



Portsmouth Concerned Citizens

NEWSLETTER

“Information is the currency of Democracy”

- Thomas Jefferson

Editor: Joe Robicheau

July 15, 2005
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From the President (Larry Fitzmorris) There have been a number of recent events in Portsmouth government that will affect Town budgets and policies for some time. Among these events are School Committee ratification of the new three-year NEA contract, finalization of the 2005/2006 Town Budget and the death of two voter approved Charter Amendments.

PCC Picnic - I am pleased to announce the PCC potluck picnic, which will take place on September 11th. All members will receive a letter providing details.

Are you interested in joining the PCC? We are always looking for new members that see the need to improve our Town’s government. If you are interested, you are encouraged to contact Drena Robicheau at 847-1098 or you may fill out the application form at the end of this newsletter.

In This Issue

The 2005 – 2006 Town Budget - Art Carrellas’ article summarizes the final budget decisions for our readers. As was pointed out in the last issue, the Council has departed from recent disciplined budgetary policy and has adopted a growth budget.

NEA Contract - Jerry Cook has analyzed the contract approved by the School Committee. In this article he highlights the revealing elements of a contract we will all have to live for the next three years.

Charter Amendments - As the PCC predicted, two of the Portsmouth charter amendments, approved by the people last November, have died in committee. Jerry Cook takes a look at whom, what, and when.

Voter Initiative Alliance - The PCC has joined with a number of groups in forming an alliance to advocate for a change in our state constitution to provide for increased citizen control of the legislature.

Guest Editorial – Harry Staley, President of the Rhode Island Shoreline Coalition is our guest writer, commenting about the lessons he has learned in Rhode Island politics.

Child Care Legislation - It is somewhat rare in Rhode Island politics that a piece of legislation ignites the popular indignation that this effort has. The PCC did its part to stop this ‘ill conceived legislation.’

Gym Project Update - We provide an update on the gym project, which is nearing a critical decision point.

How Have Your Elected Officials Voted? – Jerry Cook introduces PCC performance monitoring initiative.

2005-2006 Budget & Taxes

(Art Carrellas) The Portsmouth Town Council, at the June 27th meeting, approved the 2005 Budget by a 6 -1 majority. Peter McIntyre was the only dissenting vote.

During discussion of the final budget, Councilman McIntyre motioned to increase Anticipated Receipts by \$450,000. This is the amount identified in the approved state DCYF budget for Group Home Aid to Portsmouth for the soon-to-be resident Boys Town students. Other Council members expressed discomfort with including the DCYF revenue without state notification of its commitment. The motion was defeated 6-1.

Approval of Mr. McIntyre’s motion would have resulted in a 2005/2006 Portsmouth property tax rate reduction from 7.53% to 5.76%.

“What a difference a year makes.” A comparison of the new budget with the one passed by the prior Council is revealing. The following table highlights the differences:

	<u>2004 / 2005</u>	<u>2005 / 2006</u>
Spending Increase:		
School	4.5%	6.74%
Town	2.2%	4.89%
Tax/Mil Rate Increase	- 1.34%	+ 3.50%
Tax Levy Increase:	1.64%	7.5 %
(Amount required from the taxpayers)		
Estimated mil rate:	\$16.20	\$10.35

Excluding a \$300,000 reduction by the School Department in its estimate of pension costs due to the State, the current Council increased the final budget from that originally presented by the Town Administrator by just over \$50,000. Clearly, conservative Town spending is a thing of the past.

New property tax bills should be mailed by early August. Taxpayers whose property value increased by 62% with the 12/31/2004 revaluation will see a 3.5% tax increase. Tax bills for properties that exceed a 62% valuation increase will rise above 3.5% while valuation increases of less than 62% will result in a tax less than 3.5%.

Finally, the author must acknowledge and praise the late Frank Otilige for the major contributions to understanding Town administration and budget process. Frank was highly engaged and provided great insight to those of us that consulted with him concerning town government. The author will especially miss the impromptu Post Office conferences with Frank.

NEA Union Contract

(Jerry Cook) The following article is based on a document provided to the PCC by School Department official (Ms. Brown) and is assumed, although the document bears no signatures or ratification date, to be the defining document of the National Association of Educators (NEA) Union contract negotiations with Portsmouth.

