

Town of Brookfield
267 Wentworth Road
Brookfield, NH 03872

SELECTMEN'S MEETING MINUTES
September 8, 2009

Attendance: Chairman Clifton Camp and Craig Evans - Absent: Ernie Brown
Staff: Ed Nason CEO, Pam Frazier Assessor Clerk, Marilou Maclean Treasurer, Jennifer Sonricker Admin. Assistant & Doug Vanderpool Forest Fire Warden
Town Boards & Commissions: Janet Murfey Planning Board
Public in attendance: 26
Reporter: Heather Terragni

The meeting was called to order by Clifton Camp at 6:35 p.m. Clifton led us in the pledge of allegiance.

Clifton announced that Ernie's flight has been delayed and he will be unable to make this evening's meeting so the letter from Frank & Pamela Frazier and Ron & Mary Ann Fountain regarding firewood production will be postponed until the next meeting, September 22, 2009. Clifton further explained that he needs to recuse himself as he is involved and this would leave only one Selectman to hear the issue.

Approval of Minutes: Review of minutes from August 10, 2009 & August 25, 2009. **MOTION: Craig made a motion to approve minutes from August 10, 2009 and August 25, 2009 as written, seconded by Clifton. A vote was taken, all in favor. Motion Carries.**

Public Comments:

Frank Frazier provided the Selectmen with supporting documentation regarding the firewood production matter.

Mr. Hughes, Brookfield resident is working towards his Eagle Scout and is looking for a project in Town to help him achieve this goal. A few suggestions were made; helping the Cemetery Trustees with an "adopt a cemetery" project and helping with an Asian Long Horn Beetle prevention initiative. The Selectmen will give further thought to this request and work towards identifying a project.

Report of Town Officials:

Treasurer Marilou presented checks to be signed. In Ernie's absence the budget will be addressed at the next meeting.

CEO, Timber & Gravel Ed requested changing multiple hats (CEO, Timber monitor and Gravel Monitor) to just CEO as they all fall under the one office. He also requested reimbursement for cell phone charges resulting from town business; his personal cell phone was \$200 over last month the additional charges were for dealing with town matters. He suggested either getting a Town cell phone or continuing with his personal cell phone and submitting an itemized bill for calls associated with Town business.

Road Agent Ed reported that work on Pleasant Valley Road should be completed by September 22nd. His plan is to have the salt shed ready for concrete by September 23rd. Lyford Road project will begin September 28th and should take one week to complete. Regarding road signage Ed explained he is looking for another source for sign posts; our usual source the State prison is backlogged 3 months.

Old Business

Ron Jenkins Property on Governors Road: Letter regarding agreement for payments on deeded property was drafted by the Town Attorney; Craig questioned the deeding date, he is unsure if it is correct. Craig will discuss with Ernie, he is the point of contact regarding this matter.

Salt Barn – update: Clifton announced the construction of the salt barn was awarded to Peavey Brook Construction.

Fire Extinguisher Update and possible Fire Extinguisher Class update: Doug Vanderpool reported that all Fire Extinguishers in the Town Office Building are up to date; the five fire extinguishers in the Town House are out of date and needed replaced. Doug urged all Town officials to learn how to use all of the fire extinguishers and is planning a training session with Wakefield Fire Department; he will notify everyone of the date once scheduled. Disposal of old fire extinguishers discussed. Doug explained that he would like to hold off disposal till after the training session because they will be used for the training class; after the class he will have the fire department dispose. Doug provided the Selectmen with a letter to be signed regarding reappointment of Deputy Fire Wardens. Doug announced he is retiring as Town Fire Warden as of December 31, 2009; he suggested Brad Williamson or Michael Moore as possible replacements.

Cable Committee: Bill Nelson reported he has received a map today from Time Warner; the Cable Committee will meet to review.

New Business:

Letter from Frank & Pamela and Ron and Mary Ann Fountain – Firewood Production: As explained at the beginning of the meeting this issue is postponed until next meeting.

