



Town of Hermon

Public Safety Meeting Room

September 22, 2016

Town Council Meeting

7:00 PM

AGENDA

*** Televised live on Cable Channel 121.111 ***

Council Meetings may be viewed live online and are archived after the meeting
has taken place – check hermon.net for link.

ALL ITEMS ARE SUBJECT TO APPROPRIATE COUNCIL ACTION

I. CALL TO ORDER BY CHAIRPERSON

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

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

MINUTES. -APPROVE May 26, 2016, June 9, 2016 and June 30, 2016

WARRANTS. -SIGN September 21, 2016

V. NEWS, PRESENTATIONS AND RECOGNITIONS

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

VII. PUBLIC HEARINGS

#1. Hold Public Hearing to hear comment on Morgan Hill's Liquor License Application.

VIII. COMMITTEE REPORTS



IX. SCHEDULED AGENDA ITEMS

A. OLD BUSINESS

#2. Consider approving funds for business park improvements

B. NEW BUSINESS

#3. Consider appointing voting delegate for MMA Annual Business Meeting

#4. Consider introducing an ordinance amendment to the Hermon Code of Ordinances

#5. Consider introducing an ordinance amendment to the Hermon Code of Ordinances

#6. Review and discuss proposed Resolution for “No on Question 1.”

#7. Consider seeking Engineering Services for Newburgh/Coldbrook Roads

#8. Consider accepting Municipal Partnership Organization Grant

C. WORKSHOPS

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 Building Meeting Room

May 26, 2016

Town Council Meeting

7:00 PM

MINUTES

*** Televised live on Cable Channel 121.111 ***

Council Meetings may be viewed live online and are archived after the meeting has taken place – check hermon.net for link.

ALL ITEMS ARE SUBJECT TO APPROPRIATE COUNCIL ACTION

I. CALL TO ORDER BY CHAIRPERSON

Chair McCluskey called the meeting to order at 7:00pm.

II. PLEDGE OF ALLEGIANCE

Chair McCluskey led those in attendance in the Pledge of Allegiance.

III. ROLL CALL

Members Present: Doug Sinclair, Steve Thomas, Alden Brown, Tim McCluskey, Bill Scott, Donna Ellis and Anne Freeman

Members Absent: None

Others Present: Town Manager Roger Raymond, Town Clerk Ruth A. Nickerson, Rec Director Michelle Thayer, Public Works Director Scott Perkins, Interim Fire Chief Darrel Cyr, Sgt. Pelletier and Donna Pulver

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

MINUTES. -APPROVE April 7, 2016

QUITCLAIM. -SIGN M/L 041-067-000 Account #1527



Councilor Scott moved to approve the Consent Calendar as presented. Councilor Freeman seconded the motion. A Roll Call vote was unanimous in favor of the motion.

The motion carries.

V. NEWS, PRESENTATIONS AND RECOGNITIONS

None

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

None

VII. PUBLIC HEARINGS

#1. Hold public hearing on the proposed 2016-17 Town Budget and Capital Improvement Plan

Chair McCluskey opened the public hearing at 7:03pm.

He opened the floor for comments for or against the proposed budget.

There were no comments.

Chair McCluskey closed the public hearing at 7:04pm.

VIII. COMMITTEE REPORTS

IX. SCHEDULED AGENDA ITEMS

A. OLD BUSINESS

#2. Consider adopting the CIP for the period 7-1-2016 to 6-30-2017

Councilor Freeman moved to approve R15-16-105. Councilor Brown seconded the motion. A Roll Call vote was unanimous in favor of the motion.

The motion carries.

**(R15-16-105 is attached for review.)*

#3. Set the final Town Budget for the period 7-1-2016 to 6-30-2017

Councilor Freeman moved to approve R15-16-104. Councilor Brown seconded the motion. A Roll Call vote was unanimous in favor of the motion.

The motion carries.

**(R15-16-104 is attached for review.)*

#4. Approve Election Warrant for the election of officers and Annual Town Meeting

Councilor Brown moved to approve R15-16-106. Councilor Scott seconded the motion. A Roll Call vote was unanimous in favor of the motion.

The motion carries.

**(R15-16-106 is attached for review.)*



B. NEW BUSINESS

#5. Consider approving MDOT/ Municipal Agreement for improvements to intersection of Route 2 and Billings Road

Councilor Brown moved to approve R15-16-107. Councilor Freeman seconded the motion. A Roll Call vote was unanimous in favor of the motion.

The motion carries.

**(R15-16-17 is attached for review.)*

C. WORKSHOPS

None

D. OTHER ITEMS (from Table Package)

Councilor Brown moved to consider 'Other Items.' Councilor Scott seconded the motion. The motion was accepted without doubt.

The motion carries.

#6. Consider authorizing the Town Manager to accept payment from MDOT as just compensation for a temporary easement to install a drainage swale in conjunction with the Route 2 Sidewalk Project.

Councilor Brown moved to approve FR15-16-62. Councilor Scott seconded the motion. A Roll Call vote was unanimous in favor of the motion.

The motion carries.

**(FR15-16-62 is attached for review.)*

X. APPOINTMENTS

None

XI. MANAGER STATUS REPORT:

MRC/PERC - Please review this handout as you prepare to make a preliminary decision regarding MSW on June 9, 2016.

RYDER - Ryder has registered over 300 trucks with the Town of Hermon equaling \$338,509 in excise tax collected and \$225,000 in reimbursement funds.

SIDEWALK – The project will be awarded on August 8th. Work will start shortly after and should be complete by November 12th. We have removed the pole out of the existing sidewalk, making it plowable

MAPPING - This in house program is working well. All 61 tax maps have been updated.



FULLER/KLATTE - Klatte Road was completed yesterday. Fuller Road is paved. We need to reset a cross culvert. Final Pavement will be laid down on Tuesday and the driveway aprons will be completed soon after. Both projects are on budget.

PUBLIC WORKS – The new storage building will be complete tomorrow.

REC - The siding, doors and electrical work will be completed on the new storage building next week.

RAILROAD TIES - Karen K. at DEP is going to pursue the railroad in attempt to get the ties cleaned up.

REDZONE - Redzone has requested to lease space on the tower at Hermon Mountain for \$500.00 a month. Ed Bearor is reviewing the proposal.

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

Donna Pulver asked if Federal Express registers their trucks here in Hermon. Mr. Raymond explained that Fed Ex trucks are privately owned.

XIII. COUNCIL ITEMS:

Steve Thomas read an email from a group of students at the high school who are involved in project citizen. The students expressed their concern regarding the lack of crosswalks between the high school and the shopping plaza. The Manager responded to Mr. Thomas and spoke of the upcoming construction project and the new speed board recently approved for purchase that will be used to monitor speed around town.

Doug Sinclair stated his dismay at the recent BDN article regarding Fiberight.

XIV. EXECUTIVE SESSION:

None

XV. ADJOURNMENT:

Councilor Scott moved to adjourn the meeting at 7:35pm. **Councilor Freeman** seconded the motion. With no objection the meeting was adjourned.

Respectfully Submitted,

Ruth A. Nickerson, CCM
Town Clerk



R15-16-105

Be it resolved by the Hermon Town Council in town council assembled the Capital Improvement Plan for the period 2016-2017 be adopted as follows:

Capital Improvements and Reserves Activity 7-1-2016 to 6-30-2017

Account #	Reserve Account	Balance	Appropriation	Interest	Expenses	Balance	Comments
		Forward		Earned		6/30/2017	
17-01-35-01	Police Equipment Reserve	22094	20500	375	6800	36169	
17-01-35-02	Unemployment Reserve	23448	5000	225	1600	27073	
	Legal Liability Reserve	49415	0	520	0	49935	
17-01-35-04	Cemetery Reserve	37189	8500	260	6500	39449	
17-01-35-05	Fire Equipment Reserve	84883	53000	380	26585	111678	
17-01-35-06	Highway Improvement Reserve	185856	900000	385	1050000	36241	MDOT Grant \$500,000
17-01-35-08	Public Works Equip. Reserve	80424	52000	635	76000	57059	
17-01-35-08	Public Works Facility Reserve	53265	25000	615	1200	77680	
17-01-35-09	Recreation Equip. Reserve	17775	2500	100	0	20375	
17-01-35-09	Recreation Facility Reserve	237137	20000	1330	18500	239967	
17-01-35-11	Municipal Office Reserve	19470	8000	200	8450	19220	
17-01-35-12	Sewer Maintenance Reserve	550102	28500	3300	15060	566842	
17-01-35-13	Public Land Acquisition Reserve	24656	2500	210	0	27366	
17-01-35-14	Planning & Ordinance Reserve	66971	3000	405	0	70376	
	Economic Development Reserve	110216	139000	500	139000	110716	TIF \$139,000
17-01-35-17	Public Safety Building Reserve	67494	10000	725	9000	69219	
17-01-35-19	Town Office Equip & Tech. Reserve	18866	10000	180	23476	5570	
17-01-35-24	School Tax Stabilization Reserve	639349	212000	5428	480723	376054	School Budget \$187,000
17-01-35-26	Jackson Beach Reserve	3147	2500	75	2500	3222	
17-01-35-27	Transfer Station Site Reserve	-1632	12000	10	7400	2978	
17-01-35-28	Bicentennial Reserve	4099	0	40	0	4139	
17-01-35-29	Rural Fire Protection Reserve	8464	1800	40	5000	5304	
17-01-35-30	Elementary School Reserve (Public)	295083	0	2951	0	298034	
17-01-35-31	Snow's Corner Cemetery Reserve	10409	2500	125	9800	3234	Sale of Lots \$2,500
17-01-35-32	Veterans Mem. Park Reserve	6701	3200	40	0	9941	Sale of pavers \$200
17-01-35-05	School Repair Reserve	595663	205750	5956	205750	601619	School Budget \$205,750
17-01-35-05	School Capital Reserve	2148732	0	21375	55000	2115107	
17-01-35-05	School Bus Purchase Reserve	47000	26573	160	26573	47160	School budget \$26,573
17-01-57-34	Sick Leave Reserve	3600	6000	0	5800	3800	
Totals		5409876	1759823	46545	2180717	5035527	0

Attest Original: Ruth A. Dickerson

Motion <u>Freeman</u>	Yeas <u>7</u>	Date <u>May 26, 2016</u>
Second <u>Brown</u>	Nays <u>0</u>	

HERM01 Police Equipment Reserve: purchase 2 radars & 1 cruiser laptop	Local Appropriation
HERM02 Unemployment Reserve: monthly reimbursements	Local Appropriation
HERM03 Legal Liability Reserve: No activity proposed	
HERM04 Cemetery Reserve: repair road at Evergreen Cemetery and monument repair	Local Appropriation
HERM05 Fire Department Equipment Reserve: purchase 40 SCBA tanks & 5 portable radios	Local Appropriation
HERM06 Highway Improvement Reserve: drainage varies roads & Klatte/Fuller	Local Appropriation MDOT grant \$500,000
HERM07 School Repair Reserve- resurface tennis court 50%, HS intercom system, HS improvement to press box, HS improvements to entry way; HS upgrade heating system, HS new sound system, new weight room floor, MS repair roof, HES VCT tile floor, HES asbestos removal, HES portable classroom; HES new basket ball winches, SO pave parking lot, SO new accessibility ramp, SO replace front steps	Local Appropriation- School
HERM08A Public Works Equipment Reserve: new backhoe & tractor snow blower	Local Appropriation
HERM08 Public Works Facility Reserve: Sheet walls in garage	Local Appropriation
HERM09 Recreation Facility Reserve: storage cabinets, signage trails, site plan, sealing tennis courts 50%	Local Appropriation
HERM(09A) Recreation Equipment Reserve: fund reserve'	Local Appropriation
HERM11 Municipal Office Reserve: camera system, architectural services, ventilation improvements, and new flag pole	Local Appropriation
HERM12 Sewer Maintenance: Sewer line cleaning and televising, and SCADA system Odlin Road PS	Local Appropriation
HERM13 Public Land Acquisition: fund reserve	Local Appropriation
HERM14 Plan. and Maint. of Ordinances Reserve: fund reserve	Local Appropriation
HERM16 Economic Development Reserve: business park landscaping, cameras, Printers Lane Imp., web page update, Route 2 Drive-in imp.	Local Appropriation TIF funds \$139,000
HERM17 Public Safety Reserve: architectural study, building sign	Local Appropriation
HERM19 Town Office Equipment and Technology Reserve: workstation phasers, public access workstation, wireless projector, laser printers, archive server and tape deck, web site update, and ram upgrades 20 work stations	Local Appropriation
HERM21 School Capital Reserve: fund setup for modular and design plans HES	Local Appropriation
HERM24 School Tax Stabilization Reserve: Payment on debt	Local Appropriation
HERM26 Jackson Beach Reserve: new 16' float	Local Appropriation
HERM27 Transfer Station Reserve: pave disposal area	Local Appropriation
HERM28 Bicentennial Reserve: reserve to be closed	Closed
HERM29 Rural Fire Protection Reserve: hydrant repairs	Local Appropriation
HERM30 Elementary School Reserve: fund reserve	Local Appropriation
HERM31 Snow's Corner Cemetery: road extension	Sale of Lots \$2500
HERM32 Veterans Memorial Park: fund reserve	Sale of pavers
HERM33 New School Bus Reserve- Purchase new bus	Local Appropriation
HERM34 Sick Leave Reserve- payout at the end of employment	Local Appropriation

Attest Original: Ruth D. Deeberson

Motion <u>Freeman</u>	Yeas <u>7</u>	Date <u>May 26, 2016</u>
Second <u>Brown</u>	Nays <u>0</u>	

Total CIP Budget	\$1,759,823
Grants	\$500,000
School	\$419,323
Municipal	\$548,800
TIF	\$139,000
Other	\$2,700
Total CIP Budget	\$1,759,823


SIGNED this May 26, 2016 by the Hermon Town Council:



Donna Ellis



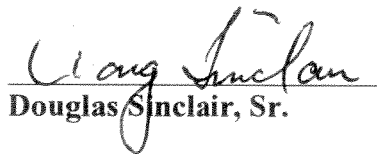
William Scott



Timothy McCluskey



Alden Brown



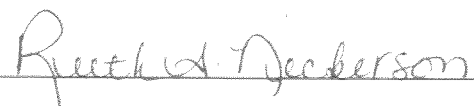
Douglas Sinclair, Sr.



Steven Thomas



Anne Freeman

Attest Original: 

Motion <u>Freeman</u>	Yeas <u>7</u>	Date <u>May 26 2016</u>
Second <u>Brown</u>	Nays <u>0</u>	



R15-16-104

Be it resolved by the Hermon Town Council in town council assembled the municipal budget for the period 7-1-2016 to 6-30-2017, including county tax, be adopted in the following amounts:

BUDGET SUMMARY 2016-2017

		2016-2017	2015-2016	Change	Percent
Account#	Expenses	Budget	Budget		Change
10	General Government	\$ 844,788.00	\$ 766,377.00	\$ 78,411.00	10.23%
11	Economic Development	\$ 135,692.00	\$ 131,296.00	\$ 4,396.00	3.35%
12	Public Safety	\$ 802,481.00	\$ 773,137.00	\$ 29,344.00	3.80%
13	Public Works	\$ 878,719.00	\$ 861,103.00	\$ 17,616.00	2.05%
14	Solid Waste	\$ 563,446.00	\$ 555,640.00	\$ 7,806.00	1.40%
15	Recreation & Social	\$ 160,622.00	\$ 153,975.00	\$ 6,647.00	4.32%
16	Debt	\$ 89,900.00	\$ 105,089.00	\$ (15,189.00)	-14.45%
17	Capital Reserves	\$ 548,800.00	\$ 569,300.00	\$ (20,500.00)	-3.60%
19	Special Assessment	\$ 788,931.00	\$ 687,055.00	\$ 101,876.00	14.83%
25	General Assistance	\$ 12,500.00	\$ 13,500.00	\$ (1,000.00)	-7.41%
	Total Municipal	\$ 4,825,879.00	\$ 4,616,472.00	\$ 209,407.00	4.54%

	Revenues				
10-100	Clerk Fees	\$ 29,000.00	\$ 28,000.00	\$ 1,000.00	3.57%
10-110	Auto Excise	\$ 2,035,000.00	\$ 1,925,000.00	\$ 110,000.00	5.71%
10-111	State Truck Excise	\$ 250,000.00	\$ 225,000.00	\$ 25,000.00	11.11%
10-112	Boat Excise	\$ 5,800.00	\$ 6,000.00	\$ (200.00)	-3.33%
10-115	Dogs/Animal Control	\$ 2,000.00	\$ 1,800.00	\$ 200.00	11.11%
10-120	Building Permits	\$ 10,000.00	\$ 10,000.00	\$ -	0.00%
10-121	Local Plumbing Fees	\$ 11,400.00	\$ 11,000.00	\$ 400.00	3.64%
10-125	Planning & Zoning Apps.	\$ 1,000.00	\$ 1,000.00	\$ -	0.00%
10-130	Hermon Connection	\$ 2,100.00	\$ 2,100.00	\$ -	0.00%
10-135	Cemetery Fees	\$ 1,000.00	\$ 1,000.00	\$ -	0.00%
14-140	Transfer Station Fees	\$ 10,000.00	\$ 10,000.00	\$ -	0.00%
10-145	Miscellaneous Revenues	\$ 15,000.00	\$ 15,000.00	\$ -	0.00%
10-146	Payment in Lieu of Taxes	\$ 11,000.00	\$ 11,000.00	\$ -	0.00%
10-148	Cable Franchise	\$ 19,000.00	\$ 21,000.00	\$ (2,000.00)	-9.52%
14-150	Contractor Tipping Fees	\$ 128,000.00	\$ 128,000.00	\$ -	0.00%
14-152	MRC Reimbursement	\$ 72,736.00	\$ 72,736.00	\$ -	0.00%
10-155	Fines & Penalties	\$ 500.00	\$ 500.00	\$ -	0.00%
10-602	Me St. Retirement Reimbursement	\$ -	\$ 12,488.00	\$ (12,488.00)	100.00%

Attest Original: _____

Rebecca Dieberson

Motion Freeman

Yeas 7

Date May 26, 2016

Second Brown

Nays 0

		2016-2017	2015-2016	Change	Percent
10-160	Sewer Assessments	\$ 200.00	\$ 500.00	\$ (300.00)	-60.00%
10-162	Wireless-Tower	\$ 10,000.00	\$ 9,000.00	\$ 1,000.00	11.11%
10-170	Interest on Investments	\$ 30,000.00	\$ 14,000.00	\$ 16,000.00	114.29%
12-182	Police Revenues	\$ 4,000.00	\$ 4,000.00	\$ -	0.00%
12-185	FD Equipment	\$ 1,000.00	\$ 1,000.00	\$ -	0.00%
10-200	State Revenue Sharing	\$ 145,000.00	\$ 150,000.00	\$ (5,000.00)	-3.33%
25-210	GA Reimbursement	\$ 5,750.00	\$ 6,250.00	\$ (500.00)	-8.00%
10-250	Snowmobile Reg Reimb	\$ 2,500.00	\$ 2,500.00	\$ -	0.00%
10-300	URIP	\$ 63,000.00	\$ 60,000.00	\$ 3,000.00	5.00%
10-167	TIF Revenues	\$ 285,806.00	\$ 289,585.00	\$ (3,779.00)	-1.30%
10-550	Interest & lien Costs	\$ 30,000.00	\$ 30,000.00	\$ -	0.00%
10-175	Unrestricted Net Assets	\$ 302,000.00	\$ 280,000.00	\$ 22,000.00	7.86%
	Total Municipal Revenues	\$ 3,482,792.00	\$ 3,328,459.00	\$ 154,333.00	4.64%
	Net Municipal Budget From Taxes	\$ 735,956.00	\$ 697,758.00	\$ 38,198.00	5.47%
	County Tax	\$ 607,131.00	\$ 590,255.00	\$ 16,876.00	2.86%
	Education (Local Share)	\$ 4,547,222.00	\$ 4,412,777.00	\$ 134,445.00	3.05%
	Total Town Budget from Taxes	\$ 5,890,309.00	\$ 5,700,790.00	\$ 189,519.00	3.32%
	Overlay	\$ 55,097.00	\$ 55,097.00	\$ -	0.00%
	Amount From Taxes	\$ 5,945,406.00	\$ 5,755,887.00	\$ 189,519.00	3.29%

Be it further resolved the Recreation Enterprise expenses for the period 7-1-2016 to 6-30-2017 be set at a total amount not to exceed \$243,637, pending receipt of revenues to off-set the approve expenses.

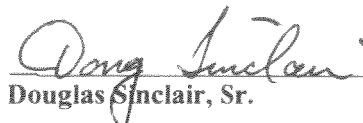
SIGNED this May 26, 2016 by the Hermon Town Council:



 Donna Ellis

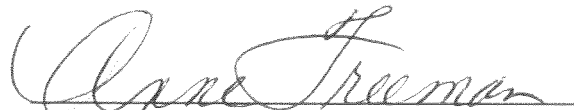

 William Scott

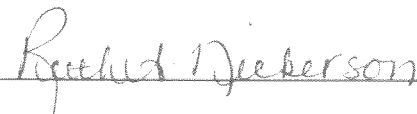

 Timothy McCluskey


 Alden Brown


 Douglas Sinclair, Sr.


 Steven Thomas


 Anne Freeman

Attest Original: 

Motion <u>Freeman</u>	Yeas <u>7</u>	Date <u>May 26, 2016</u>
Second <u>Brown</u>	Nays <u>0</u>	





R15-16-106

Be it resolved by the Hermon Town Council in town council assembled the Warrant for the Annual Town Meeting scheduled for June 14 & 16, 2016 be signed as presented and recommended by the Town Council.


SIGNED this May 26, 2016 by the Hermon Town Council:



Donna Ellis


William Scott

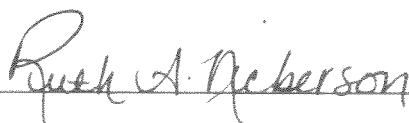

Timothy McCluskey


Alden Brown


Douglas Sinclair, Sr.


Steven Thomas


Anne Freeman

Attest Original: 

Motion <u>Brown</u>	Yeas <u>7</u>	Date <u>May 26, 2016</u>
Second <u>Scott</u>	Nays <u>0</u>	



R15-16-107


Be it resolved by the Hermon Town Council in town council assembled the Maine Department of Transportation Municipal/State Agreement for the maintenance of the traffic light at the intersection of Route 2 and the Billings Road be approved.

Be it further resolved the Town Manager be authorized to sign the agreement.


SIGNED this May 26, 2016 by the Hermon Town Council:



Donna Ellis



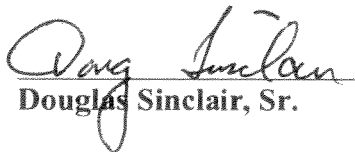
William Scott



Timothy McCluskey



Alden Brown



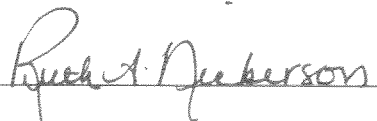
Douglas Sinclair, Sr.



Steven Thomas



Anne Freeman

Attest Original:  _____

Motion <u>Brown</u>	Yeas <u>7</u>	Date <u>May 26, 2016</u>
Second <u>Freeman</u>	Nays <u>0</u>	



FR15-16-62

Be it resolved by the Hermon Town Council in town council assembled the Town Manager be authorized to accept on behalf of the Town of Hermon payment of \$500 from Maine Department of Transportation as just compensation for a temporary easement to install a drainage way approximately .30 acre along Route 2 to accommodate the new sidewalk.

Be it further resolved the payment of \$500 be credited to Miscellaneous Revenues.

SIGNED this May 26, 2016 by the Hermon Town Council:



Donna Ellis



William Scott



Timothy McCluskey



Alden Brown



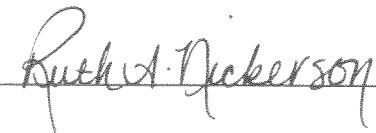
Douglas Sinclair, Sr.



Steven Thomas



Anne Freeman

Attest Original: 

Motion	<u>Brown</u>	Yeas	<u>7</u>	Date	<u>May 26, 2016</u>
Second	<u>Scott</u>	Nays	<u>0</u>		



Town of Hermon

Public Safety Building Meeting Room

June 9, 2016

Town Council Meeting

7:00 PM

MINUTES

*** Televised live on Cable Channel 121.111 ***

Council Meetings may be viewed live online and are archived after the meeting has taken place – check hermon.net for link.

ALL ITEMS ARE SUBJECT TO APPROPRIATE COUNCIL ACTION

I. CALL TO ORDER BY CHAIRPERSON

Chair McCluskey called the meeting to order at 7:00pm.

II. PLEDGE OF ALLEGIANCE

Chair McCluskey led those in attendance in the Pledge of Allegiance.

