



Portsmouth Concerned Citizens

NEWSLETTER

“Information is the currency of Democracy”

- Thomas Jefferson

Editor: Joe Robicheau

January 10, 2007
Volume III, Edition 1

From the President -- Larry Fitzmorris

A Special Edition – We begin our third year of publication with a special edition of the PCC Newsletter. This edition focuses on the recent decision by the School Committee to sue the Town of Portsmouth for additional funding for this year. This is the Caruolo Act suit the School Committee has been threatening for some months. In this edition we strive to inform our readers of what is happening and what is at risk.

The Caruolo suit is more than a dispute over the level of school department funding for this year – it involves the basic rights of the citizens of our town and the sanctity of our votes cast at the Town Meeting.

We will provide a summary of where we are and where we are headed.

Fundraising. We will also introduce our fundraising effort to support our court actions to oppose the goals of the School Committee’s majority.

Much is at stake in this contest, as it has been since late June. We ask for your support as we approach the finale of this ominous drama.

Join Us. If you are not a PCC member, we invite you to join us in our fight against the Caruolo suit. Local issues are decided by numbers; as our strength increases, so does yours. Please complete the membership application included in this newsletter.

In This Issue:

Caruolo – This article is a description of what has happened, where we are at present and where we are going. We provide a summary of how the Town of Portsmouth arrived at this situation and what the outcome will mean for our future as citizens.

Fundraising Campaign Launched by PCC – The decision by PCC to defend the Charter and our votes at the Town Meeting will require significant funding. Forest Golden describes our approach.

PCC Opposed Additional Funding – This is an account of PCC actions taken in late October to oppose an apparent deal between the outgoing Council and School Committee on additional funding.

Going Caruolo

(Larry Fitzmorris) We in Portsmouth now find ourselves in the midst of a suit by the School Committee’s majority against the people of the Town for additional funding for the current fiscal year. This is the end game in the long budget battle of 2006. But there is something very different in this new phase that was missing until now. This time the School Committee’s majority and Administration have escalated beyond a local budget dispute over the level of funding for our schools. They are directly and intentionally subverting the principles of democratic government in an attempt to achieve their spending goals.

What this has always been about is excessive cost increases in the School Department budget. The school department simply cannot afford its annual cost growth, and still maintain student programs without excessive yearly budget increases.

Defending large budget increases at all costs is not supporting education in Portsmouth. It is supporting Portsmouth’s largest special interest group.

The school establishment has now decided to move to subvert a significant portion of our Town Charter in order to achieve their budget goals.

How We Got Here.

This business began when the school department decided to go for broke on its budget. The various schools were asked to submit requests for what they wanted and these requests were added together. Members of the previous Council also signaled that the school administration should ask for what they wanted. That process resulted in a 14.7% budget increase. The Council then approved the request without reduction and proceeded to request state approval for an increase of 14.2% in property taxing authority. During the process of the appeal the state reduced the Town’s request to a 9.1% tax increase.

We in the PCC were unwilling to accept that level of tax increase and initiated a petition for a Town Meeting. We collected 2,200 signatures and when we approached the Council they refused to reduce the tax rate and approved their budget. The Town Meeting took place in August and reduced the School Department and Municipal budgets, as well as the

tax rate. This action lowered the tax increase to 4%, while still allowing a school budget increase of 7.4%, year over year.

What has Happened.

The School Committee's majority voted 4-3 on November 27 to file suit under the Caruolo Act against the Town of Portsmouth. Mrs. Wedge, Mr. Carpenter, Mrs. Cortvriend and Mrs. Levesque supported the motion. Mr. Buddemeyer, Mr. Heaney and Mr. Wilkey opposed it.

They have appealed to the courts in their suit to set aside the \$1.1 million in budget reductions made at the Tent Meeting. This suit, if successful, will result in a reversal of the budget decisions made at the Town Meeting and will render the provisions in the Town Charter for Town Meetings worthless. Our right as citizens to overrule the Council's budget decisions will effectively come to an end.

What PCC is Doing.

It has been our judgment in PCC that the Council is not going to quickly move to defend the results of the Town Meeting and our voting rights. With the stakes so high our members decided to take action.

We have hired legal council and filed a motion to intervene in the Caruolo case brought by the School Committee and Administration. If we are successful and the judge grants us access we intend to make the case that the School Committee lacks standing to bring its suit because the decisions made at the Town Meeting are final. That is the Council's duty.

We have also begun to collect funds to pay our legal expenses. Mr. Golden's article below describes that effort.

The results of the Caruolo suit will have long lasting effects in Portsmouth and in our state. What will be decided is whether or not the citizens of our town are going to be allowed to make budget decisions regarding our schools. We are, after all, the closest observers of what is required, what is going on and what we can afford. If the School Committee is allowed to go over our heads to the courts, home rule will become just another phrase in the State Constitution and our Charter reduced to just another meaningless document.

Fundraising Campaign Launched by PCC

(Forest Golden) I have volunteered to steer our Charter Legal Defense Fund committee because the very thought of the town charter being violated by court action infuriates me. Frankly, I am fighting mad! PCC will not stand idly by and see our Town Meeting vote overturned and our town charter violated due to a Town Council unwilling to defend its provisions.

