



# Portsmouth Concerned Citizens

## NEWSLETTER

“Information is the currency of Democracy”

- Thomas Jefferson

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

Editor: Susan Fitzmorris

Volume IX, Edition 2

October 20, 2014

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

In this issue the members of the PCC present their recommendations for the November election for local office. In a representative democracy we get the government we deserve. The care with which we choose our elected officials is critical to the outcome of the process and determines how closely our government conforms to our expectations. With the steady decline of investigative news reporting on Portsmouth government, the PCC becomes more important to insure a true evaluation of the performance of our elected officials. The members of the PCC go to great lengths to judge the performance of those running for re-election and the abilities and intents of those who are new candidates.

**E-mail addresses are important to the PCC.** We are asking members to please send us your updated e-mail address to [LJFTIZ45@aol.com](mailto:LJFTIZ45@aol.com). The PCC conducts most of its business via the net and your address is critical to our operations. If you have stopped receiving PCC e-mail communications, we probably do not have your current address.

### *In This Issue:*

**PCC Endorsements** – To the right you will find the PCC’s recommendations.

**A Constitutional Convention** – This option is on the November ballot as Proposition 3. It is the citizen’s last best chance to address the states fundamental ethic and financial problems. We discuss the process and what is at stake.

**Raising Fees** – Our Council is in search of more revenue and has turned to raising fees and the vehicle tax. Council discussions began September 22, and addressed five categories.

**Open Government?** – The last two years have seen a troubling increase in Open Meetings violations in Portsmouth.

**Victory over the Tolls** – The people of East Bay have won a great victory in their opposition to the Sakonnet Bridge Tolls.

**A Committee Out of Control** – Debra Faber gives us an update on a long hard contest to return the Open Space Committee to its intended purpose.

**A to AAA** – Portsmouth receives good news from Standard & Poors.

## 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 local candidates reflect our views of limited budget increases, effective management and ethical and open government:

### **Ballot Measures**

**Vote “Yes” on Proposition 3, the proposal to hold a RI Constitutional Convention.**

### **Local Offices**

#### Council

Elizabeth Pedro

Allen Shers

Joe Robicheau

*(Vote for only three)*

#### School Committee

David Croston

Frederick Faerber

Thomas Vadney

*(Vote for only three)*

**Town Clerk** – Joanne Mower

## A Constitutional Convention

Our government was not created to provide the political class career opportunities and a chance to spend other peoples’ money. We send people to the Assembly to do the people’s business, but that is not being done. The Rhode Island Constitution was written and approved by the people with that primary objective in mind. It is the people’s document, not the Assembly’s, and through it the people decide the limits, priorities and shape of State and local government.

Every ten years the citizens of Rhode Island have the opportunity to change how their State and Local governments operate, and to reassert their rights. This election presents us with that opportunity. Question 3 on the November ballot, will ask all of us if there should be a Constitutional Convention convened to produce proposed changes to our State’s fundamental document.

But there are those who do not trust the people to do the right thing. They are also the people who like things in Rhode Island just the way they are. They point to a parade of horrors as examples of the potential products of a convention. But when we hear this fear mongering we should ask; *what is a government that does not trust the people?* While it may be a number of things, it is not a representative democracy. Their arguments about pitfalls in a Constitutional Convention are those made by an oligarchy, a government run by the few, for the benefit of the few. Some have lost sight of that fundamental truth and would prefer we just skip this opportunity. What opponents really fear is change in the political system in which they have been so successful.

But what are the real risks in a Convention? RI voters are prohibited from making changes to rights guaranteed by the US Constitution. It and its Bill of Rights remains the supreme law of the land. Those rights guaranteed by the US Constitution will remain unchanged.

There is also the process involved. First, the people must vote to hold a Constitutional Convention; second we elect 75 delegates (one in each House District) to represent us at the Convention. Once the delegates to the Convention decide what proposals they will recommend to the people, there will be a general election. All the voters of the State will decide what is adopted as a change to the RI Constitution, and what is not. The last Convention in 1986 produced fourteen proposals; six were rejected by the people. In addition, once the delegates are convened in Convention, only the people decide. The Assembly, Governor and the Courts will no longer have a say.

The opponents to a Convention are well financed and determined to get you to vote "no." They intend to preserve the status quo and the way we do the business of government in Rhode Island. In addition to 38 Studios and beach concessions, there is a long list of ridiculous ideas made law that are not as well known. Rhode Island, in many ways, is the triumph of the special interests. That sort of business is what the opponents intend to preserve. Our government has remained stagnant all during the seven years of the worst recession in memory. There has been a lot of talk, but very little action, on how to improve our way of doing business in this state. Our Assembly can recommend constitutional amendments to the people any time it wishes. With the exception of Separation of Powers, it has flatly refused to reform itself.

Now is the time for change and we cannot afford to miss this opportunity. Now is the time for the people to convene a Constitutional Convention and implement the reforms that have been so badly needed for so long. We are our own last, best hope. **Vote Yes on 3**

## Raising Fees

Facing significant multi-year increases in labor costs, especially with the new police union contract, the Council is in search of additional revenue. The Council formed the New Revenue Working Group, a committee to investigate the opportunities for additional revenue from fees. The revenue committee was dominated by members of the Council and

School Committee, just to make sure that the recommendations came out right. Savings that could be derived from our current spending were not on the menu. In fact, the recommendations made to the Council on September 22 largely matched the proposals contained in the first agenda for the committee back on July 23. However, the recommendations produced by the committee received a mixed reception from the Council. Most of the proposals will be subject to the budget process next spring and only then will receive a final approval. An increase in ambulance fees was shelved.

