

Mateus, Justin

From: krosenberg46@gmail.com
Sent: Monday, April 1, 2024 3:18 PM
To: jeffrey.emidy@preservation.ri.gov
Cc: Mateus, Justin; elizabeth.totten@preservation.ri.gov; msickler@achp.gov; martha.a.curran@hud.gov
Subject: RE: Budlong Pool Section 106 review - additional questions
Attachments: Attachments.zip

Dear Mr. Emidy,

Allow me to offer the following response to Justin Mateus's submission to you from last Friday.

1. Reasons the pool remained closed since 2019:

Cranston Forward did a Public Record Act Request to the City in June, 2023, which asked for, among other things:

Records containing, reflecting, or in any way relating to the Administration's decision or decision-making process relating to the re-opening, renovation, repair, or replacement of the Budlong Pool.

Any records reflecting the Administration's rationale for its decision regarding the future of the Pool, including but not limited to any information or analysis considered by the Administration regarding the feasibility or cost of replacement versus continued operation of the existing pool, or public preferences regarding the future of the Pool.

All records of communications, deliberations, or discussions of any kind involving the Mayor or any member of his staff whether internal, or involving other City officials, or third parties, regarding the future of the pool.

The City provided us with no records that indicate that the pool's closure since 2020 had anything to do with issues with the building code, the ADA or the Clean Water Act. None of these concerns were mentioned at Council meetings in 2021 and they certainly were not the focus of any discussions about the pool thereafter. (Note that recordings of every council meeting are available on the City's YouTube channel, and detailed minutes can be accessed through the Calendar page on the City's website.) Mr. Mateus provide a shred of documentation that any of these issues drove the plan to replace the pool. On the other hand, there is a great deal of evidence suggesting the Administration was motivated by other considerations. Moreover, if these issues were preventing the operation of the pool, it is difficult to understand how the pool could have remained continuously licensed by the state prior to 2020.

I am attaching email correspondence from June 2021 between the Mayor's Chief of Staff, Anthony Moretti, and City Council members, in which Moretti stated that the pool was not being reopened that year because the city had not budgeted funds for its operations. Moretti stated in this correspondence that there were no major maintenance or repair issues of which the Administration was aware, and that it planned to open the pool the following summer, though it was considering looking into whether the pool could be reduced in size because of their belief that it had been underutilized in recent years. (Attachment 1).

2. Discrepancies between NE Aquatics estimate, FHG study, and Weston & Sampson scope of work.

Mr. Mateus explains that discrepancies between these assessments of the pool are due to the fact that there was a different scope of work for each of them. He doesn't provide any documentation to show exactly what the Administration asked each of these sources to do. Our APRA request asked for:

On March 21, 2023, Saccoccio provided a proposed scope of services to the City for a \$335k project for “design and engineering of a new Budlong Pool and renovations to the existing building.” (Attachment 3). The proposal describes numerous deliverables as well as ongoing discussions to be held with the City over the course of the project leading to further adjustments as needed. The City did not provide us with any records of project deliverables, communications or plan adjustments, despite our repeated requests for such records. Weston & Sampson is listed in this proposal as the pool engineer and landscape designer for the project. This proposal was followed by a much more detailed June 7, 2023 form agreement for the same work, which lists Weston & Sampson as a retained consultant (Section [1.1.11.1](#)). (Attachment 4). This agreement does not task W & S (or anyone else) with evaluating the condition, or the feasibility or cost of preserving, the existing pool. Rather, this agreement is explicitly for the design and engineering of a new pool.

