

**SEABROOK BEACH VILLAGE DISTRICT
MEETING MINUTES
February 10, 2014**

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

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

MEETING WITH REPRESENTATIVE OF CASTAWAYS RESTAURANT

Henry Boyd of Millennium Engineering introduced himself and said he was there to speak on behalf of Castaways Restaurant. Henry said he has been involved with the site for years and understood the issues relating to the hours of operation, fire pits and noise. He said this was a courtesy visit to explain the restaurant's future plans. No action would be taken at this meeting and he was looking for feedback from the residents.

Henry showed the restaurant's new plans that he would be taking to the Planning Board in the near future. The owners will be asking to extend the hours of operation until 1 AM which are the allowed hours for other restaurants in town. The plan shows seven gas fire pits with a total of 28 seats on the ground on the north side of the building with underground gas lines to the fire pits. Henry acknowledged that the total seating allowed by the Planning Board for the entire restaurant, inside and outside, was a total of 285 seats. He said the seats around the fire pits were included in the 285 total. Gas was being used because burning wood caused problems with odor. Henry did not consider this an expansion of use because seats were not being added to the total.

Henry referred to a meeting at town hall with the owners of the restaurant, the town manager, the town and beach building inspectors, and the fire and police chiefs to discuss hours of operation, outside seating, outside music and noise issues. He said the restaurant would be applying for live outdoor music from Thursday through Sunday from 5 PM to 9 PM. He saw no reason live outdoor music should not be allowed but did acknowledge amplified music could be a problem if it were "over the top". Joe Giuffre thought that the music should be restricted to non-amplified.

Brian Gillis said there was no difference between live and recorded music and there should be no prohibition on amplified music. Steve Keaney said live music has always been allowed but it could not be amplified. Amplified music tends to become a nuisance.

Theresa Kyle said that Eastman Restaurant was prohibited from having outside live music. The Honey Pot Restaurant on Rt1 had to insulate their restaurant to keep the noise inside. Castaways consistently take liberties where ever they can. They stayed open until mid-night 2 weeks ago, the night after the meeting with the town manager. Kyle said that the owners of Castaways told the Planning Board that they wanted to be a

family restaurant and did not need to stay open past 10PM. A family restaurant does not need to stay open until 1AM. The original restaurant did not have an outside deck.

Paul Essigmann said he has been a resident at the beach since 1966 and he has never heard the music.

Pat Vivenzio said she attended the planning board meeting and the owners said they would be closed by 10 PM. If they are allowed to stay open until 12PM people will be there a lot longer. Anything that contributes to the noise is a problem.

John Coddair said he thought if live music were to be allowed outside the note on the plan should say it will not create an annoyance or disturbance.

Marie Bergan said she thinks Castaways is a family restaurant and that she takes her mother there.

Brian Gillis said he thought the restaurant provided a good service to the beach. It provides a restaurant for families to walk to for dinner so they don't have to drive to Hampton in the summer. He said he can't hear the music outside and doesn't care about the fire pits.

Kelly Azoury said she works at the restaurant and the new owners have done an amazing job creating a great place to eat.

Henry Boyd said his family has been in Seabrook since 1638 and there is no going back to the barrier beach that existed then. The outdoor deck overlooking the marsh is a jewel that all the residents should take the time to enjoy it.

Joe Giuffre said the plan shows only four parking spots for employees which is probably 14 short. Henry Boyd said parking was not an issue. There are no zoning requirements and no prohibition from using the town lot. Employees are asked to park on private property behind Preston Real Estate.

SECRETARY'S REPORT

Minutes of the January 13, 2014 meeting were distributed and reviewed.

Dick Maguire received an email from Ronna Markell requesting that a paragraph drafted by Ms. Markell be added to the January 13, 2014 meeting minutes. The commissioners decided to attach the email to the January 13, 2014 minutes but not to include the paragraph in the document.

Motion to accept Secretary's Report:
Motion seconded:
Motion passed by voice vote.

Joe Giuffre
Dick Maguire

TREASURER'S REPORT

Mike Rurak reviewed the revised treasurer's report for December 2013 including current period and YTD information as well as the January 2014 current period report.

2013	December Revised	YTD	Prior YTD
Total Income	\$ 10,560	\$ 81,787	\$ 35,917
Total Expenses	7,669	54,190	41,650
Net Ordinary Income	2,891	27,597	(5,733)
Total Interest Income	31	1,421	2,877
Net Income	2,922	29,018	(2,856)

Total cash in the District checking and savings accounts was \$256,985 at the end of December 2013.

