



Portsmouth Concerned Citizens NEWSLETTER

“Information is the currency of Democracy”

- Thomas Jefferson

www.portsmouthconcernedcitizens.org

October 15, 2010

Volume VI, Edition 2

From the President -- Larry Fitzmorris

Elections have consequences – how often have we heard that phrase? In the Portsmouth local elections, a significant change is inevitable. A much larger number of incumbents have chosen not to run for re-election than we have experienced in many years. No matter which candidates win, the Council and School Committee will be greatly changed. Of the seven members of the Council, four are not running for re-election. Of the four School Committee members who are up for election, two are not running for re-election to the Committee. The people we will be electing will be overseeing a \$55 million budget, trying to resolve a very large shortfall in retirement obligations and most importantly, defending the North End from sewers. **We all need to pay attention and get out and vote.**

The PCC's proposed Charter change recommendations were removed from November's ballot by a Council vote. On a motion by Keith Hamilton, the Council decided to submit the proposals to a formal Charter review committee. The proposals had already gone through a Council discussion and a review by the Town Solicitor. This was an effort to prevent a public vote on the PCC's reform proposals. An important campaign lies ahead of us to get these proposals approved by both the new committee and the next Council.

In This Issue:

PCC Endorsements – The PCC's presents its endorsements for the November 2, 2010 General Election. Our endorsements include a number of recommendations for the Assembly races.

DEM Orders Sewers Built – The State Department of Environmental Management has ordered Portsmouth to construct a sewer system in Island Park and Portsmouth Park. The sewer issue has once again defied resolution, and remains the bad dream that keeps coming back. The DEM also fined the Town.

Referendum Vote Fails – A hard fought campaign ends in a resounding rejection of a budget increase for the School Department. The PCC successfully conducted one of its most successful campaigns.

Open Meetings Complaint – The PCC filed an Open Meeting Act complaint against the Portsmouth School Committee for actions it took at a June 22 meeting.

PCC Endorsements

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

Council

Paul Kesson
Steven Larson
Elizabeth Pedro
Joe Robicheau
Judi Staven
(vote for only five)

School Committee

Cynthia Perrotti
Malcolm Chrupcala
Jonathan Harris
Thomas Vadney

Assembly Endorsements

(Larry Fitzmorris) – The PCC has joined the Rhode Island Statewide Coalition (RISC) in making endorsements for the RI Senate.

**Senate District 11
Chris Ottiano**

Both organizations have reviewed incumbent records on issues key to our goals and have selected Dr. Chris Ottiano. The incumbent, Sen. Charles Levesque, has compiled a long record of supporting unions and outlandish proposals in the State Senate. His introduction of a bill making teachers' labor contracts forever in force, if not replaced by a new contract, would have granted to those unions additional power in a situation in which they already dominate the negotiation process. In addition, Mr. Levesque's proposal to largely require the hiring of felons in private businesses remains one of the noteworthy (and unfortunate) events of the last Assembly session. It is time for Sen. Levesque to go.

In our evaluation process with the candidates for the State House of Representatives we tried to balance the voting record of the incumbents against the talent and views of the challengers. Although we did not endorse Representatives Jay Edwards (Dist.70) and Representative Ray Gallison (Dist. 69) we acknowledge their significant contributions to the sewer issue in Portsmouth and their strenuous defense of our North End citizens against this ill-conceived project.

Rhode Island House

House District 69 – William Grapentine

House District 70 – Nancy Driggs

House District 71 – Daniel Gordon

House District 72 – None

DEM Orders Sewers Built

(Larry Fitzmorris) – Portsmouth, after rejecting sewers, has suffered the wrath of a State agency that is determined to impose its will on the people of our Town. With this move, the long story of sewers in Portsmouth has entered its final chapter.

The Town received a Notice of Violation from the State Department of Environmental Management (DEM) on September 15. The Notice cited a number of storm drains that contain pollution and imposed an \$186,019 fine. More importantly, the Notice also orders the Town to begin construction of sewers in Island Park and Portsmouth Park within two years of the Department’s approval of the Facilities Plan, which the Town has not yet submitted. With these series of orders, DEM has acted to achieve with force what it could not convince the people and government of Portsmouth to do voluntarily.

The pollution complaint. It is largely what we already know. The leaking cesspool on Aquidneck Avenue is a new development. The cesspool has obviously failed and is leaking into the nearby storm drain. The levels of pollution identified, however, remain dramatically below the nearby communities, all of whom have either full or partial sewer systems. In fact DEM has never fined Newport for their spills. These pollution problems are, with the exception of the cesspool, declining over time and are all problems that can be resolved in an effective storm drain program. That program is currently underway, yet DEM is unwilling to wait for an outcome.

The Council committed itself and the Town to a Wastewater Management District solution in a vote on April 12 and that decision rejected consideration of a Town Sewer system. The Council’s reaction to the DEM order was to go into Executive Session, meet with its lawyers and refuse comment. Its intended course of action remains unclear, but the overriding question is the degree to which the Council is willing to go to defend the people against DEM’s order to install sewers. If they are unwilling to enter Superior Court against DEM they are likely to lose this fight.

A number of the Democratic candidates are advocating for submission of the Facilities Plan to DEM, as demanded in the Order. That Facilities Plan, received by the Town in late January from the engineering firm of Woodard & Curran, has only one conclusion: sewers are the only answer. To no one’s surprise, conclusions in the Facility Plan were aggressively managed by DEM to produce the outcome they desired. Once submitted, the Town would be committed to a sewer system.

