



# Portsmouth Concerned Citizens

## NEWSLETTER

“Information is the currency of Democracy”

- Thomas Jefferson

[www.portsmouthconcernedcitizens.org](http://www.portsmouthconcernedcitizens.org)

**Editor: Joe Robicheau**  
**November 1, 2008**  
**Volume IV, Edition 3**

### *From the President -- Larry Fitzmorris*

**Get out and Vote** – November 4<sup>th</sup> is Election Day, and while the presidential election dominates the airwaves, we also have local elections which present us with a real choice of direction this year. **The PCC Endorsements for local offices are included in this edition.**

**Pick Your Candidates** – Portsmouth elections are partisan; that is to say we have straight party voting on our ballots. Voters can select all candidates in one party or another, by simply making one selection on the ballot. While convenient, this feature defeats the deliberative process required for good government and the PCC opposes this option on our local ballot. We in Portsmouth face important Council decisions in the immediate future (sewers and budget growth) that deserve serious reflection. Do your homework before you mark your ballot; the quality of our government depends upon your choices. It is often said that we get the government we deserve; let us deserve better this year.

### *In This Issue:*

**The PCC Endorsements** – The members of the PCC present our local recommendations for Portsmouth Town Council, School Committee and Town Clerk.

**Assembly Endorsements** – We present the PCC/RISC recommendations for the contested House and Senate races for Portsmouth districts.

**The Council's Voting Record** – We provide a list of important Council votes over the last two years.

**What is at Stake** – We present a discussion of what is at risk in what may be one of Portsmouth's most important elections.

**Sewers** – The decision to begin to sewer Portsmouth would be, by far, the most significant financial decision ever made in Portsmouth. The decision is reviewed by Joe Robicheau, a member of the Portsmouth Wastewater Advisory Committee and candidate for the Council.

**The High Cost of Public Information** – RISC Communications Director Harriet Lloyd discusses access to public information in Rhode Island.

**Contracting Procedures** – A discussion of recent contract award proceedings.

## Portsmouth Endorsements

The PCC has evaluated the candidates running for local office in the general election. This effort involved questionnaires, interviews and observations at the PCC Candidates' Night. Members of the PCC believe the following candidates reflect our views of limited budget increases, effective management and ethical and open government:

**Publisher's Note:** *This election is winnable. Please cut-out these endorsements and place them in your wallet now.*

### Council

Phil Driscoll  
Karen Gleason\*  
Keith Hamilton  
Huck Little\*  
Peter McIntyre\*  
Jeffery Plumb  
Joe Robicheau

### School Committee

Angela Volpicelli  
Marilyn King  
(Vote for only two)

### Town Clerk

Kathleen Viera Beaudoin\*  
\* Incumbent

## Assembly Endorsements

(Larry Fitzmorris) – The PCC has joined the Rhode Island Statewide Coalition in making endorsements for the Assembly. While our recommendations are for the competitive races only, we also wish to recognize the service of **Rep. John Loughlin** of District 71, who is unopposed. Both organizations have reviewed incumbent records on issues key to our goals and make the following recommendation for the RI Senate.

### Senate District 11

Chris Ottiano

# The Council's Voting Record

*(Larry Fitzmorris)* – The present Council has served for two years and during that period a number of key issues have come before them for a vote. In the interest of providing a short summary of those decisions by our elected officials, the following table is provided. We in the PCC believe that there have been positive votes and those are indicated in gray shading.

The following table summarizes the decisions of the Council members, all of whom are running for re-election:

## Major Council Actions

2006 - 2008

Issue	Supporting:
Increase of 2007 School Department budget to \$250,000 above Court Award (in violation of Court order)	All
Midyear Budget Increases (in violation of Town Charter)	All
Big Box Stores (Reject)	All
Removal of Helen Mathieu from the Portsmouth Redevelopment Agency	Canario, L. Katzman, Seveney & West
Refusal to conduct investigation of Fund Balance irregularities uncovered by PCC.	Canario, L. Katzman, Little, Seveney & West
Removal of Karen Gleason from the School Department Performance Audit Committee	Canario, L. Katzman, McIntyre & West
Support for award of the Solid Waste contract to sole bidder	Canario, Seveney & West

## What's At Stake

*(Larry Fitzmorris)* – Local elections often present voters a choice of direction, depending upon the mix of candidates running. This November we will have a stark choice between the dominant majority and a number of new challengers. Our choices will determine the course of local government for some time to come. Once major trends are implemented they are often difficult to change and some decisions, the sewer proposal is one, are almost impossible to reverse. We also have some long term problems in budget management that remain unresolved. The use of budget gimmicks to keep up the pace of annual increases for salaries and benefits for town employees remains the primary problem. These practices should have been corrected in past budgets, but our Council lacks the political will. The majority continues to look for additional revenue in the use of debt and fees to keep up the pace. As spending pressures rise the Council has also increasingly winked at the law. On November 4<sup>th</sup> we will either choose to continue this approach or decide on a different path.