- Mike said he sent the required 1099s and 1096 to the IRS and had copies for the commissioners to review.
- Mike also sent the Auditor Option and Schedule documents to the NH DOR as required in RSA 41:31-b
- Mike reviewed the revised financial reports for December 2013. Current period revenue was revised from \$1,670 to \$10,560. Expenses remained at \$7,669 and interest income stayed at \$31 resulting in net income for the period of \$2,922. The increase in revenue was from a building permit issued late in December.
- The revised December YTD revenue changed from \$72,897 to \$81,367 with expenses remaining at \$54,190 and interest income at \$1,421 resulting in net income changing from \$20,128 to \$29,018.
- January 2014 revenues were \$2,330 with expenses of \$3,216, interest income of \$31 resulting in a net loss of \$855.
- 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:
Motion seconded:
Motion passed unanimously by voice vote

Joe Giuffre
Dick Maguire

BUILDING INSPECTOR'S REPORT

Steve Keaney reported:

- January was returning to normal and he did not have a lot of activity to report for the month. There is one new house on Concord Street and lots of other activity that started in 2013.
- Steve requested the commissioners schedule a public hearing date for zoning changes being proposed for the Annual Meeting. He said the proposed changes had to be posted 10 days before the public hearing. Options included February 24, 26 or 27, 2014. The changes must be in warrant form for the commissioners to accept at their March 10, 2014 meeting. The commissioners set Monday February 24, 2014 at 6PM for the public hearing.

Motion to accept Building Inspector's Report: Joe Giuffre
Motion seconded: Dick Maguire
Motion passed unanimously by voice vote

OLD BUSINESS –

- A. Issues associated with construction at 256 Ashland Street and emails.** Ms. Markell was not able to attend the meeting but did send Dick Maguire an email requesting a change to the January 13, 2013 minutes. She will attend the March meeting.
- B. Warrant article dealing with fireworks to be voted on during town elections on March 11, 2014.** Dick Maguire talked about the fireworks article discussed at the deliberative session on February 4th. A citizen's petition was submitted by Thomas OHara that would allow fireworks to be used on private property at the beach on Fridays, Saturdays, July 3rd and July 4th up to 10:30PM. The person would have to be 21 years old and have written permission from the property owner. Sixty people signed the petition but not one resided at the beach year round. If the article passes the commissioners have the option of asking the Selectmen to over ride it for safety reasons. The Seabrook Police and Fire Chiefs are opposed to the article. Joe Giuffre encouraged residents at the beach to vote against the article and not leave it to the Selectmen to over ride. Joe thought State Rep Aboul Kahn was considering entering a bill in the State Legislature addressing the use of fireworks. Joe was not aware of any details.

NEW BUSINESS - None

OTHER BUSINESS -

Brian Gillis said he had some troubling information to bring up to the commissioners. He said he sat in on a deposition where his neighbor testified that he had been instructed by the building inspector how to circumvent a deed restriction and that the neighbor should hire a certain lawyer to help him. Mr. Gillis said he thought it was unthinkable for the building inspector to offer this advice. Dick Maguire said if this was a legal matter it was not appropriate to have further discussion at this meeting.

Joe Giuffre said he has invited Brendon Clifford to the May meeting to review the 2014 plover plan with the beach residents. John Starkey is currently reviewing the plan. There will be symbolic rope fences but no wood fences.

Dick Maguire announced the Annual Meeting would be Tuesday April 29, 2014. The regular April meeting will be on April 14, 2014 and the May meeting will be on May 12, 2014.

Dick Maguire announced that he was retiring from the Seabrook Budget Committee and would be looking for a replacement to represent the SBVD. Budget Committee meetings typically start in September but weekly meetings take place from November to January.

Dick talked about the recent deliberative session in Seabrook. He noted that the budget growth in dollars is substantial and unsustainable. He said the tax rate growth from 2008 to 2013 has been 31.8% and the town rate has grown in the same period by 32.4%. He anticipates at least a 9% growth in the 2014 rate. The 2008 to 2013 COLA rate has only grown by 14.9%.

The parking committee's February 5th meeting was postponed due to snow. Steve Keaney asked if there would be changes to the parking rules this summer. Dick said he did not know. Joe Giuffre said the biggest issue at the recent parking meeting held in the district building was related to placards. Joe also said there was a citizen's petition to reserve 10 parking spots in the town lot for town residents.

The meeting was adjourned.

Submitted by,

Don Hawkins