



Town of Hermon

Public Safety Meeting Room

October 29, 2020

Town Council Meeting

7:00 PM

MINUTES

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

Chair Thomas led those in attendance in the Pledge of Allegiance

III. ROLL CALL

Members Present: John Snyder III, Douglas “Doug” Sinclair Sr., Ronald “Ron” Murphy, Anthony “Tony” Reynolds, Charles Lever IV, Steven “Steve” Thomas and G. Stephen “Steve” Watson

Members Absent: None

Others Present: Town Manager Howard Kroll, Town Clerk Kristen Cushman, Ed Bearor from Rudman Winchell, Scott Perkins, Brian & Ruth Cawley, Josh Berry, Michael Chammings and 2 residents.

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

SIGNATURES. –APPROVE

MINUTES. -APPROVE 10/15/2020 minutes

WARRANTS. –SIGN 10/30/2020 warrant

RESOLVES. –SIGN

Councilor Snyder moved to approve the Consent Calendar as presented. Councilor Watson seconded the motion. Motion passes 7-0.



V. NEWS, PRESENTATIONS AND RECOGNITIONS:

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

VII. PUBLIC HEARINGS:

VIII. COMMITTEE REPORTS:

IX. SCHEDULED AGENDA ITEMS:

A. OLD BUSINESS:

B. NEW BUSINESS:

O20-21-03 Consider amendments to Personnel Policy – E.6 Section 6

Councilor Reynolds moved to approve O20-21-03. Councilor Murphy seconded the motion. The motion was accepted. Motion passes 7-0.

FR20-21-11 Consider authorizing the Town Manager to pay RSJ Electric and Exactitude for the installation of a new ADA approved door at the Patricia A. Duran School for a total of \$7,055.41

Councilor Snyder moved to approve FR20-21-11. Councilor Murphy seconded the motion. The motion was accepted. Motion passes 7-0.

R20-21-09 Approve the mill rate, due date and interest rate for 2020 taxes

Councilor Snyder moved to approve R20-21-09. Councilor Murphy seconded the motion. The motion was accepted. Motion passes 7-0.

C. WORKSHOPS:

- Continued discussion USPS delivery - Stone Farm

Manager Kroll referred to a letter written by Kathleen Rokowski, Manager, Marketing, USPS Northern New England District for Maine, New Hampshire and Vermont. See letter below.

Your email to the United States Postal Service (USPS) Postmaster General Louis DeJoy was forwarded to the Northern/New England (NNE) District to review, research and reply, since USPS NNE District oversees all postal operations in Maine, New Hampshire



and Vermont. As the Manager of Marketing for NNE District, I am responsible for replying to escalated concerns from customers within this district.

The Postal Service is directed by federal statute to provide reliable, safe and efficient mail delivery service, and to serve all citizens equally through providing mail delivery whether they fund postal operations by buying postal products and services or not. It is for this reason that, under federal statutes, *USPS is authorized to determine the mode of delivery in its sole discretion.* The mode of delivery includes the type of mail box that customers may use and the location where mail receptacles must be installed for every delivery point which USPS serves.

USPS delivers mail in a variety of modes, including to Post Office Boxes, to house mounted mail boxes, to curbside rural mail boxes, and to Centralized Delivery Box Units (CBUs), as well as delivering mail in *bulk* to colleges and universities, hospitals, hotels, nursing homes and other locations where residents are transient in nature. In the new housing development where your home is located, USPS has established the mode of delivery as delivery to a CBU, as outlined in the USPS HO Growth Management Initiative.

In your email, you state that you should not be served by a CBU because your residence and development does not include apartments or condominiums; however, all new housing developments and single home subdivisions are included in the USPS Growth Management Initiative requirements. The developer which developed the land on which the Stone Farm housing subdivision was built was informed on more than one occasion, by both the Town of Hermon and by USPS, that mail delivery would only be authorized to CBLI's in that new development. Please be aware that USPS is providing the same thing to your housing development that every other neighborhood has, by providing one free form of mail delivery to every address. In addition, as the developer was also told, the installation of a CBU for that housing development is a cost savings to every single homeowner who will not have to purchase, install or maintain an individual mail box and is therefore a benefit to everyone who owns those homes — not only now but for all years into the future. That is why developers must align their plans for mail delivery in accordance with current USPS federal regulations which are designed to meet growth management initiative guidelines and goals. If the developer did not plan for the installation of a CBU for the residents living in the subdivision to receive mail delivery, unfortunately, that is a matter for residents to address with the developer, since USPS clearly informed him, multiple times, that a CBU was the required mode of delivery.

Although I understand your comments about the distance in miles of the neighborhood in which you have purchased a home, that consideration is another reason why USPS cannot afford to allow individual curbside mail delivery for the two new Stone Farm spurs currently being developed. When determining the mode of delivery in new housing developments and subdivisions, USPS must control costs as much as possible when providing one free form of mail delivery for the over one million new delivery points we establish annually. Although, in the past, USPS may have allowed some homes to establish rural delivery via curbside mail box, USPS made a nationwide decision at the headquarter level over eight years ago to establish Centralized Delivery via CBU for new housing developments such as Stone Farm.