Noise Ordinance – Selectmen’s Ordinance: Clifton explained that the Planning Board’s Noise Ordinance Sub-Committee has been meeting, in the meantime Craig discovered a 1979 Public Nuisance Abatement Ordinance; this ordinance is still on the books. The sub-committee is asking the Selectmen to update the 1979 ordinance to deal with issues more prevalent today. The 1979 ordinance mostly deals with noise from automobiles. Clifton explained that in many towns Police or Selectmen write the ordinance and the Zoning Ordinance has a blurb about the ordinance. Craig suggested a Selectmen sub-committee be formed to work with members of the Noise Ordinance sub-committee on this ordinance, the sub-committee to be chaired by Clifton.

Timber Cutting Ordinance – Selectmen’s Ordinance (Feb. 15, 1992): Selectmen questioned whether ordinance is still relevant and up to date. Craig suggested a workshop with Ed Nason, Timber Monitor to discuss. A workshop will be planned when Ernie returns.

Public Weight Limit on Town Roads Ordinance (Sept. 25, 1986): Selectmen discussed the ordinance, RSA 41:11 is cited in the ordinance. Ed explained that currently there are no weight limits on town roads, traditionally weight limits are on only applied temporarily in the spring.

Budget Time – Requiring all monies being requested by organizations to be done by petition warrant???: This was discussed briefly at the last meeting, a suggestion was made to have all requests for money by organizations be done by a petition warrant article thus giving the townspeople a say in what is funded. Currently the decision is made by the Selectmen. There is concern given the tight budget that the Selectmen may have to decide to reduce or not fund some of the non-profit organizations that are currently supported. The thought is the petition warrant article is more grass roots giving the people the choice; this way if the funding is approved and results in a tax increase it is by the choice of the townspeople. Other area towns handle money requests in this manner. Craig suggested the decision be made when all three Selectmen are present. Clifton agreed. This will be placed on next meeting’s agenda.

Other: Ron Fountain questioned why minutes from last two meeting were not posted within 144 hours, he cited RSA 91A. He explained minutes from August 25th meeting were not posted until today. Ron’s timeframe of 144 hours for posting was corrected as the law changed and the requirement is now 5 business days. Jennifer was unsure of the exact day minutes were posted but knows they were within the 5 business day requirement; she will need to look back at her email and schedule to determine the exact day. Where

the minutes are to be posted was discussed, Clifton explained that as long as he has been a Selectman the minutes have only been posted in the binder in the office. A suggestion was made to have the minutes posted on both town bulletin boards. The Selectmen discussed briefly.

MOTION: Craig made a motion to post Board of Selectmen meeting minutes at Stoneham Corners and Town office bulletin boards 5 business days from meeting, seconded by Clifton. A vote was taken, all in favor. Motion carries.

Ron questioned the speed of the school bus and questioned why the Selectmen had not addressed this issue, he explained the school bus is still speeding and he is concerned. Several members of the public commented they felt the speed of the bus had improved. The Selectmen will speak with Ernie when he returns to see if he has spoken with the school district regarding the speed of the school bus.

Ed reported the speed study is complete. He does not have a copy of the written report but verbally he was told the average speed was 28 MPH. Rob Fountain questioned when the shaving down of the edge of the road at Ciccaronne property was to occur. Ed was unclear this project was confirmed, he will speak with the Selectmen regarding this project.

Mail Reviewed

No new business before the board meeting adjourned at 7:55 pm.

Respectfully submitted,

Jennifer Sonricker
Administrative Assistant

Attachments (1)

Frank & Pamela Frazier
103 Lyford Road
Ron & Mary Ann Fountain
91 Lyford Road
Brookfield, NH 03872
September 2, 2009

Board of Selectmen
Brookfield, NH

Brookfield Selectmen:

We request that you add the issue below to your agenda for New Business for your September 8th, 2009 meeting.