III. ROLL CALL

Members Present: Douglas Sinclair, Steven Thomas, Alden Brown, Timothy McCluskey, William Scott, Donna Ellis and Anne Freeman

Members Absent: None

Others Present: Town Manager Roger Raymond, Town Clerk Ruth A. Nickerson, Jay Dresser, Rod Carr, Henry Lang, Senator Geoff Gratwick, Tamara Haley, Doug Britton, Interim Fire Chief Darrel Cyr, Sgt. Pelletier and Donna Pulver

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

SIGN – Quitclaim, M/L 040-002-000 Account #2734

Councilor Scott moved to accept the Consent Calendar as presented. Councilor Freeman seconded the motion. A Roll Call vote was unanimous in favor of the motion.

The motion carries.



V. NEWS, PRESENTATIONS AND RECOGNITIONS

None

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

Senator Gratwick expressed his admiration of our Council, stating that this group works extraordinarily well together and our citizens are lucky. He stated that there is no new news to share from Augusta, and no news is good news. There is a possibility the Governor will call a special session.

VII. PUBLIC HEARINGS

None

VIII. COMMITTEE REPORTS

None

IX. SCHEDULED AGENDA ITEMS

A. OLD BUSINESS

#1. Consider alternative for post PERC 2016

Councilor Brown moved to approve R15-16-108. Councilor Freeman seconded the motion. A Roll Call vote was unanimous in favor of the motion.

The motion carries.

**(R15-16-108 is attached for review.)*

B. NEW BUSINESS

#2. Consider agreement to continue leasing space to Redzone on the tower at Hermon Mountain to provide high speed internet services

Councilor Brown moved to approve R15-16-109. Councilor Freeman seconded the motion. A Roll Call vote was unanimous in favor of the motion.

The motion carries.

**(R15-16-109 is attached for review.)*

#3. Consider authorizing expenditure from the Police Equipment Reserve to purchase a new speed and message board for the Hermon Community Policing Unit

Councilor Freeman moved to approve FR15-16-63. Councilor Thomas seconded the motion. A Roll Call vote was unanimous in favor of the motion.

The motion carries.

**(FR15-16-63 is attached for review.)*



#4. Consider authorizing expenditure from the Public Works Facility Reserve for electrical hookup and oil separation tank, drainage improvements for the new public works equipment storage building

Councilor Brown moved to approve FR15-16-64. Councilor Freeman seconded the motion. A Roll Call vote was unanimous in favor of the motion.

The motion carries.

**(FR-16-64 is attached for review.)*

#5. Consider accepting grant from MMA for safety equipment for the Fire Department

Councilor Sinclair moved to approve FR15-16-65. Councilor Scott seconded the motion. A Roll Call vote was unanimous in favor of the motion.

The motion carries.

**(FR15-16-65 is attached for review.)*

#6. Consider accepting a MDOT Partnership and Initiative Grant from MDOT to do improvements to the Coldbrook Road and Newburgh Road

Councilor Brown moved to approve FR15-16-66. Councilor Scott seconded the motion. A Roll Call vote was unanimous in favor of the motion.

The motion carries.

**(FR15-16-66 is attached for review.)*

#7. Consider awarding contract for purchase of a new backhoe pending approval at town meeting

Councilor Sinclair moved to approve FR15-16-67. Councilor Scott seconded the motion. A Roll Call vote resulted in 6 Yeas. Councilor McCluskey abstained.

The motion carries.

**(FR15-16-67 is attached for review.)*

#8. Consider sale of tax acquired property

Councilor Brown moved to approve R15-16-110. Councilor Scott seconded the motion. The motion was accepted without doubt.

The motion carries.

**(R15-16-110 is attached for review.)*

C. WORKSHOPS

None

D. OTHER ITEMS (from Table Package)

None



X. APPOINTMENTS

None

XI. MANAGER STATUS REPORT:

Fuller/Klatte Road will be striped in the next two weeks. Markers have been placed on Fuller Rd. These projects were completed significantly below the estimated costs.

Sherriff Contract expires 6/30/2016. I had a good meeting with the Sheriff. We need to start thinking about the future of our Police Department.

Wrecker Ordinance has been discussed with the Sherriff. He as agreed to address our issues and offered to help make changes.

Traffic Lights on Coldbrook Road have been the source of many complaints. It will be fixed.

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

Donna Pulver told how the HHS Softball team is undefeated.

XIII. COUNCIL ITEMS:

Anne Freeman told how the cross culvert on the Fuller Road is not right. Mr. Raymond stated he is aware and is going to fix it. She then asked if the bump where the pavement ends at the Annis Rd could be feathered out better.

Steve Thomas asked where we stand with regard to the building of a new track at the high school. Mr. Raymond told how a site plan will be available at the next meeting.

Doug Sinclair asked why the Rec Storage Building has not been finished. The Manager told that the subcontractor will put up the vinyl this weekend and the doors will go up next week.

Alden Brown complimented the quality of work being done on the Fuller Road. He then told of his concern for the driveway aprons. Mr. Raymond agreed that at least 14 of them need to be redone and he is discussing it with the contractor.

XIV. EXECUTIVE SESSION:

None

XV. ADJOURNMENT:

Councilor Scott moved to adjourn the meeting at 9:01pm. Councilor Sinclair seconded the motion. With no objection the meeting was adjourned.

Respectfully Submitted,

Ruth A. Nickerson, CCM
Town Clerk




R15-16-108

Be it resolved by the Hermon Town Council in town council assembled the Town Manager be authorized to request the services of James Katsiaficas to review the PERC + MRC, Waste Disposal Agreement, to address issues that were identified by the MRC and matters outlined by a letter received from the PERC Holdings, LLC dated April 14, 2016.

Be it further resolved the results of the review will be returned to the Town Council by the June 23, 2016 town council meeting and the cost of these services will be paid from the Legal Defense Reserve.

SIGNED this June 9, 2016 by the Hermon Town Council:



Donna Ellis



William Scott



Timothy McCluskey



Alden Brown



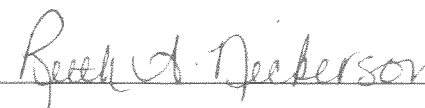
Douglas Sinclair, Sr.





Steven Thomas



Anne Freeman

Attest Original:  _____

Motion		Yeas	7	Date	June 9, 2016
Second		Nays	0		



R15-16-109

Be it resolved by the Hermon Town Council in town council assembled to grant Red zone a non-exclusive right to locate, operate, maintain, repair, and replace materials and equipment to be installed on, atop, adjacent and/or near the building in such locations and configurations for continued use of the tower and buildings located on Hermon Mountain and access to the equipment via the interior and exterior of the building pursuant to the following condition:

1. The contract will mirror the terms of the contract the Town has with the owners of Hermon Mountain.
2. The owners of Hermon Mountain must agree to grant to Redzone access to the tower and building owned by the Town.
3. The conditions of use will mirror those outlined by the agreement between the Town and the owners of Hermon Mountain.
4. The install will not interfere with the Town of Hermon, including the School Department's use of the tower and building now and in the future.
5. The monthly charge will be \$500 to be shared 50/50 with the owners of Hermon Mountain.

SIGNED this June 9, 2016 by the Hermon Town Council:




Donna Ellis



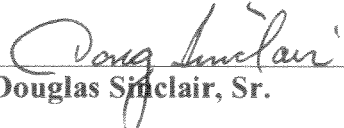
William Scott




Timothy McCluskey



Alden Brown



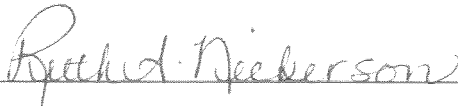
Douglas Sinclair, Sr.



Steven Thomas



Anne Freeman

Attest Original: _____

Motion <u>Brown</u>	Yeas <u>7</u>	Date <u>June 9, 2016</u>
Second <u>Freeman</u>	Nays <u>0</u>	

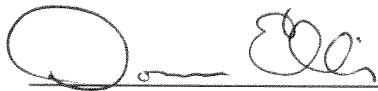


FR15-16-63

Be it resolved by the Hermon Town Council in town council assembled the purchase of a new radar speed sign and trailer for use by the Hermon Community Policing Unit be purchased from Coastal Traffic Inc in the amount of \$11,698.

Be it further resolved the purchase be charged to the Police Equipment Reserve Account.

SIGNED this June 9, 2016 by the Hermon Town Council:




Donna Ellis



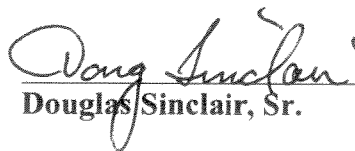
William Scott




Timothy McCluskey




Alden Brown



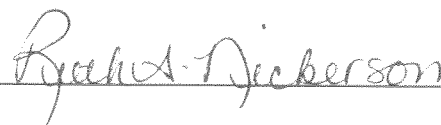
Douglas Sinclair, Sr.



Steven Thomas



Anne Freeman

Attest Original: 

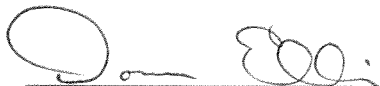
Motion	<u>Freeman</u>	Yeas	<u>7</u>	Date	<u>June 9, 2016</u>
Second	<u>Thomas</u>	Nays	<u>0</u>		



FR15-16-64

Be it resolved by the Hermon Town Council in town council assembled the expenditure of an amount not to exceed \$3,600 be authorized from the Public Works Facility Reserve to install the electrical service to the building and an oil separator and catch basin to support the new Public Works Equipment Storage Building.


SIGNED this June 9, 2016 by the Hermon Town Council:



Donna Ellis



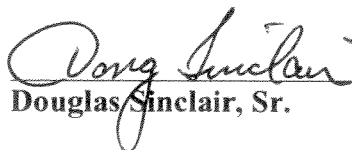
William Scott



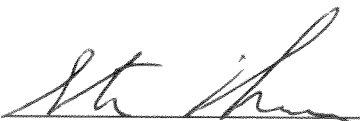
Timothy McCluskey



Alden Brown



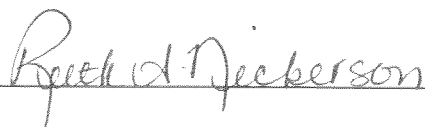
Douglas Sinclair, Sr.



Steven Thomas



Anne Freeman

Attest Original: 

Motion <u>Brown</u>	Yeas <u>7</u>	Date <u>June 9, 2016</u>
Second <u>Freeman</u>	Nays <u>0</u>	



FR15-16-65

Be it resolved by the Hermon Town Council in town council assembled the Hermon Fire Department be authorized to accept a Safety Enhancement Grant in the amount of \$794.53 from MMA Risk Management Services for purchase of hoods and gloves.

Be it further resolved the local share (one-third) be charged to the operational budget beginning 7-1-2016.

SIGNED this June 9, 2016 by the Hermon Town Council:




Donna Ellis



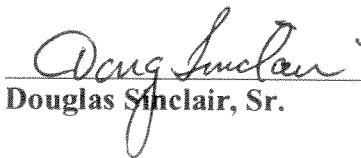
William Scott




Timothy McCluskey



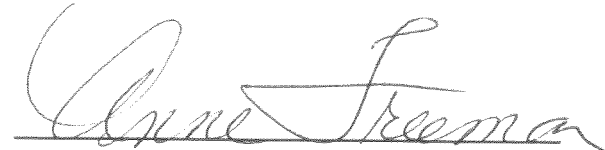
Alden Brown



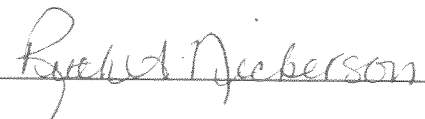
Douglas Sinclair, Sr.



Steven Thomas



Anne Freeman

Attest Original: 


Motion	<u>Sinclair</u>	Yeas	<u>7</u>	Date	<u>June 9, 2016</u>
Second	<u>Scott</u>	Nays	<u>0</u>		



FR15-16-66

Be it resolved by the Hermon Town Council in town council assembled the Partnership and Initiative Grants offered by MDOT in the amounts totaling \$534,134 be accepted by the Town pending approval by the citizens of Hermon to raise the local match totaling \$534,134, including authorization to borrow the funds, for the purpose of improving portions of the Newburgh Road (2.27 miles) beginning at Jackson Beach and extending to the intersection of the Klatte Road and the Coldbrook Road (1.14 miles) beginning at a point .69 miles easterly of the Odlin road intersection and extending westerly 1.14 miles to intersection of Route 2.

SIGNED this June 9, 2016 by the Hermon Town Council:




Donna Ellis



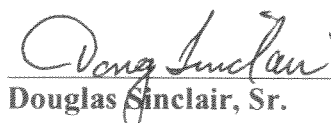
William Scott



Timothy McCluskey



Alden Brown



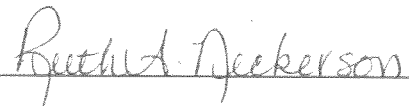
Douglas Sinclair, Sr.



Steven Thomas



Anne Freeman

Attest Original: 

Motion <u>Brown</u>	Yeas <u>7</u>	Date <u>June 9, 2016</u>
Second <u>Scott</u>	Nays <u>0</u>	



FR15-16-67

Be it resolved by the Hermon Town Council in town council assembled the contract for purchase of a new backhoe and ditching bucket totaling \$103,000, such to be paid \$73,000 from Public Works Equipment Reserve and \$30,000 from the trade-in of the 2009 Case backhoe.

Be it further resolved the purchase will be binding if approved by the citizens of Hermon at the Annual Town Meeting scheduled for June 16, 2016.

SIGNED this June 9, 2016 by the Hermon Town Council:



Donna Ellis



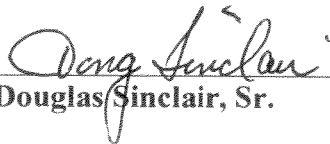
William Scott



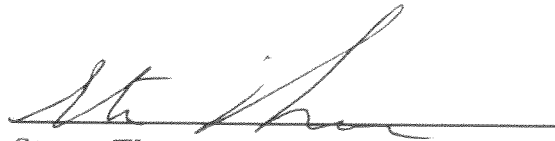
Timothy McCluskey



Alden Brown



Douglas Sinclair, Sr.

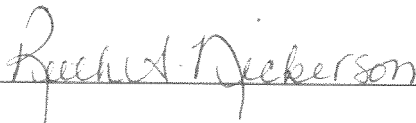


Steven Thomas



Anne Freeman

Attest Original:



Motion Sinclair

Yeas 6

Date June 9, 2016

Second Scott

Nays 0

* Councilor McCluskey Abstained



R15-16-110

Be it resolved by the Hermon Town Council in town council assembled the following tax acquired property shall be disposed of as follows:

Map Lot 046-006-015T Amanda Rand (mobile home on Pearson Lane) to be disposed of in accordance to the provisions of the Town of Hermon Real Estate Liened Foreclosure Policy

Map Lot 028-013-000 Trustee Debra Merry for Tracy L & Frank Avery III (land and buildings off the New Boston Road) to be disposed of in accordance to the provisions of the Town of Hermon Real Estate Liened Foreclosure Policy

Map Lot 036-032-001 Heirs of Daniel J. Perez (land only of the New Boston Road) to be disposed of in accordance to the provisions of the Town of Hermon Real Estate Liened Foreclosure Policy

SIGNED this June 9, 2016 by the Hermon Town Council:

Donna Ellis

William Scott

Timothy McCluskey

Alden Brown

Douglas Sinclair, Sr.

Steven Thomas

Anne Freeman

Attest Original:

Motion Brown

Yeas

accepted

Date June 9, 2016

Second Scott

Nays

w/o doubt



Town of Hermon

Public Safety Meeting Room

June 30, 2016

Town Council Meeting

7:00 PM

MINUTES

*** Televised **live** on Cable Channel 121.111 ***

Council Meetings may be viewed live online and are archived after the meeting
has taken place – check hermon.net for link.

ALL ITEMS ARE SUBJECT TO APPROPRIATE COUNCIL ACTION

I. CALL TO ORDER BY CHAIRPERSON

Chair McCluskey called the meeting to order at 7:00pm.

II. PLEDGE OF ALLEGIANCE

Chair McCluskey led those in attendance in the Pledge of Allegiance.

III. ROLL CALL

Members Present: Doug Sinclair, Steven Thomas, Alden Brown, Timothy McCluskey, Bill Scott,
Donna Ellis and Anne Freeman

Members Absent: None

Others Present: Town Manager Roger Raymond, Town Clerk Ruth A. Nickerson, Donna
Pulver, Sgt. Pelletier, Finance Director Rachel Grass, Wendy Wiles-Scott, Bob
Knudsen, Jim Katsiaficas, Public Works Director Scott Perkins, Deputy Sherriff
Will Sheehan, Ardys Goodine and 5 others unknown to the Clerk.

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

WARRANTS. –SIGN July 1, 2016

**Councilor Scott moved to approve the Consent Calendar as presented. Councilor Freeman
seconded the motion. A Roll Call vote was unanimous in favor of the motion.**

The motion carries.



V. NEWS, PRESENTATIONS AND RECOGNITIONS

None

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

None

VII. PUBLIC HEARINGS

None

VIII. COMMITTEE REPORTS

None

IX. SCHEDULED AGENDA ITEMS

A. OLD BUSINESS

#1. Consider approving contract with PERC or MRC regarding post PERC 2018

Councilor Brown moved to approve R15-16-111. Councilor Sinclair seconded the motion. A Roll Call vote was unanimous in favor of the motion.

The motion carries.

**(R15-16-111 is attached for review.)*

#2. Consider authorizing contract with Sutherland & Weston for website development and marketing

Councilor Brown moved to approve FR15-16-68. Councilor Scott seconded the motion. A Roll Call vote was unanimous in favor of the motion.

The motion carries.

**(FR15-16-68 is attached for review.)*

#3. Discuss matter pertaining to proposed ordinance titled "Public Safety Wrecker Towing Rotation and Services."

Councilor Brown moved to table this proposed ordinance indefinitely. Councilor Scott seconded the motion. The motion was accepted without doubt.

The motion carries.

B. NEW BUSINESS

#4. Consider accepting proposal from B & B Paving for improvements to Printer Way.

Councilor Brown moved to approve FR15-16-69. Councilor Freeman seconded the motion. A Roll Call vote was unanimous in favor of the motion.

The motion carries.

**(FR15-16-69 is attached for review.)*



#5. Consider authorizing expenditure for purchase and installation of cameras for Jackson Beach.

Councilor Freeman moved to approve FR15-16-70. Councilor Thomas seconded the motion. A Roll Call vote was unanimous in favor of the motion.

The motion carries.

**(FR15-16-70 is attached for review.)*

#6. Consider authorizing expenditure from TIF revenues for legal services to prepare documents for TIF Districts and Credit Enhancement Agreements.

Councilor Brown moved to approve FR15-16-71. Councilor Freeman seconded the motion. A Roll Call vote was unanimous in favor of the motion.

The motion carries.

**(FR15-16-71 is attached for review.)*

#7. Adopt Salary and Wages Schedule for the period 7-1-2016 to 6-30-2017.

Councilor Brown moved to approve R15-16-113. Councilor Freeman seconded the motion. A Roll Call vote was unanimous in favor of the motion.

The motion carries.

**(R15-16-113 is attached for review.)*

#8. Consider approving contract with the Penobscot Sheriff's Office for administrative, supervisory and part-time law enforcement services.

Councilor Sinclair moved to approve R15-16-114. Councilor Freeman seconded the motion. A Roll Call vote was unanimous in favor of the motion.

The motion carries.

**(R15-16-114 is attached for review.)*

#9. Approve Local Road Assistance Program for the period 7-1-2016 to 6-30-2017.

Councilor Sinclair moved to approve R15-16-115. Councilor Freeman seconded the motion. A Roll Call vote was unanimous in favor of the motion.

The motion carries.

**(R15-16-115 is attached for review.)*

#10. Consider carrying forward balances for two accounts to the next fiscal year.

Councilor Sinclair moved to approve FR15-16-72. Councilor Scott seconded the motion. A Roll Call vote was unanimous in favor of the motion.

The motion carries.

**(FR15-16-72 is attached for review)*



#11. Consider establishing a committee to pursue development of property adjacent to the High School including the development of a site plan identifying potential sites for an outdoor track.

Councilor Brown moved to approve R15-16-116. Councilor Scott seconded the motion. A Roll Call vote was unanimous in favor of the motion.

The motion carries.

***(R15-16-116 is attached for review.)**

#12. Consider authorizing Town Manager to obtain the services Plymouth Engineering to assist with a wetland issue on property owned by the Town.

Councilor Brown moved to approve FR15-16-73. Councilor Freeman seconded the motion. A Roll Call vote was unanimous in favor of the motion.

The motion carries.

***(FR15-16-73 is attached for review.)**

C. WORKSHOPS

None

Councilor Sinclair moved to consider Other Items. Councilor Brown seconded the motion. The motion was accepted without doubt.

The motion carries.

D. OTHER ITEMS (from Table Package)

Old Business

#13. Hold an executive session pursuant to Title 1, Section 405, Subsection (6) (A) to review the terms of the new town manager contract.

Councilor Brown moved to Hold an executive session pursuant to Title 1, Section 405, Subsection (6) (A) to review the terms of the new town manager contract. Councilor Scott seconded the motion.

The motion carries.

(The Council returned from Executive Session at 8:50pm.)

#14. Consider approving town manger contract.

Councilor Brown moved to approve R15-16-117. Councilor Freeman seconded the motion. A Roll Call vote was unanimous in favor of the motion.

The motion carries.

***(R15-16-117 is attached for review.)**



X. APPOINTMENTS

None

XI. MANAGER STATUS REPORT:

Fire Chief will retire as of 6/30/2016. This position requires Town Manager Appointment.

Route #2 sidewalk project will be bidding next week. We will award the contract at our first meeting in August.

DECD sent a letter approving our TIF and Credit Enhancement Agreements.

New Councilor Orientation will take place on July 11, 2016 at 6:30pm here at the Town Office.

Finance Dept. has closed the books for 2015-2016.

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

None

XIII. COUNCIL ITEMS:

Anne Freeman informed Chair McCluskey she will miss him.

Steve Thomas told of another accident that took place on the top of Miller Hill last week. He asked about the status of the new LED Stop Signs. The Manager said he was not aware of the accident and will look into the stop signs. Mr. Thomas then asked about the sign at the Transfer Station. He also told of how difficult it is to actually access the dumpsters at the Transfer Station. The Manager stated that we are looking at larger containers that are easier to access. Mr. Thomas then told Chair McCluskey how it has been a pleasure to work with him. He thanked Tim for all that he has learned, informing Mr. McCluskey that he makes it easy for the rest of us to be Councilors.

Doug Sinclair told Chair McCluskey is has been a pleasure to serve with him thanking Chair McCluskey for his dedication and for all the hours of work he has put in for the Town of Hermon, and informed Councilors Brown and Scott they will be missed.

Alden Brown thanked his Co-Councilors, stating that this is the best Council he has sat on. He then pointed out this is a community we can be proud of.

Bill Scott informed us that is has been six years, stating that he has enjoyed his time as a Councilor and has that everyone has been really good to work with.



Donna Ellis said that being on the Council has been interesting; she has learned a lot from everyone, and this is a good council.

Tim McCluskey stated that he really enjoys being here with his fellow Councilors.

XIV. EXECUTIVE SESSION: see table packet

XV. ADJOURNMENT:

Councilor Sinclair moved to adjourn the meeting at 9:10pm. **Councilor Brown** seconded the meeting. **With no objection the meeting was adjourned.**

***The Councilors stayed after the adjournment and signed the new Town Manager's contract.**

Respectfully Submitted,

Ruth A. Nickerson, CCM
Town Clerk



R15-16-111

Whereas, the Town of Hermon has a contract with Penobscot Energy Recovery Company (PERC) to deliver municipal solid waste to the PERC facility located in Orrington, Maine; and,

Whereas, the agreement with PERC terminates on March 31, 2018; and,

Whereas, Penobscot Energy Recovery Company, Limited Partnership has offered a 10 or 15 year contract to the Town of Hermon to commit and deliver to PERC and the PERC Facility the post-recycled municipal solid waste generated within the Municipality of Hermon, Maine under its direct control pursuant to terms and conditions outlined by a Waste Disposal Agreement and Waste Disposal Agreement Addendum in substantially the form on file with the Hermon Town Clerk located at the Hermon Town Office; and,


Whereas, PERC and the Town of Hermon have acknowledged and agree the commitment to contract with PERC for delivery and acceptance of solid waste must occur on or before February 18, 2017; and,

Whereas, the attorney for the Town of Hermon, Edmond J. Bearor with the firm Rudman Winchell rendered an opinion by letter dated April 21, 2016 "the Town Council has exclusive authority to enter into an agreement with PERC for the purpose of solid waste disposal services:

Be it resolved the Hermon Town Council in town council assembled:

1. To authorize the Town Manager to execute and deliver a Waste Disposal Agreement and Waste Disposal Agreement Addendum with Penobscot Energy Recovery Company, Limited Partnership in substantially the form on file with the Town Clerk at the Town Office (The Agreement and Addendum) pursuant to which the Town will deliver its municipal solid waste under its control to a waste disposal facility owned by Penobscot Energy Recovery Company located in Orrington Maine for a period of 15 years beginning 4-1-2018;
2. To authorize the Town Manager as a representative of the Town to execute and deliver the Waste Disposal Agreement and Waste Disposal Agreement Addendum on behalf of the Town and to execute and deliver on behalf of the Town in conjunction therewith such other documents and to take such further actions as deemed necessary or appropriate in order to effect the transactions contemplated by the ~~Municipal Joinder Agreement~~ Waste Disposal Agreement.