In June the Portsmouth School Committee completed negotiations with the NEA and approved a new 3-year contract. The negotiated results have been reviewed with particular attention to how closely the contract follows recommendations of the Educational Partnership (EP). The May 16, 2005 PCC Newsletter included an overview of the EP report "Teacher Contracts: Restoring The Balance." This article identified many issues in union contracts in the context of restoring a balance between the union and the taxpayers and improving the quality of education through a student-oriented focus. Recognizing that many of the EP suggestions require statewide action, the new contract was examined for any effort to implement changes that could be negotiated at the town level.

Unfortunately, the new contract is "business as usual." The EP recommendation for an instructional school year of 190 days was completely ignored. Instead, the current standard 180-day school year and 6.5 hourly workday was once again endorsed.

The EP's recommendations on managing the sick day process were also ignored. In the new contract, sick days accumulate at the rate of 12 days the first two years, 15 days for the third and fourth years and 20 days per year thereafter. A teacher can accumulate a total of 170 days of sick leave, nearly an entire school year. Upon retirement these accumulated sick days can be redeemed for up to \$11,000.00. And sick leave costs do not end here. Portsmouth teachers' sick leave requires substitute teachers who, as of May 31, 2005, for the 2004/2005 school year were collectively paid \$334,230.08.

As usual, the teachers did very well with an across-the-board pay increase for each of the contracted 3 years. And, there is no tie-in to the Consumer Price Index (CPI). Although the pay increase is advertised as 3.4%, this figure is misleading. The 3.4% increase applies only to teachers with over 10 years experience. For all teachers with 10 years or less experience there is an average additional 9.64% increase. This is defined as a step increase of which there is one for each of the first 10 years of teaching experience. Any teacher with between one and 10 years experience will receive an approximate increase of 12% for each of the next 3 years. Longevity and hourly rates for extracurricular activities have been boosted. And, employee benefits have increased 11.21%, resulting in a total cost of \$6,354,265.64 for the next school year.

The EP's suggestion that healthcare costs fall in line with corporate standards was not implemented. Ideally, a 20% cost share and choice of carrier by the Town should be the standard. Instead the new contract continues with the provision for prior approval by the NEA before the Town can change insurance carriers. It remains to be seen whether any savings will be realized as a result of this contract and there is some concern whether a strict interpretation of the contract wording will permit any changes at all. Phrases such as "substantially similar provider network and employee administrative burden" are confusing at best. This and other similarly confusing language needs to be explained to the public.

The EP recommends that seniority and salary be keyed to competence with the result that the best teachers are financially recognized, promoted and retained. The new contract changes nothing, treats teachers as assembly line workers, and promotes only seniority without concern for professional competence.

In an apparent response to the new Federal standards, No Child Left Behind (NCLB), the contract states that the "administration will work cooperatively with the professional staff to provide SUPPORT" (dollars?) "and build capacity" (new hires?) "to meet these requirements."

The old contract is the building block to which nothing more than another layer; the new contract has been added. Management of the school system remains essentially in the hands of the NEA and the words 'student' or 'students' do not appear in any relevant context and therefore are of little concern to the union or the School Committee.

Negotiation of the NEA contract was an opportunity for the School Committee to begin dismantling the cost structure of the School Department. This they have failed to do. If negotiations were so difficult, as department managers have indicated, why was the contract settled so quickly? We now face three more years of a contract with 6% to 7% increases each year.

The focus of the PCC over the next couple of years should be to develop a 'draft' contract that first and foremost addresses our children's needs for an increasingly better education while rewarding a professional staff based on professional performance. In order to meet our increasingly advancing economic, social and technical needs we must do away with

the union's 'assembly line mentality' and bring our teacher's collective bargaining into the 21st century.

Charter Amendments

(Jerry Cook) Following completion of the Town Charter review as required by state law, and vetting of recommended changes by the previous Town Council, 23 amendments were submitted to the voters for approval at the November 2004 election. The voters approved all 23 amendments. After 4 months and some PCC prodding, the new Town Council led by Mary Ann Edwards, finally submitted the amendments to the General Assembly for enactment, but with a strange and questionable twist. The new Council decided that Portsmouth voters were wrong about two of the amendments. The Council biased its resolution to the General Assembly by isolating two items that the Council did not want enacted – repeal of the “do-nothing” Town Sergeant position (ballot item 28) and, the really important one, to provide additional oversight of School Department contracts by giving the Town Council final approval of these contracts prior to School Committee ratification (ballot item 37).