It is clear to everyone involved that a sewer bond will not pass in Portsmouth. Yet DEM orders the sewers built. The orders in the Notice of Violation, if implemented, will mean that the people will lose the local option to decide whether or not a bond is issued and passed. DEM is not interested in the independence of our community or the State laws that govern bonds. Its objectives remain unchanged: take the pressure off the overburdened Newport system and establish an island wide sewer system. Portsmouth stands in the way.

Once a decision to build sewers in the designated areas is in place, all the old forces advocating for sewers will re-engage. The system will likely expand quickly into the original proposed system.

Referendum Vote Fails

(Larry Fitzmorris) – Portsmouth voters rejected, by a considerable margin, the proposal to increase the school department budget at the October 5 special election. The Portsmouth Concerned Citizens strongly opposed the funding increase in a contest with supporters of increased funding for local schools. The PCC was able to rally its supporters effectively and we consider this a major victory against proponents of higher taxes.

With approximately 30% of registered voters participating, Portsmouth electors rejected the budget increase in all five polling locations, with the largest margin in the North End.

School Budget Referendum Results

Option 1 (Reject)	2,198	57%
Option 2 (Approve)	1,690	43%

The PCC cited the existing department surplus of approximately \$1 million and raising taxes above the cap in the current recession as reasons to reject the proposal. Terry Lorenz, Paul Ross and Bob Bledsoe led the PCC’s campaign, supported by a strong team of members.

The Republican Town Committee also conducted a parallel effort to oppose the funding increase.

The Referendum was scheduled after a group of citizens, supporting a higher budget for the Department, successfully raised a petition of approximately 1,600 signatures to place the proposal on the ballot. Council member Dennis Canario originally proposed the Referendum to the Committee following a Council decision to increase the Town’s appropriation by \$129,542. The total budget decreased by \$218,566 due to reductions in State aid. If successful, the Referendum proposal would have increased the school budget by \$765,301 and likely resulted in an additional tax bill,

increasing taxes above the cap to 6.3%. Dave Croston led the petition drive with strong support from the School Administration and the Newport Daily News. Advocates for the budget increase did not reveal, during the petition process, the budget surplus of approximately \$400,000 from the fiscal year ending in July.

During the weeks leading up to the Referendum vote, School Superintendent Dr. Susan Lusi led an extensive public campaign in support of the proposed budget increase, with all Democratic candidates for Council and the School Committee publicly supporting the measure. Her effort employed the school e-mail system and extended into Open House sessions for parents. Under pressure from the PCC during the campaign, the School Committee voted unanimously to forgo a threatened Caruolo suit and accept the results of the Referendum. Committee Chairman Richard Carpender, and to some extent the Superintendent, had been openly discussing the possibility of a Caruolo suit should the voters reject the proposed budget increase.

This election was the first time citizens have voted in a budget Referendum; following approval by Town electors of a Charter change on November 5, 2007. The Referendum replaced the Tent Meeting.

This effort to exceed the tax cap, if successful, would have established a precedent that would have been hard to reverse. Once past the property tax cap there are no further procedural limits to the level of tax increases. We believe that the citizens of Portsmouth have made a wise decision.

Open Meetings Complaint

(Larry Fitzmorris) The PCC filed a successful Open Meetings Complaint against the Portsmouth School Committee regarding actions at a meeting conducted June 22 of 2010. The Attorney General's office ruled on September 29 that the School Committee had violated the Open Meetings Act by not including action to hire a legal expert in its agenda.

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: 847-1098, or mail this form and your contribution to: Portsmouth Concerned Citizens
499 Wapping Rd.
Portsmouth, RI 02871

The Committee voted 6:1 to hire Mr. Stephen Robinson to consult on preparations and requirements for a Caruolo suit at its meeting in June under the agenda item "Discussion/Action-FY '11 Budget." Our complaint contended that the hiring of Mr. Robinson was a legal action and an expenditure of funds for professional services and not a budget action. We asserted that no one reading the agenda would know that such an action was intended at the meeting. The AG's office investigated the charge, with attorney Richard Updegrove writing two responses for the Committee and the PCC responding to each in turn.

Special Assistant Attorney General Stacey Morris issued her ruling September 29, 2010. She concluded that the Committee had violated the OMA since its noticed agenda item "Discussion/Action - FY'11 Budget" did not "fairly inform the public. The Attorney General seldom applies fines in these matters and declined to do so in this case.

In its ruling, the Attorney General's office did request (they cannot direct elected bodies) that the Committee re-vote the matter during an October meeting. In addition, they were required to report their action to the AG's office. Had the Committee failed to do as requested, the Attorney General reserved the option of filing suit on the violation.

The School Committee re-voted the hiring of Mr. Robinson at its October 12 meeting, although the Chairman presented the event as a minor offense. It was not.

All citizens, including the PCC, are dependent upon accurate agendas for public meetings. Otherwise, the residents of our town will be unaware of actions taken by elected and appointed officials, which directly affect our personal lives. In short, if people are unaware of actions by a public body, they are unable to object.

Portsmouth Concerned Citizens
PO Box 686
Portsmouth, Rhode Island 02871

Election Edition

STDPRSRT
US POSTAGE PAID
NEWPORT RI
PERMIT #286