What did receive preliminary Council approval was an increase in the average Auto Excise Tax of \$7.88, a tenfold increase in mooring fees (as a result of new DEM regulations) and an increase in beach fees for non-residents.

## Open Government?

Rhode Island has one of the better sets of open government laws in the country. That in itself is a surprise and something that should be celebrated, considering our negative ranking in so many other areas. These laws fall into two areas: Open Meetings and Access to Public Records. However, this piece of news does come with a downside: Portsmouth's elected bodies are not paying much attention.

Who is at fault? Elected officials, of course, but it is also those citizens that tolerate this illegal behavior. Make no mistake, this is a political sin aimed at you. Governments have a fundamental interest in keeping their difficult decisions secret. That orientation, combined with the universal exemption from public discussion of "potential litigation" permitted by the Attorney General, has led the Portsmouth government to take many of its contentious discussions into Executive Session. This is America; anything can be litigated, and the term "Potential Litigation" can be used to hide a great many sins.

Here in Portsmouth, citizens have filed five separate Open Meetings Act complaints with the Attorney General in the last twelve months; three against the Council and two against the School Committee. Two of the complaints against the Council were ruled violations by the Attorney General. The PCC filed only one, and it is still pending. This is a much higher rate than the last fiscal year, as reported by the Attorney General. In that year there were a total of 26 complaints statewide, and the City of Woonsocket had the highest with four. The AG has also received two complaints regarding the School Committee. Although undecided by the AG at this point, they appear to be very serious.

The PCC has a deep concern with the number of times the Council has cited the exemption for "Potential Litigation." The PCC's complaint before the Attorney General addresses that concern. It regards the April 1 meeting of the Council and four representatives from the Department of Environmental Management who met in secret session to discuss sewers citing "Litigation." The only interested party absent was the citizens of the town. We in the PCC opposed this decision for executive session when the vote was made. Council members Pedro and Gleason voted no. The fact that five members of the Council voted 'yes' is appalling.

We need elected officials dedicated to following the rules we set for them, not officials that use the legal loop holes to cover their tracks.

**YOU MAKE A DIFFERENCE!**

**JOIN**

**PORTSMOUTH CONCERNED CITIZENS**

**HELP US HELP YOU**

**Call 683-6127**

**Or use the membership form in this Newsletter**

**Victory over the Tolls**

The most notable achievement of our organization during the year is the victory over the tolls. The PCC planned, organized and provided the strategy for what became the STOP Committee. That organization helped rally the people of East Bay, and eventually the State, against the Sakonnet Bridge tolls. With the support of many people in our area, those who raised the largest petition in State history and the determined effort launched by our East Bay legislators, we won the day. The reversal of a law, especially one that provides new income to the State, is a very difficult thing to accomplish in Rhode Island. Our collective efforts delivered to us a major victory, and in the process telegraphed the message to Rhode Island Government that we are no longer pushovers for the latest bad idea.

**The Open Space Committee Spins Out of Control**

*Debra Cardoza* – On November 12 of last year the PCC presented the Council a request to intervene in the long simmering difficulties within the Open Space Committee. Presented with the evidence of abuse of its members and dysfunction in the POSC, it appointed Council president

Seveney, Councilwoman Pedro and the Town Administrator to oversee the committee’s operations. A mentoring team was established and the Council quickly put an end to the Committee’s unwarranted job performances procedures aimed at minority faction members. The Attorney General had cited the Committee for numerous Open Meeting Act violations for these abuses. The oversight group also restored committee members’ access to Executive Session minutes.

After the establishment of the oversight team, the Chair of the Committee did not hold any further meetings. In July and August ten members resigned stating that the POSC has been unproductive and questioning the release of restricted land purchases information. After the experience with the Open Space Committee the Council reasserted the requirements of transparency and minutes for all of the Town’s committees.

**A to AAA**

Portsmouth received very good news from the Bond market in late September. Standard & Poors upgraded the Town’s bond rating two whole levels from A to AAA, the bond industry’s highest rating. This is the first time Portsmouth has had this rating and only one other Rhode Island municipality enjoys that ranking. At current municipal bond rates, the town’s bond rating change will save taxpayers about 10% on interest costs for a 20 year bond.

Fiscal stability drives bond ratings and Portsmouth has had a financial renaissance in the last four years. As a long time advocate for fiscal stability, the PCC is delighted with the news. Pension overhaul, a one million dollar transfer from the School surplus to the Fund Balance, a well managed capitol plan to ensure the Town’s infrastructure, such as roads, is in good repair all led the way in the Robicheau Council during 2010 to 2012. Stable budgets during the last few years also made a major contribution.

State Director of Revenue Rosemary Booth Gallogly delivered her personal congratulations to the Council October 14, but also included a warning: Pension problems remain for the Town.

*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.*

**BECOME A PCC MEMBER TODAY!**

**PORTSMOUTH CONCERNED CITIZENS  
MEMBERSHIP APPLICATION 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  
50 Kristen Ct.  
Portsmouth, RI 02871

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

PRSR STD  
US POSTAGE PAID  
NEWPORT RI  
PERMIT #286