We also request that this letter be attached to the minutes for that meeting.

We request that you instruct the Brookfield Code Enforcement Officer to issue a **Cease and Desist** for the business known as "Happy's Firewood" being operated at 85 Lyford Road in Brookfield, NH.

The basis for this request is:

- This business is an Industrial Operation in the Brookfield Residential/Agricultural zone. As a Cordwood Manufacturing business, where trees are imported, manufactured into cordwood and then shipped out by truck, it does not comply with any current Brookfield Zoning ordinance. I specifically cite the advice of then town attorney Susan Slack (which you gentlemen have access to) and her legal analysis that cordwood manufacturing does not comply with our current ordinances.
- The operators of Happy's have cited both the NH agriculture RSA 21:34a and the zoning statutes pertaining to forestry, principally RSA 672:1 IIIIC, as grounds that their business does not have to comply with local regulations. First and foremost all of these statutes deal with "Silviculture" the growing and harvesting of trees on that parcel. This is absolutely not the case with Happy's. Even if Happy's starts to "cut a few birch trees" and throw them in the bulk of the hardwood being used for the cordwood manufacturing would come from off-site. Also these statutes all cite the "unreasonable" limiting of agricultural and forestry operations. What is unreasonable is opening a factory to produce cordwood in the middle of a residential neighborhood.
- A previous attempt to open a Gravel Pit in Brookfield was denied by the Brookfield ZBA because it was not specifically permitted by Brookfield Zoning. We feel that the same standard should be applied to Happy's. This is not a "home occupation". It is a large-scale, commercial operation employing industrial equipment for the processing of the logs and several trucks and vehicles used for the delivery of firewood. It is not someone selling a few cords of extra wood from their property. It is an industrial operation dropped into the middle of a residential neighborhood.

- It is clear from Happy's advertising on Craig's List (<http://nh.craigslist.org/grd/1356367069.html>) that they intend to vigorously grow and expand this operation. They have photos depicting a very large operation. The original statement by Happy's operators that they would process perhaps "10 loads of logs" is clearly not going to be their limit. The current frequency is at least one tandem-trailer load a week.
- We feel that common sense dictates that this operation is de-valuing the surrounding neighbors' property values. This will have an impact on tax rates for the properties surrounding Happy's and thus a negative impact on taxes in the town as a whole. As neighboring property values go down, tax rates go up and therefore Happy's is impacting the whole town, not just the Lyford Road area.
- The Happy's advertisements are touting that the firewood will be "stored indoors". One can only assume that the operators plan to utilize the current horse riding arena for this purpose. This is a CHANGE OF USE of this property. A change of use that is not allowed by any current Brookfield Zoning provision. A previous attempt to change the use of this arena to seasonal Boat Storage was denied by the Brookfield ZBA. This also implies year round operation of the cordwood manufacturing.
- This operation is degrading the peaceful enjoyment of the neighboring properties. In addition to the "hum" of the cordwood process engine running 6hrs + most days there is considerable noise from the movement of cordwood around the property by backhoe and dump truck as well as the noise from loading cordwood into the delivery trucks.
- Additionally the Happy's delivery trucks have routinely been using the town portion of Lyford Road for delivery's presumably to Wolfeboro and points beyond. This is in clear violation of the "No Thru Trucks" posting on Lyford Road, and will inevitably add to increase maintenance costs for this road to all Brookfield residents.

It is very difficult for us to bring this action against our neighbor. We salute their evidently successful business but absolutely feel it is being done in the wrong place. We would love to see farming and other related activities thrive in our neighborhood. However, the Happy's operation is clearly a business that belongs in, perhaps, the Wakefield Industrial Park located at the end of Governor's Road and definitely not in our residential/agricultural neighborhood.

We urge the Board of Selectmen to uphold their oath and to enforce the zoning laws currently on the books for Brookfield.

Sincerely,

Frank & Pamela Frazier - Ron & Mary Ann Fountain