

**SEABROOK BEACH VILLAGE DISTRICT  
MEETING MINUTES  
January 13, 2014**

**PRESENT** Dick Maguire, Ted Xavier, Joe Giuffre  
Don Hawkins, Steve Keaney, Mike Rurak

The meeting was called to order at 7:00 PM. Dick Maguire led the meeting in the Pledge of Allegiance.

**SECRETARY'S REPORT**

Minutes of the December 9, 2013 meeting were distributed and reviewed.

Motion to accept Secretary's Report: Ted Xavier  
Motion seconded: Joe Giuffre  
Motion passed by voice vote.

**TREASURER'S REPORT**

Mike Rurak reviewed the treasurer's report for December 2013 including current period and YTD information.

2013	December	YTD	Prior YTD
Total Income	\$ 1,670	\$ 72,897	\$ 35,917
Total Expenses	7,669	54,190	41,650
Net Ordinary Income	(5,999)	18,707	(5,733)
Total Interest Income	31	1,421	2,877
Net Income	(5,968)	20,128	(2,856)

Total cash in the District checking and savings accounts was \$248,095 at the end of December 2013.

- Current period revenue was \$1,670 with expenses of \$7,669 and interest income of \$31 resulting in net loss for the period of \$5968. Mike noted that the December figures are preliminary and may change if there are any outstanding bills or revenue that relate to December 2013.
- YTD revenue is \$72,897 with expenses of \$54,190 interest income of \$1,421 and net income of \$20,128.
- Dick Maguire commented that permit revenue is up \$37,636 vs. prior year due to the number of new homes being built, expenses are also up by \$12,540 primarily due to high legal expenses and repairs to the precinct building sign. Net income is up \$20,128.
- The commissioners were given the monthly disbursement approval form and bank statements for their review and approval.

- Dick Maguire told the audience the financial reports were available for review after the meeting.

Motion to accept Treasurer’s Report:	Joe Giuffre
Motion seconded:	Ted Xavier
Motion passed unanimously by voice vote	

**BUILDING INSPECTOR’S REPORT**

Steve Keaney reported:

- He had \$8,000 in additional deposits that came in late in December that could be recorded as 2013 income. Mike Rurak said he would probably include that deposit in 2013.
- Steve has already recorded the first permit in 2014 for a new home so the building boom is continuing.
- He has been working on possible zoning changes that will be covered later in the meeting.

Motion to accept Building Inspector’s Report:	Ted Xavier
Motion seconded:	Joe Giuffre
Motion passed unanimously by voice vote	

**OLD BUSINESS –**

**A. Closing of rental space.** Joe Giuffre said that the rental space has been closed and is completely winterized. All the bills are in and the Seabrook Police have been invoiced and paid their bill for 2013 expenses. Hopefully they will rent again in 2014. Mike Rurak said the Police Department paid for water, electricity, gas, opening and closing cost in 2013. Ted Xavier asked if the Police Department has to pay the town for water at their main building.

**B. Proposed zoning changes for the 2014 Annual Meeting.** Steve Keaney suggested that a date be set to get resident input on proposed zoning changes. He needs to have the final draft by February 10<sup>th</sup> if the changes are going to be ready for the Annual Meeting. The commissioners agreed the next work session would be Monday January 27, 2014 at 7PM in the district building. Dick Maguire said he would check on the date for the public hearing. Joe Giuffre said they could post the proposed changes on the town web site so people who are out of town can see the changes before the Annual Meeting. Ron Markel asked if the changes could be put in the paper and on the web site. He was told they would be. He also asked if there was a process for a citizen to ask for zoning changes. Dick Maguire explained the process and that a citizen’s petition required 25 resident’s signatures. Steve Keaney said he would give the ZBA members a packet with the work done to date so they could be ready for the next work session.

## NEW BUSINESS

### **A. Action related to request of Castaways to extend their hours of operation on New Year's Eve.**

Dick Maguire talked about why Castaways was denied a permit to open on New Year's Eve. Dick explained that he got a phone call from Town Manager, Bill Manzi just before Christmas asking if the Commissioners would agree with issuing a special permit for Castaways to open on New Year's Eve. Dick said he would review it with the other commissioners and get back to Bill. The Commissioners did not agree with issuing the permit based on a number of complaints that neighbors, the district and the Planning Board had with the way Castaways had operated in the summer. They did not think that Castaways had not been a good neighbor because they ignoring repeated request to make changes to the way they were operating. Steve Keaney listed some of the issues that remain a concern including hours of operation, amplified music on the deck, unauthorized use of wood fire pits and that the owners were required to return to the planning board to make changes to their site plan if they wanted to address any of these issues. Dick Maguire called Bill Manzi and said the Commissioners did not approve the special request for New Year's Eve based on the late request and the owner's history in the district.

Ted Monzeur owner of Castaways said he did not agree with the Commissioners' assessment that he had not been a good neighbor. He said the issue of amplified music had not been brought to him until July or August and that he immediately made the change to bring it inside. He said the Seabrook Fire Chief approved the fire pits but acknowledged that gas fire pits would have been a better choice because they emitted less odor. He knew his hours of operation did not allow him to stay open until 1 AM on New Year's Eve which is why he went to the Town in October to seek clarification and permission to stay open. He talked to Paul Garand the Seabrook Code Enforcement Officer who referred him to the Selectmen who are responsible for special event permits. In December the Selectmen and Town Manager asked for a recommendation from the Planning Board. On December 17, 2014 the Planning Board waived jurisdiction stating the Selectmen should decide on the special permit. Mr. Monzeur said on December 19, 2013 Bill Manzi called him to tell him his request had been approved. One week later he got a call back from Manzi saying the Commissioners did not approve and that his request was denied. Monzeur asked Dick Maguire if there had been a special meeting of the Commissioners to make the decision. Dick said no, that due to the lateness of the request he had polled the commissioners over the phone and then returned Manzi's call. Dick said he thought the whole situation was unfortunate and that things could be different in 2014. Mr. Monzeur restated that every issue that had been brought to his attention had been rectified. The fire Chief gave a permit for the fire pits and music had been brought inside as requested. Castaways were not bad neighbors but in fact had been a good neighbor. He did not want to be viewed as someone who did not cooperate.

