilor Snyder moved to approve Fifth Amendment: Preparation and submission of the Budget with above changes. Councilor Gray seconded the motion. The motion was accepted. Motion passes 5-0.



Sixth Amendment:

Shall the municipality approve an amendment to the Charter of the Town of Hermon that removes all references to S.A.D. 23, wherever used, and replaces the reference with RSU 87?

SUMMARY: This amendment seeks to correct the references to the RSU School System.

Councilor Snyder moved to approve Sixth Amendment: Remove references to S.A.D. 23 wherever used in the Charter and replace with RSU #87. Councilor Gray seconded the motion. The motion was accepted. Motion passes 5-0.

NOTE: New text is underlined; deleted text is ~~struck out~~.

R23-24-34 Consider dissolving Ad Hoc Charter committee

Councilor Snyder moved to approve R23-24-34. Councilor Cyr seconded the motion. The motion was accepted. Motion passes 5-0.

R23-24-35 Consider appointing members to the Ordinance Committee

Councilor Snyder moved to approve R23-24-35. Councilor Cyr seconded the motion. The motion was accepted. Motion passes 5-0.

R23-24-36 Consider approving Penobscot Snowmobile Club for Concourse Gathering Application for Truck and Tractor Pulls on July 22, 2024, & September 16, 2024

Councilor Snyder moved to approve R23-24-36. Councilor Cyr seconded the motion. The motion was accepted. Motion passes 5-0.



R23-24-37 Consider approving hauler license applications for 2024-2025.

Bolster's Rubbish Removal, LLC has requested to renew their License to haul solid waste to Perc.

North Star Waste & Recycling LLC has requested a license to haul solid waste to Juniper Ridge.

Pine Tree Waste Inc a division of Casella has requested to renew their License to haul solid waste to Perc.

Waste Management has requested to renew their License to haul solid waste to PERC.

IF approved – sign permits

Councilor Cyr moved to approve R23-24-37. Councilor Snyder seconded the motion. The motion was accepted. Motion passes 5-0.

R23-24-31 Consider setting Bangor Humane impound fees

Councilor Cyr moved to approve R23-24-31

Dog #1 offence \$ 50.00 #2 offence \$50.00 #3 offence \$75.00

Cat #1 offence \$50.00 #2 offence \$50.00 #3 offence \$75.00.

Councilor Gray seconded the motion. The motion was accepted. Motion passes 5-0.

O23-24-06 Consider setting the FY 24-25 council schedule

Councilor Snyder moved to approve O23-24-06. Councilor Cyr seconded the motion. The motion was accepted. Motion passes 5-0.

O23-24-07 Consider approving the Accessory Dwelling Unit ordinance moratorium

Councilor Snyder moved to approve O23-24-07. Councilor Cyr seconded the motion. The motion was accepted. Motion passes 5-0.

FR23-24-22 Consider accepting EMS Stabilization and Sustainability Grant

Councilor Snyder moved to approve FR23-24-22. Councilor Cyr seconded the motion. The motion was accepted. Motion passes 5-0.



FR23-24-23 Consider approving fire dept paramedic upgrade

Councilor Snyder moved to approve FR23-24-23. Councilor Gray seconded the motion. The motion was accepted. Motion passes 5-0.

FR23-24-24 Consider awarding bid for Paving Projects

Councilor Snyder moved to approve FR23-24-24 and award to Hopkins Paving. Councilor Cyr seconded the motion. The motion was accepted. Motion passes 5-0.

FR23-24-25 Consider extending the snow plowing contract for FY24-25 season

Councilor Snyder moved to approve FR23-24-25. Councilor Thomas seconded the motion. The motion was accepted. Motion passes 5-0.

Councilor Cyr made a motion to extend the council meeting until 10:30pm. Councilor Snyder seconded the motion. The motion was accepted. Motion passes 5-0.