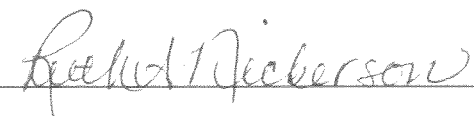
SIGNED this June 30, 2016 by the Hermon Town Council:



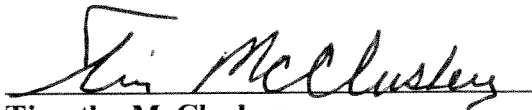
Donna Ellis



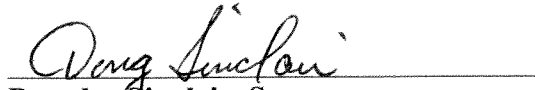
William Scott

Attest Original: 

Motion <u>Brown</u>	Yeas <u>6</u>	Date <u>6/30/16</u>
Second <u>Sinclair</u>	Nays <u>1</u>	

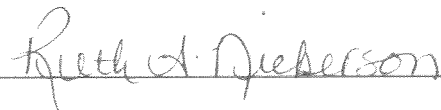

Timothy McCluskey


Alden Brown


Douglas Sinclair, Sr.

Steven Thomas


Anne Freeman

Attest Original:  _____

Motion <u>Brown</u>	Yeas <u>6</u>	Date <u>6/30/16</u>
Second <u>Sinclair</u>	Nays <u>1</u>	




FR15-16-68

Be it resolved by the Hermon Town Council in town council assembled the contract to redesign the Town's website be awarded to Sutherland Weston in the amount of \$9,300 pursuant to a proposal dated March 15, 2016.

Be it further resolved the cost for the services will be charged to the Technology and Office Equipment Reserve


SIGNED this June 30, 2016 by the Hermon Town Council:



Donna Ellis



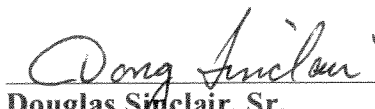
William Scott



Timothy McCluskey



Alden Brown



Douglas Sinclair, Sr.



Steven Thomas



Anne Freeman

Attest Original: _____

Motion <u>Brown</u>	Yeas <u>7</u>	Date <u>6/30/16</u>
Second <u>Scott</u>	Nays <u>0</u>	




FR15-16-69

Be it resolved by the Hermon Town Council in town council assembled the contract to reclaim and repave Printers Way be awarded to B & B Paving in the amount of \$43,207.04, and such cost is to be paid for from Tax Incremental Revenues as approved at Town Meeting

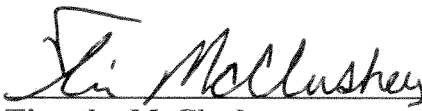
SIGNED this June 30, 2016 by the Hermon Town Council:



Donna Ellis



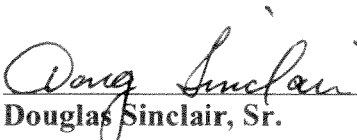
William Scott




Timothy McCluskey



Alden Brown



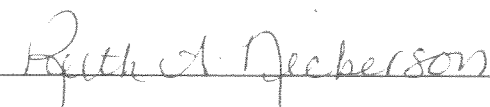
Douglas Sinclair, Sr.



Steven Thomas



Anne Freeman

Attest Original: 

Motion <u>Brown</u>	Yeas <u>7</u>	Date <u>6/30/16</u>
Second <u>Freeman</u>	Nays <u>0</u>	




FR15-16-70


Be it resolved by the Hermon Town Council in town council assembled an expenditure not to exceed \$3,518.62 for the purchase of surveillance cameras for Jackson Beach is approved.

Be it further resolved the cost for the cameras including installation be paid for from Jackson Beach Reserve Account.

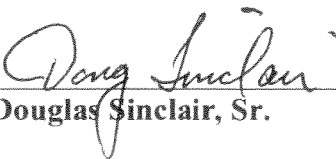
SIGNED this June 30, 2016 by the Hermon Town Council:


Donna Ellis


William Scott

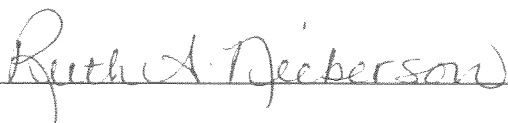

Timothy McCluskey


Alden Brown


Douglas Sinclair, Sr.


Steven Thomas


Anne Freeman

Attest Original: 

Motion <u>Freeman</u>	Yeas <u>7</u>	Date <u>6/30/16</u>
Second <u>Thomas</u>	Nays <u>0</u>	




FR15-16-71

Be it resolved by the Hermon Town Council in town council assembled the expenditure of \$16,400 for legal services to assist with the application for four Tax Incremental Financing Districts and three Credit Enhancement Agreements be approved.

Be it further resolved the expenditure be charged to Tax Incremental Financing Revenues.

SIGNED this June 30, 2016 by the Hermon Town Council:



Donna Ellis



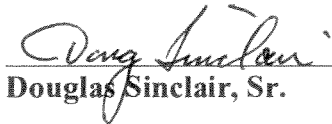
William Scott



Timothy McCluskey



Alden Brown



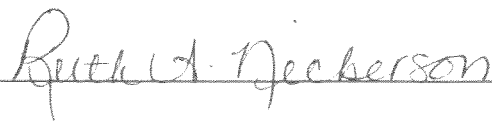
Douglas Sinclair, Sr.



Steven Thomas



Anne Freeman

Attest Original:  _____

Motion <u>Brown</u>	Yeas <u>7</u>	Date <u>6/30/16</u>
Second <u>Freeman</u>	Nays <u>0</u>	



R15-16-113

Be it resolved by the Hermon Town Council in town council assembled the Salary and Wages Schedule for the period 7-1-2016 and to 6-30-2017 be adopted as presented.


SIGNED this June 30, 2016 by the Hermon Town Council:



Donna Ellis



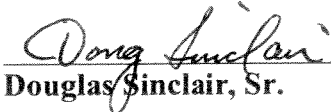
William Scott



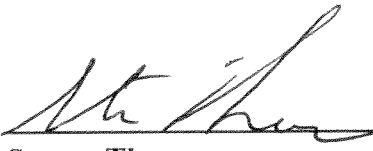
Timothy McCluskey



Alden Brown



Douglas Sinclair, Sr.



Steven Thomas



Anne Freeman

Attest Original: _____

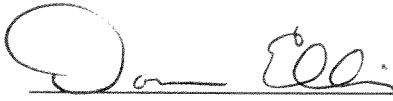
Motion <u>Brown</u>	Yeas <u>7</u>	Date <u>6/30/16</u>
Second <u>Freeman</u>	Nays <u>0</u>	



R15-16-114

Be it resolved by the Hermon Town Council in town council assembled the Sheriff's contract to provide law enforcement administrative and supervisory services to the Town of Hermon for the period 7-1-2016 to 6-30-2019 be approved.

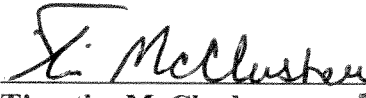
SIGNED this June 30, 2016 by the Hermon Town Council:




Donna Ellis



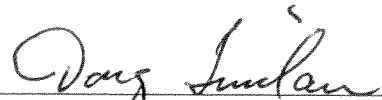
William Scott



Timothy McCluskey



Alden Brown



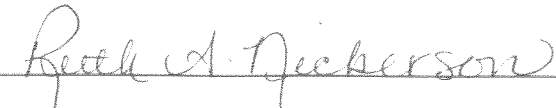
Douglas Sinclair, Sr.





Steven Thomas



Anne Freeman

Attest Original: _____

Motion 	Yeas <u>7</u>	Date <u>6/30/16</u>
Second 	Nays <u>0</u>	



R15-16-115

Be it resolved by the Hermon Town Council in town council assembled the Town Manager is authorized to sign and submit to Maine Department of Transportation the Local Road Assistance Program Certification for the period 7-1-2016 to 6-30-2017.

SIGNED this June 30, 2016 by the Hermon Town Council:




Donna Ellis



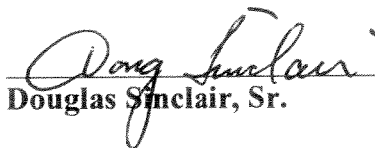
William Scott



Timothy McCluskey



Alden Brown



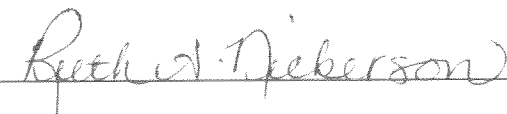
Douglas Sinclair, Sr.


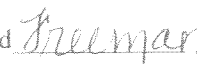


Steven Thomas



Anne Freeman

Attest Original:  _____


Motion 	Yeas <u>7</u>	Date <u>6/30/16</u>
Second 	Nays <u>0</u>	



FR15-16-72

Be it resolved by the Hermon Town Council in town council assembled the following balances be carried forward into the new fiscal year; \$12,250 received for the sale of the tanker truck to be transferred to Fire Equipment Reserve Account by the citizens at town meeting, and \$1,360 received as a donation to support the Harvest & Homecoming Celebration to be used in support of that purpose

SIGNED this June 30, 2016 by the Hermon Town Council:



Donna Ellis



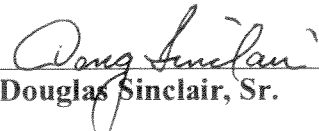
William Scott



Timothy McCluskey



Alden Brown



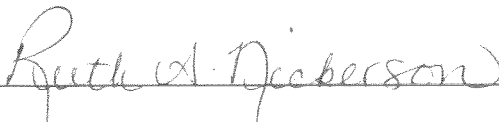
Douglas Sinclair, Sr.



Steven Thomas



Anne Freeman

Attest Original: 

Motion <u>Sinclair</u>	Yeas <u>7</u>	Date <u>6/30/16</u>
Second <u>Scott</u>	Nays <u>0</u>	



R15-16-116

Be it resolved by the Hermon Town Council in town council assembled a Committee is established for the purpose of studying the possibilities of developing property owned by the Town and adjacent to the High School for development of a practice field and track to be used by the Hermon Recreation Program and School Department.

Be it further resolved members of the committee will include one town council member, one school board member, recreation director, economic and community development director, athletic director, administrator at the Hermon High School and up to five citizens at large to be appointed by the Town Council. The town manager and superintendent of schools will serve as ex-officio members of the committee. The findings of the committee will be reported to the Town Council.

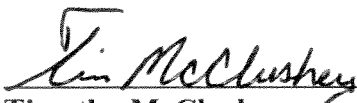
SIGNED this June 30, 2016 by the Hermon Town Council:



Donna Ellis



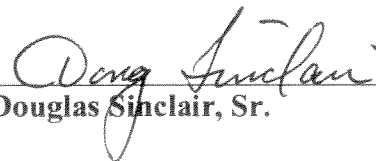
William Scott



Timothy McCluskey



Alden Brown



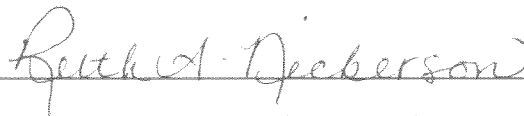
Douglas Sinclair, Sr.



Steven Thomas



Anne Freeman

Attest Original: 

Motion <u>Brown</u>	Yeas <u>7</u>	Date <u>6/30/16</u>
Second <u>Scott</u>	Nays <u>0</u>	



FR15-16-73

Be it resolved by the Hermon Town Council in town council assembled an expenditure not to exceed \$2,000 be approved from the Recreation Facility Reserve to conduct a wetland study of property located adjacent to the High School.

SIGNED this June 30, 2016 by the Hermon Town Council:



Donna Ellis



William Scott



Timothy McCluskey



Alden Brown



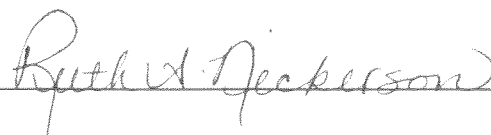
Douglas Sinclair, Sr.





Steven Thomas



Anne Freeman

Attest Original: _____


Motion 	Yeas <u>7</u>	Date <u>6/30/16</u>
Second 	Nays <u>0</u>	



R15-16-117

Be it resolved by the Hermon Town Council in town council assembled the contract between the Town of Hermon and Howard Kroll for town manager services pursuant to the provision of the Hermon Town Charter be approved.

SIGNED this June 30, 2016 by the Hermon Town Council:




Donna Ellis



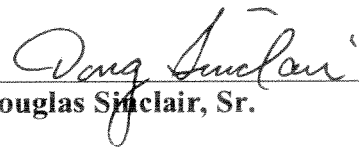
William Scott



Timothy McCluskey



Alden Brown



Douglas Sinclair, Sr.



Steven Thomas



Anne Freeman

Attest Original: Richard Decker

Motion <u>Brown</u>	Yeas <u>7</u>	Date <u>6/30/16</u>
Second <u>Freeman</u>	Nays <u>0</u>	

MEMORANDUM

To: Members of the Hermon Town Council
From: Howard Kroll, Town Manager
Re: 22 September 2016 Town Council Meeting
Date: September 16, 2016

#1. Public Hearing- Morgan Hill Events, LLC.

Morgan Hill Events, LLC is requesting the Town Council to approve their annual malt/spirituous/Vinous license that expires on 5 November 2016. As part of that process the Town has to hold a public hearing to hear any comments, positive or negative, regarding the application. This also is an opportunity for staff to provide the Town Council if they have received any comments, written or verbal, regarding the application and if they found anything worth mentioning during their inspection.

#2. Consider- Approving Funds for Business Park Improvements

Staff is seeking Town Council authorization to reallocate approved funds (2016 Annual Town Meeting Article 13) from the Printer's Way project to be used for improvements to other business parks. Council authorized up to \$70,000 from the Economic Development Reserve Account (HERM16) toward improvements on Printer's Way.

Staff is seeking the balance of the authorization to be used for drainage and road improvements in other industrial parks. The balance is \$19,907.83.

Town Manager recommends authorization.

#3. Consider- Appointing Voting Delegate For MMA Annual Business Meeting and Legislative Policy Committee.

Hermon has one (1) seat on the MMA (Maine Municipal Association) Legislative Policy Committee. Town Council can appoint any elected official or appointed staff member to fill the seat. Mr. Raymond served in that capacity prior to his retirement.

Town Manager recommends the Town Council to appoint him to the Committee.

#4. Consider- Introducing an ordinance amendment to the Hermon Code of Ordinances- Title XV- Section 154, “Non-Conforming Uses § 154-112 B”

Town of Hermon Planning Board and Staff are seeking Town Council’s consideration to amend the Non-Conforming Uses § 154-112 B section of Title XV.

Section B, ***Discontinuance***, would be amended to add the following language:

Exception: A nonconforming residential use may be resumed without consideration of any time limitations, provided the previously existing interior dwelling features of the structure to be reoccupied have not been removed. Dwelling shall be issued a Certificate of Occupancy upon occupancy.

Town Manager recommends Town Council consider the proposed ordinance amendment and further authorization to hold a future public hearing on the proposed ordinance amendment.

#5. Consider- Introducing an ordinance amendment to the Hermon Code of Ordinances- Title XV- Section 154, “§ 154-007, Contract Zone”

Town of Hermon Planning Board and Staff are seeking Town Council’s consideration to amend the Contract Zone § 154-007 B section of Title XV.

Mr. James Gallant, 2100 Ohio Street, Bangor, ME, is seeking a Contract Zone for reestablishing the Wheeler Stream Campground, 2209 Route 2 in Hermon also known as Map 21 Lot 27, to a conforming use.

Currently the property is non-conforming due to being in the Village Commercial District, Agricultural Forestry and Limited Shoreland Residential with the developed portion of the campground being in the Village Commercial District. Campgrounds are not allowed in the Village Commercial District but are in the Agricultural Forestry District.

Town Manager recommends Town Council consider the proposed ordinance amendment and further authorization to hold a future public hearing on the proposed ordinance amendment.

#6. Review and Discuss proposed Resolution for “No on Question #1”

Ms. Kim Nichols, 531 Ridge Drive-Hermon, is requesting the Hermon Town Council to consider adopting a resolution to Vote NO on Question #1 at the November 8, 2016 Presidential Election.

Ms. Nichols provided you with her resolution and would like to further review and discuss with the Town Council on this subject.

Town Manager recommends reviewing and discussing the proposed Resolution for “No on Question #1”. Town Manager, however, remains neutral on the resolution and leaves the decision up to the Town Council on how to proceed.

#7. Consider- Seeking Engineering Services for the Newburgh and Coldbrook Road Municipal Partnership Grants with Maine Department of Transportation

Staff is requesting Town Council authorization to seek a Request for Engineering Services for the Newburgh and Coldbrook Road projects funded 50% by a Municipal Partnership Grant with the Maine Department of Transportation. The projects include but not limited to improving the road pavement surface and drainage issues that need to be addressed for both of these projects. Total grant amount is \$534,134. Town of Hermon approved the 50% match of \$534,134 at a Special Town Meeting on 28 July 2016.

Town Manager recommends authorization.

#8. Consider- Accepting Municipal Partnership Organization Grant to improve the traffic signal at the Emerson Mill/Coldbrook and Odlin Road intersection.

Staff is requesting Town Council authorization to accept a Municipal Partnership Organization Grant in the amount of \$87,525.00. The Town of Hermon would be responsible for 10% of the project (\$8,752.50), The State of Maine is responsible for 10% and the Federal Highway Administration is responsible for the remaining 80%. The grant was applied for in response to

our history of damage at that intersection to signal posts and lights and general safety of our public.

Town Manager recommends authorization.

Legal Notices

PUBLIC NOTICE

BY ORDER of the Hermon Town Council, the following Public Hearing has been scheduled for Thursday, September 22, 2016 at 7:00 pm in the Public Safety Meeting Room:

TO CONSIDER public comment regarding the Morgan Hill Liquor License Application

Sept. 15, 2016

2.
9-22-16



September 14, 2016

MEMO: Article 13 Annual Town Meeting Question

Howard,

At annual Town meeting June 16, 2016, Article 13 was approved as follows:

Article 13: Shall the Town vote to authorize an expenditure of up to \$80,000 from the Economic Development Reserve (HERM16) for improvements to Printers Way (\$70,000), and surveillance cameras for the business parks (\$10,000)? **Recommended by the Town Council**

An agenda item that leads to a financial resolve asking that any remaining monies from the Printer's Way road construction project be made available for drainage and road improvements in our several industrial parks needs to be crafted.

Rachel can give you the exact unexpended amount that you should reference in your resolve. This is a good use of TIF dollars because the repairs are in our several district areas identified in the TIF development plan.

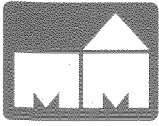
Thanks,

Scott Perkins
Town of Hermon
Public Works
Economic & Community Development

Mailing address
PO Box 6300
Hermon, ME 04402-6300

Physical Address:
333 Billings Rd
Hermon, ME 04401

Telephone: 207 848-1010
FAX: 207 848-3316
Website: www.Hermon.Net



Maine Municipal Association

60 COMMUNITY DRIVE
AUGUSTA, MAINE 04330-9486
(207) 623-8428
www.memun.org

#3.
9-22-16

MEMORANDUM

TO: Key Municipal Officials of MMA Member Cities, Towns and Plantations

FROM: Stephen W. Gove, Executive Director

DATE: September 1, 2016

SUBJECT: Voting Credentials for MMA Annual Business Meeting

The Maine Municipal Association Annual Business Meeting is being held in conjunction with the MMA Annual Convention and will take place on **Wednesday, October 5, 2016, at 1:30 p.m. in Ballroom 5 at the Cross Insurance Center in Bangor, Maine.** The MMA Bylaws entitle each member community to one (1) voting representative.

Enclosed please find the ***MMA Voting Delegates Credential Form*** on which the municipal officers may designate their municipality's voting representative and alternate. We have also attached the Proposed Agenda for the MMA Annual Business Meeting for your reference. The current MMA Bylaws as adopted in 2013 will be available at the MMA Annual Business Meeting or may be viewed on the MMA website at

<http://www.memun.org/public/MMA/Gov/bylaws.pdf>.

Please note that the MMA Executive Committee is not putting forth any proposed amendments to the MMA bylaws for this year. If you plan to be at the MMA Annual Convention and would like to have a Voting Delegate represent your municipality, please complete the MMA Voting Delegate Credential Form and return to our office by **Tuesday, October 4, 2016** or bring it with you to the MMA Annual Business Meeting. We have provided a self-addressed, self-stamped envelope for your convenience.

We look forward to seeing you at this year's MMA Annual Convention in the City of Bangor. If you have any questions on this information, please contact Theresa Chavarie at 1-800-452-8786 ext. 2211 or in the Augusta area at 623-8428.

MAINE MUNICIPAL ASSOCIATION
VOTING DELEGATE CREDENTIALS

_____ is hereby designated as the official Voting Delegate and
(name)

_____ as the alternate voting delegate for _____
(name) (municipality)

to the Maine Municipal Association Annual Business Meeting which is scheduled to be held,

Wednesday, October 5, 2016, 1:30 p.m., at the Cross Insurance Center, Bangor Maine.

The Voting Delegate Credentials may be cast by a majority of the municipal officers, or a municipal official designated by a majority of the municipal officers of each Municipal member.

Date: _____ Municipality: _____

Signed by a Municipal Official designated by a majority of Municipal Officers:

Name: _____ Position: _____

Or Signed by a Majority of Municipal Officers:

_____	_____
_____	_____
_____	_____
_____	_____

Please return this form no later than **Tuesday, October 4, 2016** or bring it with you to the MMA Annual Business Meeting. If mailing, send to:

*MMA Annual Business Meeting
Maine Municipal Association
60 Community Drive
Augusta, Maine 04330
FAX: 207-626-3358*

47.
9-22-16



Memo to: Howard Kroll, Town Manager
From: Annette M. Merrithew, CEO
Date: September 15, 2016

Re: Amendment

The Planning Board would like to request that the Hermon Town Council consider introducing an ordinance titled amendment to the Hermon Code of Ordinances- Title XV- Section 154, Non-Conforming Uses § 154-112 B

Additional wording to be added to “B”

(B) *Discontinuance.* A non-conforming use which is discontinued for a continuous period of one year shall not be resumed. The uses of land, buildings or structures shall thereafter conform to the provisions of this chapter.

Exception: A nonconforming residential use may be resumed without consideration of any time limitations, provided the previously existing interior dwelling features of the structure to be reoccupied have not been removed. Dwelling shall be issued a Certificate of Occupancy upon occupancy.

Action required by the Council

- 1) Consider introducing an ordinance titled “Ordinance to amend Chapter 154-007 Non-Conforming Uses of the Land Use and Development of the Hermon Code of Ordinances “
- 2) Schedule a public hearing to consider adopting ordinance titled “Ordinance to amend Chapter 154 §154-007 Non-Conforming Uses of the Land Use and Development of the Hermon Code of Ordinances “

Mailing address
PO Box 6300
Hermon, ME 04402-6300

Physical Address:
333 Billings Rd
Hermon, ME 04401

Telephone: 207 848-1010
FAX: 207 848-3316
email:

Draft Minutes
Special Meeting
HERMON PLANNING BOARD
September 7, 2016

Members present: D. Ramsay, M. White, E. Marsh, S. Andrei, R. Allen

Others present: Donna Pulver, James Gallant, Andre Cushing

1. Roll Call- Meeting was called to order at 6:35pm by Chairman Ramsay
2. Consider minutes of the 08/09/2016 meeting- Motion was made by E. Marsh / M. White to approve the minutes of 08/09/2016 as written - unanimous
3. Consent Agenda- absent from the 09/07/2016 meeting – J. McCue, S. Giles

Note: At this time the Chairman moved to item 5 – New Business - will return to item 4 at the end of the meeting

PUBLIC HEARING

4. Old Business:
Review and discussion on proposed language amendment to the Hermon Code of Ordinances, Title XV – Land Usage, Chapter 154, Section 154-110 Non – Conformance, subsection 154-112 Non Conforming Uses B.

Public hearing was opened at 7:00pm with no public comments, public hearing closed at 7:05

CEO Merrithew explained that she was asking the Board to review a revised proposed amendment to the Land Use Code to help protect residential uses in the Commercial and Industrial Districts. The new proposed wording would be included in the Non-Conforming section of the code and not outlined in the Schedule of Uses as first discussed. The Town's Attorney suggested that by adding the wording - Exception: A nonconforming residential use may be resumed without consideration of any time limitations, provided the previously existing interior dwelling features of the structure to be reoccupied have not been removed. Dwelling shall be issued a Certificate of Occupancy upon occupancy to the non-conforming section of the Code it would be much easier to find and cleaner to understand versus the note to the schedule of uses as first proposed.