As a result of the Council's actions, three bills were submitted to the House. Rice and Gallison together sponsored two, H-6492 and H-6493. H-6492 included all but amendments 28 and 37. H-6492 was enacted by the House on June 29, 2005 and passed with concurrence by the Senate on June 30, 2005. H-6493, which contained only amendments 28 and 37 lies dying in committee as engineered by Rice and Gallison on behalf of Councilors Edwards, Seveney, Canario, Katzman and West. H-6494, sponsored by Loughlin, requested passage of all 23 voter approved amendments. It too, is dying in committee.

These proceedings constitute an abrogation of the will of Portsmouth voters, and a mockery of democratic government. With exception of Representative Loughlin, the above named elected officials have demonstrated, clearly, that they do not believe that Portsmouth voters know what they want. The names and actions of these individuals should not be forgotten.

The Voter Initiative Alliance

(Larry Fitzmorris) In early June the PCC joined with a number of other organizations and statewide public leaders to form the Voter Initiative Alliance. The PCC decision was made at the May 5 members' meeting with a unanimous vote of those present together with those who voted on-line. The objective of the Alliance is to conduct a statewide campaign to provide the citizens of Rhode Island with voter initiative and referendum.

Operation Clean Government and the Rhode Island Shoreline Coalition are leading the campaign. The Alliance goal is to collect petitions statewide endorsing a Constitutional Amendment for voter initiative. The petitions are to be presented to both houses of the Assembly, requesting

legislation to place the proposed Constitutional Amendment on the November 2006 ballot for voter approval.

A letter and a blank petition will be mailed to each PCC member. All members are urged to support the PCC and the Alliance by seeking signatures among your family and friends and submitting the signatures to the address in the letter. No matter how many signatures you have collected, please return the petitions by mid-August.

What the Amendment will do.

If passed by the voters, the amendment will provide the people the opportunity to propose their own laws, to amend or repeal unpopular laws or even to change the Constitution through a formal (signature gathering) petition and election proposal process.

Discussion

Many of us have become convinced that the only path to reform of our town's budget system is reform at the state level. It has become an almost universal experience, in our local initiatives to change the system, that we encounter a legal roadblock. The roadblock is almost always a special interest law passed by the Assembly. These legal impediments are used to support violations of the Town Charter and to defend actions directly in conflict with the common good. The forces defending “business as usual,” excel at getting these special interest laws passed and are the primary reason this state wallows in corruption and breathtaking taxation. Corruption is expensive. It is perpetuated by people who are satisfied with things the way they are, and these people control the Assembly.

The Initiative process offers a powerful tool for change in Rhode Island. It offers the citizens of our state the opportunity to institute change directly. The Initiative deserves vigorous support of each PCC member.

Letter from the President

Editor's Note: *Mr. Harry Staley is the President of the Rhode Island Shoreline Coalition and a member of the PCC. This article appeared in the RISC newsletter in the July/August edition. RISC has approximately 4,000 members, primarily located in the Southwest part of Rhode Island. A number of PCC members are also members of RISC. The president of the PCC, Larry Fitzmorris, is a member of the RISC Board of Directors.*

In the two short years of RISC's existence, the learning curve has been profound. I have discovered that most of our preconceptions about Rhode Island's “special” form of government were wrong. The situation is more frustrating than I could possibly have imagined.

Two years ago, I labored under the misconception that armed with a personal resume including a college degree in political science, service in the military, law school, law practice and 40 years in the business world had taught me how to deal with most challenges. Then, I went to Providence! In only two years I have received a graduate education in a brand of

politics that I never realized existed. Here are just some of the lessons I have learned:

Lesson No. 1: Rhode Island is a “city-state”. The early belief that we could solve our problems in the local Town Council was quickly put to rest. Solutions to *major* problems are only to be found in the State House in Providence. It’s important to recognize, however, that the State House is where you only *find* the problems; no one outside the inner circle has yet figured out *where* you solve them.

