



## **Emerald Lake Village District**

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### **Board Attendees**

Sara Auger, *Commissioner (Chair)*

Brett Taber *Commissioner*

Rick Rose, *Clerk*

### **Residents**

Melissa Taber, Heather Auger and Guy Bibeau.

Meeting called to order by Commissioner Auger at 6:30pm.

## **ELVD Public Hearing meeting Thursday November 11, 2021 @ 6:30 PM**

### **Roll Call & Quorum of Commissioners**

The purpose of this meeting is to provide information and safety concerns to support making changes to the Beach's Lake Rules and Regulations relative to section 3.16.

Commissioner Taber explained how the above regulation reads: Fireworks permissible by law are allowed to be used on the beaches but only during the hours after dark but no later than 10:30pm and must be set off only under safe conditions away from trees and flammable materials with access to water in case of fire and with sufficient adult persons present to supervise and prevent any damage or danger to others. All trash, packaging and remnants of spent fireworks must be removed after use.

Commissioner Auger went on to explain that the main concern is liability. We had incidents occurring in the last two Summers. This Summer we had a trash barrel that was burnt down to the ground by someone disposing of fireworks in the trash can and a nearby tree was ignited and due to it being wet from previous rain, it did not fully ignite to cause any further damage. The Summer before the incident (an injury occurred) involved fireworks accidentally being fired into a crowd at Meetinghouse beach.

Information was sought from both legal and our insurance carrier to obtain advice regarding this issue.

Commissioner Taber explained they consulted with our insurance and they say anyone displaying fireworks should be following State laws and rules through the Dept. of Safety and licensed to do so like Atlas or other such companies. A lot of discussion in State rules refer to Town ordinances, whether they permit them or not and if a permit is required. If fireworks are displayed on a resident's property then they are held responsible and not to be performed on public property and even the suggestion of allowing it on public property puts the district in a position of liability.

He has previously spoken with other Towns (Hillsboro and Sunapee), with Hillsboro they do not require permits for residential fireworks but they do not permit the use of fireworks on Town owned property unless it's done by people who are licensed and insured. Sunapee also does not allow any display of fireworks on their beaches or property unless done by someone that is a fully licensed and insured display company.

There are exclusions to the insurance coverage that include if displays are being done in an unsafe manner, if they're not permitted, not insured or if there is a violation. If any of these happen, the insurance company wouldn't cover any claim. Their stance is if the district ordinance allowed private fireworks and any injury were to occur on district or adjacent property there are potential liabilities in the millions of dollars. A couple of options they cite are to prohibit all private fireworks on district property but would not prohibit the district from conducting its own and allow displays only upon presentation of a permit from the fire chief and approval by the district's Board of Commissioners, considering requiring a purchase of insurance naming the district as the insured or require they hire a professional

display company and stated either way, there's always an inherent risk. A follow-up with risk management with the insurance company will also be done.

Commissioner Auger stated they could just put up a similar sign for fireworks like we do for swimming that any displays would be "at your own risk" as far as liability is concerned and cites requirements stated in RSA's 160B and 160C. Commissioner Taber advised that with the swimming risk sign it affects mainly one person but fireworks have the potential of affecting many as fireworks are unpredictable and there's no accountability for who displayed the fireworks. In the end, trying to protect the district from a major lawsuit, protect the residents, both personally and financially is the board's goal.

Final vote on this topic will be done at the next meeting or a December meeting once follow-up is done with our insurance carrier and any future public feedback.

Commissioner Auger made a motion to close the public hearing portion of the meeting at 6:50pm. Commissioner Taber seconded, both approved, motion passed.

**Late agenda items:**

Commissioner Auger read Commissioner Page's resignation (for a variety of personal reasons) letter which was handed to her at the end of the last meeting. Her resignation is effective 11/4/21. Commissioner Auger made a motion to accept Katie's resignation. Commissioner Taber seconded, both approved, motion passed.

The board will put out information regarding Katie's replacement by advertising it on the website, kiosks and The FB page. Anyone (resident of the district) interested can contact the board members directly. This position will be appointed for the remaining months and will be up for election, if they choose, in April for the one -year term Katie has left vacant.

Commissioner Taber shared that the audit is moving along and on schedule to be completed by the end of the month and they will provide any suggestions to the board.

The sand permit follow-up needs to be done as the deadline is next Wednesday. Commissioner Auger will do this follow-up. We did receive a quote of \$240 from Henniker Sand.

They also need to follow-up on tree quotes, which are expected to come in next week.

**Adjournment of Meeting:**

Commissioner Auger made a motion to adjourn the meeting at 7:03pm, Commissioner Taber seconded, both in favor, motion passed.

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Rick Rose, *ELVD Clerk*

**Approved by:**

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Sara Auger, *Commissioner (Chair)*

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Brett Taber, *Commissioner*

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