Motion was made by E. Marsh / M. White to forward the proposed amendment to the Hermon Town Council for consideration- unanimous

5. New Business

PUBLIC HEARING

- a. PB 16-014- Review of an application received from James Gallant for a proposed Contract Zone for Map 21, Lot 27 for rehabilitation of the existing campground.

CEO Merrithew explained that the request for a Contract Zone is different than an applicant asking for a zone change. In a Contract Zone the Board agrees to allow uses not generally allowed in the zone the parcel is located in and the zoning classification stays with the parcel and at a later time if the proposed use did not work out the parcel would still be zoned for commercial use without having to go back to the PB and Council to have the zone changed back to the original classification. A Contract Zone can have conditions placed on the approval if the Board finds it necessary to protect the neighboring parcels.

Public hearing was opened at 6:40pm with no public comment, hearing closed at 6:42pm

James Gallant introduced himself to the Board and thank the Board for considering his request for a Contract Zone regarding the “Wheeler Stream Campground” proposal. He stated that his intend is to upgrade the facilities and eventually have 40 recreational lots for tenting / RV's. He also plans to keep and renovate the existing 2 unit building as part of the current financial packet but is in hopes to remove it once the campground has established itself.

The parcel actually includes 3 zoning districts 1) Shoreland , 2) Village Commercial, 3) Agricultural Forestry, however, the existing campground area is located in the VC District and if the PB forwards this request onto the Hermon Town Council they would essentially be allowing an Agricultural Forestry use in the Village Commercial District with conditions. Campgrounds are allowed in both the AF and the Shoreland District and the parcel runs along the stream to George Pond so the reestablishing of the campground would continue to be a fit for the area. Mr. Gallant stated he was working with Jim Byer of DEP to establish a path to the Stream for launching canoe's / kayaks, he is also working to get a better curb cut into the area for vehicle traffic.

After questions from the Board and doing the Findings of Fact a motion was made by E. Marsh / M. White to forward this Contract Zone request on to the Hermon Town Council for consideration with the conditions that 1) all State and Local permitting is granted prior to the opening of the campground, 2) that the campground regulations of the Hermon Land Use Code and the State of Maine are followed - unanimous

6. Adjourn- Motion was made by S. Andrei / M. White to adjourn tonight's meeting at 7:15pm- unanimous

NON-CONFORMANCE

§ 154.110 GENERAL.

(A) *Continuation.* The use of land, buildings or structures, lawful at the time of adoption or subsequent amendment of this chapter, may continue although such use does not conform to the provisions of this chapter.

(B) *Transfer of ownership.* Ownership of land and structures which remain lawful but become non-conforming by adoption or amendment of this chapter may be transferred and the new owner may continue the non-conforming use subject to the provisions of this chapter.

(C) *Repair and maintenance.* This chapter allows, without a permit, the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations which do not involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use or structure as federal, state, or local building and safety codes may require. Nothing in this chapter shall prevent strengthening or restoring to a safe condition any part of any structure declared unsafe by the Code Enforcement Officer.

(D) *Permits issued prior to adoption.* Nothing in this chapter shall require a change in plans, construction, or use of structure, or part thereof for which a complete application for permit has been made or for which a permit has been issued prior to adoption or amendment of this chapter, provided construction is underway within 60 days after issuance of such permit.

(Ord. passed 1-3-2013)

§ 154.111 NON-CONFORMING STRUCTURES.

(A) *Expansions.* A non-conforming structure may be expanded after obtaining a permit from the Code Enforcement Officer if such addition or expansion does not increase the non-conformity of the structure.

(B) *Shoreland areas.* In shoreland areas, additions to structures other-wise requiring site plan approval, as set forth in §§ 154.040 through 154.047, shall first be submitted to the Planning Board for site plan approval. After 1-1-1989, if any portion of a structure is less than the required setback from the normal high-water line of a water-body or upland edge of a wetland, that portion of the structure shall not be expanded as measured in floor area or volume by 30% or more during the lifetime of the structure.

(C) *Foundations.* Construction or enlargement of a foundation in shoreland areas shall not be considered an expansion provided:

(1) The structure and new foundation are placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board or its designee, basing its decision on the criteria specified in division (E), relocation, below.

(2) (a) The completed foundation does not extend beyond the exterior dimensions of the structure; and

(b) The foundation does not cause the structure to be elevated by more than three additional feet.

(D) *Foundations in non-shoreland areas.* Construction or enlargement of a foundation in non-shoreland areas shall not be considered an expansion provided that the foundation does not infringe on any required setback any more, and in any location, than the existing structure. A structure may be raised up to three feet without violating this provision.

(E) *Relocation in shoreland zones.*

(1) A non-conforming structure may be relocated within the boundaries of the parcel provided that the site of relocation conforms to all setback or other dimensional requirements to the greatest practical extent as determined by the Planning Board.

(2) In determining “greatest practical extent,” the Planning Board shall base its decision on the size of the lot, the slope of the land, the potential for soil erosion, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.

(F) *Reconstruction or replacement.*

(1) Any non-conforming structure which is damaged or destroyed may be reconstructed or replaced provided that a permit is obtained from the Planning Board within one year of the date of said damage or destruction and provided that such reconstruction or replacement is in compliance with the dimensional requirements to the greatest practical extent as determined by the Planning Board.

(2) In determining “greatest practical extent,” the Planning Board shall consider the criteria in division (E) above.

(3) The Planning Board may allow, by site plan review, the rebuilding of any non-conforming structure on the same footprint which it occupied prior to its removal provided that the structure was removed voluntarily and that the application is made within two years of its removal.

(G) *Change of use of a non-conforming structure.*

(1) The use of a non-conforming structure may not be changed to another use unless the Planning Board after receiving a written application determines that the new use will have no greater adverse

impact on the water body or wetland, or on the subject or adjacent properties and resources than the existing use.

(2) In determining that no greater adverse impact will occur, the Planning Board shall require written documentation from the applicant, regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, flood plain management, archaeological and historic resources, and commercial fishing and maritime activities, and other functionally water-dependent uses.

(H) *Mobile home.* A mobile home which is a non-conforming structure at the time of adoption or amendment of this chapter, may thereafter be replaced by a different mobile home only if the replacement mobile home conforms to the provisions of this chapter.

(Ord. passed 1-3-2013)

§ 154.112 NON-CONFORMING USES.

(A) *Expansion.* Expansion of a non-conforming use shall require a site plan review permit issued by the Planning Board. In addition to site plan review requirements, such expansion shall be subject to the discretionary conditions listed in § 154.007(D) above. Where § 154.007(D) reads “Town Council” substitute “Planning Board” for this section. In addition, expansions are subject to the following:

(1) An addition to a structure located within the required setback from the normal high water mark which contains a non-conforming use shall not be expanded.

(2) An addition to a structure located beyond the required setback from the normal high water mark which contains a non-conforming use shall not increase the area, or volume, or footprint of the primary non conforming structure existing on the date the use became non-conforming by more than 50%;

(3) An addition to a non-conforming use which is not within a structure shall not increase the original area of the non-conforming use existing on the effective date that the use became non-conforming by more than 50%.

(4) When reviewing a proposed expansion to a structure the Board shall consider the materials, colors, and fenestration of the addition. Materials, colors, and fenestration of the addition shall match that of the original structure as closely as possible.

(5) New structures housing non-conforming uses shall not be permitted.

(6) Exception: in the Shorland Zone, expansions of non-conforming uses are prohibited, except that legally non-conforming residential uses may, after obtaining a permit from the Planning Board, be

expanded within existing residential structures or within such expansions of structures as permitted in § 154.111(A) above.

(B) *Discontinuance.* A non-conforming use which is discontinued for a continuous period of one year shall not be resumed. The uses of land, buildings or structures shall thereafter conform to the provisions of this chapter.

Exception: A nonconforming residential use may be resumed without consideration of any time limitations, provided the previously existing interior dwelling features of the structure to be reoccupied have not been removed. Dwelling shall be issued a Certificate of Occupancy upon occupancy.

(C) *Presumption prohibited.* If a non-conforming use is superseded by a permitted use of land, structure, or structure and land in combination, such land, structure, or combination of land and structure shall thereafter conform to the provisions of this chapter and the non-conforming use may not be resumed.

(D) *Change of use.*

(1) Non-conforming use may be changed to another non-conforming use provided that the Planning Board finds, after receiving a written application, that the proposed use is equally or more appropriate to the district, and that it will have no greater adverse impact on adjacent properties than the former use.

(2) The determination of appropriateness shall be based on the probable impact on ground water resources, and the probable changes in traffic (volume and type), parking, noise, potential for litter, wastes or by-products, fumes, odors, or other nuisances likely to result from such change of use. The performance standards of this chapter shall apply to such requests to establish new non-conforming uses.

(3) In determining whether or not greater adverse impact will occur, the Planning Board shall require written documentation from the applicant, regarding the probable effects on ground water, public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, flood plain management, archaeological and historic resources, and commercial fishing and maritime activities, and other functionally water-dependent uses.

(Ord. passed 1-3-2013)

§ 154.113 NON-CONFORMING LOTS.

(A) *Single lot of record.* Any use allowed in the applicable district may be constructed on a single lot of record at the date of adoption or amendment of this chapter even though such lot does not conform

to the minimum standards for the area or width as established in this chapter, provided such lot is in the separate ownership and is not of continuous frontage with another lot in the same ownership. Variance of yard and other requirements besides area and width, if applicable, must be obtained by appeal to the Board of Appeals. Nothing in this division shall relieve the owner or builder of the necessity of complying with Plumbing laws and other state laws.

(B) *Adjacent, developed lots.*

(1) If two or more adjacent lots are in the same ownership of record at the time of adoption or amendment of this chapter, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that lots of at least 20,000 square feet are created and that all such lots meet the requirements of the state subsurface wastewater disposal rules.

(2) If two or more principal uses or structures existed on a single lot of record on the effective date of this chapter each may be sold on a separate lot provided that the above referenced minimum 20,000 square feet per lot is complied with. In addition, when such lots are divided, each lot thus created must be as conforming as possible to the dimensional requirements of this chapter.

(C) *Adjacent lots - vacant or partially built.* If two or more adjacent lots are in the same ownership of record at the time of or since adoption or amendment of this chapter, if any of these lots do not individually meet the dimensional requirements of this chapter, and if one or more of the lots are vacant or contain no principal structure, the lots shall be combined to the extent necessary to meet the dimensional requirements. No division of the parcel shall be made which creates a dimension or area less than this chapter requires.

(D) *Non-conforming lots in approved subdivision.* The provisions of this section regarding the merging of non-conforming lots of continuous frontage which are in single ownership, into a single parcel or lot for the purpose of this chapter, shall not apply to any lot or parcel rendered non-conforming by the adoption of this chapter if such lot or parcel is in a subdivision which has been duly approved by the Planning Board prior to the adoption of this chapter, provided substantial construction in such subdivision has commenced within three years from the adoption of this chapter.

(Ord. passed 1-3-2013)

§ 154.114 PUBLIC HEARING REQUIRED.

Any action by the Planning Board or Zoning Board under this section shall require a public hearing. The public hearing shall be advertised in the Bangor Daily News at least seven days in advance of the hearing, and abutting property owners shall be notified.

5.
9-22-16



Memo to: Howard Kroll, Town Manager
From: Annette M. Merrithew, CEO
Date: September 15, 2016

Re: Contract Zone request pursuant to the Hermon Code of Ordinances- Title XV- Section 154 § 154-007 Contract Zone

The Planning Board would like to request that the Hermon Town Council consider introducing an ordinance titled "Contract Zone " for Map 21, Lot 27

James Gallant is seeking a Contract Zone for reestablishing the Wheeler Stream Campground- currently the campground is a non-conforming use and has been so for 2 years. The actual zoning of this parcel is Village Commercial District, Agricultural Forestry and Limited Shoreland Residential with the developed portion of the campground being in the Village Commercial District. Campgrounds are not allowed in the VC District but they are in the AF District so Mr. Gallant is asking that the Board consider his proposed plan of re-establishing under the regulations of AF with suggested conditions if necessary.

The Planning Board completed their review / public hearing on September 7, 2016 and voted to forward Mr. Gallant's request onto the Town Council for a public hearing and discussion and final vote.

Planning Board's suggested conditions are: 1) The Applicant receives any Local and or State permit / licensing for establishment of a campground.

Action required by the Council

- 1) Consider introducing an ordinance titled "Ordinance for Contract Zone pursuant to Chapter 154-Land Use and Development of the Hermon Code of Ordinances")
- 2) Schedule a public hearing to consider approving an ordinance titled "Ordinance for Contract Zone pursuant to Chapter 154-Land Use and Development of the Hermon Code of Ordinances")

HERMON PLANNING BOARD
Public Safety Building
September 7, 2016 (Wednesday)
6:30 p.m.

1. Roll Call
2. Consider minutes of the 08/09/2016 meeting
3. Consent Agenda- absent from the 08/09/2016 meeting – R. Allen

PUBLIC HEARING

4. Old Business:
Review and discussion on proposed language amendment to the Hermon Code of Ordinances, Title XV – Land Usage, Chapter 154, Section 154-110 Non – Conformance, subsection 154-112 Non Conforming Uses B.
5. New Business

PUBLIC HEARING

- a. PB 16-014- Review of an application received from James Gallant for a proposed Contract Zone for Map 21, Lot 27 for rehabilitation of the existing campground.
6. Adjourn

If you require any assistance to fully participate in this meeting, please notify us at 848-1042 or write to the Town of Hermon P.O. Box 6300, Hermon, ME 04402-6300.

Draft - Minutes
Special Meeting
HERMON PLANNING BOARD
September 7, 2016

Members present: D. Ramsay, M. White, E. Marsh, S. Andrei, R. Allen

Others present: Donna Pulver, James Gallant, Andre Cushing

1. Roll Call- Meeting was called to order at 6:35pm by Chairman Ramsay
2. Consider minutes of the 08/09/2016 meeting- Motion was made by E. Marsh / M. White to approve the minutes of 08/09/2016 as written - unanimous
3. Consent Agenda- absent from the 09/07/2016 meeting – J. McCue, S. Giles

Note: At this time the Chairman moved to item 5 – New Business - will return to item 4 at the end of the meeting

PUBLIC HEARING

4. Old Business:
Review and discussion on proposed language amendment to the Hermon Code of Ordinances, Title XV – Land Usage, Chapter 154, Section 154-110 Non – Conformance, subsection 154-112 Non Conforming Uses B.

Public hearing was opened at 7:00pm with no public comments, public hearing closed at 7:05

CEO Merrithew explained that she was asking the Board to review a revised proposed amendment to the Land Use Code to help protect residential uses in the Commercial and Industrial Districts. The new proposed wording would be included in the Non-Conforming section of the code and not outlined in the Schedule of Uses as first discussed. The Town's Attorney suggested that by adding the wording - **Exception: A nonconforming residential use may be resumed without consideration of any time limitations, provided the previously existing interior dwelling features of the structure to be reoccupied have not been removed. Dwelling shall be issued a Certificate of Occupancy upon occupancy** to the non-conforming section of the Code it would be much easier to find and cleaner to understand versus the note to the schedule of uses as first proposed.

Motion was made by E. Marsh / M. White to forward the proposed amendment to the Hermon Town Council for consideration- unanimous

5. New Business

PUBLIC HEARING

- a. PB 16-014- Review of an application received from James Gallant for a proposed Contract Zone for Map 21, Lot 27 for rehabilitation of the existing campground.

CEO Merrithew explained that the request for a Contract Zone is different than an applicant asking for a zone change. In a Contract Zone the Board agrees to allow uses not generally allowed in the zone the parcel is located in and the zoning classification stays with the parcel and at a later time if the proposed use did not work out the parcel would still be zoned for commercial use without having to go back to the PB and Council to have the zone changed back to the original classification. A Contract Zone can have conditions placed on the approval if the Board finds it necessary to protect the neighboring parcels.

Public hearing was opened at 6:40pm with no public comment, hearing closed at 6:42pm

James Gallant introduced himself to the Board and thank the Board for considering his request for a Contract Zone regarding the “Wheeler Stream Campground” proposal. He stated that his intend is to upgrade the facilities and eventually have 40 recreational lots for tenting / RV's. He also plans to keep and renovate the existing 2 unit building as part of the current financial packet but is in hopes to remove it once the campground has established itself.

The parcel actually includes 3 zoning districts 1) Shoreland , 2) Village Commercial, 3) Agricultural Forestry, however, the existing campground area is located in the VC District and if the PB forwards this request onto the Hermon Town Council they would essentially be allowing an Agricultural Forestry use in the Village Commercial District with conditions. Campgrounds are allowed in both the AF and the Shoreland District and the parcel runs along the stream to George Pond so the reestablishing of the campground would continue to be a fit for the area. Mr. Gallant stated he was working with Jim Byer of DEP to establish a path to the Stream for launching canoe's / kayaks, he is also working to get a better curb cut into the area for vehicle traffic.

After questions from the Board and doing the Findings of Fact a motion was made by E. Marsh / M. White to forward this Contract Zone request on to the Hermon Town Council for consideration with the conditions that 1) all State and Local permitting is granted prior to the opening of the campground, 2) that the campground regulations of the Hermon Land Use Code and the State of Maine are followed - unanimous

6. Adjourn- Motion was made by S. Andrei / M. White to adjourn tonight's meeting at 7:15pm- unanimous



FINDINGS OF FACT

- 1) A public hearing was held September 7, 2016 at 6:30 pm to take testimony and make findings on a request for a Contract Zone for Map 21, Lot 47 to allow for the rehabilitation of the prior Wheeler Stream Campground – Contract Zone would allow for an Agricultural Forestry Use (Campground) in the Village Commercial District
- 2) Notice was published in the legal section of the Bangor Daily News on August 22, 2016- The notice included an appropriate and accurate summary of the issues to be heard. Copies of the notice were mailed to the appropriate abutters at least 13 days prior to the public hearing. Public Notice was posted in the Hermon Town Office on August 22, 2016.

The Hermon Planning Board shall make investigation of the proposed Contract Zone amendment, including whether the requested use is compatible with the purpose and provisions of the Land Use Code. The Planning Board in making their finding discussed and review the following:

A. That the granting of such Contract Zone will not be detrimental to the public welfare or injurious to the property or improvements in such vicinity in which the property is located.

Will Not

B. That no deed restriction or easements prohibit reclassification and / or any uses permitted under the proposed zoning on the property(s) in question.

There are no deed restrictions or easements for Map 21, Lot 27

C. That this particular property is more suitable for the uses permitted in the proposed Contract Zone as Agricultural Forestry than for the uses permitted in the present Village Commercial District. **This area was established as a campground in the 1980's and from 2000 to 2014 the campground was considered a “grandfathered Use” in the Village Commercial District. In 2014 the campground did not operate as a campground and the property was put on the market, no sale took place so in 2015 the grandfathered status as a campground ceased. The Board in considering this proposed contract zone felt that since the components of the campground were still in place and no other offers had been made on the property that the best use of the area would be to reestablish the campground using the contract zone provisions as Agricultural Forestry, therefore, allowing the area to stay zoned as Village Commercial allowing for a conversion use later if desired.**

Mailing address
PO Box 6300
Hermon, ME 04402-6300

Physical Address:
333 Billings Rd
Hermon, ME 04401

Telephone: 207 848-1010
FAX: 207 848-3316
email:

D. The request is consistent with the applicable State and Federal Laws

Yes (Will receive the proper licensing from the Department of Human Service prior to opening)

E. The request is consistent with the applicable goals and policies of the Town of Hermon

Yes in allowing for a business use to continue.

F. The request is consistent with the Comprehensive Plan

Yes by using the Contract Zone approval versus a zone change.

G. The continuation use as a campground will result in a development which is compatible with the surrounding properties / zoning

Yes the area abuts the stream protection district / recreational area

Conclusion:

Based upon the forgoing Findings of Fact, Conclusions and Recommendations and Public Comments the Hermon Planning Board vote to forward the Contract Zone request to the Hermon Town Council with the following recommendation.

Forward to the Hermon Town Council with the recommendation that the request

 X be considered for passage

 not to recommend passage



David Ramsay, Chairman Hermon Planning Board

9/9/16

Date

Mailing address
PO Box 6300
Hermon, ME 04402-6300

Physical Address:
333 Billings Rd
Hermon, ME 04401

Telephone: 207 848-1010
FAX: 207 848-3316
email:

§ 154.007 CONTRACT ZONING.

Pursuant to 30-A M.R.S.A. § 4352(8), property in the town may be re-zoned through the process of contract zoning in accordance with the following provisions:

(A) *Purpose.* On occasion, where competing and incompatible uses conflict, traditional zoning methods and procedures, such as variances, site plan approval and special exception approval are inadequate. In these special situations, more flexible and adaptable zoning methods are needed to permit differing land uses in both developed and undeveloped areas. In consideration of a change of zoning classification of a particular property or group of properties, it may be determined that public necessity, convenience, or the general welfare require that provisions be made to impose certain limitations or restrictions on the use or development of that property. Such conditions are deemed necessary to protect the best interests of the property owner, the surrounding property owners in the neighborhood, all other property owners and citizens of the town, and to secure appropriate development consistent with the town's comprehensive plan.

(B) *Definition.* **CONTRACT ZONING** is the process by which a property owner, in consideration of the re-zoning of his or her property, agrees to the imposition of certain conditions or restrictions not imposed on similarly zoned properties.

(C) *Mandatory conditions.* Any zone change adopted pursuant to this division shall:

(1) Be consistent with the comprehensive plan of the town;

(2) Only include conditions and restrictions which relate to the physical development and operation of the subject property; and

(3) Be subject to an agreement executed by authorized representatives of both the property owner and the town providing for the implementation and enforcement of all terms and conditions imposed and agreed to by the parties pursuant to this division.

(D) *Discretionary conditions.* Any zone change adopted pursuant to this division may include reasonable conditions and restrictions relating to one or more of the following:

(1) Limitations on the number and types of authorized uses on the property;

(2) Limitations on the height and lot coverage of any structure or structures built on the property;

(3) Increased setbacks and side yards for any structure or structures built on the property;

(4) The installation, operation and maintenance of physical improvements for the convenience of the general public, including but not limited to off street parking lots, traffic control devices, lighting, fencing, shrubbery, screening, open spaces and buffer areas;

(5) The dedication or conveyance of property for public purposes, including but not limited to streets, drainage, scenic and conservation easements, parks and utility systems; and

(6) Any additional conditions and restrictions which relate to the physical development and operation of the subject property that the Town Council deems reasonably necessary to accomplish the purposes of this division, to protect the general welfare, the best interests of the property owner, surrounding property owners, the neighborhood, and all other property owners and citizens of the town, or to secure appropriate development consistent with the comprehensive plan.

(E) *Procedure.*

(1) *Application and documents required.* Amendments considered under this division shall be initiated by application to the Town Council on an application form supplied by the Code Enforcement Officer for that purpose. Eight copies of the complete application, including the documents listed below, shall be submitted which detail:

(a) The names and addresses of all record owners of the property to be re-zoned;

(b) The names and addresses of the owners of all property located within 500 feet of the property to be re-zoned;

(c) A detailed description of the proposed use that necessitates re-zoning;

(d) An architect's plan of the proposed development to be undertaken should the re-zoning be approved;

(e) An architect's estimate of the total cost of the proposed development to be undertaken should the re-zoning be approved;

(f) A scaled map depicting all structures currently located on the subject property and within 500 feet of the boundaries of the subject property;

(g) Photographs of the subject property including, but not limited to, photographs of all structures and other improvements on the property, photographs from adjacent public ways and photographs showing the existing vegetation and landscaping on the site;

(h) Written evidence of the applicant's legal interest in the subject property;

(i) The tax map and lot number(s) of the subject property;

(j) A copy of the town's most recent tax map depicting the subject property;

(k) The name of the zone in which the subject property is currently situated;

(l) The name of the zone to which the applicant desires to have the property re-zoned;

(m) A list of all uses permitted, whether with a permit from the Code Enforcement Officer or with special exception approval granted by the Zoning Board of Appeals, in the zone to which the applicant desires to have the subject property re-zoned;

(n) The lots standards for the zone to which the applicant wishes to have the property re-zoned;

(o) A copy of the Zoning Map of the town on which is indicated the location of the subject property;

(p) A copy of any conditions and restrictions proposed by the applicant to be placed upon the property should the re-zoning be granted; and

(q) Such other information as may be requested by the Town Council, Planning Board, Town Manger or Code Enforcement Officer.

(2) *Fees.* No application for contract zoning shall be considered until the applicant has paid a \$300 fee. All fees shall be payable to the town and shall be for the cost of processing the application and shall not be refundable regardless of the final decision. Any required legal notices shall be paid for by the applicant.

(3) *Staff input.* Following the submission of all application materials, fees and bonds, the applicant shall meet with the Town Manager, Code Enforcement Officer and all appropriate department heads, to review the proposal and to elicit input concerning proposed conditions and restrictions.

(4) *Planning Board.* Following the applicant's meeting with the staff, the applicant shall meet with the Planning Board to review the proposal and to elicit input concerning proposed conditions and restrictions.