**The Sewer Decision.** While this matter may be placed on the ballot in a special election next year, the Council will be responsible for framing the question we all will vote upon. The Council removed it from last year's special election ballot

and made the decision not to place it on the General Election ballot this November. This is the area where the choice among the current majority and the minority on the Council (Gleason, Little and McIntyre) are most pronounced. It is also universally the case among the challengers that they oppose a central sewer system. Should the current majority (Canario, Katzman, Seveney and West) prevail in the election, they will place the sewer proposal on the ballot and advertise heavily in support of the issue. The fact is that Councils that do not support a measure simply do not place it on the ballot. The majority is not neutral on this issue.

The sewer project has the potential of maximizing our town debt and forcing residents out of Common Fence Point and Island Park that can not afford the \$45,000 to \$50,000 twenty-year cost of the project and will inevitably lead to higher density in our town. Those members of the Council who maintain that zoning limits can be used to prevent an increase in density are the same ones that created a special zoning code for O'Neill Properties group. Zoning codes are no defense against over-development.

**The Rule of Law.** While it is important not to overstate this issue, the Portsmouth Council is increasingly operating outside the rules that govern its actions. More and more, this Council is unable to find the bounds of its legal power. Quarterly, the Council reviews the Town's funds for unanticipated revenue and, when discovered, increases the budget total so it can be spent forthwith. The Council asserts it has the authority to increase the budget totals at any time desired. This practice is in direct conflict with the Town Charter. This Council has also appropriated money in excess of court awards in the Caruolo suit. These issues are serious, but the Council refuses to investigate or discuss them in a public forum. We in the PCC believe that this trend is a matter of great concern and any inappropriate assumption of power is an infringement of our civil rights. We also believe that elected officials are individually responsible for upholding the law, and that the obligation is not removed by opinions of a compliant Solicitor. If we expect this to change, we must change the Council.

**Budget Gimmicks.** Sometimes tomorrow arrives quicker than you think; it clearly has in the national banking and mortgage industry, as well as in state budget matters. Annual town salary and benefit increases are just too bountiful to sustain. Those in Portsmouth government, who believe that status quo budget increases are just fine, are in for a surprise. Personnel costs are increasing at about twice the rate of the maximum allowable increase in tax revenue. In addition, revenues from the State are decreasing and are likely to do so for some time. Under these circumstances status quo spending increases are not sustainable, yet the will is not there to adjust to the new realities. Our Council is instituting fees for existing town services, considering sale of town property and issuing bonds in order to fund the annual, ongoing operational budget escalations. There are clear limits to these practices. If the Council's majority is successful in this election, these practices will continue until we are faced with the inevitable consequences.

One Council solution to the shortage of revenue is the tax cap appeal process. Make no mistake; the current majority intends

to launch such an appeal to the state for permission to exceed the limits on property tax increases next year. The current approach of using fees and debt will not sustain the habitual annual spending increases in the operational budget. The choice is simple, raise taxes above the limit or restructure town costs.

Sound fiscal policy in a community requires budgetary practices that are sustainable. Spending and revenue must be balanced. Spending decisions focused only on the short term, lead to long term financial difficulties that can be insurmountable. What is clear is that taxpayers are the ones who pay for poor town financial management. In Rhode Island we do not have to look far to find municipalities now in essential receivership after years of fiscal mismanagement. Letting someone else worry about tomorrow is the road to ruin. Much is at stake in this election.

## Sewers...In Portsmouth?

*Publishers Note: Mr. Robicheau is a candidate for the Portsmouth Town Council.*

**(Joe Robicheau)** – Open space is the exact opposite of sewers. Deeded open space eliminates the potential for development, while sewers promote development anywhere space exists. The prospect of sewers anywhere in Portsmouth is in essential conflict with the Portsmouth Comprehensive Plan, which emphasizes preservation of the Town's existing rural character and historically rural lifestyle and protection against untimely inappropriate conversion to urban use. There is nothing more common to urban infrastructure than sewers.

