

Totten, Elizabeth (HPHC)

From: krosenberg46@gmail.com
Sent: Saturday, February 17, 2024 3:59 PM
To: Totten, Elizabeth (HPHC)
Subject: Budlong Pool

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Report Suspicious

Dear Ms. Totten,

I am the chairperson of Cranston Forward, a community group that promotes open government and civic engagement in Cranston. Last summer, we were involved in the community opposition to the Hopkins' Administration's plan to destroy and replace the historic Budlong pool. Our understanding, as of October was that the City was moving forward with putting the project out to bid. So, I was floored to read in the Cranston Herald last week that the RI Historical Commission determined in late January that the Budlong pool qualified for landmark status but that it was not feasible or prudent to preserve the pool.

Having reviewed records that I obtained this week from the Commission, it appears that the Commission's decision was reached without any sort of public notice or process, based solely on an assessment by Mark Mariano, who has a clear conflict of interest and whose assessment has serious problems (which I will explain below). Our objection has been that the Hopkins administration did not conduct legitimate due diligence about the condition of the pool or feasibility of preserving it, because it was committed from the outset to another plan, that was not based on concern with the pool's condition; that the Administration did not conduct a transparent public process to explore if there was any reasonable approach to preserving the historic pool; and that the City needed to obtain an independent expert assessment to do an assessment before making such a consequential decision that is not supported by the community. I want to briefly outline our concerns, which are all based on public records that I would be happy to supply.

1. The Budlong pool was continuously licensed by the Department of Health as meeting all state code requirements for at least the preceding 15 years.
2. In 2018, the Fung Administration approved purchase and installation of a \$250k pool liner that had a 15 year warranty and an expected life of 30 to 40 years. There is no evidence of any failure of the liner as of 2019, when the pool was last open. Records document that the liner was NOT installed because of leaks, but to save the annual cost of power-washing, patching and repainting the pool. Since the liner was installed, no one has physically inspected the pool shell, as removal of the liner will void its warranty. Since taking office in January, 2021, the Mayor did absolutely nothing to maintain the pool—and it is possible that his neglect may have led to the degradation of the liner).
3. The pool did not open in 2020 because of the pandemic. The pool had never been fully drained and its mechanical equipment has apparently not been tested since it was last open in 2019.
4. The Mayor shared with various people even prior to his election that he was interested in replacing the pool—not because it was unsafe or unsound, but because he believed the pool was unsightly and underutilized and he was eager to put his own stamp on the City with a smaller, modern new pool that would free up space for other amenities on the site.

5. The Mayor took office in January, 2021. In June, 2021, the City Council asked chief of staff Anthony Moretti whether the Mayor would be re-opening the pool that summer (as covid precautions had been lifted for outdoor activity by then.) Moretti obtained an estimate from NE Aquatics, the company that had annually inspected and maintained the pool for at least the preceding 14 years, that the pool could be readied for use at a cost of less than \$90k. Moretti did not disclose that estimate to the Council. Instead, he gave them a higher estimated cost put together by the Mayor's staff. However, Moretti also said it was too late at that point to reopen the pool that summer, because the Administration had not budgeted any funds for the pool and that it was in any case too late to hire lifeguards. Asked why the Mayor did not even budget funds for maintenance, Moretti said the Administration had determined that the pool did not need any significant work, other than repaving of the pool deck, though he pointed out that filter and pumps could only be tested once the pool was filled and turned on. He also said that the Mayor's finance director had advised that ARPA money could not be used for these purposes. (Internal city records show that city officials did believe ARPA money could be used to replace the pool, but did not want to go this route as it would require Council approval.) Moretti also told the Council that the Mayor was committed to reopening the pool the following summer, although he was interested in looking into whether it could be reduced in size, since, they believed, it had been underutilized in recent years.
6. In January, 2022, Moretti informed staff in an internal email that he had received the "go-ahead" from the Mayor to move forward with plans for the pool, and specifically instructed them to keep these activities "confidential" to avoid causing "distractions."
7. By February, the Administration was soliciting proposals from two architecture firms—Saccoccio & Assocs. and the Federal Hill Group ("FHG") and applying for federal grants to demolish and replace the pool and install various new amenities. At this point, the only assessment of the pool that the Administration had obtained was the NE Aquatics estimate. The Mayor nonetheless submitted a letter in support of an application for federal grant money which falsely states that the pool