We were given no records of what was communicated to Mark Mariano regarding an assessment the pool, which he apparently conducted on July 13, 2023 (the same day that we met with the Mayor and told him that the public would not accept the replacement of the pool without a credible evaluation of the condition of the pool that concluded replacement was necessary.) Mariano emailed Moretti a summary of his findings on July 21, the Friday preceding Monday, July 24, when, the Administration was aware, Cranston Forward planned to hold a press conference before delivering 2,000 petition signatures opposing replacement of the pool to the Mayor, before a large number of residents were expected to attend that evening’s City Council meeting to [speak against the Mayor’s plan to replace the pool](#). (Public comments start at minute 33:36; minutes of the meeting, which do not detail the public comments, are provided as Attachment 9 hereto). [Moretti read from Mariano’s July 21 email at the July 24 meeting](#) and stated that the Mayor was done debating and would be moving forward with his plan to replace the pool. (Discussion of the pool begins at minute 2:56:20 of the recording). Mariano’s actual “report” was not delivered to the Mayor until August 17 and it does not include any estimate or breakdown of the cost to repair the pool. At the September 6 public forum for the Mayor’s public presentation of his Budlong plans, Mariano stated that the cost to refurbish the pool would be \$5M and would extend the pool’s life by 10 years. He later stated that the cost to demolish the pool and replace it with one of the same size would be \$9M. Neither estimate was broken down or explained. (Minutes are at Attachment 11; the recording of the forum can be accessed [here](#).)

As I have previously explained, the problem with Mariano’s report is not his qualifications to perform a structural or mechanical evaluation of the pool but that the report is not credible, given its timing, W & S’s conflict of interest given its contract to design the new pool, and the inaccuracies, the lack of foundation for claimed deficiencies, and its lack of any cost estimate, along with the report’s suggestion that preserving the pool would entail “burdening” the City with the cost of a massive expansion of facilities to accommodate the pool’s maximum bather load.

3. Bather Load

Although the Administration had begun no later than June, 2021 to begin developing its claim of “underutilization” (See Attachment 1), documents we received suggest that the Administration did not do any actual research of past pool utilization until just before the Mayor’s September 6 public forum, where his power point presentation included illegible images of handwritten “head count” records kept by pool staff from 2017-2019. When the City solicitor finally provided us with these records on September 25, 2023, as part of a response to our APRA complaint to the Attorney General’s office, he stated that the City had only recently retrieved the records.

A June 27, 2023 email thread between Mateus, Moretti, Raymond Tessaglia (the City’s Parks & Rec Director who was hired by the City in 2021), and Dennis DeJesus (title unknown) shows that at that time they had no idea what historical pool usage had been, did not know that the existing pool had lap lanes (which DeJesus opined “should not be a priority”), and did not know what the maximum legal bather load was for the pool or what the correct legal source for this standard is. (Attachment 5). The June 27 email thread shows that this group was prompted to do some quick internet research, which led them to an explanation of maximum bather loads, by a heated discussion of pool size that had taken place at the June 26 Council meeting. At that meeting, several members of the public and councilors argued that a dramatically smaller pool would be inadequate and complained that the Administration had produced no

and showers, and use for cleaning, maintenance, and watering of the landscaping and ball fields; (4) maintenance records we obtained from the City indicate that over the 2019 season, there were repeated problems with leaking pipes in the pump system, which were ultimately resolved in September by installation of a new pump and motor; (5) since closing at the end of the 2019 season, the water level in the pool has never gone down from what was originally left in it, and by this spring it was nearly full due to the accumulation of precipitation over the past several years.

All of this is not to assert that the pool was NOT leaking, but to say that the City clearly has not done a thorough, impartial assessment of the soundness of the pool, or of possible solutions to any problems, which is the bare minimum that should be done before the City destroys the pool and replaces it with something that a significant proportion of residents are not happy with.

5. Public Outreach

The Administration has conducted no public outreach since the RIHPC found the pool eligible for landmark status. The media coverage and council meetings preceding the RIHPC review in any case did not constitute meaningful public outreach. The media coverage, which was mostly initiated by the Administration, involved mostly self-serving one-way communication from the Administration and a disappointing lack of enterprise by local media outlets. The inclusion of the pool on the agenda for the Council meetings Mr. Mateus lists was almost always by Council members frustrated by the lack of communication and adversarial posture of the Administration. When councilors asked for updates at these meetings, the Administration, usually represented by Mr. Moretti, was often evasive, and at times combative. The Administration repeatedly promised council members information and input that it ultimately did not deliver. Reviewing these meetings in light of information we later obtained from the City, it is evident that the Administration's updates were often incomplete, misstated facts, and led council members to believe plans for the pool were still being formulated long after they had in fact solidified. The Administration refused to make its consultants available for the Council to question directly and the City solicitor intervened to stop Councilor Germaine from eliciting information from Tony Liberatore about the condition of the pool and the liner at the April, 2023 DPW committee meeting. (See Attachment 8). On July 24, 2023 the Administration rejected Council requests to share its plans before the 9/6 public forum (Attachment 9), which effectively prevented councilors from being prepared to ask knowledgeable questions at the forum.