(5) *Town Council.* Following the applicant's meeting with the Planning Board, the applicant shall meet as often as may be necessary with the Town Council or its designees until the Council and the applicant have agreed upon all of the terms and conditions of a written contract providing for the implementation and enforcement of the proposed re-zoning. Upon agreement, the proposed re-zoning shall be presented to the Planning Board to conduct a hearing prior to the Town Council's vote on the agreement.

(6) *Hearing.* If the Planning Board recommends a proposed amendment, such zoning change, subject to the conditions and restrictions agreed upon by the Town Council and the applicant, may be adopted, after notice and hearing as prescribed in 30-A M.R.S.A. § 4352(8)(C), by a majority vote of the Town Council. If the Planning Board does not recommend the proposed zoning change, such zoning change may be adopted only by two-thirds' vote of the Town Council members present and voting

(7) *Shoreland.* A copy of the zoning change related to property in a Shoreland Zone, attested and signed by the Town Clerk, shall be submitted to the Commissioner of the Department of Environmental Protection in accordance with 38 M.R.S.A. § 4-A, subsection 3.

(8) *Recording.* No contract zoning change approved by the Town Council shall be effective until after the execution and recording in the Penobscot County Registry of Deeds a written contract containing a complete description of the zone change together with all of the conditions and restrictions agreed upon by the Town Council and the applicant and appropriate provisions for implementation and enforcement of same. The contract shall be executed by the applicant and by at

least a majority of the members of the Town Council. Following recording, the zone change, together with all conditions and restrictions, shall run with the subject property.

(9) *Contract zoning not permit or site approval.* Approval of a contract zoning change does not and shall not be construed to constitute either permit or site plan approval for any proposed project, development or use. Following the approval of any contract zone change, any proposed project, development or use must, before commencement or construction, be submitted to any review process otherwise required by local ordinance. During the review process, the reviewing authority shall ensure the applicant's compliance not only with the minimum review standards set forth as part of this chapter, but also with any additional conditions and restrictions imposed by the agreement between the Town Council and the applicant.

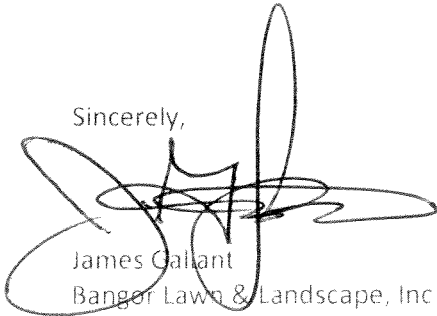
(Ord. Passed 1-3-2013) (**Amended 10-22-2015**)

Town of Hermon
333 Billings Rd
Hermon, ME 04401

Members of the Planning Board
Members of the Town Council

I would like to thank the town of Hermon for considering our request for a contract zone change. The property, in which we are seeking a zone change, has enormous potential for rehabilitation as an existing campground. We have been thoroughly pleased with the welcome we have received from town residents as well as town officials. We are hoping to become a valuable addition to the business community, and looking forward to working with town officials to accomplish our goals.

Sincerely,

A handwritten signature in black ink, appearing to read 'James Gallant', written over the word 'Sincerely,'.

James Gallant
Banger Lawn & Landscape, Inc
154 Hildreth St North
Bangor ME 04401
207.217.6153 office
207.217.6154 fax
207.299.2169 cell

Docket # PB 76-014
Fee Amount \$300.00 Date Paid 8/24/16 Plus advertizing fees to be billed
separately(cost to estimated at the time of application submittal)

**TOWN OF HERMON
APPLICATION FOR CONTRACT ZONE CHANGE APPROVAL**

Please print or type your application. All submissions shall be bound, as incomplete applications will be returned for the missing information. Please submit to the Code Enforcement Office before the deadline for the next meeting of the Hermon Planning Board. You may have legal representation at the hearing on your application. You, or a legal representative, must attend the hearing for your application to be heard.

APPLICATION INFORMATION

If applicant is a Corporation, is it a Maine chartered corporation? () yes
() no - if yes, attach a copy of Secretary of State's Registration

Name of Applicant: JAMES D. GALLANT

Mailing Address: 2100 OHIO ST. BANGOR, ME. 04401

Telephone # (207) 217-6153 Home (207) 249-2169 Work

Name of Applicant's Authorized Agent: N/A

Agent's Mailing Address: N/A

Telephone: () N/A

What interest, if any does the applicant have in any abutting or adjacent property ?

NO INTEREST

Abutters: Provide the names and addresses of the owner(s) of all property located within five hundred feet (500)' of the outside boundaries of the property subject to the Contract Zone. Attach additional sheets if needed.

1. SEE ATTACH. #1

(Address)

2. _____

(Address)

3. _____

(Address)

4. _____

(Address)

5. _____

(Address)

6. _____

(Address)

PROJECT PROFESSIONALS

Architect: NONE REG. #: —

Address: - Tel #: —

- Fax #: —

Engineer: SEC ENGINEERING (MIKE LYFORD) REG# UNKNOWN

Surveyor: N/A Tel #: —

_____ Fax #: _____

Soil Scientist: AMY JONES REG. #: 383

(NEW SUB SURFACE WASTE SYSTEM)

(IF NEC.)

Address: 3330 BENOCH RD. Tel #: 207-394-3065
ALTON, ME. 04468 Fax #: —

BOILER INS. HERMON OIL & PROPANE REG. #: UNKNOWN

Address: 1818 HAMMOND ST. Tel #: 207.848.2641
HERMON, ME. 04401 Fax #: —

Site Evaluator: AMY JONES REG. #: 383

Address: 3330 BENOCH RD. Tel #: 207-394-3065
ALTON, ME. 04468 Fax #: —

Traffic Engineer: _____ REG. #: _____

Address: _____ Tel #: _____

_____ Fax #: _____

Other: EMERSON'S PLUMBING REG. #: _____

Address: 175 HINCKLEY HILL RD. Tel #: _____

CARMEL, ME. 04419 Fax #: _____

PROPERTY INFORMATION

Property Location: 2209 ROUTE 2 HERMON, ME. 04401

Tax Map and Lot Number: 21/27 Deed Book and Page: 11690/42

Zoning District: VILL. COMM Lot Area: 29.88 AC. Frontage: 600 FT.

Current Use of Property: Vacant Other: (OPERATED AS CAMPGROUND UNTIL 2012)

REQUESTED USE: Per the requirements and standards of Title XV Land Usage, Chapter 154, ss 154-007 Contract Zoning of the Town of Hermon, Maine Code of Ordinances. I (WE) request the subject parcel be issued approval of a Contract Zone for the following reasons: (state in detail what the proposed use of the parcel would be if the Contract Zone is approved and the factors which justify the request.

WE REQUEST A CONTRACT ZONE CHANGE FROM VILLAGE COMMERCIAL TO AGRICULTURE/FORESTRY DISTRICT FOR THE FOLLOWING REASONS.

1. TO PERMIT/ALLOW THE USE OF AN EXISTING CAMPEROUND
2. CURRENTLY LOT IS ZONED (3) DIFFERENT ZONES (VC, C, AF)
3. TO PROVIDE AN INCREASE TO THE CURRENT TAX BASE

THE FOLLOWING REASONS ALSO APPLY. THE LOT CURRENTLY SITS ON THE EDGE OF (VC), SO TO MAKE THE CHANGE SHOULD NOT EFFECT THE COMPREHENSIVE PLAN. CURRENT VEGETATION PROVIDES AMPLE NOISE MITIGATION FOR ABUTTER'S. UPGRADES TO THE FACILITIES INCLUDE NEW WATER SERVICE, NEW SEPTIC, NEW SIEN, NEW LANDSCAPING

Will the proposed use generate any of the following:

Noise Dust Heat Glare Smoke Vibration Odors
Traffic Electrical Disturbance Explain any yes answers: _____

NOISE FROM RV'S, HOWEVER SHOLD NOT BE MORE THAN 60 DB

SMOKE - CAMP FIRES

SITE CHARACTERISTICS

Are there any wetlands on the proposed site? YES NO

Is the site located within the watershed of a Great Pond? YES NO

Are there any rivers, streams or brooks on, or adjacent to the site? YES NO

Is any portion of the property located within 250 feet, horizontal distance, of the Normal High Water Mark Line of a lake, pond, river, brook, stream or wetland?

YES NO If yes, identify: _____

What easements, covenants, restrictions or reservation currently exist on the parcel:

NONE

Has this parcel been divided at any time in the prior 5 years? YES NO

- (✓) Attachment 2 – Proof of Right, Title of Interest to apply (deed, contract, option, etc.)
- (✓) Attachment 3 – Copy of recorded deed conveying to the owners title to the property
- (✓) Attachment 4 – Photographs of the subject property, taken from adjacent public ways, showing all existing structures or improvements, existing vegetation and landscaping on the site
- (✓) Attachment 5 – Photocopy of the most recent property tax map showing subject parcel
- (✓) Attachment 6 – Photocopy of the section of the Code Of Ordinances which details all permitted uses allowed in the zoning district you wish to have the Contract Zone approval for
- (✓) Attachment 7 – Photocopy of the current Official Zoning Map with the boundaries of the property indicated
- (✓) Attachment 8- Copy of any conditions and restrictions to be imposed upon the property by the applicant if the Contract Zone is approved (Hermon Planning Board and/or Town Council may impose additional conditions if approval is granted)
- (✓) Attachment 9 – Development Plan, prepared by a licensed design professional of the proposed development to be undertaken should Contract Zone request be approved
- (✓) Attachment 10 – Development Cost Estimate

Date Application Received: ___/___/___		Is it a complete application ? _____	
If not complete returned to applicant ___/___/___			
Action Taken: ___/___/___		Referred to HTC ___/___/___	
Date: ___/___/___			
Code Enforcement Officer			
Placed on HPB Agenda ___/___/___		Hearing Date: ___/___/___	
Disposition: ___/___/___ Approved as presented ___/___/___ Denied (reasons)			
___/___/___			
___/___/___ Approved with Conditions:			

MapLot: 021-003-000
TREADWELL, JOHANNA F
842 BOG ROAD
HERMON ME 04401

MapLot: 021-004-000
DOLE, ROGER W & JEAN M
852 BOG ROAD
HERMON ME 04401

MapLot: 021-005-000
BROWN III, BENJAMIN F & MAR
17000 CARWELL ROAD
SILVER SPRING MD 20905

MapLot: 021-007-000
HARVEY, BLAINE D & CAROL A
868 BOG ROAD
HERMON ME 04401

MapLot: 021-079-000
DOLE, SIDNEY L & CHERYL
869 BOG ROAD
HERMON ME 04401

MapLot: 021-006-000
BRIGGS, ROBERT & JORI-LYNN
21 BEAN ESTATES
BANGOR ME 04401

MapLot: 021-071-000
LINDSEY JR, CHARLES A & ELI
910 COLDBROOK ROAD
HERMON ME 04401

MapLot: 021-072-000
LINDSEY JR, CHARLES A & ELI
910 COLDBROOK ROAD
HERMON ME 04401

MapLot: 021-074-000
ELLINGWOOD, GARY W
302 PAPERMILL ROAD
HAMPDEN ME 04444

MapLot: 021-020-000
TAPLEY, MORITA
26 MELODY LANE
HERMON ME 04401

MapLot: 021-076-000
MONSON, RICKY A & LAURIE A
2120 ROUTE 2 BOX 2
HERMON ME 04401

MapLot: 021-078-000
SPENCER, EDWARD D
2124 Route #2
Hermon ME 04401

MapLot: 021-026-000
MORIN, DAVID W
PO BOX 6084
HERMON ME 04402

MapLot: 021-024-000
O'TOOLE, LINDA
2227 ROUTE 2
HERMON ME 04401

MapLot: 021-023-000
PORTER, RONALD E & VESTA M
PO BOX 6285
HERMON ME 04402 6285

MapLot: 021-008-000
RUEST, JOSEPH
2234 ROUTE 2
HERMON ME 04401

MapLot: 021-022-000
NADEAU, JAMES J
2239 ROUTE 2
HERMON ME 04401

MapLot: 021-021-000
MORLAND LLC
26 MELODY LANE
HERMON ME 04401

MapLot: 021-009-000
CUSHING, JAMES R & WINNONA
2244 ROUTE 2
HERMON ME 04401

ATTACHMENT # 1

CONTRACT FOR THE SALE OF COMMERCIAL REAL ESTATE

RECEIVED from James D. Gallant, whose mailing address is 154 Hildreth Street North, Bangor, ME 04401 (hereinafter called Purchaser), this 11th day of August, 2016, the sum of One Thousand Dollars (\$ 1,000.00) as earnest money deposit toward purchase and sale of certain real estate owned by Wheeler Stream LLC hereinafter called the "Seller") and located at 2209 Route 2 (Traveler's Lane) in the city/town of Hermon County of Penobscot State of Maine, described as follows: Wheeler Campground

and being more fully described at said County Registry of Deeds in Book 11690 Page 42 upon the terms and conditions indicated below

1. PERSONAL PROPERTY: The following items of personal property are included in this sale (if applicable): Equipment, Inventory

2. PURCHASE PRICE: The total Purchase Price is Dollars 2,000, with payment made as follows:

Earnest money to be delivered on or before 08/15/2016 \$
Other \$
Other \$
Balance due at closing, in immediately available funds \$

3. EARNEST MONEY/ACCEPTANCE: BHG/The Masiello Group ("Escrow Agent") shall hold the earnest money in a non-interest bearing account and act as escrow agent until closing. This offer shall be valid until August 13, 2016 at 12:00 () AM (X) PM. In the event of Seller's non-acceptance of this offer, the earnest money shall be returned promptly to Purchaser.

4. TITLE: Within 45 days of the Effective Date (the "Title Review Period"), Purchaser shall notify Seller in writing (the "Title Objection Notice") of any matters affecting title to the property that are objectionable to Purchaser in Purchaser's sole discretion ("Title Defects"). Purchaser shall be deemed to have waived the right to object to any matter affecting title as of the Effective Date, except for any mortgage, tax lien, mechanics' lien, judgment lien, or other liens encumbering the property (for which no objection is required). If Purchaser fails to specifically identify such matters in the Title Objection Notice (each matter not objected to being a "Permitted Encumbrance"). Within seven (7) days of Seller's receipt of the Title Objection Notice, Seller shall notify Purchaser in writing whether or not Seller elects to cure any of the matters identified in the Title Objection Notice. If Seller elects to cure certain Title Defects, Seller shall use good faith efforts to cure such Title Defects and shall have a period of not more than thirty (30) days after notice of Seller's election within which to cure any such Title Defects (the "Title Cure Period"), and the Closing Date shall be extended until five (5) days after the expiration of the Title Cure Period. Seller agrees that, after the Effective Date, it shall not permit or suffer encumbrance of the property with any liens, easements, leases or other encumbrances without Purchaser's prior written consent, except that Purchaser shall not unreasonably withhold or delay its consent to new leases. On or before the Closing Date, Seller shall remove at its sole cost any such matters affecting the title to the property suffered or created by or consented to by Seller after the Effective Date that are not approved in writing by Purchaser. If Seller elects not to cure any Title Defects or if Title Defects which Seller elects to cure are not cured within the Title Cure Period, then Purchaser shall elect, by written notice to Seller on or before the Closing Date, as the same may be extended, either (i) to accept title to the property subject to such uncured Title Defects without reduction of the purchase price and without any liability on the part of Seller therefor, in which case such Title Defects shall be Permitted Encumbrances; or (ii) to terminate this Contract, whereupon the earnest money immediately shall be returned to Purchaser and neither party shall have any further obligations under this Contract.

5. CLOSING: In return for payment in full of the purchase price, Seller shall convey the property on 10/14/16 (the "Closing Date") to Purchaser by Maine Statutory Short Form Warranty Deed (the "Deed"), and the parties agree to execute and deliver on the Closing Date such other documents that are customary and/or reasonably necessary to complete the conveyance. It is a condition to Purchaser's obligations hereunder that title to the property shall be free and clear of all liens and encumbrances except for the following matters and otherwise in compliance with the requirements of this Contract: (i) zoning restrictions and land use laws and regulations and permits and approvals issued pursuant thereto; (ii) current taxes and assessments attributable to periods from and after the Closing, which Purchaser shall be liable to pay; (iii) leases and occupancies disclosed to Purchaser pursuant to Section 1, below, and any other Permitted Encumbrance.

Page 1 of 5

Buyer's Initial

JDG
2016/08/11
10:39AM EDT

Seller's Initial

WAC

ATTACHMENT # 2

- 6. **LEASES/TENANT SECURITY DEPOSITS:** Seller agrees at closing to transfer to Purchaser, by proper assignment thereof, all Seller's rights under the current leases to the property and any and all security deposits held by Seller pursuant to said leases.
- 7. **POSSESSION/OCCUPANCY:** Possession/occupancy of property shall be given to Purchaser on the Closing Date subject only to the leases and tenancies disclosed to Purchaser pursuant to Section 11 below, unless otherwise agreed by both parties in writing.
- 8. **RISK OF LOSS:** Until transfer of title, the risk of loss or damage to the property by fire or otherwise is assumed by Seller unless otherwise agreed in writing. The property shall at closing be in substantially the same condition as of the Effective Date, excepting reasonable use and wear. If the property is materially damaged or destroyed prior to closing, Purchaser may either terminate this Contract and be refunded the earnest money deposit, or close this transaction and accept the property in its as-is condition together with an assignment of the Seller's right to any insurance proceeds relating thereto.
- 9. **PRORATIONS:** The following items shall be prorated as of the Closing Date:
 - a. Real Estate Taxes based on the municipality's tax year. Seller is responsible for any unpaid taxes for prior years.
 - b. Fuel.
 - c. Metered utilities, such as water and sewer, shall be paid by the Seller through the date of closing.
 - d. Purchaser and Seller shall each pay one-half of the transfer tax as required by the laws of the State of Maine.
 - e. Rents, estimated monthly common area maintenance charges, estimated monthly property tax payments, and all other additional revenue received by Seller pursuant to leases of the property.
 - f. N/A

10. **DUE DILIGENCE:** Purchaser is advised to seek information from professionals regarding any specific issue of concern. Purchaser acknowledges receipt of property disclosure form attached hereto. Neither Seller nor the Real Estate Licensees identified below make any representations or warranties regarding the condition, permitted use or value of Seller's real or personal property. Purchaser's obligation to close under this Contract is conditioned upon Purchaser's satisfaction with its investigations of the property, which may without limitation include survey, environmental assessment, engineering studies, wetlands or soils studies, zoning compliance or feasibility, and code compliance, all within 0 days of the Effective Date.

All investigations will be done by professionals chosen and paid for by Purchaser. If the result of any investigation is unsatisfactory to Purchaser, Purchaser may declare this Contract null and void by notifying Seller in writing within the specified number of days set forth above, and said earnest money shall be returned to Purchaser. If Purchaser does not notify Seller that Purchaser's investigations are unsatisfactory within the time period set forth above, this contingency is waived by Purchaser. In the absence of any investigations(s) mentioned above, Purchaser is relying completely upon Purchaser's own opinion as to the condition of the property. Purchaser agrees to restore any disturbance to the property caused by Purchaser's investigations, and Purchaser agrees to indemnify and hold Seller harmless for any claims, damages, losses or costs, including without limitation reasonable attorneys' fees, incurred or suffered by Seller as a result of Purchaser's investigations of the property, which indemnification obligation shall survive termination or closing under this Contract.

11. **REVIEW OF LEASES AND INCOME AND EXPENSE INFORMATION:** Seller represents: (a) that below is a complete list of all tenants occupying the property under leases or other tenancy arrangements or agreements (the "Leases"), (b) that the Leases are in full force and effect, (c) that to Seller's knowledge, all tenants under the Leases are in full compliance therewith and (d) that Seller is not in violation of its obligations under the Leases. Seller agrees to provide Purchaser within five (5) days of the Effective Date of this Contract complete copies of all Leases, including any amendments, and income and expense information concerning the property. Purchaser shall have 5 days from the date Purchaser has been provided all Leases and income and expense information to review same, and if the result of the review is unsatisfactory to Purchaser, Purchaser may declare the Contract terminated and the earnest money shall be immediately refunded to Purchaser and thereafter neither party shall have any further obligation under this Contract. Seller represents and warrants that income and expense information provided to Purchaser will be true, accurate and complete in all material respects when given. Seller shall use reasonable efforts to obtain a tenant estoppel certificate and a subordination, non disturbance and attornment agreement in form reasonably satisfactory to Purchaser and/or Purchaser's lender for each Lease within 5 days from delivery of forms therefor. Purchaser shall also on a rolling basis have 5 days from the date of actual receipt of fully-executed written tenant estoppel certificates in which to terminate this Contract pursuant to this Section 11 due to unsatisfactory information contained therein and upon such termination the earnest money shall be immediately refunded to Purchaser and thereafter neither party shall have any further obligation under this Contract. Between the Effective Date and the closing, Seller shall not modify, voluntarily terminate or enter into new leases or tenancy arrangements or agreements and shall obtain Purchaser's written consent to any modification or termination of Leases and to any new lease that Seller proposes to enter into with respect to the property, Purchaser's consent not to be unreasonably withheld, conditioned or delayed. In the event that Seller modifies or terminates any Leases or enters into a new Lease without Purchaser's consent, Purchaser's sole remedy shall be to terminate this Contract and receive an immediate refund of the earnest

Page 2 of 5 Buyer's Initials  Seller's Initials MVC

money and thereafter neither party shall have any further obligation under this Contract. Failure of Purchaser to timely notify Seller of its termination of the Contract pursuant to any of its foregoing rights to do so under this Section 11 shall be deemed to be a waiver of the applicable right under this Section 11 to terminate the Contract. At the closing, Seller shall deliver written notice to the tenants and occupants of the property of the transfer of the property, and of the tenants' security deposits, to Purchaser. List tenants: _____

12. FINANCING: Notwithstanding anything to the contrary contained in this Contract, Purchaser's obligation to close hereunder is conditioned upon Purchaser's obtaining within 60 () days from the Effective Date of this Contract (the "Commitment Date") a written commitment (the "Commitment") from a lender for a mortgage loan of not less than 100 % of the purchase price at an initial interest rate not to exceed 6.5 % per annum, amortized over a period of not less than 15 () years and otherwise on terms reasonably acceptable to Purchaser. In the event the Purchaser is unable to obtain the Commitment and Purchaser notifies Seller thereof by the Commitment Date, then Escrow Agent shall immediately return the earnest money to Purchaser, this Contract shall terminate, and neither party shall be under any further obligation under this Contract. It shall be a further condition of Purchaser's obligation to close hereunder that the Commitment shall not lapse, be terminated and/or withdrawn prior to the Closing Date for any reason whatsoever, including but not limited to the property failing to appraise at or above the Purchase Price, or any such other level acceptable to Purchaser and Purchaser's lender sufficient to support the Commitment. In the event the Commitment shall lapse, be terminated and/or withdrawn by Purchaser's lender for any reason (other than at the request of Purchaser) at any time prior to the Closing Date, Purchaser shall within Five (5) days of Purchaser's receipt of notice of lapse, termination and/or withdrawal notify Seller of same, and upon such notification Purchaser may, at Purchaser's option, elect to terminate this Contract and thereafter the earnest money immediately shall be returned to Purchaser and neither party shall have any further obligation under this Contract. If Purchaser does not timely notify Seller that it has failed to obtain the Commitment or that the Commitment has lapsed, terminated and/or been withdrawn, then Purchaser shall be in default of this Contract at the election of Seller. This contingency benefits Purchaser only, and only Purchaser may waive it by providing written notice to Seller specifically waiving this condition and contingency or any part thereof.

13. AGENCY DISCLOSURE: Purchaser and Seller acknowledge that they have been informed that N/A ("Transaction Broker") is acting as a transaction broker in this transaction and does not have a client relationship with either Purchaser or Seller. Mary Condon ("Selling Agent") is acting as a Buyer agent in this transaction and is representing James D. Gallant, and that Andre E. Cushing ("Listing Agent") is acting as a Seller agent in this transaction and is representing Wheeler Stream LLC, (Transaction Broker, Selling Agent and Listing Agent are referred to elsewhere herein as "Licensees").

14. DEFAULT: If the sale of the property as contemplated hereunder is not consummated solely by reason of Purchaser's default hereunder, provided that Seller is then ready, willing and able to consummate the sale of the property as contemplated by this Contract and provided further that all conditions to Purchaser's obligation to consummate such purchase have been satisfied or waived by Purchaser, Seller shall be entitled to either (i) pursue any and all legal and/or equitable remedies or (ii) terminate this Contract and receive the earnest money as full and complete liquidated damages for the breach of this Contract, it being agreed between the parties that the actual damages to Seller in the event of such breach are difficult to ascertain and/or prove and the earnest money is a reasonable estimate and forecast of such actual damages. The parties acknowledge that the payment of the earnest money is not intended as a forfeiture or penalty, but is intended to constitute liquidated damages to Seller. In the event of an undisputed default by either party, the Escrow Agent may deliver the earnest money to the party entitled to it under this Contract, with written notice to both parties pursuant to Maine Real Estate Commission regulations. If a dispute arises between Purchaser and Seller as of the existence of a default hereunder and said dispute is not resolved by the parties within thirty (30) days, the Escrow Agent may elect to file an action in interpleader and deposit the earnest money in the court to resolve said dispute, or otherwise disburse the earnest money pursuant to Maine Real Estate Commission regulations. Purchaser and Seller, jointly and severally, shall indemnify Escrow Agent for all costs, losses, expenses, and damages, including reasonable attorneys' fees, incurred by the Escrow Agent in connection with said action and/or in connection with any dispute relating to this Contract and/or the earnest money.