"has been closed for 3 years due to mechanical and electrical issues and deferred major maintenance a (sic) damaged pool motor and pump. Cranston's new vision is to repurpose the pool by reducing it in size to allow for additional space to develop an elderly wellness center to promote health and recreation for our seniors, and an ADA handicapped accessible playground."
8. On April 22, weeks after submitted the above letter, the Mayor received a "feasibility study" that had been commissioned from FHG. The FHG report describes the pool as having numerous serious deficiencies, but says that these could be fully remediated (and the pool house renovated), for a total cost of between \$2.5 and 2.8 million—far less than the cost of two other options the report offered that involved building a much smaller new pool and adding other amenities. The Mayor delivered the report to the council a few days later. Council members reacted with confusion and anger, because they had been assured that the Mayor planned to reopen the pool that summer and because the study had been obtained without their knowledge. Council members expressed concern that FHG report seemed superficial and unprofessional—the preparers of the report were not identified and it included no evidence, observations or other sources for the report's claims regarding the pool's deficiencies. Moretti could not tell the Council who did the assessment, and did not know if FHG had any experience building pools.
9. The Council continued to demand regular updates on the pool in subsequent council meetings. I have viewed all of the public meeting recordings and the Administration responses, especially in light of public records which I later obtained, were evasive and lacked candor. By July, 2022, the Mayor had still not shared its intentions and the Council unanimously passed a resolution calling on the Mayor to use ARPA funds to repair and reopen the pool.
10. In September, 2022, the Administration signed an agreement with Saccoccio for "phase 1" work on designs for a new pool complex.

11. In January, 2023, the Mayor announced publicly that he was moving forward with building a new pool and adding other amenities at a cost of \$7 million. At the January council meeting, members reacted with shock and demanded to know why the existing pool could not be repaired and where the Mayor planned to find the \$7 million. Almost every councilor reiterated a desire to see the pool back open as quickly as possible and at the lowest cost, without unnecessary “bells and whistles.” Mr. Moretti stated the Administration had tried but that it would be impossible to save the existing pool and there was no choice but to replace it. At that point, the only assessments the Administration had were the NE Aquatics estimate and the FHG report.
12. In March, 2023, the Mayor announced publicly that he had acceded to the Council’s wishes, and would be building a new pool without other amenities (and renovating the pool house). At that point, Councilor Germaine (who represents Ward 2, where the pool is located) pulled out the FHG report from 11 months earlier, and asked former Parks and Recreation Director Tony Liberatore to address its findings. Liberatore, who had been responsible for upkeep of the pool for at least 14 years before his retirement in January, 2021, provided Germaine with written comments indicating his view that the report contained numerous inaccuracies and appeared to have been slanted to justify the Mayor’s desire for a new pool complex. Among other things, Liberatore pointed out that contrary to the report, the pool did have federally compliant drain guards and that the pool was not cracked or leaking massive amounts of water.
13. In March, the Administration reached an agreement with Saccoccio to be paid \$350k to produce engineering and architectural designs and specifications for a new pool.
14. The public was, at this time, largely unaware of what the Mayor was planning. As word began circulating, people were becoming upset and alarmed. In May, several people who appeared independently to voice objections to downsizing the pool met afterward and decided to start a petition. The petition was launched at the Cranston festival in late May, where a handful of us collected 250 signatures in a few hours. The Mayor and Moretti approached us at the festival and asked what we were doing. When I explained, they told me the pool was unfixable. I pointed out that this contradicted the FHG report and that Tony Liberatore said that report was seriously flawed. Then they said the pool had to be replaced because it wasn’t ADA compliant (and I pointed out that the pool could easily be retrofitted to make it accessible). Then they asserted the pool’s depth violated federal law and I told them this had never been publicly stated and seemed implausible. Eventually, they told me that they had only come up with their plan at the behest of the Council, and if the Council wanted to keep and repair the existing pool, that was perfectly fine with them. I described this encounter in public comments at the May City Council meeting and Moretti affirmed my description.
15. In May, the budget had to be finalized. In order to make sure there was funding to deal with the pool and prevent the Mayor from borrowing capital funds at high interest rates, the Council approved the allocation of \$4 million in ARPA funds to be used for the pool.
16. On June 7, the Administration signed a detailed, formal agreement with Saccoccio to produce the technical plans and prepare the bidding specifications for the new, downsized pool at a cost of \$350k. Weston & Sampson is named in the agreement as the firm responsible for designing the pool.
17. In late June, I made a comprehensive request for public records about the pool from the City. In early July, I had a letter published in the Cranston Herald calling for the historic pool to be preserved and for any replacement pool to be of comparable size and depth, to accommodate the needs and desires of its multi-generational users (for swimming lessons, a serious public health issue; for at least 700 youth in the City’s camps who have historically visited the pool several times a week; for lap swimming; and to provide a safe, healthy venue for teens to socialize off-line). The existing pool is divided into 3 sections—a shallow end that is two feet deep and used by small children, a middle section with 3 lap lanes; and a deep end where teens tend to congregate.
18. After my letter appeared, the Mayor contacted me and asked to meet so he could respond to my editorial. On July 13, I (along with another Budlong advocate) met with the Mayor, Moretti and an assistant chief of staff, and

they asked us “what we wanted.” We explained that we had spoken to hundreds of Cranston residents, had collected over one thousand petition signatures, and had found widespread attachment to the historic pool, which in many families has been enjoyed by several successive generations. We explained that it was untenable to expect residents to accept the pool’s replacement without providing the public with a credible assessment by a qualified expert establishing that there was no other choice. We also told him that, if replacement was the only option, there had to be a public process and input to ensure that the pool design would meet the priorities of the community. The Mayor said he was planning to get an expert assessment and we said we looked forward to seeing it. (Documents I later obtained show that administration staff had scheduled a meeting that morning with Mariano and Saccoccio to discuss adding a couple of lap lanes to the existing design, which consisted only of “children’s areas.” It appears that Mariano was asked that day to go look at the pool and report on its condition.)