The Portsmouth School Committee has filed suit in Superior Court to force taxpayers to provide funding above that approved at the Town Meeting. The objective of the PCC fundraising campaign is to accumulate sufficient money to effectively defend the provisions and language of our town charter.

The campaign is multifaceted. Obviously, we are going to call on our membership to contribute. We believe the membership of PCC is committed and will wish to be a part of this most critical event in our town's history. We ask that you not only contribute money, but also provide names and addresses of like-minded individuals who may not be PCC members, but share our values and goals. We will conduct a mailing to these individuals asking them to both join PCC and contribute to the Charter Legal Defense Fund.

We will also, reach out to non-PCC members who signed the petition for the August town financial meeting, for contributions, as they are able and willing.

Another aspect of the campaign is an organized effort to tap the discontent of Portsmouth's business community. Many business owners are suffering under RI's extraordinary tax burden and are committed to supporting efforts, such as the PCC's, to rein in runaway, year-after-year, tax increases.

Finally, we will appeal to the general public by use of paid advertisements in the Sakonnet Times and The Newport Daily News, laying out both the background of the Caruolo lawsuit and the ramifications of the suit if it overturns provisions of our Town Charter.

On behalf of the Charter Legal Defense Fund committee members:

Chair: Forest Golden, Maureen Edenbach, Terry Lorenz, Kathy Melvin, Jeff Richard, Drena & Joe Robicheau and Bob Washburn.

**DEFEND THE CHARTER!
PROTECT YOUR VOTE!**

~
**CONTRIBUTE TO THE
PCC
CHARTER LEGAL
DEFENSE FUND**

Please send your contributions to:

PCC Charter Legal Defense Fund
PO Box # 686
Portsmouth, RI 02871

PCC Opposes Additional Funding

(Larry Fitzmorris) On November 27 and 30 certain members of the old Council and School Committee made an attempt to negotiate an additional appropriation for the School

Department. That effort was likely an attempt to reach a 'stipulated agreement' under the Caruolo Act of additional funds for the school department. We had many members present at these meetings, and for the first time employed counsel to make our case.

For those who have not followed events closely, it is important to realize that this was a major victory for PCC.

We hired Mr. Tom Wigand of Middletown, a board member of the Rhode Island Statewide Coalition to act in our behalf. We did this, frankly, because certain members of the previous Council can be overbearing on legal matters when citizens address the Council. They have repeatedly rejected our comments because we are not lawyers.

I began with a brief statement of our belief that the Council lacked any legal authority to modify the School Department Budget passed at the Town Meeting. I then presented Mr. Wigand.

Mr. Honnan angrily objected to us using a lawyer, especially as Mr. Wigand is not a citizen of Portsmouth. Mrs. Edwards overruled him and Tom presented our case.

The essence of the case presented by Tom Wigand is that the Charter prohibits the Council from modifying decisions of the Town Meeting and that the Caruolo Act itself requires additional funds for the School Department be appropriated in accordance with the Town Charter. In addition, Tom presented a legal opinion written in 1998 by then Town Solicitor Vernon Gorton that clearly states that the Council loses its budget

appropriating authority once a Town Meeting legally modifies either of the Towns budget totals.

I believe this Council meeting had one of two purposes. The B&E auditing firm was clearly setting up the meeting for a compromise between the Council and the School Committee that would involve approximately \$500,000 in additional funding. They made the case to meet the Caruolo Act requirements by asserting the School Department was short \$770,000 in its budget passed by the Town Meeting. The two members of the audit team used the word 'Caruolo' repeatedly during their presentation. I think there was a real likelihood that the previous Council and School Committee intended to go into court and jointly present a stipulated agreement of approximately \$500,000. Such an agreement would create a precedent that provisions of our Town Charter, which provide for a Tent Meeting, and an opportunity to limit the School Department Budget, can be routinely overturned.

The Second possibility is a simpler version of the scenario above. The Council would have simply approved the \$500,000 and announced a great victory for having saved the people of Portsmouth from the dreaded Caruolo Act appeal and all of its nastiness and cost.

The Council met again on the following Monday to reconsider the issue. At that session the members of the Council dismissed our legal arguments as baseless and then denied the School Committee additional funds on grounds that the Council lacked the money and authority to do so.

PCC has a number of fundamental goals: limited and moderate property tax increases, open, efficient and responsive town government, access to decision makers and the deliberative process and superior public schools.

If you are of the same mind...

BECOME A PCC MEMBER TODAY!

PORTSMOUTH CONCERNED CITIZENS MEMBERSHIP FORM

NAME _____ DATE _____

ADDRESS _____

CITY/TOWN _____

HOME PHONE _____ OFFICE PHONE _____ E-MAIL _____

ANNUAL DUES: \$20 (Single) \$25 (Family) \$100+ (Founder's Club)

Call: 683-6127, or mail this form and your contribution to: Portsmouth Concerned Citizens
499 Wapping Rd.
Portsmouth, RI 02871

Portsmouth Concerned Citizens
PO Box 686
Portsmouth, Rhode Island 02871

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