

**RESULTS OF
SPECIALTOWN MEETING
DECEMBER 5th, 2001**

To: Marian Mitchell 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 in the Brownfield Consolidated School in said Town on the 5th of December A. D. 2001 at 7:00 PM then and there to act on the following articles, to wit:

This meeting was called to order at 7:00 P.M. by Town Clerk Wanda Bartlett.

Article 1. To elect a moderator to preside over this meeting in accordance with the provisions of the Maine Moderators Manual.

The floor was opened to nominations for moderator. Nominations were for Steven Gourley, 33 votes, Robert Peirce 9 votes and Peter white 28 votes.

Steven Gourley was voted to preside over tonights meeting.

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

Article 2 carries as read.

Article 3. To see if the Town will vote to adopt the following Moratorium Ordinance regarding radio, television, telephone towers and antennas in excess of thirty five feet in height.

WHEREAS, areas of the Town of Brownfield are faced with the possibility of increased development pressure from radio/TV/telephone towers and antennas in excess of 35 feet in height (herein after "Towers"); and

WHEREAS, this development pressure was unanticipated and has not been adequately provided for in the Town's current Land Use Ordinance; and

WHEREAS, the granting by the Federal Communications Commission of licenses for a number of "personal communication services," which require smaller geographic sections of "cells" than existing cellular telephone technology, has created a significant demand for new telecommunication tower locations, and Brownfield appears to be so situated that operators of the personal communication services are likely to seek sites in the town; and

WHEREAS, there is a strong likelihood that all areas of the Town will continue to be subjected to this development pressure due to the amount of undeveloped land, the nonexistence of any regulations or restriction on location of towers, and the relatively low land prices of some of the land at issue, the existing town...

WHEREAS, continued development of such Towers pursuant to the continued Land Use Ordinance could pose serious threats to the public health, safety and welfare of the residents of Brownfield through the over-development of parts of Town with such Towers without adequate provisions for issues of safety, and land use compatibility, and visual access to view corridors; and

WHEREAS, after public hearing, 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 development pressures; and

WHEREAS, amendments to the Land Use Ordinance require a public hearing by the Planning Board, and then must be voted upon 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 M.R.S.A. Sec. 302) as of 5 December 2001 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 5 July 2002

BE IT FURTHER ORDAINED, that the Planner, Planning Board, Board of Appeals, the Building Inspector/C.E.O., all Town agencies and all Town employees shall neither accept nor approve applications, plans, permits, licenses, and/or fees for any new construction or uses governed by this Moratorium Ordinance for such Towers 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 height variance 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 in 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 5 Dec 2001 and shall stand repealed as of 5 July 2002.

Article 3: was read in its entirety and after a lengthy discussion, it was voted that the article carries as written.

Article 4. To see which one, if any of the following actions The Town will determine to take with respect to the Boynton Bridge:

NOTE: In a two round vote, approved by the Maine Municipal Association, after discussion of each of the following five (5) options, a vote shall be taken by the Town. Each voter selecting one of five options. After the first count the two options with the highest votes shall be submitted back to the People for a run-off. The option with the most votes shall be the Peoples decision.

The Options, each followed by discussion:

- A. Town built at an estimated cost of \$134,478 to be taken from the \$125,000 Boynton Bridge Special Account and the remainder estimated to be \$9,478 to be taken from the Undesignated General Fund. The Town has full liability and would own the bridge. (Town has insurance to cover workers during construction but none to protect the town should an accident occur due to a defect in the bridge.)
- B. Dopp and Dopp kit bridge at an estimated \$125,618 to be taken from the \$125,000 Boynton Bridge Special Account and the remainder estimated to be \$618 to be taken from the Undesignated General Fund. The Town would own the bridge. (Town has no insurance to protect the town should an accident occur due to defect in the bridge.)
- C. State single lane option with no new road work to be done by the Town at an estimated cost of \$124,920 and a maximum amount of \$137,412 to be taken from the \$125,000 Boynton Bridge Special Account and if necessary, up to \$12,412 to be taken from the Undesignated General Fund. The State would own the bridge and would assume liability.
- D. State single lane option with Town designed and built road extension at an estimated cost from the state of \$124,200 and a maximum state cost of \$136,620 and a town road portion of \$23,000 for a total maximum cost of \$159,620 to be appropriated from the \$125,000 Boynton Bridge Special Account and if necessary up to \$34,620 to be borrowed for a term of five years with principle and interest to appropriated from the Undesignated General Fund for the term of the