19. On July 24, we delivered petition signatures from 2,000 residents to the Mayor’s office. That evening, more than a dozen residents spoke in favor of saving the pool at a City Council meeting. Mr. Moretti then reported that he had just received an email summarizing the results of an expert assessment finding the pool could not be fixed. Moretti stated that the debate about the pool had gone on long enough and the Administration would be moving forward with a new pool about 1/3 of the size of the existing pool. Moretti claimed not to know the actual dimensions of the new pool, because this was being left up to “experts.” He informed the council that the Mayor would be presenting the plan at a public meeting on a date to be determined. He rejected requests from the Council President to share the plan with the Council first, to make the Administration’s “experts” available at a public workshop to answer questions and give the Council an opportunity for input, or to coordinate with the Council on planning for the public meeting.
20. In late July and early August, I received a very incomplete response to my June APRA request, which included a July 24 email from Mr. Mariano to Mr. Moretti, summarizing his findings from a July 13 inspection, that largely tracks the description of the pool’s condition from the FHG report. Like the FHG report, Mariano included a number significant inaccuracies and also did not provide include supporting observations, data or sources.
21. Internal records show Mariano’s actual report (which did not differ very much from his July 24 email) was not delivered to the City until August 18 and that on August 25, Moretti and interim DPW Director Justin Mateus asked for a telephone meeting with Mariano and Saccoccio, which they expected would take between 5 and 10 minutes, so they could get verification for Mariano’s statement that building a new pool would be less costly than repairing the existing pool.
22. The Mayor presented his plan at a public forum on September 6. (The City Council had to schedule a special council meeting for the same time and location in order to participate.) The Mayor, who dictated the meeting format, allowed members of the public just 2 minutes apiece to comment or ask questions. Many people expressed opposition to the new pool and almost none spoke in support of it. Most were cut off at 2 minutes without having all of their questions addressed or being permitted follow up questions. Mr. Liberatore (who was allowed a little extra time by the Council President), asked Mariano how he had determined that the pool was leaking millions of gallons. Mariano admitted that his only source was one (unidentified) person who allegedly told him that a hose had to be run into the pool constantly when the pool was in operation and that his estimate of the pool’s water loss was simply based on the volume of water that the hose could supply while running on a constant basis. Mr. Liberatore stated emphatically that the Parks and Rec department never had a hose feeding the pool while it was in operation and that there was no evidence that the pool was leaking vast quantities of water.
23. At the 9/6 meeting, Mr. Mariano stated that it would cost \$9 million to repair the pool but offered no breakdown or explanation for this figure. The Administration has never made Mariano available to answer questions from the Council or public about the basis for his estimate. (If any breakdown existed, the City would have been required to provide it to me in response to my ARPA request—and I have never seen one.) It appears that Mariano’s estimate includes an assumption that the City would be legally required to equip the pool house

with enough facilities to accommodate the pool's maximum allowable bather load of 1,200. In fact, Mariano has misstated the maximum bather load—which he based on national standards, though the maximum capacity is lower under RI regulations—less than 1,000 swimmers. The City has, by its own policy, not allowed more than 300 swimmers in the pool at a time. And, while it is true that RI regulations [for a new pool] would require 1 toilet per 60 bathers and 1 shower per 40 bathers for each sex (all told, about 16 toilets and 25 showers for each sex), there is a process for obtaining a variance from the state. Mr. Mariano conceded at the 9/6 meeting that no consideration had been given in the pool's design to accommodating teenagers and that the pool was primarily designed for use by younger children.

24. Although clearly a qualified pool engineer, it is our view that Mr. Mariano was not qualified to provide the assessment we urged the Mayor to get, because Mariano had a financial conflict of interest, having been hired already to design the new pool. (Weston & Sampson also has another substantial contract with the City to work on its new 10 year comprehensive plan.) Mariano's evaluation of the pool was not sought until long after the Administration began representing to the public, the council and the federal government that the pool was unsalvageable, and long after the Administration had won federal grants on the basis of those representations, and had signed a contract committing itself to spend over a quarter million dollars to create a new pool design. Mariano's report also includes numerous inaccuracies which could have been corrected with minimal investigation. It was not based on a thorough, objective assessment, and Mariano has never provided any public explanation or answered questions about the \$9 million estimated cost to salvage the existing pool. There is a very problematic appearance, if not a reality, that Mr. Mariano delivered a result pre-determined by the Mayor, who was invested from the outset in carrying out his "vision" for a shiny public works project intended to burnish his image.

I am also requesting a meeting to discuss this further, and would also like to know if there is any public right to request review or to appeal this determination.

Thank you,

Karen Rosenberg