Lesson No. 2: It is another mistake to think that there is a place in R.I. “where *YOU* solve” problems. You and I don’t solve anything. We only stand by until the inner circle chooses to reveal to us their solution.

Lesson No. 3: There is no such thing as a “solution.” Example: Separation of Powers. Approved by 76% of the citizens last November, the enabling legislation is still kicking around the State House from committee to committee, while important State business waits for resolution of Board and Commission composition, and, more importantly, whether the Governor, as SOP contemplates, or the Legislature will control appointments.

Lesson No. 4: There is no such thing as “enabling legislation.” In R.I. there is only “illusory legislation.” This is the super-refined process of allowing the public to think that it has obtained what it voted for, while the legislative leadership substitutes what it wanted in the first place.

Lesson No. 5: If you think that having learned the first four lessons you are on your way to understanding the situation, you don’t understand the situation. Behind the exposed sleight-of-hand, doubletalk and gobbledygook that spew forth from the State House, there is an office somewhere that is charged with the responsibility of posing new and more formidable *obstacles to transparency in government*. *We need to find that office and blow it to #@*&#!*

The Only Lesson That Counts: Until we find that office, we must remain vigilant, speak out as one voice against “business as usual”, relentlessly fight voter apathy, and, above all, make it clear that we are here to stay, we are going to fight the bad guys to the bitter end, and we intend to win!

THERE IS ONE LESSON I HAVE LEARNED. The effort to fight for better government is worthwhile and hopeful. The arrogance of power that is on display every day in Providence is relentlessly taking us closer to the end of R.I.’s “special” form of government. An undercurrent of widespread dissatisfaction and concern is bringing that day ever closer. We shall continue the good fight, and *we will prevail*.

To prevail is what RISC is pledged to do; it is what RISC, with the help of an enlightened membership, will do.

-- Harry L. Staley

Child Care Workers Legislation

(Larry Fitzmorris) The PCC recently participated in the statewide effort to oppose formalization of the state’s Child Care Workers as state employees by allowing their unionization. Although the Governor vetoed the bill, there was strong indication that the vote would be close and an override was likely. Following a recommendation by PCC member Kathy Melvin, and after brief discussion, the Executive Committee voted to oppose the legislature’s veto override. A quick response was essential.

The PCC sent a formal letter by e-mail to all of our Portsmouth Assembly representation. Also, each PCC member with an e-mail address was requested to contact his/her representatives directly to press the PCC position. A good number of our members did just that.

Among our Representatives in the House, Mr. Loughlin and Mr. Amaral voted to oppose the original bill, while Ms. Rice and Mr. Gallison voted for it. Senator Levesque voted for the legislation in the Senate.

The Assembly session closed without a vote to override the Governor’s veto. Speaker of the House Murphy did not have the votes and likely chose not to bring the issue to the floor. The public outcry over this issue was strong and widespread. This case has proven that we can be heard, even in an Assembly bent on pursuing its own interests in conflict with that of the peoples. While we in the PCC do not have a large impact on statewide issues, I feel that we did contribute to the defeat of this legislation.

Here is some background on the issue – In order for a union to exist there must be an entity to negotiate with. Childcare workers are not unlike any other private contractor in that there is no corporate or municipal entity with which to negotiate. District 1199 of the Service Employees International Union lobbied state legislatures and succeeded, not surprisingly, in passing special legislation allowing Rhode Island childcare workers to negotiate union contracts with the state. The impact of this special interest legislation would be the elimination of competition and creation of a childcare industry monopoly. A childcare union would be in a position to negotiate state subsidies for low-income families and would be in a position to collectively withhold services to all clients for increased wages. Little imagination is required to envision the economic and domestic impact.

The PCC challenged this legislation because it posed a future financial burden on the state’s taxpayers and set a dangerous precedent for other contractor groups. Groups other than the childcare providers would see an opportunity to follow suit and ‘go on the dole,’ placing even more burden on state taxpayers. Furthermore, the PCC understands that the power of the unions has transcended that of the people throughout Rhode Island and that unions now control more of the budget than the taxpayers. One need only look at any town or city budget and the percentage of which falls under union contract. Unionizing childcare workers and other independent

contractors would further erode taxpayer control of state, as well as, local government.