The outcome of sewers will be additional development, increased density, more asphalt, more traffic and noise, more demand for municipal services, bigger government and increased taxes. And, curiously, once in the ground and despite their apparent lifelessness, sewers grow. Those pipes will burrow, incessantly, into new neighborhoods to find additional customers. Eventually, they will creep into all but the most remote parts of town. Sewers are synonymous with the end of rural Portsmouth.

Worse yet, the cost of sewers for those required to hook up, will be formidable. Many will be unable to afford the twenty-year, \$52,000 cost per hook-up and will be forced out. Much of the most affordable housing in town will be eliminated. A construction boom in Island Park will go on for years.

And, there is absolutely no guarantee that sewers in the targeted areas will do anything to lift current shell fishing bans. Mount Hope Bay is closed to shell fishing due to discharges from the Fall River Wastewater Treatment Plant. There is no definitive data to indicate Common Fence Point (CFP) is a source of pollution. Sewers in CFP will have no effect on the shell fishing ban in Mount Hope Bay.

The truth is the vast majority of condemned cesspools and any failed septic systems can be replaced by new, RI DEM approved new technology On-site Wastewater Treatment Systems (OWTS). Although not inexpensive, they represent a significantly lower cost to affected property owners and far less collateral damage to the Town. The installed cost is

\$20,000-\$30,000, depending on challenges presented by the installation site, plus an annual maintenance fee of \$275.

In 1972 Portsmouth rejected sewers because voters did not want Middletown development to continue into Portsmouth. If the current Portsmouth Town Council majority prevails on November 4<sup>th</sup>, voters will soon be asked the question again. The Council majority thinks sewers are a good idea as they have said repeatedly that they will approve a sewer bond referendum. If the majority returns, it is they who will frame the ballot question so that its passage is best assured. Don't stay on the sidelines for this one.



## RISC LAUNCHES THE MONEY TRAIL WEB SITE

<http://www.themoneytrail.org/>

The Rhode Island Statewide Foundation has launched its new transparency website. The site contains state and local governmental information, including budgets, contracts, planning documents and education data. For the first time interested citizens will have a site providing easy access to the local and state documents so critical to understanding local and state government.

[www.risc-ri.org](http://www.risc-ri.org)

## The High Price of Public Information

*Editor: Harriet Lloyd is director of the Rhode Island Statewide Coalition Foundation's Money Trail transparency project. This article appeared in the Providence Journal as a guest editorial.*

**(Harriet Lloyd)** -- Is there systematic obstruction of access to public records in Rhode Island? The Rhode Island Statewide Coalition Foundation believes that the answer is yes.

The foundation, whose mission is "to increase transparency, integrity and accountability in Rhode Island State and local government," has found that access to public records in Rhode Island often involves fees so exorbitant that the intent of Open

Records laws is undermined. The answer may be legislation to require that public records be made available electronically.

Based in Charlestown, RISC Foundation has launched an independent transparency Web site, TheMoneyTrail.org, from which taxpayers may download state, city, town and school-district documents to which they are entitled by law.

In our quest to acquire basic budgets, payrolls, contracts, comprehensive plans, tax-delinquency records and foreclosure statements, we have discovered an unsettling reality: Obtaining public records in Rhode Island is not only difficult and bureaucratic, but often exceedingly costly. In our experience, demands for payment have ranged from a few dollars in some towns to several hundred in others, reaching the highest estimated charge of \$4,500 in Coventry.

The Access to Public Records Act (APRA) assures citizen access to documents — and The Money Trail has obtained some at no cost — but providers of public records may, if they so choose, charge 15 cents per copied page, plus \$15/hour labor charges (\$30/hour overtime) to retrieve and photocopy it. While some districts readily provide documents without charge, fees in other towns are wildly inconsistent. Town clerks and managers often charge for estimated “search and retrieval” time and then add copy and labor charges.

Furthermore, in an increasingly paperless society, all documents we have sought should be readily available by e-mail — at no cost. In fact, a simple one-time scan and conversion to .pdf format facilitates instant transmission forevermore — nothing could be easier! Instead, every request sets off yet another costly retrieval and duplication of the identical hard-copy documents.

