

**RESULTS FOR SPECIAL TOWN MEETING  
TOWN OF BROWNFIELD  
AUGUST 31, 2004**

To: Carl Mills, a citizen of the Town of Brownfield, County of Oxford, State of Maine.

Greetings: In the name of the State of Maine, you are hereby required to notify and warn the voters of the Town of Brownfield, in said County, qualified by law to vote in Town affairs, to meet at the Brownfield Consolidated School in said Town on the 31<sup>st</sup> of August, 2004 A.D. at 7:00 P.M. then and there to act on the following articles, to wit:

**The meeting was called to order at 7:00 P.M. by the Town Clerk.**

Article 1. To elect a Moderator to preside over this meeting in accordance with the provisions of the Maine Moderator's Manual.

**Robert Peirce was elected Moderator by a show of hands.**

Article 2. To see if the Town will vote to dispense with the check list.

**Article 2 carried as read.**

Article 3. To see if the Town will vote to adopt the following Moratorium Ordinance regarding mineral extraction.

WHEREAS, the Town's existing Land Use Ordinance does not adequately provide regulations governing responsibility for damage to the Town's roads from excessive heavy traffic; and

WHEREAS, this same Ordinance does not offer protection for any existing wetlands and natural resources; and

WHEREAS, serious safety issues exist for the residents of the Town of Brownfield because of inadequate road widths and shoulders to allow for safe passing of heavy trucks and buses; and

WHEREAS, there are many areas in Town that may be exploited due to the amount of undeveloped land and the non-existence of any regulations or restrictions regarding mineral extraction.

WHEREAS, after public comment, there is strong support for this Moratorium Ordinance; and

WHEREAS, the Town will need at least 180 days to develop and implement the necessary amendments to zoning and land use ordinances and regulations to accommodate these extraction pressures; and

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WHEREAS, amendments to the Land Use Ordinance require a public hearing by the Planning Board and then must be voted on at a Town Meeting; and

WHEREAS, in the judgment of the Town, these facts create an emergency within the meaning of 30-A M.R.S.A. 4356 (1)(B) and require the following Moratorium Ordinance as immediately necessary for the preservation of the public health, safety and welfare;

NOW, THEREFORE, the Town of Brownfield hereby ordains that a moratorium is hereby imposed, effective immediately and applicable, to the maximum extent permitted by law and subject to the severability clause below, to all proceedings, applications and petitions not pending (within the meaning of 1-M.R.S.A. Sec. 302) as of September 1, 2004 and on any new construction or use, requiring approval under the terms of the Town's zoning and land use ordinances and regulations for such Town until the effective date of the necessary amendments to the zoning and land use ordinances and regulations or until March 1, 2005.

BE IT FURTHER ORDAINED, that the Planning Board, Board of Appeals, CEO, all Town agencies and all Town employees shall neither accept nor approve applications, plans, permits, licenses and/or fees for any new extraction or uses governed by this Moratorium Ordinance for such mineral extractions for said period of time; and

BE IT FURTHER ORDAINED, that those provisions of the Town's Land Use Ordinance and regulations which are inconsistent or conflicting with the provisions of this Moratorium Ordinance, including, without limitation, the requirements for site plan review by the Planning Board, subdivision and/or special exception review by the Planning Board, and appeals by the Board of Appeals, are hereby repealed to the extent that they are applicable for the duration of the Moratorium Ordinance hereby ordained, but not otherwise;

BE IT FURTHER ORDAINED, that to the extent any provision of this Moratorium Ordinance is deemed invalid by a court of competent jurisdiction, the balance of the Moratorium Ordinance shall remain valid.

**EMERGENCY CLAUSE:**

In view of the emergency cited in the preamble, this Moratorium Ordinance shall take effect immediately upon passage by the Town, shall apply to the maximum extent permitted by the law but subject to the severance clause above, to all proceedings, applications and petitions not pending as of September 1, 2004 and shall stand repealed as of March 1, 2005.

**Article 3 carried unanimously as read.**

**The meeting adjourned at 7:30 P.M. There were 33 registered voters in attendance.**