The Administration was also not transparent with the public. It slow-walked its responses to Cranston Forward's public record request, which are still grossly incomplete. (We have been waiting for months for the Attorney General's office to issue a decision on our September, 2023 complaint.) At the 9/6 forum, members of the public were limited to 2 minutes each to comment or ask questions. Tellingly, the Mayor began his presentation at the forum by stating that his definition of leadership is not listening to his constituents and giving them what they want, but telling them what they need. The Mayor devoted a significant part of the forum to attacking Cranston Forward (and individual representatives by name). The minority leader of the Council also attacked me personally and characterized Cranston Forward's opposition to the Mayor's plan as politically motivated. The bottom line is that the Administration did not conduct a responsible investigation of the condition of the pool or the options for reopening it; the public has never had a meaningful opportunity to weigh the options for itself; and the Administration has dismissed the expressed preferences of a significant portion of the community for a large pool to accommodate a wide range of uses versus a small pool designed primarily for little children alongside picnic tables and a children's splash pad.

6. Tony Liberatore's Comments

I am attaching the notes Mr. Liberatore provided to Councilor Germaine in or around April, 2023 (Attachment 13). His public comments at the April Public Works Committee hearing can be found in Attachment 8. His comments at the August 28 and September 6, 2023 meetings can be found at the links provided above.

7. ADA Compliance

From: Mateus, Justin <jmateus@cranstonri.gov>
Sent: Friday, March 29, 2024 2:11 PM
To: jeffrey.emidy@preservation.ri.gov
Cc: elizabeth.totten@preservation.ri.gov; msickler@achp.gov; martha.a.curran@hud.gov; krosenberg46@gmail.com; Moretti, Anthony <amoretti@cranstonri.org>; Millea, Christopher <cmillea@cranstonri.org>; Rawson, Christopher <crawson@cranstonri.gov>; Bernardo, Richard <rbernardo@cranstonri.gov>; Tommasiello, Ernest <etommasiello@cranstonri.gov>; Lagana, Joseph <jlagana@cranstonri.gov>; Mark Saccoccio <mark@sa-architects.com>
Subject: RE: Budlong Pool Section 106 review - additional questions

Good Afternoon Mr. Emidy,

Please see the attached letter in response to your letter dated March 21, 2024.

Thank you,
Justin Mateus

Justin G. Mateus, P.E.

Chief Engineer/Acting DPW Director
City of Cranston, Engineering Department
869 Park Avenue, Cranston, RI 02910
jmateus@cranstonri.org
401-780-3185

From: Totten, Elizabeth (HPHC) <Elizabeth.Totten@preservation.ri.gov>
Sent: Thursday, March 21, 2024 1:20 PM
To: Mateus, Justin <jmateus@cranstonri.org>
Cc: Lagana, Joseph <jlagana@CranstonRI.org>
Subject: FW: Budlong Pool Section 106 review - additional questions

Hello Justin,

Please see the attached letter. My apologies on the confusion with the project contact.

Thanks,

Elizabeth

From: Totten, Elizabeth (HPHC)
Sent: Thursday, March 21, 2024 12:51 PM
To: Lagana, Joseph <jlagana@cranstonri.gov>
Cc: Martha Curran <Martha.A.Curran@hud.gov>; Maxwell Sickler <msickler@achp.gov>; 'krosenberg46@gmail.com' <krosenberg46@gmail.com>
Subject: Budlong Pool Section 106 review - additional questions

Good afternoon,