Joe Giuffre said he was against the special permit because he did not want to reward Castaway's past bad behavior. He noted that the restaurant repeatedly closed after 11PM, they continued using the fire pits after the Fire Chief said to put them out and they ignored neighbor's complaints about noise. Joe said he did not consider that being a good neighbor.

The Manager of Castaways said that she tried to follow all requests. Her employees were required to stay after 11PM to clean up and that the lights stay on only for the employees.

Ted Xavier said he was disappointed that the beach residents could not use the facilities on New Year's Eve.

- B. Issues associated with construction at 256 Ashland Street.** Ms. Markell requested that she be allowed to come back at the next meeting. She was not prepared to talk about her issue. She thought the building permit process needed clarification and better coordination between the contractor, homeowner and building inspector. She has had a lot of miscommunication and frustration on her construction project. Steve Keaney explained the process. The application is usually filled out by the contractor and reviewed with the building inspector on Tuesday evening office hours. The home owner is required to sign the application or write a letter giving the contractor permission to sign for the homeowner. Steve then writes the permit and generally drops it off at the property. Ms. Markell thought it would be helpful if the whole process were spelled out in writing. She said her contractor did not know what to do. Steve said there were some issues with the contractor. The home owner was not satisfied with the work done and wanted to be at the final inspection. She thought the final inspection took place before the project was done. Steve asked Ms. Markell if she would provide him with a list of open items on the project.
- C. Acceptance of the SBVD budget by the Seabrook Budget Committee.** Dick Maguire said he submitted the SBVD budget to the Budget Committee on 1/9/14. The budget Committee approved the budget of \$75,500. Dick reminded the audience that the SBVD is self sufficient and does not rely on Town tax dollars to pay for its operation. Operating funds come from rent, building permits, interest and a tax on SBVD properties if needed. He noted a tax was necessary in only two of the last 30 years and that none was anticipated in 2014.
- D. Proposed warrant article submitted by petition for the 2014 town of Seabrook warrant dealing with fireworks in the SBVD.** Dick Maguire read the proposed citizen's petition by Thomas O'Hara which would allow the use of fireworks on private property at the beach on Holidays, Fridays, Saturdays and on July 3<sup>rd</sup> before 10:30 PM as long as the displayer is 21 years of age or older and has the written consent of the property owner. Ted Xavier noted that none of the signatures on the petition were residents of the beach. Dick Maguire said the Town Clerk checked the signatures for authenticity. Joe Giuffre said that our

legal counsel believes if the SBVD votes to disallow fireworks as part of the zoning ordinance, it will hold up. The town warrant would then be non-binding. Theresa Kyle asked if the Town approves the citizen's petition in March would the SBVD vote in April over ride the town vote. Dick Maguire said our attorney thinks the beach vote would supersede the town vote. He noted that our previous attorney did not think the district could ban fireworks. The Selectmen can ban them for safety reasons. Both the Police Chief and the Fire Chief think that fireworks should be banned.

**OTHER BUSINESS** -

Ted Xavier said the Seabrook parking committee would be meeting on Wednesday 1/15/2014 at 9 AM.

The meeting was adjourned.

Submitted by,

Don Hawkins

**NOTE: At the February 10, 2014 SBVD meeting the commissioners asked that the following email be attached to the January 13, 2014 meeting minutes.**

February 9, 2014 at 2:53PM

**tomorrow's meeting**

From [Seabrook Beach](#)  
To [MaQuire Mr.](#)  
CC [Kinney Steve](#) [Don Hawkins](#)

Mr. McQuire --

Due to medical reasons, I will be unable to make the meeting tomorrow night. Mr. McQuire, I am respectfully asking you as the Chairman or Steve Kinney, on my behalf, to insert into the drafts minutes prior to approval, the following sentences that add clarity to the current minutes.

Mr. Kinney stated he had the permit in his truck ever since the project began and he did not leave it at the site during the sonar tube inspection because it was raining. Ms. Markell asked the Commissioner if they could make available in writing the building inspectors schedule for village district residents as it is not typical business hours. She said this would be helpful so that in the future she and others could fully disclose the off-business hours arrangement to the contractor before entering into a fee for service contract. There was no discussion on this matter. Mr. McQuire stated that they would take this under advisement.

As for providing Steve with my punch list per our last meeting, I am in a holding pattern as the contractor never responded to my email to meet and go over my punch list. My original punch list (before the failed final inspection) asked the contractor to confirm that he indeed did use the materials he specified in the contract in regard to the Azek handrail system. Since the date of the my original punch list, I have confirmation from the Azek Corporation that hardware was substituted, material was substituted, and that the specified directions for installation were not followed. Thus, making a conversation necessary to resolve if the contractor would make the required repairs or refund my money in full to meet his contract obligation. There were other issues like this as well.

Please feel free to submit this paragraph in it's full entirety as part of the Monday's minutes if you see fit.

I thank all of you for your help and time on this matter.

Ronna Markell

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