15. MEDIATION: Any dispute or claim arising out of or relating to this Contract or the property addressed in this Contract shall be submitted to mediation in accordance with the Maine Residential Real Estate Mediation Rules of the Maine Association of Dispute Resolution Professionals or its successor organization. This clause shall survive the closing of this transaction.

16. PRIOR STATEMENTS: This Contract sets forth the entire agreement between the parties, and there are no other representations, agreements or understandings with respect to the subject matter of this Contract. This Contract shall be construed according to the laws of the State of Maine.



NAC

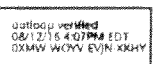
- 17. HEIRS/ASSIGNS: This Contract shall extend to and be obligatory upon heirs, personal representatives, successors, and assigns of Seller and assigns of Buyer.
- 18. COUNTERPARTS: This Contract may be signed on any number of identical counterparts, including telefax copies and electronically transmitted copies with the same binding effect as if all of the signatures were on one instrument.
- 19. EFFECTIVE DATE: This Contract is a binding contract when signed by both Seller and Purchaser and when that fact has been communicated to all parties or to their agents. Time is of the essence of this Contract. Seller or Licensees are given permission by the parties to complete the Effective Date blank below with the date of the last signature of the parties, and that date shall be the Effective Date for all purposes under this Contract, and if that blank is not completed, then the Effective Date shall be the date of the last signature of the parties. Except as expressly set forth to the contrary in this Contract, the use of the term "days" in this Contract, including all addenda made a part hereof, shall mean calendar days. Deadlines in this Contract, including all addenda, expressed as "within x days" or the like shall be counted from the Effective Date, unless another starting date is expressly set forth, beginning with the first day after the Effective Date, or such other established starting date, and ending at 5:00 pm, Eastern Time, on the last day counted.
- 20. CONFIDENTIALITY: Buyer and Seller authorize the disclosure of the information herein to the real estate licensees, attorneys, lenders, appraisers, inspectors, investigators and others involved in the transaction necessary for the purpose of closing this transaction. Buyer and Seller authorize the lender and/or closing agent preparing the closing statement to release a copy of the closing statement to the parties and their licensees prior to, at and after the closing.
- 21. A copy of this Contract is to be received by all parties and, by signature, receipt of a copy is hereby acknowledged. If not fully understood, consult an attorney.
- 22. Seller acknowledges that the laws of the State of Maine provide that every buyer of real property located in Maine must withhold a withholding tax equal to 2 1/2 % of the consideration unless Seller furnishes to Purchaser a certificate by the Seller stating, under penalty of perjury, that Seller is a resident of the State of Maine or the transfer is otherwise exempt from withholding.
- 23. ADDENDA: This Contract has addenda containing additional terms and conditions. Yes ___ No X
- 24. OTHER PROVISIONS:
The contract is contingent on the purchaser being granted a contract zone change from the Town of Hermon in order for the property to continue to be used in the capacity of a campground. The property needs to be completely zoned as Agriculture & Forestry.

The parties agree that none of the above are collateral agreements. It is the intent of the parties that except as expressly set forth in this Contract, all covenants, representations, statements and obligations of both parties herein shall not survive closing.

James D. Gallant
Legal Name of Purchaser

Tax ID #

By: James D. Gallant
Signature



Name/Title, thereunto duly authorized

Seller accepts and agrees to the terms and conditions set forth in this Contract and agrees to pay the Licensees the commission for services according to the terms of the listing agreement or if there is no listing agreement, the sum of _____ . In the event the earnest money is forfeited by Purchaser, it shall be evenly distributed between (1) Licensees and (2) Seller; provided, however, that the Licensees' portion shall not exceed the full amount of the commission specified.

Signed this 15 day of August, 2016

Wheeler Stream LLC
Legal Name of Seller

26 4692947
Tax ID #

By: [Handwritten Signature]
Signature

Legal Name of Escrow Agent

By: _____
Signature

[Handwritten Signature]
Name/Title, thereunto duly authorized

Name/Title, thereunto duly authorized

EFFECTIVE DATE OF THIS CONTRACT: _____

SELLER'S PROPERTY DISCLOSURE

Under Maine Law, certain information must be made available to buyers prior to or during preparation of an offer. This statement has been prepared to assist prospective buyers in evaluating this property. This disclosure is not a warranty of the condition of the property and is not part of any contract between the Seller and any buyer. The Seller authorizes the Listing Broker in this transaction to disclose the information in this statement to other real estate licensees and to prospective buyers of this property. The Seller agrees to notify the Listing Broker promptly of any changes in the information and this form will be appropriately changed with an amendment date. Inspections are highly recommended.

NOTE: DO NOT LEAVE ANY QUESTIONS BLANK. WRITE N/A (NOT APPLICABLE) OR UNKNOWN IF NEEDED.

PROPERTY LOCATED AT: 2209 Route 2 (Traveler's Lane)
Harmon, ME 04401

SECTION I. WATER SUPPLY

TYPE OF SYSTEM: Public Private Seasonal Unknown
 Drilled Dug Other _____

MALFUNCTIONS: Are you aware of or have you experienced any malfunctions with the (public/private/other) water system?
Pump: Yes No N/A Quantity: _____ Yes No Unknown
Quality: Yes No Unknown

If YES to any question, please explain in the comment section below or with attachment.

WATER TEST: Have you had the water tested? Yes No
If YES: Date of most recent test: N/A Are test results available? Yes No
To your knowledge, have any test results ever been reported as unsatisfactory or satisfactory with notation? Yes No
If YES, are test results available? Yes No
What steps were taken to remedy the problem? _____

• IF PRIVATE:
INSTALLATION: Location: To the front and right of lot
Installed BY: N/A DATE of Installation: _____
What is the source of your information: Seller + Previous Disclosure
USE: Number of Persons currently using system? This figure varies.
Does system supply water for more than one household? Yes No Unknown

COMMENTS: Does supply camp building + Duplex water.

SECTION II. WASTE WATER DISPOSAL

TYPE OF SYSTEM: Public Private Quasi-Public Unknown

• IF PUBLIC OR QUASI-PUBLIC:
Have you experienced any problems such as line or other malfunctions? Yes No
What steps were taken to remedy the problem? _____

• IF PRIVATE:
TANK: Septic Tank Holding Tank Cesspool Other: _____
Tank Size: 500 Gal. 1000 Gal. Unknown Other: _____
Tank Type: Concrete Metal Unknown Other: _____
Location: Right Driveway OR Unknown Date of Installation: _____
Date Last Pumped: N/A Name of Company Pumping Tank: N/A
Have you experienced any malfunctions? Yes No
If yes, give the date and describe the problem: N/A

Date of Last Servicing of tank: _____ Name of Company Servicing Tank: _____

LEACH FIELD: Yes No Unknown
If YES: Location: Adjacent to Septic to the right of Camp Building
Date of installation of leach field: Unknown Installed by: N/A
Date of Last Servicing of leach field: N/A Name of Company Servicing leach field: N/A
Have you experienced any malfunctions? Yes No
If yes, give the date and describe the problem & what steps were taken to remedy: N/A

Does Seller have records of the septic system design indicating the number of bedrooms the system was designed for? Yes No

If YES, is it available? On file with town

SOURCE OF INFORMATION: Seller + observation

COMMENTS: Basement protection by stream

IS SYSTEM LOCATED IN A SHORELAND ZONE? Yes No Unknown
Is System located in a Coastal Shoreland Zone? Yes No Unknown

2014 Page 1 of 3 - SPD Buyer(s) Initials JDG

Seller(s) Initials N/A

PROPERTY LOCATED AT 2209 Route 2 (Traveler's Lane), Hermon, ME 04401

SECTION III HEATING SYSTEM(S) SOURCE(S)

Heating System(s)/Source(s)	SYSTEM 1	SYSTEM 2	SYSTEM 3	SYSTEM 4
TYPE(S)	H/W/B	LP Gas Hot Water + Pool Heater		
Age of system(s)/source(s)				
Name of company that services system(s)/source(s)	Major Heating			
Date of most recent service call	Fall 2013			
Annual consumption per system/source (i.e., gallons, kilowatt hours, cord(s))	N/A Tenant usage	N/A Used for Camp building		
Malfunction per system(s)/source(s) within past 2 years		None		
Other pertinent information				

Buried Oil Supply Line: Yes No Unknown Sleeved: Yes No
 Chimney(s): Yes No If yes, lined: Yes No Unknown Last Cleaned: N/A
 Is more than one heat source vented through one flue? Yes No Unknown
 Has chimney been inspected? Yes No Unknown; If Yes, when: _____ Had a chimney fire: Yes No Unknown
 Power Vent: Yes No Unknown
 COMMENTS: Not heat for cold weather - just propane hot water heater

SECTION IV HAZARDOUS MATERIAL

The licensee is disclosing that the Seller is making representations contained herein.

A. UNDERGROUND STORAGE TANKS - Current or previously existing:
 Are there now, or have there ever been, any underground storage tanks on your property? Yes No Unknown
 IF YES: Are tanks in current use? Yes No Unknown
 IF NO above: How long have tank(s) been out of service? _____
 What materials are, or were, stored in the tank(s)? _____
 Age of tank(s): _____ Size of tank(s): _____
 Location: _____
 Have you experienced any problems such as leaks? _____
 Are tanks registered with the Dept. of Environmental Protection? Yes No Unknown
 If tanks are no longer in use, have tanks been abandoned according to D.E.P.? Yes No Unknown
 Comments: _____

B. ASBESTOS - Current or previously existing:
 • as insulation on the heating system pipes or duct work? Yes No Unknown
 • in the siding? Yes No Unknown
 • in the roofing shingles? Yes No Unknown
 • in flooring tiles? Yes No Unknown
 • other: _____ Yes No Unknown
 IF YES: Source of information: _____
 COMMENTS: _____

C. RADON/AIR - Current or previously existing:
 Has the property been tested? Yes No Unknown
 IF YES: Date: _____ By: _____
 Results: _____ If applicable, What remedial steps were taken? _____
 Has the property been tested since remedial steps? Yes No Unknown
 Are test results available? Yes No Results & Comments: _____

D. RADON/WATER - Current or previously existing:
 Has the property been tested? Yes No Unknown
 IF YES: Date: _____ By: _____
 Results: _____ If applicable, What remedial steps were taken? _____
 Has the property been tested since remedial steps? Yes No Unknown
 Are test results available? Yes No Results & Comments: _____

E. LEAD-BASED PAINT/PAINT HAZARDS - Current or previously existing: (Note: Lead-based paint is most commonly found in homes constructed prior to 1978; See EPA Disclosure brochure/form and Maine Lead Warning for more information)
 Is there now or has there ever been lead-based paint and/or lead-based paint hazards on the property? Yes No Unknown
 Unknown but possible due to age
 IF YES, describe location and the basis for the determination: Age of Home
 Do you know of any records or reports pertaining to such lead-based paint or lead-based paint hazards: Yes No
 IF YES, describe: _____

Are you aware of any cracking, peeling or flaking paint? Yes No
 COMMENTS: Some touch-up may be needed

2014 Page 2 of 3 - SPD Buyer(s) Initials SDG Seller(s) Initials WRC
 Produced with zipForm® by zipLogix 18070 Frisco, Texas, Michigan 48028 www.ziplogix.com Cushing Family

PROPERTY LOCATED AT 2209 Route 2 (Traveler's Lane), Bermon, ME 04401

F. OTHER HAZARDOUS MATERIALS - Current or previously existing:

TOXIC MATERIAL: Yes No Unknown
LAND FILL: Yes No Unknown
RADIOACTIVE MATERIAL: Yes No Unknown

OTHER: _____

Buyers are encouraged to seek information from professionals regarding any specific issue or concern.

SECTION V - GENERAL INFORMATION

Is the property subject to or have the benefit of any encroachments, easements, rights-of-way, leases, rights of first refusal, life estates, private way, private road/homeowner associations or restrictive covenants? Yes No Unknown

IF YES: Explain: _____

What is your source of information: Seller + Deed

Are there any tax exemption or reduction for this property for any reason including but not limited to: Tree Growth, Open Space and Farmland, Veteran's, Homestead Exemption, Blind, Working Waterfront? Yes No Unknown

IF YES: Explain: _____

Is this house currently covered by a flood insurance policy? Yes No Unknown

Leased Equipment (e.g., propane tank, hot water heater, satellite dish): Type: Propane Tank

Year Principal Structure Built: Duplex 1900's - Camp 2003 What year did Seller acquire property? 2009

Roof: Year Built - Structure: Duplex 1900's - Camp 2003 Year Singles/Other Installed: Duplex 2006 - Camp 2008

Water, moisture or leakage: None

Comments: N/A

Foundation/Basement: Sump Pump: Yes No Unknown Comments: Duplex has sump pump

Water, moisture or leakage since you owned the property: Yes No Unknown Comments: Possible in spring

Knowledge of prior water, moisture or leakage: Yes No Unknown Comments: _____

Mold: Has the property ever been tested for mold? Yes No Unknown If YES, are test results available? Yes No

Electrical: Plugs Circuit Breaker Other: _____ Unknown

Has all or a portion of the property been surveyed? Yes No Unknown If YES, is the survey available? Yes No

Manufactured Housing: Mobile Home - Yes No Unknown Modular - Yes No Unknown

KNOWN MATERIAL DEFECTS about Physical Condition and/or value of Property, including those that may have an adverse impact on health/safety: None

Seller shall be responsible and liable for any failure to provide known information regarding known material defects to the Buyer.

ATTACHMENTS EXPLAINING CURRENT PROBLEMS, PAST REPAIRS OR ADDITIONAL INFORMATION IN ANY SECTION IN DISCLOSURE: Yes No

SECTION VI - ADDITIONAL INFORMATION

As Sellers, we have provided the above information and represent that all information is correct. To the best of our knowledge, all systems and equipment, unless otherwise noted on this form, are in operational condition.

Neither Seller nor any Broker makes any representations as to the applicability of, or compliance with, any codes of any sort, whether state, municipal, federal or any other, including but not limited to fire, life safety, building, electrical or plumbing.

[Signature]
SELLER
Wheeler Stream LLC

9/22/14
DATE

SELLER

DATE

I/We have read and received a copy of this disclosure, the arsenic in wood fact sheet, the arsenic in water brochure, and understand that I/we should seek information from qualified professionals if I/we have questions or concerns.

James D. Gallant
dotloop verified
(81) 2/16 4:37PM
EDT
X511 WPT-51A-1205

DATE

BUYER

DATE



LEAD PAINT ADDENDUM

TO CONTRACT DATED _____ BETWEEN _____
 AND Wheeler Stream LLC (hereinafter "Seller")
 FOR PROPERTY LOCATED AT 2209 Route 2 (Traveler's Lane), Hermon, ME 04401 (hereinafter "Buyer")

Said contract is further subject to the following terms:

Lead Warning Statement

Every purchaser of any interest in residential real property on which a residential dwelling was built prior to 1978 is notified that such property may present exposure to lead from lead-based paint that may place young children at risk of developing lead poisoning. Lead poisoning in young children may produce permanent neurological damage, including learning disabilities, reduced intelligence quotient, behavioral problems, and impaired memory. Lead poisoning also poses a particular risk to pregnant women. The seller of any interest in residential real property is required to provide the buyer with any information on lead-based paint hazards from risk assessments or inspections in the seller's possession and notify the buyer of any known lead-based paint hazards. A risk assessment or inspection for possible lead-based paint hazards is recommended prior to purchase.

Seller's Disclosure (check one)

(a) Presence of lead-based paint and/or lead-based paint hazards (check one below):

Known lead-based paint and/or lead-based paint hazards are present in the housing (explain).

Seller has no knowledge of lead-based paint and/or lead-based paint hazards in the housing.

(b) Records and reports available to the Seller (check one below):

Seller has provided the Buyer with all available records and reports pertaining to lead-based paint and/or lead-based paint hazards in the housing (list documents below).

Seller has no reports or records pertaining to lead-based paint and/or lead-based paint hazards in the housing.

Buyer's Acknowledgment

(c) Buyer has received copies of all information listed above.

(d) Buyer has received the pamphlet Protect Your Family from Lead in Your Home.

(e) Buyer has (check one below):

Received a 10-day opportunity (or mutually agreed upon period) to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards; or

Waived the opportunity to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards.



Agent's Acknowledgment

(f) Agent has informed the Seller of the Seller's obligations under 42 U.S.C. 4852(d) and is aware of his/her responsibility to ensure compliance.

Certification of Accuracy

The following parties have reviewed the information above and certify, to the best of their knowledge, that the information they have provided is true and accurate.

	9/22/14	James D. Gallant	dotloop verified 08/12/16 4:07PM EDT EGJRK-NLPR-SGCC-PR2C
Seller	Date	Buyer	Date
Wheeler Stream LLC			

	9-21-14		8/12/2016
Agent	Date	Agent	Date
Zachary Malloy			

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ERA Division Dredgen Company, 117 Main Street Bangor, ME 04401
 Zachary Malloy

Produced with zipForm® by zipLogic 18070 Fifteen Mile Road, Fraser, Michigan 48028 www.zip.com



LEAD PAINT ADDENDUM

TO CONTRACT DATED _____ BETWEEN
 _____ **Wheeler Stream LLC** (hereinafter "Seller")
 AND _____ (hereinafter "Buyer")
 FOR PROPERTY LOCATED AT **2209 Route 2 (Traveler's Lane), Hermon, ME 04401**

Said contract is further subject to the following terms:

Lead Warning Statement

Every purchaser of any interest in residential real property on which a residential dwelling was built prior to 1978 is notified that such property may present exposure to lead from lead-based paint that may place young children at risk of developing lead poisoning. Lead poisoning in young children may produce permanent neurological damage, including learning disabilities, reduced intelligence quotient, behavioral problems, and impaired memory. Lead poisoning also poses a particular risk to pregnant women. The seller of any interest in residential real property is required to provide the buyer with any information on lead-based paint hazards from risk assessments or inspections in the seller's possession and notify the buyer of any known lead-based paint hazards. A risk assessment or inspection for possible lead-based paint hazards is recommended prior to purchase.

Seller's Disclosure (check one)

(a) Presence of lead-based paint and/or lead-based paint hazards (check one below):

_____ Known lead-based paint and/or lead-based paint hazards are present in the housing (explain).

Seller has no knowledge of lead-based paint and/or lead-based paint hazards in the housing.

(b) Records and reports available to the Seller (check one below):

_____ Seller has provided the Buyer with all available records and reports pertaining to lead-based paint and/or lead-based paint hazards in the housing (list documents below).

Seller has no reports or records pertaining to lead-based paint and/or lead-based paint hazards in the housing.

Buyer's Acknowledgment

(c) Buyer has received copies of all information listed above.

(d) Buyer has received the pamphlet Protect Your Family from Lead in Your Home.

(e) Buyer has (check one below):

Received a 10-day opportunity (or mutually agreed upon period) to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards; or

Waived the opportunity to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards.

9/22/14
09/22/14
25742101

Agent's Acknowledgment

(f) Agent has informed the Seller of the Seller's obligations under 42 U.S.C. 4852(d) and is aware of his/her responsibility to ensure compliance.

Certification of Accuracy

The following parties have reviewed the information above and certify, to the best of their knowledge, that the information they have provided is true and accurate.

[Signature] 9/22/14
Seller Date
Wheeler Stream LLC

James D. Gallant
Buyer Date
dotloop verified
09/22/14 4:07PM EDT
XGJW-NLPR-5GCC-PR2C

[Signature] 9-21-14
Seller Date
Agent
Zachary Malloy

[Signature] 8/12/2016
Buyer Date
Agent
Mary Carter



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ERA Division (RealEstate Company), 417 Main Street Bangor, ME 04401
Zachary Malloy

Phone: (207)931-4732 Fax:
Produced with zipForm® by zipLogic 18070 Fflein Mile Road, Fraser, Michigan 48028 www.zip.com



Cutting Family Care

WARRANTY DEED

Paul Bunyan Campground, Inc., a Maine corporation with a place of business in Bangor, Penobscot County, Maine for consideration paid grants to The Cushing Family Corporation, a Maine Corporation, with a place of business in Bangor, Penobscot County, Maine (whose mailing address is P.O. Box 687, Hampden, ME 04444) with Warranty Covenants, the following described real estate

Certain lots or parcels of land with any improvements thereon, situated in Hermon, Penobscot County, Maine, more particularly described as follows:

FIRST PARCEL: Beginning at a bolt in the easterly sideline of said highway at the northwesterly corner of a parcel of land described in a deed from Russell S. Jackson to George R. Robinson dated Jun 23, 1947 and recorded in the Penobscot County Registry of Deeds in Volume 1267, Page 146; thence generally northwesterly by and along said sideline of said highway three hundred and ninety (390) feet, more or less, to a bolt; said bolt being one hundred (100) feet southerly by and along said sideline of said highway from the southwesterly corner of a parcel of land described in a deed from Annie H. Jackson to Arnold C. and Delima M. Barnes, dated May 27, 1957 and recorded in the Penobscot Registry of Deeds in Volume 1582, Page 322; thence North 68° 30' East parallel with said Barnes' southerly line four hundred and four and eight tenths (404.8) feet to a bolt; thence South 21° 30' East four hundred and ninety-five (495) feet to a bolt on the northerly shore of Wheeler Stream thence generally westerly by the shore of said stream two hundred and seven (207) feet, more or less, to a bolt at the southeasterly corner of the parcel of land deeded by Jackson to Robinson as above described; thence North 54° 30' West by and along Robinson's easterly line one hundred and eighteen (118) feet to a bolt; thence South 63° West by and along said Robinson's northerly line eighty-five (85) feet to the point of beginning.

SECOND PARCEL: Also all other land of the Grantor lying adjacent to the northerly and easterly lines of the above described parcel.

For grantor's source of title, reference may be had to a deed from David E. Archdeacon and Mary E. Archdeacon to the grantor herein, dated December 11, 2002, recorded in Penobscot Registry of Deeds, Volume 8498, Page 72.

Any and all other rights, easements, privileges and appurtenance belonging to the granted estate are hereby conveyed.

This conveyance is made subject to the property taxes assessed against the premises which said taxes are to be prorated between the parties hereto as of the date of delivery of this deed in accordance with 36 M.R.S.A., sec. 558.

In witness whereof Paul Bunyan Campground, Inc. has caused this instrument to be executed in its corporate name as an instrument under seal by Dennis Hachey its president hereunto duly authorized this 11 day of March, 2009.

WITNESS:

Mary Ellen Tardy

Paul Bunyan Campground, Inc.
by: Dennis Hachey
Dennis Hachey

STATE OF MAINE
PENOBSCOT, ss

March 11, 2009

Then personally appeared the above named Dennis Hachey and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said corporation.