C. WORKSHOPS:

D. OTHER ITEMS: (FROM TABLE PACKAGE)

IX. SCHEDULED AGENDA ITEMS:

A. NEW BUSINESS:

Councilor Gray to waive the council rules and accept the table packet. Councilor Snyder seconded the motion. The motion was accepted. Motion passes 5-0.

R23-24-26 Consider transferring from Town Office Reserve to Computer software & Legal Liability Reserve to Legal Services

Councilor Snyder to waive council rules and accept the table packet to consider voting on FR23-24-26. Councilor Cyr seconded the motion. The motion was accepted. Motion passes 5-0.

FR23-24-27 Consider setting the mileage reimbursement rate

Councilor Snyder to waive council rules and accept the table packet to consider voting on FR23-24-27. Councilor Gray seconded the motion. The motion was accepted. Motion passes 5-0.



X. APPOINTMENTS:

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

Council signed appointments for the next FY25.

Scott Perkins introduced Mr. Stephen Fields as the next Town Manager of Hermon.

Stephen Fields took his oath for Town Manager as of July 1, 2024.

Scott Perkins took his oath for Assistant Town Manager as of July 1, 2024.

XI. MANAGER STATUS REPORT:

- **Welcome to Hermon Stephen Fields. We are very fortunate to have someone with your qualification join us. On July 1, 2024 the staff will gather with Mr. Fields and the office will open at 9:00am.**
- **Town Office will be closed July 4th and 5th for the holiday.**
- **On July 10, 2024 the Masons are going to gather at the Lynde Lodge when Donald W. Pratt will rededicate the lodge for being 150 years old this year. Then on July 13th there will be a free community BBQ by the lodge.**

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

- **Haily Keezer, Orchard Dr.**
- **Ed Ford, Union St.**

XIII. COUNCIL ITEMS:

All councilors thanked Steve Thomas for the last 9 years as a Town Council member.

John Snyder: Thank you to Scott for stepping up as Interim Town Manager and next role as Assistant Town Manager. Very well deserved.

Steve Thomas: Have been thinking of my last night as a counselor and all the people I've worked with over the last several years which included: Ralph Carr, Buzzy LaChance, Michael Soucy, Alden Brown, Jeanne Jacques, Doug Sinclair Sr, Tim McCluskey, Ron Murphy, Scott Perkins.

Chris Gray: Congratulations Mr. Perkins and Mr. Fields.



XIV. EXECUTIVE SESSION:

XV. ADJOURNMENT:

Councilor Snyder moved to adjourn the meeting at 10:18 PM. Councilor Cyr seconded. With no objection the meeting was adjourned at 10:18 PM.

Respectfully Submitted,

**Kristen Cushman
Town Clerk**

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O23-24-06

Council Meeting Schedule

FY 24-25 July 1, 2024 – June 30, 2025 at 6:30pm

July 18, 2024

August 22, 2024

September 12, 2024

October 10, 2024

November 7, 2024

December 5, 2024

January 3, 2025 Delete

January 17, 2025 (CIP SUBMISSION)

February 13, 2025 (CIP APPROVAL and FY 25 BUDGET SUBMITTED)

March 13, 2025 (FY25 SCHOOL BUDGET SUBMITTED)

April 10, 2025

May 8, 2025

June 12, 2025 (ANNUAL TOWN MEETING)

June 26, 2025

Joshua Berry

Richard Cyr

Christopher Gray

Terry Hamm- Morris

Ronald Murphy

John Snyder III

Derek Wood

July 18, 2024

Attest Original: _____

Motion _____	Yeas _____	
Second _____	Nays _____	Date _____



024-25-01

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 cover 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 18th day of July 2024, BY THE MUNICIPAL OFFICERS:

Joshua Berry

Richard Cyr

Christoper Gray

Terry Hamm-Morris

Ronald Murphy

John Snyer III

Derek Wood

July 18, 2024

Attest Original: _____

Motion _____

Yeas _____

Second _____

Nays _____

Date _____