Many customers all across America prefer to pay money to rent a PO Box address even if they are eligible for street delivery, because no mail box has to be purchased, installed, shoveled or maintained. In addition the mail in a PO Box is held safely, securely and out of the elements of nature until such time as recipients want to collect it. Those same two conveniences apply to CBUs. Many customers are pleased to receive mail delivery in CBUs not only for those two reasons but also because they can receive parcels and larger mail pieces in CBU parcel lockers — pieces that do not fit into rural curbside mail boxes.

The fact that other residents in the initial phase of the development erected individual curbside rural boxes was an error which USPS should have addressed at the time. Regrettably, since it has now been more than a year since curbside delivery was established on two other roads in that development, under USPS rules, we are not allowed to correct the error. However, now that we have identified that an error in delivery establishment was made, we are not going to compound it by continuing to err. USPS is obliged to correct the mode of delivery for all homes on the two new spurs currently in development, by requiring that the mode of delivery be Centralized via CBU, as should have been installed for all of the homes in that development in Hermon, Maine

I regret that we are not able to establish delivery in your new development via individual curbside rural mail boxes as you desire. It is my understanding that the current Postmaster has determined a location for the Stone Farm CBU installation, and you may contact him for that information. If you believe my decision is in error, you have the right to appeal this decision to the USPS NNE District Manager at this address.

District Manager USPS NNE
District 151 Forest Avenue
Portland, ME 04101



I hope that this letter explains the many reasons for the decisions of the U S Postal Service in this matter. Thank you for your business which we *value and appreciate*.

Manager Kroll reached out to Chris Parker, Postmaster for Bangor and the government offices of Golden, Collins and Gratwick to appeal for the residents.

After much discussion, the developer (Nate Wicklow) has agreed to improve the location and place mailboxes for residents of the subdivision.

- **Findings of Easement Options for CES Water Diversion System**

Scott Perkins presented to the council options to gain access to the area for Water Diversion System.

Access 1: (Red) From Stoneybrook Drive (adjacent to wetlands) perpendicular to the roadway across Leach's lawn to the southwest corner of the lot. This option is approximately 204' as drawn. Approximately 100 cubic yards of gravel at 12" and possibly fabric because of wet conditions would be required. This access option would be acceptable for a "Town owned" permanent access (agreed to by owner October 19) but requires a culvert in the roadway and material installation.

Access 2: (Pink) From Stoneybrook Drive using Ron Bouchard's driveway. Limiting factors include the conditions Mr. Bouchard has placed in exchange for using the access (see attached email). Estimate by Town of Hermon including the drainage pipe originally totaled \$14,500. Witham's Paving has formally estimated the same job on October 18, 2020 at \$8,800 to \$10,000 for surface removal, reshaping native material and installing 2.5 inches of HMA if we do not install the additional pipe Bouchard is requesting. (Additional pipe request shown included as attachment was priced in the TOH estimate)

Note: Driveways are usually not the best option for easements regarding future maintenance issues but this use was a stakeholder suggestion at the outset of the process and then changed to a conditional use as suggested in the Council email requiring approval by the board if desired. (Email Included as attachment)

Access 3: (Green) From Stoneybrook Drive using four different property easements. Cost prohibitive because of length (563' as shown) requiring tree cutting, fabric and 12" of gravel through wet areas totaling approximately 250 cubic yards.

Access 4: (Blue) From Harvest Lane cul-de-sac. Apply for amendments with Maine DEP to cut an access and restore to conditions of existing buffer as shown in the file attached "Harvest Lane MDEP Buffer Restrictions" Calls were made to MDEP and the initial response was that amendments would have to be sought and a decision made as



to whether or not it would be allowed after review. This option should be exercised as a last resort because it has the ability to exacerbate the water situation. Additionally, it would involve 3-4 temporary easements to construct with a final outcome of not maintaining a permanent access for future maintenance of the system. Review the buffer restrictions to understand restoration requirements TOH would be asked to complete after use if an amendment was granted.

After council discussion, council asked Scott to go forward with option #1.

- **Status of Billings Road sidewalk project**

Scott Perkins presented an updated map after a meeting with Patrick Adams with Transportation team at MDOT. The new map updated the sidewalk, crosswalk and an added esplanade.

Council was asked to review the new map and give feedback/questions regarding the proposed map going forward.

D. OTHER ITEMS: (from Table Package)

X. APPOINTMENTS:

XI. MANAGER STATUS REPORT:

Manager Kroll gave an update on the upcoming election. As of today, total voters 4931, total requested ballots 2037 this equals 41.31% requested.

Vice President was here last week and we were notified via the media. This was unfortunate. Greenway Equipment

November 12 and 19 will be the next council meetings.

I have been working with Mr. Gardner regarding a project at the ball fields regarding drainage. For this to be done correctly I will need to request additional \$17,000 funds approximately at a later meeting.

Wish the Veterans a Happy Veterans Day.

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



XIII. COUNCIL ITEMS:

Tony Reynolds: Concerned when the Governor has a mandate stating there is a limit on gatherings outside and it is being ignored. State Police, county and Secret Service all disregarding the mandate.

XIV. EXECUTIVE SESSION:

Councilor Reynolds moved to enter Executive Session to discuss 1 M.S.R.A. 405 (6)(E). Councilor Murphy seconded the motion. The motion was accepted. Motion passes 7-0.

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

XV. ADJOURNMENT:

Councilor Snyder moved to adjourn the meeting at 8:30 PM. Councilor Reynolds gave seconded. With no objection the meeting was adjourned at 8:30 PM.

Respectfully Submitted,

**Kristen Cushman
Town Clerk**

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

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

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