Examples of the high price tag of public information would be amusing if they were not so disturbing. East Providence requested \$90 for search and retrieval of its Comprehensive Plan and \$75 for printing it — and these fees for a document that is available online or free of charge from most other Rhode Island municipalities. Even a supervisor at the state Department of Administration bemoaned that eight town comprehensive plans are unavailable electronically. It is incomprehensible that, in 2008, that the department has neither a scanner nor the software to convert simple documents to .pdf format.

While state and municipal offices are required to provide electronic versions of documents upon request if they exist in that format, Hopkinton’s town manager outrageously requested \$35 to e-mail the town’s comprehensive plan to The Money Trail.

In terms of hard copies, the Westerly School Department required a \$30 fee for a list of vendor contracts over \$10,000; North Providence wanted more than \$2,000 for the foundation’s requested documents; Exeter charged \$2.10 for a profit-and-loss report, plus another \$2.10 to fax it; and Smithfield demanded \$644.10 for its school budgets, collective-bargaining agreements, and the name of the law firm that negotiated them. In Warwick, the cost of the tax roll was \$125, while an eight-page list of tax sales carried a fee of \$1.20.

The resistance to electronic documents does not originate with office managers, many of whom have told us that they have urged electronic conversion as a way to curb the constant headaches of responding to public-records requests.

The problem is Rhode Island’s insidious culture of concealment that manifests itself in state and local government. In this case, it results in impediments to open access and unnecessary frustration to taxpayers.

In fact, the RISC Foundation suggests that electronic distribution of public records might well save cash-strapped Rhode Island significant funds by reducing the number of employees now needed to copy and retrieve records. Quite simply, electronic processes streamline office procedures and reduce the need for surplus personnel. In a state teeming with state employees represented by powerful union lobbyists, there may be little commitment to realizing such efficiencies, however.

Although the RISC Foundation has offered to convert to electronic format the documents requested by The Money Trail — and has promised to share them at no charge with towns, cities, school districts and state offices — its proposal has been largely ignored.

As a result, the foundation plans to promote legislation this year to require that all public records be provided electronically upon citizen request. Documents would then be available in a cost-free, postage-free, paper-free and environmentally responsible manner. The state’s citizens deserve no less.

## Contracting Procedures

*(Larry Fitzmorris)* – Recent developments have revealed serious weaknesses in the Council’s procedures for awarding town contracts. These problems were exposed last May when the Council moved to award a contract for the Transfer Station operation to a single bidder. While not specifically intended to award contracts to single bidders, the procedural gap could be costly and could permit irregularities.

At a May 12, 2008 meeting, the Council was scheduled to award the Transfer Station Operation contract, then held by Waste Management, to ABC – the sole bidder. The contract would have been a minimum of \$400,000 per year for three years. Fortunately, members of the Solid Waste/Recycling Committee were present and had done their homework. Members of the committee pointed out that only ABC had known of the request for bid, despite routine advertisement by the Town.

Mr. Canario, Mr. Seveney and Mr. West spent considerable time defending the intended contract award against those who questioned the proceedings. As discussion wore on, however, the startling resistance crumbled and on a motion by Karen Gleason all Council members voted to re-issue a request for bid.

Subsequently, when the request for bids was re-issued, three companies responded. At the September 22, 2008 Council

meeting the Transfer Station three-year contract was awarded to Patriot, the lowest bidder at \$338,600 per year. This is a savings of \$60,000/year or \$180,000 total. Oddly, this extraordinarily large savings has not been celebrated by the Council.

Obviously, the Town is not well-served by awarding major contracts to single bidders. It should be clear to the Council that competitive bidding is a process that routinely leads to lower costs for the Town. While there are going to be times when only one bid is received, it should be policy that in those instances an additional request for bid, advertised more broadly, is necessary. In discussions before the council in May, it was pointed out that when only one company shows up at the pre-bid hearing, it is understood by the lone attendee that there will be only one bidder and that he or she is free to set a price that need not be competitive.

The Town's procedures should be modified to ensure contracts above a certain dollar value require bid competition. While occasionally this will result in additional administrative work, the efficient expenditure of public funds is paramount.

**WE MAKE A  
DIFFERENCE!**

**JOIN  
PORTSMOUTH CONCERNED  
CITIZENS**

**HELP US HELP YOU**

**Call Drena Robicheau at 847-1098  
Or use the membership form in this  
Newsletter**

*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!**

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**PORTSMOUTH CONCERNED CITIZENS  
MEMBERSHIP FORM**

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

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**ELECTION ISSUE**