Additionally, this legislation is a threat to state funding for the Town of Portsmouth because of the increased demand it will place on state revenues. As most PCC members know, current local funding by the Assembly is woefully short of that promised in recent years, and as a consequence, must be made up from property taxes. Local funding is also being directly reduced by Assembly requirements to make additional payments into the Teachers' Retirement Fund. We believe that this legislation would have resulted in further decay of local support by the state for the Town of Portsmouth.

Gym Project Update

(Larry Fitzmorris) Most Portsmouth residents would prefer that this project was behind us, but it looms large in our near future. While the gym has been missing from the local papers lately, the principal decision point is approaching. That date is August 2, when the bids from the general contractor to construct the facility will be opened. That is the day when all of Portsmouth will find out if the cost of building the gym exceeds the money available.

The School Committee has \$3,080,000 to complete construction and an estimate in-hand from the architect that it will cost \$3,986,064. The Buildings & Grounds subcommittee has prepared a list of design components that can be discarded to reduce the cost. Unfortunately, that list of components includes the significantly downsized locker rooms. If they are retained in the design, the architect estimates that the facility will cost \$3,509,747 to complete. Following the opening of bids, the School Committee will meet to vote on awarding the construction contract. At this point the commitment will be made to go forward, to end the project for the time being, or to petition the Council for additional funding.

We in the PCC have kept a close eye on this project, and will continue our vigilance through the end of construction, if it gets that far.

How Have Your Elected Officials Voted?

(Jerry Cook) One of the best ways to assess the performance of our elected officials is to closely monitor their votes on important issues. In this way we can determine and, to some extent, grade their representation of our interests at town and state levels. The news media often reports the votes of the general assembly on high visibility issues such as gambling, separation of powers and LNG but falls short of reporting on those pertaining to Portsmouth or Aquidneck Island. Fortunately, we are able to obtain the voting data from the House and Senate web sites. Unfortunately, we have not discovered how to obtain the votes of committee members when a bill is sentenced to death in committee. This is a frequently used ploy and knowledge of these votes is very

important. It may be that they are not recorded, but we will keep looking.

The PCC has developed a spreadsheet database that is used to record attendance, voting, and to some extent, introduction or endorsement of particularly important bills in the House and Senate. These data can be summarized and reported to residents of our community for their own personal evaluation of our elected officials and their potential for reelection.

The handling of the Portsmouth Charter Amendments as reported on these pages prompted creation of this database. Since then, the PCC has been gathering and monitoring the votes of our state and local officials during this past session of the General Assembly. This is a new and on-going effort and full disclosure of voting on particular issues is not available at this time. The first report on our findings is planned for the next newsletter. Thereafter, this information will be included in each pre-election edition and also, provided to the media. The facts will speak for themselves.

PCC Achievements

- 2002 Tent Meeting - Reduced Property taxes
- 2002 Election - PCC Allies gained a majority on the Council
- 2002-2004 Budgets - PCC Allies produced two annual budgets with no growth in taxes
- 2003 Gym Special Election - Field House was defeated by the PCC
- 2004 Gym Approved - with PCC support
- 2005 Effort to Build Field House Defeated - PCC led public outcry at switch by school committee
- Portsmouth Coastal Development Corporation Defeated - PCC led opposition to this usurpation of local authority over development by the House leadership
- 2005 Superintendent Selection - PCC recommended citizens at large participate and a very qualified candidate was selected

Upcoming Events

- The PCC will hold a potluck picnic at the Glen on September 11 at 2:00 PM. Everyone is welcome!
- The PCC will not hold a membership meeting in August. Our next meeting will be on September 6.
- The PCC is updating our member's e-mail addresses. If you have a new address or have recently established a new on-line service, you may e-mail your new address to LJFITZ45@aol.com or call Larry Fitzmorris at 683-6127
- Our membership meetings take place on the first Tuesday of each month, except January and August. We usually meet at the Anthony House across from the Town Hall and next to the School Headquarters. Meetings start at 7:00 PM and all members and their guests are always welcome.

Portsmouth Concerned Citizens
50 Kristen Ct.
Portsmouth, Rhode Island 02871

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ANNUAL DUES: \$20 (Single) \$25 (Family) \$_____ (Other)

Call: 683-6127, or mail this form and your contribution to: Portsmouth Concerned Citizens
50 Kristen Ct.
Portsmouth, RI 02871