Before me,

Mary Ellen Tardy
Notary Public/Justice of the Peace
Commission Expiration:

File No. 09-0235AR

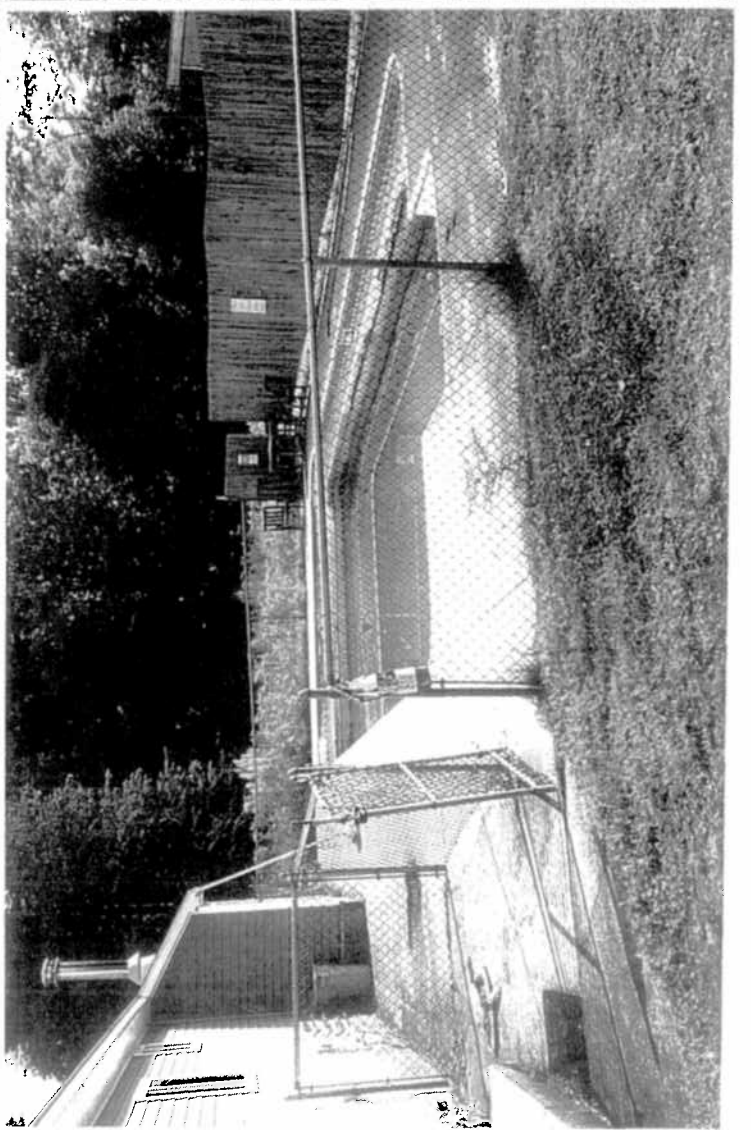
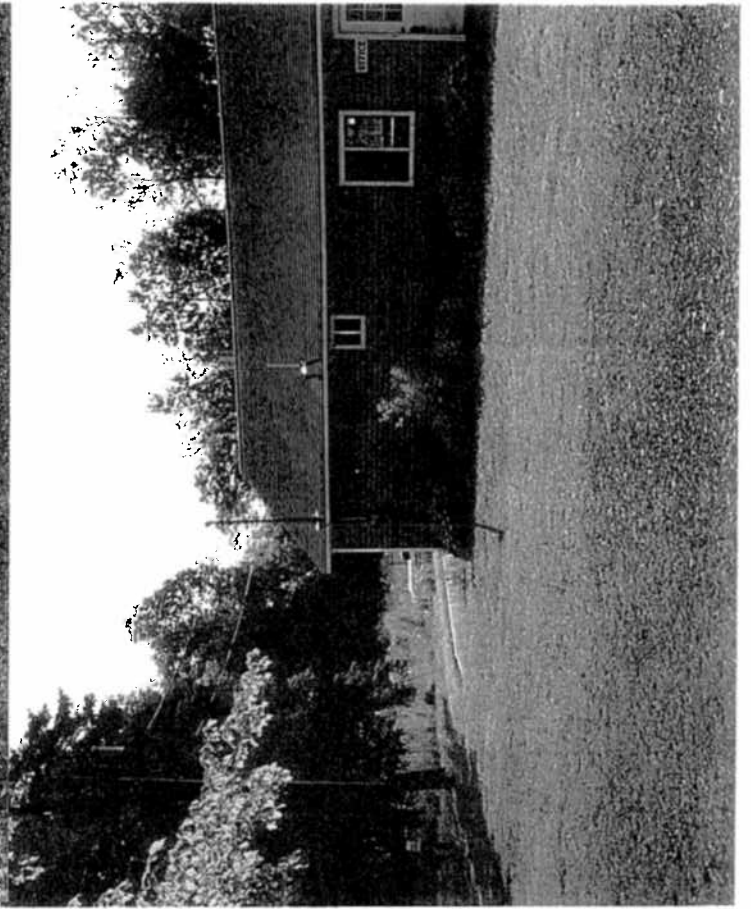
MARY ELLEN TARDY
Notary Public, Maine
My Commission Expires 04/04/2013

Maine Real Estate
Transfer Tax Paid



PENOBSCOT COUNTY, MAINE

Susan F. Buley
Register of Deeds



4



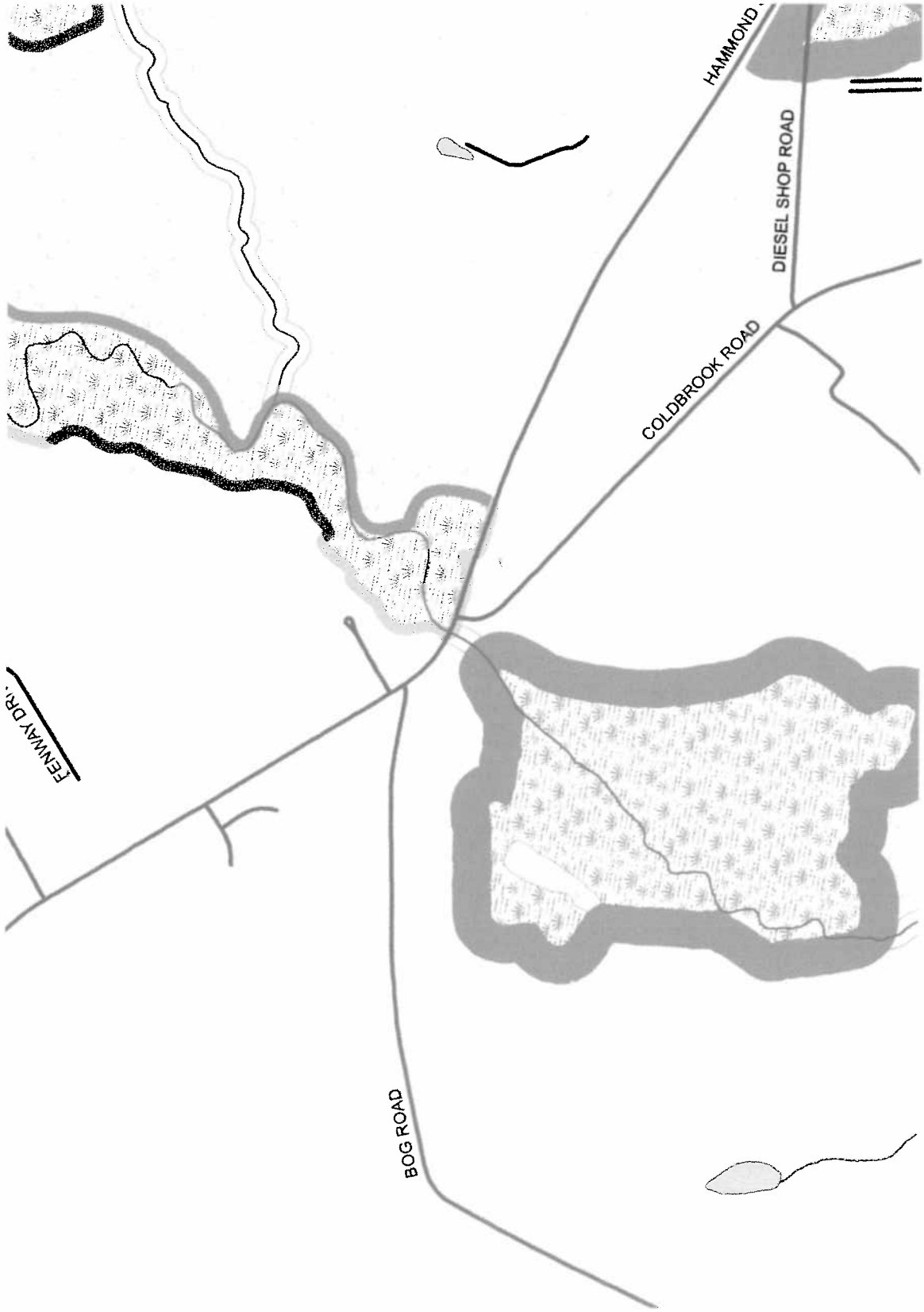
ATTACHMENT #5

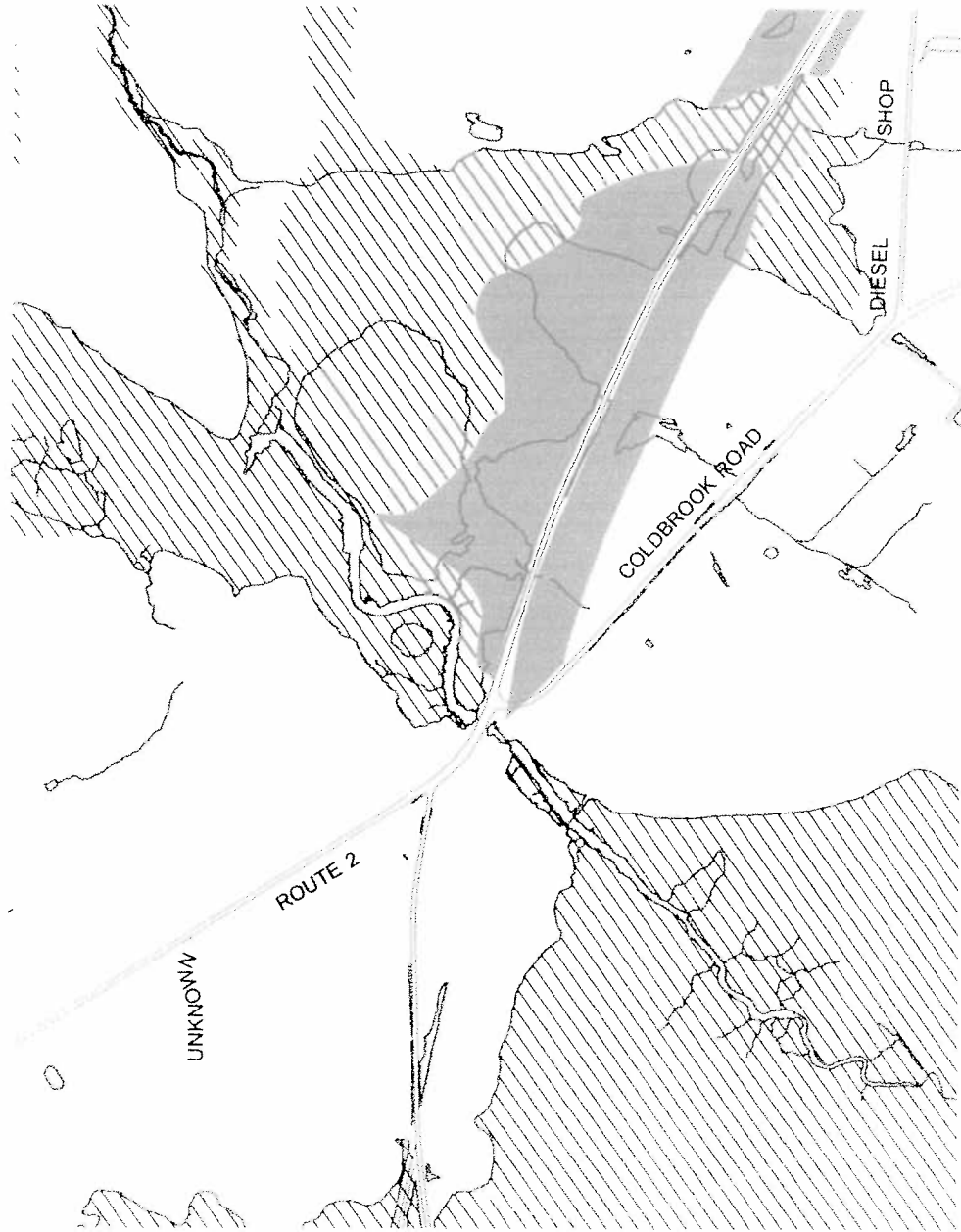
<i>Residential uses</i>	<i>AF</i>	<i>RA</i>	<i>RB</i>	<i>RC</i>	<i>C</i>	<i>VC</i>	<i>I</i>
<p>⁴ RB, RC and VC Districts - Multi-family dwellings shall meet the following requirements:</p> <p>(a) All acreage required must be classified as buildable. Easement areas, freshwater wetlands and other unusable areas shall not be classified as buildable for the purpose of determining minimum lot size.</p> <p>(b) Minimum lot size for a three-family dwelling shall be two acres.</p> <p>(c) Minimum lot size for a four-family dwelling shall be two and one-half acres.</p> <p>(d) RC District: The maximum residential density shall be six dwelling units per acre.</p> <p>(e) VC District: The two units per acre - maximum of eight units per lot.</p> <p>(f) RB District: Each multi-family dwelling shall be limited to no more than four units.</p> <p>(g) Minimum frontage for each multi-family dwelling shall be 200 feet.</p> <p>(h) Multi-family dwellings on rear lots as described in this subchapter shall have the lot sizes detailed above, with setbacks twice the minimum requirements of the zone.</p> <p>⁵ See §§ 154.065 through 154.096, § 154.086(C)(3)</p> <p>⁶ See §§ 154.065 through 154.096, § 154.087(B)(1)</p>							

(3) *Commercial uses.*

<i>Commercial Uses</i>	<i>AF</i>	<i>RA</i>	<i>RB</i>	<i>RC</i>	<i>C</i>	<i>VC</i>	<i>I</i>
Auction barn	P	N	N	N	S	S	S
Automobile body shop	N	N	N	N	S ⁸	S ⁸	P
Automobile service station	N	N	N	N	P	S	P
Aviation field	S	N	N	N	N	N	S
Bakery	N	N	N	N	P	P	P
Barber shop, beauty shop	N	N	N	N	P	P	P
Bed and breakfast	P	N	P	N	N	P	N
Building supply/lumber yard	N	N	N	N	P	N	P
Business and professional office, Class 1 ⁷	N	N	N	N	P	P	P
Business and professional office, Class 2 ⁷	N	N	N	N	S	S	S
Business park	N	N	N	N	S	S	S
Campground	S	N	N	N	N	N	S
Commercial art studio	P	N	N	N	P	P	P
Commercial greenhouse	S	N	N	N	S	S	S
Commercial complex (shopping center)	N	N	N	N	S	S	N
Communication facility	S	N	N	N	S	N	N
Contract postal unit	N	N	N	N	P	P	P

ATTACH #6 - CODE OF ORDINANCES
PERMITTED USES





Attachment #8 – Contract Zone Conditions

1. Site shall have a new septic system installed, designed by Amy Jones, License #383, License Maine Site Evaluator and Soil Scientist. A copy of the proposed or similar design has been provided under Attachment #9.
2. Site Improvements shall be completed on the existing infrastructure. Any new additions shall be brought forth for future consideration.
3. A new, and wider driveway opening will be installed per MDOT Sight line conditions.

OPEN AREA

PROPOSED NEW
(SSWS) SEPTIC

VEGETATION

TREE
BATH/SHOWER
HOUSE

VEGETATION/TREE/SOUND BARRIER

ALL EXISTING
INFRASTRUCTURE



* ALL LOTS EXISTING, POOL & OFFICE EXISTING

* NEW SEPTIC, NEW ICE CREAM STAND

SAMPLE

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

PROPERTY LOCATION

>> CAUTION: LPI APPROVAL REQUIRED <<

City Town or Plantation

HERMON, ME.

Town/City

Permit #

Street or Road

RTE. 2

Date Permit Issued

Fee \$

Double Fee Charged []

Subdivision Lot #

L.P.I. #

Local Plumbing Inspector Signature

Owner Town State

OWNER/APPLICANT INFORMATION

Name (last, first, MI)

GALLANT, JAMES

Owner

Applicant

Mailing Address of

Owner/Applicant

Daytime Tel. # 207-299-2169

The Subsurface Wastewater Disposal System shall not be installed until a Permit is issued by the Local Plumbing Inspector. The Permit shall authorize the owner or installer to install the disposal system in accordance with the application and the Maine Subsurface Wastewater Disposal Rules.

Municipal Tax Map #

Lot #

OWNER OR APPLICANT STATEMENT

I state and acknowledge that the information submitted is correct to the best of my knowledge and understand that any falsification is reason for the Department and/or local Plumbing Inspector to deny a Permit.

CAUTION: INSPECTION REQUIRED

I have inspected the installation authorized above and found it to be in compliance with the Subsurface Wastewater Disposal Rules Application.

(1st) date approved

Signature of Owner or Applicant

Date

Local Plumbing Inspector Signature

(2nd) date approved

PERMIT INFORMATION

TYPE OF APPLICATION

1 First Time System

2 Replacement System

Type replaced

Year installed

3 Expanded System

a <25% Expansion

b >25% Expansion

4 Experimental System

5 Seasonal Conversion

THIS APPLICATION REQUIRES

1 No Rule Variance

2 First Time System Variance

a. Local Plumbing Inspector Approval

b. State & Local Plumbing Inspector Approval

3 Replacement System Variance

a. Local Plumbing Inspector Approval

b. State & Local Plumbing Inspector Approval

4 Minimum Lot Size Variance

5 Seasonal Conversion Permit

DISPOSAL SYSTEM COMPONENTS

1 Complete Non-engineered System

2 Primitive System (graywater & alt. toilet)

3 Alternative Toilet, specify

4 Non-engineered Treatment Tank (only)

5 Holding Tank, gallons

6 Non-engineered Disposal Field (only)

7 Separated Laundry System

8 Complete Engineered System (2000 gpd or more)

9 Engineered Treatment Tank (only)

10 Engineered Disposal Field (only)

11 Pre-treatment, specify

12 Miscellaneous Components

SIZE OF PROPERTY

1.75 +/-

SQ FT

ACRES

DISPOSAL SYSTEM TO SERVE

1 Single Family Dwelling Unit, No. of Bedrooms 3

2 Multiple Family Dwelling, No. of Units

3 Other: (specify)

Current Use Seasonal Year Round Undeveloped

TYPE OF WATER SUPPLY

1. Drilled Well 2. Dug Well 3. Private

4. Public 5. Other to be drilled

SHORELAND ZONING

Yes

No

DESIGN DETAILS (SYSTEM LAYOUT SHOWN ON PAGE 3)

TREATMENT TANK

1. Concrete

a Regular - or

b Low Profile

2. Plastic

3. Other

CAPACITY 1000 GAL

DISPOSAL FIELD TYPE & SIZE

1 Stone Bed 2 Stone Trench

3. Proprietary Device

a. cluster array c. Linear

b. regular load d. H-20 load

4 Other: SIZE 1100 sq. ft. lin. ft.

GARBAGE DISPOSAL UNIT

1 No 2 Yes 3 Maybe

If Yes or Maybe specify one below

a. multi-compartment tank

b. tanks in series

c. increase in tank capacity

d. Filter on Tank Outlet

DESIGN FLOW

270 gallons per day

BASED ON:

1. Table 4A (dwelling unit(s))

2. Table 4C (other facilities)

SHOW CALCULATIONS for other facilities:

3. Section 4G (meter readings)
ATTACH WATER METER DATA

SOIL DATA & DESIGN CLASS

PROFILE CONDITION

1 C

at Observation Hole # TP1

Depth 16"

of Most Limiting Soil Factor

DISPOSAL FIELD SIZING

1 Medium--2.0 sq ft / gpd

2 Medium--Large 3.3 sq ft / gpd

3 Large--4.1 sq ft / gpd

4 Extra Large--5.0 sq ft / gpd

EFFLUENT/EJECTOR PUMP

Not Required

May Be Required

Required

Specify only for engineered systems

DOSE gallons

LATITUDE AND LONGITUDE

at center of disposal area

Lat. 44 d 52 m 53.1 s

Lon. 68 d 53 m 15.7 s

if g.p.s, state margin of error: 20'

SITE EVALUATOR STATEMENT

I certify that on 03/08/2016 (date) I completed a site evaluation on this property and state that the data reported are accurate and that the proposed system is in compliance with the State of Maine Subsurface Wastewater Disposal Rules (10-144A CMR 241).

Amy N. Jones

Site Evaluator Signature

383

SE. #

03/22/2016

Date

Amy N. Jones

Site Evaluator Name Printed

207-394-3065

Telephone Number

amy@ajonessepticdesign.com

E-mail Address

Note: Changes to or deviations from the design should be confirmed with the Site Evaluator

ATTACH 9B

SAMPLE

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Department of Human Services
 Division of Health Engineering
 (207) 287-5672 Fax: (207) 287-3165

Town, City, Plantation

Street, Road, Subdivision

Owner's Name

HERMON

RTE 2

GALLANT, JAMES

SITE PLAN

Scale 1" = 50' ft. or as shown

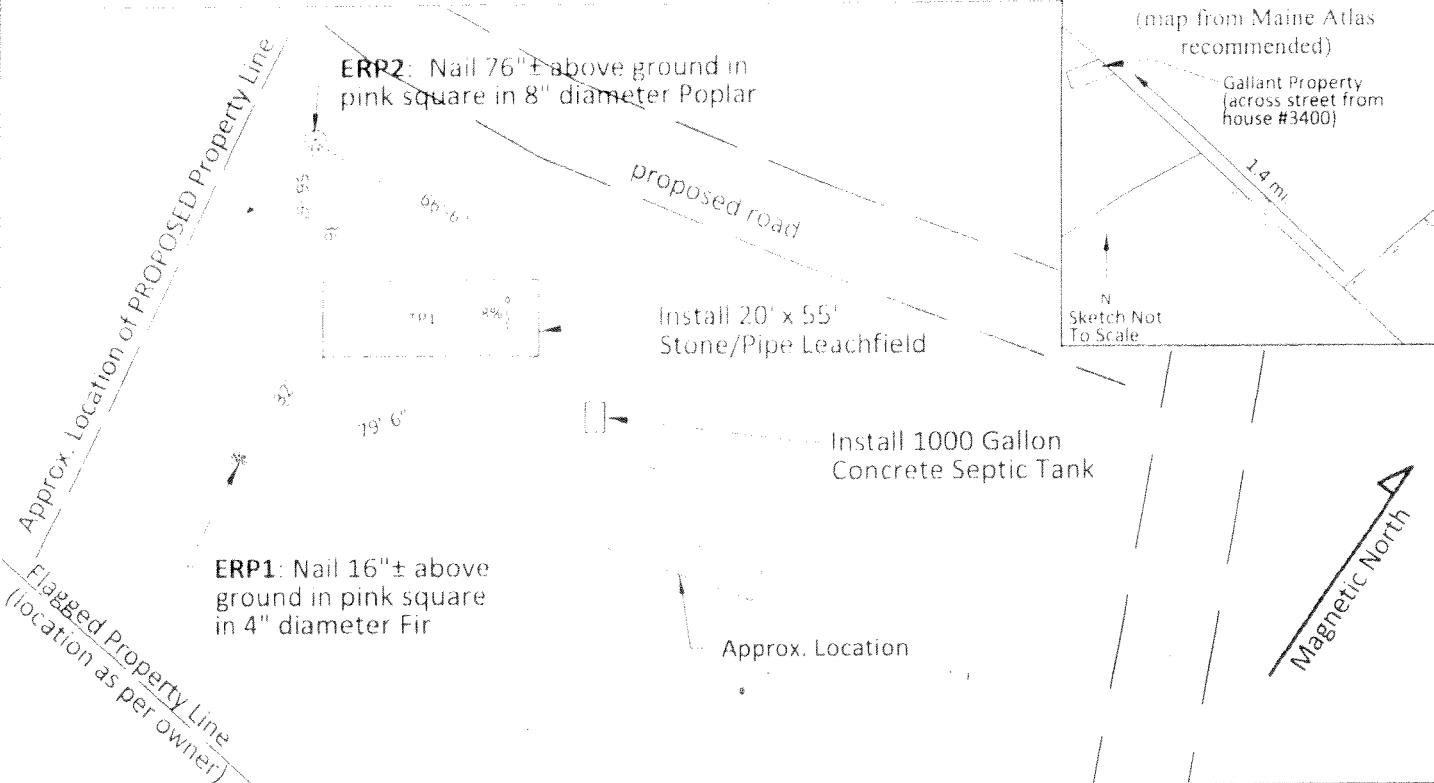
SITE LOCATION PLAN

(map from Maine Atlas recommended)

Gallant Property (across street from house #3400)

1.4 mi.

