



Emerald Lake Village District

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Red Fox Bridge Inquiry

9th May 2019

Purpose

During the Annual Town Meeting dated April 20th, 2019, multiple residents of the Emerald Lake Village District challenged the ELVD Board of Commissioners (herein referred to as “BOC”) regarding monies spent to implement a 2 -year temporary fix to the Red Fox Crossing Bridge (herein referred to as “ *RFCB*”). As Commissioner-elect, I committed to the community at our annual district meeting that I would make it my first priority to determine the underlying cause(s) that resulted in the permanent closing of RFCB, hold to account the entities responsible, and to recover any funds spent under the agreement of that temporary fix. During this meeting, I was challenged by residents not only to hold contractors accountable, but where applicable, the BOCs.

Preamble

Before I reveal to the community my findings, I feel it's important the community understands my background and motivations for publicly publishing this inquiry. Over 15 years ago my wife, a highly-decorated leader in the United States Coast Guard, purchased our home in the ELVD Community. For those of you whom have served, supported those who have served or who have loved ones in service today — what we all have in common is a sense of duty and honor, to uphold an oath of public service to the betterment of those we hold most dear in our hearts.

In the military, as in business, there is little tolerance for politics, personal agendas, and failure to produce results. We live in a space where facts are the bedrock of our decisions and in the absence of those facts, we strive to identify the root causes of our problems and clear roadblocks for our community in the future.

As I navigate through my new role as Commissioner, I am making mistakes and learning valuable lessons every day. I learned long ago in business that its not the mistakes we make that define us, rather it's what we do with those mistakes that set us apart and help us grow. I think it's important that the residents of ELVD remember that those who serve this community are our neighbors, people, who, with honest intent, attempt to do what it takes to move the community forward. And when mistakes are made, we all need to step back and remember that in the end, we are all human and will all make mistakes.

If we as a community do not allow for those mistakes, and do not treat those who stand before us serving our community with dignity and respect, then as a community we must hold ourselves accountable for creating the conditions that brought us here today. On my first day as commissioner-elect, I was overwhelmed with feedback from the community telling me things like "good luck, it's a thankless job," and "hopefully you'll last longer than the last guy." I believe we, as a community, need to look inward and understand that our elected officials are faced with public shaming on social media, negative rumors circulating about them, and the fear that their loved ones could bear witness to all of this when mistakes are made in such a public forum. This type of environment will only serve to paralyze the leadership in our community and prevent progress toward our future.

Our leaders need to hear from our community that we understand that mistakes can and will happen. They need to feel that it's ok to admit those mistakes and even, in worst case scenarios, that the community will still embrace them as our neighbors and recognize that their mistakes do not define who they are or how we, as a community, view them. In short, ELVD is a family and we all need to start acting like it.

Findings

On November 5th, 2018, heavy rainstorms eroded the surrounding earth of RFCB causing the supporting boulders on the northwest corner of the the bridge to shift. As a result of this shift, the in-road concrete slab slipped off of its supports rendering the bridge inoperable. Prior to this event, the RFCB had been placed on the State of NH DOT's Municipal Red List of deficient bridge structures in need of replacement.

Prior to the failure of RFCB, the ELVD BOCs had already been in contact with an engineering company (Wright-Pierce) as a result of the bridge being placed in the DOT Red List. A prearranged retainer consisting of \$5,000 was agreed to and a motion to approve the expense was made and passed during the November 7th district workshop meeting after the bridge had failed. In addition, during this same workshop, the board approved the cost of the repair valued at \$10,000 and awarded to job to Skippy Edwards without a contract.

It was in that workshop, dated November 7th, 2018, where the public was misled regarding the safety and liabilities associated with attempting to allow a temporary fix for the RFCB. In a letter addressed to William E. Watson, Jr. of the Bureau of Planning and Community Assistance dated November 16th, 2018, appointed Commissioner Wayne Held informed the Bureau of the steps taken to reconstruct the bridge and invited the NH DOT to reinspect the RFCB in hopes to grant its usage until a more permanent bridge could be installed. A key factor that had failed to be communicated to the residents of the ELVD Community during the November 7th District Workshop meeting was the following paragraph;

“On Wednesday, November 7, 2018, the ELVD commissioners met with Mr. Eugene “Skippy” Edwards, the District Road Agent and our engineering representatives (acting in an unofficial capacity only) on site to scope the damage, erosion to the supporting walls of the bridge. Mr. Edwards, who has maintained the district roads for decades, along with the Town of Hillsborough, indicated that a temporary repair could be made to the bridge with input from the District’s engineers.”

It was here when, then Commissioner Held communicated that the district’s contracted engineers clearly indicated that they could only advise the BOCs in an “unofficial capacity,” indicating to the board that Wright-Pierce could not certify the repair, thus rendering the RFCB uninsurable if opened to the public. It appears that the board approved this repair in the hopes that NHDOT would inspect the repaired structure and approve its use. In the same letter addressed to the Bureau of Planning and Community Assistance, Commissioner Held states:

“The District would like to invite the NHDOT to inspect the current repairs to the bridge in hopes to grant its usage until the installation of a more permanent bridge.”

The residents of the ELVD Community would later find out that the RFCB would not be granted for use and therefore needed to be closed for reasons of liability to the community.

Conclusions

Based on the findings indicated above, the community of ELVD now has to weigh the following issues:

- The BOC failed to communicate the potential safety and liability risks that the residents of the ELVD Community would be exposed to in an attempt to open RFCB.
Recommendations from the engineers to use mortar to secure the earth around the bridge was not followed.
When questioned about permits for the repair by resident Brett Taber, the board claimed permits were not needed.
The procurement of the funds was not executed in accordance with the district procurement policies.
Succumbing to public pressure, the BOC appropriated \$10,000 in an attempt to fix the bridge on the gamble that NHDOT would allow the bridge to reopen.
Commissioners failed to communicate the facts behind the bridge failure during the annual meeting damaging the reputation of the board and the confidence of the community.
To date, the BOC has failed to initiate the first steps required to replace the bridge despite having knowledge of its red-listing by the state.
The BOC allowed the repairs to the bridge without verifying whether the contractor was qualified to do the work and/or carried the appropriate insurance to carry out the repair.

Recommendations

Because the board failed to obtain a contract from Skippy for the bridge, and the fact that the engineers made clear their recommendations were unofficial, the accountability for the loss of \$10,000 and the unquantifiable risk exposure, rests squarely Chairman of the Board of Commissioners.

I want the community to be aware that this inquiry has not been presented for personal gain. And in the event a sitting commissioner should choose to accept responsibility and resign, I would immediately move to appoint Brett Taber as Commissioner and Chairman of the Board of Commissioners.

In the event that no commissioners decide to stand account, I will motion for a vote to the board that I be appointed Chairman of the board with the understanding that my compensation will remain the same.

Failure to take any action by either commissioner will only slow the communities progress until such time as the next election determines the will of the people.