N
 Sketch Not To Scale



SOIL DESCRIPTION AND CLASSIFICATION (Location of Observation Holes Shown Above)

Observation Hole IP1 Test Pit Boring
 1" Depth of Organic Horizon Above Mineral Soil

Observation Hole _____ Test Pit Boring
 " Depth of Organic Horizon Above Mineral Soil

Depth Below Mineral Soil Surface (inches)	Texture	Consistency	Color	Mottling
0			DARK BROWN	
10	GRAVELLY SILT LOAM	FRIABLE	DARK YELLOW BROWN	NONE EVIDENT
20			OLIVE BROWN	Common Concentrations & Depletions
30		FIRM	LIGHT OLIVE BROWN	
30	LIMIT OF INVESTIGATION			
40				
50				

Depth Below Mineral Soil Surface (inches)	Texture	Consistency	Color	Mottling
0				
10				
20				
30				
40				
50				

Soil Classification	Slope	Limiting Factor	<input checked="" type="checkbox"/> Ground Water Restrictive Layer
1 C	8	16	<input type="checkbox"/> Bedrock
Profile Condition			<input type="checkbox"/> Pit Depth

Soil Classification	Slope	Limiting Factor	<input type="checkbox"/> Ground Water Restrictive Layer
	%		<input type="checkbox"/> Bedrock
Profile Condition			<input type="checkbox"/> Pit Depth

Amy N. Jones
 Site Evaluator Signature

383
 SE #

03/22/2016
 Date

SAMPLE

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Department of Human Services
 Division of Health Engineering
 (207) 287-5672 Fax: (207) 287-3165

Town/City/Plantation

Street, Road, Subdivision

Owner's Name

HERMON

RTE. 2

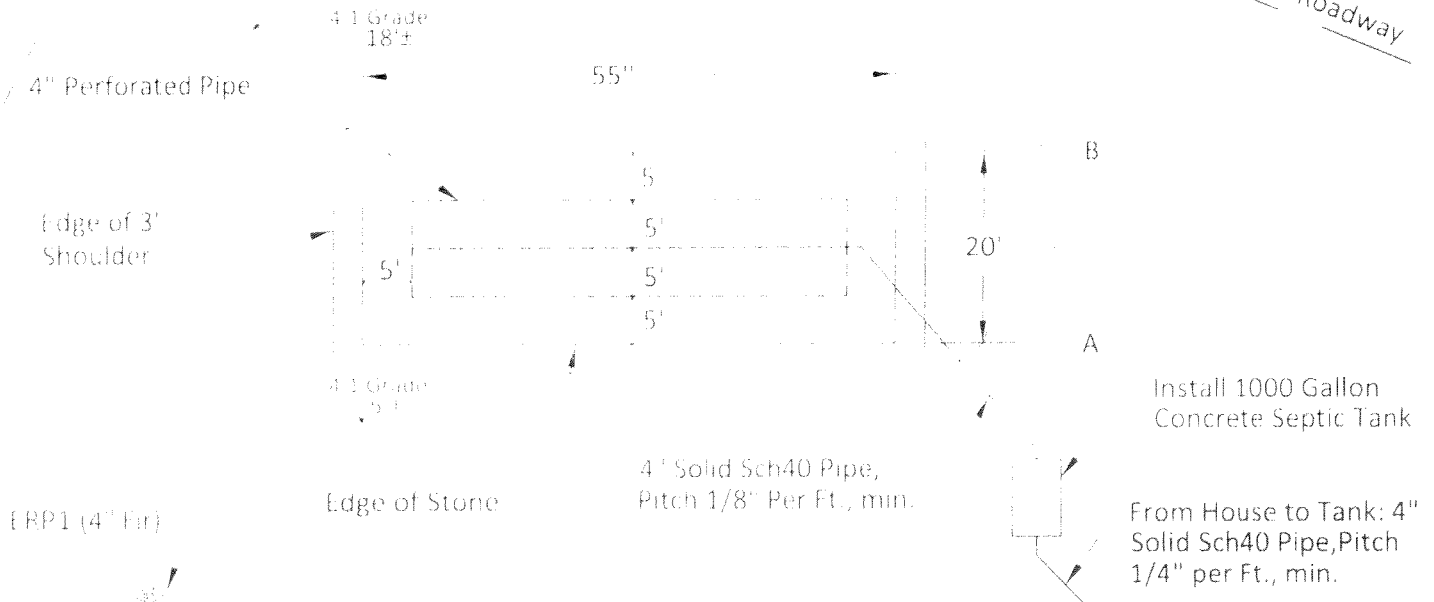
GALLANT, JAMES

SUBSURFACE WASTEWATER DISPOSAL PLAN

SCALE: _____ 20 _____ FT

Approximate Location of Property

Approx. Edge of Proposed Roadway



FILE REQUIREMENTS	CONSTRUCTION ELEVATIONS	ELEVATION REFERENCE POINT
Depth of Fill (Upslope) 18-21"	Finished Grade Elevation at center -9"	Location & Description: ERP1: Nail in pink sq 16" above grnd. in 4" Diam. Fir; see pg. 2 for ERP2
Depth of Fill (Downslope) 38-38"	Top of Distribution Pipe or Proprietary Device -19"	Reference Elevation 0"
	Bottom of Disposal Area -30"	

Original Corner Elevations	DISPOSAL AREA CROSS SECTION	Scale
46' 46" B	See Attachment for Disposal Area Cross Sections	Horizontal 1" = _____ ft.
29' 26" A		Vertical 1" = _____ ft.

- NOTES:**
1. Install all erosion control methods (if needed) before construction begins.
 2. **Divert surface water and ground water away from system.**
 3. House to be 20' minimum from leach field.
 4. Septic Tank to be 8' minimum from building.
 5. Septic Tank to be water tight (one-piece tank recommended).
 6. WELL TO BE 100' MINIM. FROM LEACH FIELD AND 50' MINIMUM FROM SEPTIC TANK.
 7. Protect all piping from frost.
 8. THIS SYSTEM IS NOT DESIGNED FOR BACKWASH FROM A WATER SOFTENER.
 9. THIS SYSTEM IS NOT DESIGNED FOR A VEHICULAR LOAD; DO NOT DRIVE ON IT.

DISPOSAL AREA CROSS-SECTION A-B

SCALE: 1" = 5'

A

B

4' ±

3'

20'

3'

20' ±

Filter Fabric Over Stone

4" Perforated Pipe

Crown at Center

Seed and Mulch

10", minimum of backfill over bed: first 6" to be clean sand gravelly coarse sand; top 4" to be a loam-sand mix suitable for vegetative cover

Edge of 3' Shoulder

4:1 Grade

Original Grade (8% Slope) 4" cut, this end

Add: onal Notes

1. Remove organic duff or turf layer, scarify soil beneath bed and for extensions before adding backfill
2. Do not install if grounds frozen or wet
3. All materials and installation shall be in accordance with the Maine Surface Wastewater Disposal Rules dated 8/03/2015
4. Fil extensions length may vary due to irregularities in the soil surface

Bed to be 12" of clean uniformly graded stone (3/4" to 1-1/2" in size): **7" of stone under pipe, 1" over pipe**

Transition Horizon: till or disk in a minimum of 4" of gravelly coarse sand backfill into original soil

SAMPLE

Site Evaluator Signature

James N. Tores

SE #

383

Date

03/22/2016

Attachment # 10 – Development Cost Estimate

1. New Septic System Design:	\$550.00
2. New Septic System:	\$9,650.00
3. Pool Repairs:	\$3,200.00
4. Driveway Widening:	\$2,650.00
5. Fixtures (Picnic Tables, Etc.):	\$1,800.00
6. Office Repairs/Upgrades:	\$9,324.55
7. Electrical Upgrades:	\$1,647.00
8. Driveway Improvements:	\$4,440.95
9. Recreation Improvements:	\$1,900.00
10. Ice Cream Stand:	\$3,876.00
11. New Sign:	\$1,250.00
12. POS/Reservation Comp/System:	\$1,400.00
<hr/>	
Total Development Costs:	\$41,688.50

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9-22-16

TOWN OF HERMON RESOLUTION TO OPPOSE QUESTION 1

A RESOLUTION OF THE HERMON TOWN COUNCIL OPPOSING THE LEGALIZATION OF RETAIL (NON-MEDICAL) MARIJUANA

WHEREAS, There will be an initiative on the November 2016 to legalize retail marijuana; and

WHEREAS, The 2015 results from the Maine Integrated Youth Health Survey indicate that 3.2% of Penobscot County Middle School Students and 16.8% of Penobscot County High School Students reported using marijuana in the past 30 days; and

WHEREAS, The 2015 results from the Maine Integrated Youth Health Survey further indicate that 27.4% of Penobscot County Middle School students and, the majority, 59.1% of Penobscot County High School students believe there is “no risk” or only a “slight risk” from regular marijuana use; and

WHEREAS, The 2015 results from the Maine Integrated Youth Health Survey have found declining rates of alcohol, cigarette, non-medical prescription drug use, and all other illicit drugs while marijuana use rates have remained stable and 1 out of 5 Penobscot County High School seniors reporting they have used in the past 30 days¹; and

WHEREAS, The 2013-14 results from National Survey on Drug Use and Health indicate that 42% of Maine’s 18-25 year olds had used marijuana in the past year; and²

WHEREAS, Research by Dr. J. David Hawkins, Dr. Richard F. Catalano establishes a link between the access and availability of drugs to the prevalence of use amongst youth; and³

WHEREAS, Legalizing the sales, possession, and/or distribution of marijuana in the Maine would increase youth access to the drug and send them messages that normalize the drug; and

WHEREAS, The sale, distribution, and possession of marijuana remains illegal under State and Federal law; and

WHEREAS, Research published in the *Journal of the American Academy of Child and Adolescent Psychiatry* establishes that weekly use of marijuana by use doubles the risk of depression or anxiety; and⁴

WHEREAS, Research in *Proceedings of the National Academy of Sciences and Pharmacology, Biochemistry and Behavior* establishes a link between heavy marijuana use in adolescence and problems with attention, learning, memory and processing speeds; and^{5 6}

¹ https://data.mainepublichealth.gov/miyhs/report_fact_sheets

² <https://nsduhweb.rti.org/respweb/homepage.cfm##>

³ <http://captus.samhsa.gov/access-resources/common-risk-and-protective-factors-alcohol-and-drug-use>

⁴ Hayatbakhsh, M.R. et al. (2007) Cannabis and anxiety and depression in young adults: A large prospective study. *Journal of the American Academy of Child and Adolescent Psychiatry*, 46(3):408-17. <http://www.ncbi.nlm.nih.gov/pubmed/17314727>

⁵ Meier, MH et. al (2012) Persistent Cannabis Users Show Neuropsychological Decline from Childhood to Midlife. *Proceedings of the National Academy of Sciences*. 109(40) e2657-e2664. <http://www.pnas.org/content/109/40/E2657.abstract>

WHEREAS, Marijuana users are almost twice as likely as non-users to be involved in workplace injuries or disciplinary problems; and⁷

WHEREAS, All youth and adults should have access to healthy, safe, and substance-free environments in which to live, work, play, and learn; and be it further

RESOLVED, The Town Council adopts a position to oppose the legalization of sales, distribution, and possession of marijuana for non-medical use in the state of Maine; and, be it further

RESOLVED, The Town Council reaffirms its commitment to providing leadership and direction for substance abuse prevention, awareness, and education in the Town of Hermon to include marijuana use prevention efforts among youth and adults; and, be it further RESOLVED, The Town Manager is hereby directed to forward copies of this resolution to Governor Paul R. LePage, the Maine Substance Abuse Services Commission, and the Legislative Delegation.

Chair, Hermon Town Council, _____ :

ADOPTED:

Town Manager: _____

Town Clerk: _____

Counselor: _____

Counselor: _____

Counselor: _____

⁶ Jacobus, J., Bava, S. et. al. (2009) Functional Consequences of Marijuana Use in Adolescents. *Pharmacology, Biochemistry and Behavior* 92(4). <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2697065/>

⁷ Zwerling et al. (1990)

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9-22-16



9/14/16

MEMO re: Engineering Services for Newburgh and Coldbrook Road Municipal Partnership Projects

Howard,

The Town of Hermon has been awarded grants for two road projects totaling \$1,068,268.00 to improve the surface and drainage issues at a 1.14 mile section of the Coldbrook road and a 2.27 mile section of Newburgh road.

The grant program is a 50% partnership initiative grant that Hermon and MDOT have utilized together before to improve State aid highways. A Special Town Meeting held July 28, 2016 which raised \$534,134 dollars from unrestricted fund balance as a match for the projects WIN#21926.10 and WIN#21926.09.

Please see the enclosed engineering request for proposals and add to your agenda so we can seek Council approval to search for project engineering services. If we prepare now and bid early, contractor availability and paving prices may be desirable for Hermon.

Thanks,

Scott Perkins

Town of Hermon
Economic and Community Development

Mailing address
PO Box 6300
Hermon, ME 04402-6300

Physical Address:
333 Billings Rd
Hermon, ME 04401

Telephone: 207 848-1010
FAX: 207 848-3316
Website: www.Hermon.Net

Request for Proposals

Town of Hermon, Maine
333 Billings Road
PO BOX 6300
Hermon, Maine 04402

The Town of Hermon is seeking a qualified engineer, hereinafter referred to as "CONTRACTOR", to prepare plans and specifications for a rehabilitation project beginning at the entrance of Jackson Beach State Park and extending 2.27 miles to the intersection of the Klatte road. The project includes full depth reclamation with HMA overlay and drainage improvements including ditching and driveway culvert replacements. The request for proposals also includes engineering services for a pavement preservation project on Coldbrook Road beginning approximately 0.69 miles westerly of Odlin Road and extending 1.14 miles.

Scope of Services

The selected firm will complete the tasks in consultation with designated Town officials. The work will include plans that outline the details for the reconstruction and improvements of both roads. The plans and specifications will be ample for the Town to seek competitive quotes from qualified contractors to reconstruct/rehabilitate the proposed roadways. The Town in partnership with MDOT proposes to complete a pavement preservation project on Coldbrook Road beginning approximately 0.69 miles westerly of Odlin Road and extending 1.14 miles which includes a 1.25 inch overlay, shim, drainage improvements, ditching and culverts as necessary. The second project includes beginning at the entrance of Jackson Beach State Park and extending 2.27 miles to the intersection of the Klatte and Newburgh road. The project design will include full depth reclamation with HMA overlay and drainage improvements, including ditching and culvert replacements.

1. Provide a preliminary plan for the improvements that will identify the right of way, edge of pavement, driveways, cross culverts and other items that need to be identified on the plans.
2. Meet with Town and MDOT officials to review the proposed plans and obtain approval for the concept proposal.
3. Prepare final plans and specifications to allow the Town to seek competitive bids for the projects more specifically to include driveways that need to have culverts replaced, cross culverts that need to be replaced, areas to be reclaimed and depth, shoulders to be reestablished, changes to driveway grades, driveway aprons that need paving, final elevation and crown of roadway and new road pavement considerations.
4. Provide ample copies of the plans and specifications in order to bid and reconstruct the roadways.
5. Take samples along the shoulders to determine the stability of the shoulders.
6. Respond to questions regarding the plans and specifications during the bidding and construction phase and attend the pre-bid meeting if requested.

Communications in reference to the RFP

Any communications in reference to this RFP shall be in writing by fax or email and directed to the attention of:

Scott Perkins
Public Works Director
Office: 848-1010
Fax: 848-3316
E-mail: SPerkins@Hermon.net

FIRMS INTERESTED IN SUBMITTING A PROPOSAL MUST REGISTER THEIR NAME AND CONTACT INFORMATION WITH THE PUBLIC WORKS DIRECTOR IN ORDER TO RECEIVE REVISIONS, CLARIFICATIONS AND UPDATES TO THE RFP PROCESS

Deliverables

1. Preliminary Plans
2. Final Plans and Specifications
3. All drafts and final products shall be provided in electronic and hard copy formats. Each electronic document will be provided in Word.doc format and Adobe Acrobat (.PDF) format. All CAD data shall also be submitted to the Town. The Town of Hermon will assume ownership of all materials, plans, graphics, maps, etc.
4. Five sets of plans and specifications (hard copy) will be provided to the Town of Hermon as part of this request.

Proposal Requirements

Interested firms should include:

1. **Resumes:** submit resumes of all principals to be assigned to the project and identify a lead person. Telephone number and contact information of the lead person who will answer questions concerning the proposal is required. List the physical location of the firm and the number of employees.
2. **Sub-Contractors:** Identify any effort that will be sub contracted. List names and addresses of the sub contractors and describe prior experience working with the firm.
3. **Cost Proposal:** Provide a cost proposal to prepare the items listed under scope of services
4. **Capacity:** Include information on the firm's capacity and availability of personnel to perform the work in a timely manner.

5. **Insurance requirements:** Provide proof of professional liability insurance, property damage, liability, business auto and worker’s compensation (\$1,000,000 or such higher amount established by the Maine Tort Claims Act, 14 MRSA 8101-8118)

6. **Firm’s references:** Offer a minimum of three references for similar projects completed, previous clients and the name and telephone number of a person associated with the project in the client’s employment that may be contacted for a reference.

7. **Work Schedule and Control:** Discuss project coordination with the Town. Describe how your firm will manage its role in this project and how it intends to maintain effective communication for the assignment. The Town seeks to obtain the final plans to bid the project no later than November 1st, 2016.

Include a schedule outlining project deliverables and any other relevant milestones

****Proposals submitted without the requirements listed in this RFP may be disqualified****

Evaluation

In addition to the proposal requirements, submittals will be reviewed and evaluated using the following categories:

- 1. Qualifications and experience, demonstration of related experience.....25%
- 2. Project understanding and ability to provide services.....20%
- 3. Ability to begin and complete the work in an expedited manner.....15%
- 4. Cost of services.....40%

Submittal

Proposals must be sealed in an envelope and marked on the outside “Newburgh and Coldbrook Road Proposal” Three copies must be received through the mail or hand delivered no later than 4:00 pm, October 5, 2016 at the following address:

Town of Hermon
333 Billings Road
PO BOX 6300
Hermon, Maine 04401

The selected firm will provide an electronic copy of the proposal upon request. The Town of Hermon reserves the right to accept or reject any and all proposals and is not liable for any costs incurred by individuals or firms prior to the issuance of a contract.

8.
9-22-16



9/14/16

MEMO re: MPO Grant Coldbrook/Odlin/Emerson Mill Intersection

Howard,

The Town of Hermon has been awarded a grant to improve the traffic signal at the Emerson Mill/Coldbrook/Odlin Road Intersection in the amount of \$87,525.00 to improve safety at this location because large trucks are ripping down our signal wires on occasion.

I applied to Bangor Area Comprehensive Transportation for this project because our history of repairs and occurrences proved the projects worth which includes raising the height of the signal posts and lights. We have been affected on several different occasions totaling \$4,661.68 dollars paid out of our repair account.

The grant offers an 80% federal, 10% State and a local share of 10% to participate in the grant award which would cost the Town \$8,752.50.

I recommend that we ask the Council to accept the grant in the full amount and that we add this item to our 2018 CIP plan to be ready for the 2019 disbursement.

Thanks,




Scott Perkins


Town of Hermon
Economic and Community Development

Mailing address
PO Box 6300
Hermon, ME 04402-6300

Physical Address:
333 Billings Rd
Hermon, ME 04401

Telephone: 207 848-1010
FAX: 207 848-3316
Website: www.Hermon.Net

From:  Dianne Rice <dianner@bactsmo.org> 7/25/2016 12:42:42 PM 
Subject: Project Identification form for Coldbrook Rd Intersection project.
To:  **Scott Perkins**

Attachments:  Hermon Coldbrook -Odlin intersection.pdf / Uploaded File (211K)

Scott:

As we discussed at the Policy Meeting last week I will need you to review the attached Project Identification Form (PIF) for the Coldbrook – Odlin - Emerson Mill Rd intersection project which was recently funded through the 2019 Capital Work Plan. Please print and review the information and answer the questions on pages 2 and 3. If you do not know the answer you can leave it blank. Sign where indicated and return to me by either scanning and emailing it or via snail mail.

The funding split for this project is 80% federal, 10% state and 10% local. The Town of Hermon will be responsible for the 10% local share. The dollar amounts can be found on page 3 of the PIF. The town will be contacted directly by MDOT once the project is in the State's Work Plan and a project manager has been assigned to the project. This is not the 3 party agreement that the Town Manager will need to sign, that will be sent to you directly by MDOT staff in the future.

If you have any questions please let me know.

Dianne

Dianne Rice-Hansen
Transportation Technician



12 Acme Rd. Suite 104, Brewer Maine 04412 - 207-974-3111



Project Identification Form MPO Project

Section 1 – Project Origination

Sponsoring metropolitan planning organization (MPO): BACTS

Section 2 – Project Description and Justification

Project Sequence Number (PSN):	Project Identification Number (PIN):
Municipality: Hermon	Route Number/Street Name: Coldbrook Rd, Odlin and Emerson Mill Rd intersection

Description of Project Location: Intersection of Odlin Road, Coldbrook Road and Emerson Mill Road

Federal Functional Classification: Urban Collector	Is the project on the NHS? No	Speed Limit (mph):
AADT (segment): 12613	Total Entering AADT: 12613	Potential locally administered project? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Please state the purpose and need, describing why the improvement is proposed: Traffic lights are too low and have been struck repeatedly at this intersection by logging trucks.

Please describe the proposed scope of work:
This project is to include raising the existing signal displays to avoid conflicts with the logging trucks which frequent this intersection. The project will consider the use of steel strain poles. replaced.

Section 3 – Municipal Involvement

Please provide the following information about the sponsoring municipality:

Municipality Represented : <i>HERMON</i>		
Contact Name: Scott Perkins	Title: Director of Public Works	
Mailing Address: 333 Billings Rd	City: Hermon	Zip Code: 04401
Daytime Phone Number: 848-1010	E-mail Address: Sperkins@Hermon.net	

Section 4 – MPO Project Contact

MPO contact for this project: Dianne Rice	Phone number: 974-3111
Form completed by: Dianne Rice	Date: 7/22/2016

Section 5 – Other Project Considerations

<p>Has this project been reviewed in conjunction with other projects in the area, either under design or construction? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>If yes, please identify the person who conducted the review and specify the projects:</p>
<p>Has this project been reviewed for pedestrian/bicycle accommodations and ADA requirements, including sidewalks and sidewalk ramps? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>If yes, by whom?</p> <p>Comments:</p>
<p>Has the project been reviewed for crash history or other safety concerns? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>If yes, by whom?</p>
<p>Has this project been reviewed for potential environmental impacts? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>If yes, by whom?</p>
<p>Has this project been reviewed for traffic data needs, including turning movement counts? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>If yes, please identify the person who did the review and provide this data to the MaineDOT MPO Coordinator.</p>
<p>Are there existing maintenance problems – drainage, pavement flooding, scouring – that should be addressed as part of this project? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>If yes, please describe:</p>
<p>Are there related intersections that should be evaluated? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>If yes, please list:</p>
<p>For intersection improvements that call for new signals where none currently exist, has a warrant analysis been completed? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>
<p>Will the project change the road's horizontal or vertical alignment? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>If yes, please describe:</p>
<p>Are there any obvious right-of-way impacts or displacements? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>If yes, please identify the source of the review and briefly explain the impacts:</p>
<p>Are there utility impacts within the proposed project limits? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>If yes, please describe the utility impacts:</p>

Can this project meet clear zone requirements? (Please consult the <i>MaineDOT Highway Design Guide</i> for guidance.) <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A		
If no, please explain:		
Do you expect that the project will require design exceptions (vertical and horizontal alignment, shoulder/lane widths, and clear zones)? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A		
If yes, please explain:		
Have previous technical studies been conducted? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A		
If yes, please: 1.) check all that apply; 2.) identify the responsible firm(s); and 3.) provide a copy to MaineDOT. <input type="checkbox"/> Planning and Feasibility <input type="checkbox"/> Corridor Report <input type="checkbox"/> Geotechnical <input type="checkbox"/> Hydraulic <input type="checkbox"/> Environmental Responsible firm(s)		
Is professionally stamped technical documentation attached? <input type="checkbox"/> Yes <input type="checkbox"/> No If no, please explain:		
Section 6 – Estimated Costs by Phase and Scheduling		
Phase	Original Estimate	Requested Delivery Year
<input checked="" type="checkbox"/> Preliminary Engineering	\$ 10,900	2019
<input checked="" type="checkbox"/> Right-of-Way	\$ 500	2019
<input checked="" type="checkbox"/> Construction	\$ 70,425	2019
<input checked="" type="checkbox"/> Construction Engineering	\$ 5,700	2019
Total Cost	\$ 87,525	2019
<small>310.265</small> Source of the estimate and contact information, for follow-up: Brett Hart, James W. Sewall Company 817- 5455 harb@sewall.com		
Is the project intended to be advertised for construction in 2019? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A		
If no, please explain:		
Section 7 – Funding Sources for the Project		
Funding Source	Amount	%
<input checked="" type="checkbox"/> Federal	\$ 70,020.00	80
<input checked="" type="checkbox"/> State	\$ 8,752.50	10
<input checked="" type="checkbox"/> Local/Other	\$ 8752.50	10
Total Project Funding	\$ 87,525.00	100
Section 8 – Project Approvals		

In signing this form below, I concur with the proposed scope of work, schedule and cost estimate. Additionally, I acknowledge that the MPO will provide Federal and State funding for the project, shown in Section 7. My signature further indicates that the MPO is willing to enter into a Three-Party Agreement with MaineDOT and the Municipality – formally defining the scope and assigning responsibility for costs – before design begins.

Comments:

Name and Title: Rob Kenerson, Director
MPO

Date

In signing this form below, I concur with the proposed scope of work, schedule and cost estimate. **Additionally, I acknowledge that the Municipality will make a commitment to secure its local share of project costs, shown in Section 7.** My signature further indicates that the Municipality is willing to enter into a Three-Party Agreement with MaineDOT and the MPO – formally defining the scope and assigning responsibility for costs – before design begins.

Comments:



Name and Title: Scott Perkins, Director of Public Works
Municipality

Date

8-15-16

In signing this form below, I acknowledge that I have reviewed the proposed scope, schedule and cost estimate.

I further state that I agree with the following: Scope Schedule Cost estimate

I further state that I disagree with the following: Scope Schedule Cost estimate

Comments:

Name and Title: Darryl Belz, MPO Engineer
Maine Department of Transportation

Date

NOTES

1. The municipality attests that it will abide by all federal and state requirements.
2. Any project costs found to be ineligible for federal and/or State participation shall be borne by the municipality and/or MPO.
3. Cancellation of a project may result in any expenditures to be determined to be ineligible and therefore borne entirely by the municipality and/or MPO, unless otherwise mutually agreed to by MaineDOT.