



# Portsmouth Concerned Citizens NEWSLETTER

“Information is the currency of Democracy”

- Thomas Jefferson

www.portsmouthconcernedcitizens.com

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

On November Eight the electors of Portsmouth will chose between two paths for our town. Down one path is a continued emphasis on fiscal stability and efficiently run government. Down the other is the choice of radical change, a choice that promises to re-engineer the very nature of Portsmouth. This is not theory; it is presently underway in the redrafting of the Town’s Comprehensive Plan. The redesigning of Portsmouth is well underway. The new Progressive left in the Democratic Party is offering us a socialist utopia, where our population matches the racial, ethnic and economic ratios selected by unelected officials in Washington and Providence. Convinced that we will not do the right thing, they have pushed aside the people in this drafting, denying public participation in determining our future. They are determined to remake our community without any interference from the people.

**VOTE LIKE YOUR FUTURE DEPENDS UPON IT**

### ***In This Issue:***

**Endorsements** – The members of the PCC recommend a vote for local and Assembly candidates.

**The Comprehensive Plan** – Portsmouth residents are approaching a major decision point in the re-drafting of the Comprehensive Plan. These plans have the weight of law and will govern zoning regulations and the nature of our Town well into the future.

**The Portsmouth Budget** – A relatively low property tax increase of 1.27% was approved by the Council, but the budget grows government with the use of one time revenues and State payments that are likely to evaporate in the future.

**Open Government** – Portsmouth citizens have easy access to the decision making during Council and School Committee meetings. But many key decisions continue to be made by insiders and in Executive Session. This problem continues to grow and severely limits our ability to evaluate major decisions by our government.

**Landfill Deposits End** – September 20 was the landfill capping completion date and it passed without completion of the capping process. The landowner appears to be in violation of the formal agreement.

## **PCC Endorsements**

The PCC has evaluated the candidates running for local and Assembly offices in the general election. This effort involved constant observation of incumbents, review of campaign documents and observations at the PCC Candidates’ Nights. The members of the PCC believe that the following local and Assembly candidates best reflect the public's interest in limited budget increases, effective management and ethical and open government:

### **Local Offices**

<u>Council</u>	<u>School Committee</u>
Debra Faber Cardoza	Emily Copeland
Larry Fitzmorris	Andrew Kelly
Paul Kesson	
Elizabeth Pedro	
Judi Staven	
Thomas Vadney	
<i>(Vote for only six)</i>	<i>(Vote for only two)</i>

### **Assembly Offices**

Senate District 11 - John Pagliarini
House District 69 - Tony Avila
House District 71 - Dennis Canario
House District 72 - Ken Mendonca

## **The Comprehensive Plan**

The people of Portsmouth are mostly unaware of a plan that has the potential to bring fundamental change in the nature of our Town. The draft Comprehensive Plan, currently being written by Town insiders, contains proposals for major change to our community. It contains all the elements of Social Engineering popular among those in Government who always seem to know better than those they govern. And all this is being done without direct participation of the citizens of Portsmouth.

The Comprehensive Plan is a document often quoted but poorly understood by those whom it governs. A recent State law requires all Rhode Island municipal governments to complete a review of their plans by June of 2016 and submit those plans to the State Division of Planning for approval. But there is a problem. The State Division of Planning, under a \$1.9 million grant from the Federal Department of Housing and Urban Development (HUD), produced an economic plan called RhodeMap RI. That plan contains very little economics and a good deal of State mandated control over zoning and housing. These two plans are linked by State law. That law requires that municipal Comprehensive Plans incorporate the Division of Planning's economic plan, and there is the rub. In turn, Councils and the Zoning and Planning Boards are bound by the Comprehensive Plan's provisions.

The Portsmouth Comprehensive Plan is being written by the Town Planner and then reviewed by the Planning Board for Content. The Council will have final approval, following a public hearing. That hearing and Council vote look like it will happen in the early spring of next year.

Town officials decided early on that the less public participation, the better. Departing from the approach taken by other communities and recommended in the law, Portsmouth began with the Town Planner drafting what is a complete re-write of the Plan, for Planning Board Review. State law requires Council approval, but Councils rarely master complex documents and the Plan is very long and involves complicated issues such as zoning, commercial development, public services and their sufficiency, land use and housing. Many of the tenants of RhodeMap RI and the new HUD rules, such as emphasis on public transportation, the concentration of the population into high density areas and the alteration of the population to meet racial and economic quotas are being incorporated as the process of writing and review of the Plan's elements proceeds. These objectives are enabled by the Comprehensive Plan's emphasis on continued acceptance of HUD Community Development Block Grants, which legally commit the Town to the HUD rules. Acceptance of these grants has already been incorporated into the elements approved by the Planning Board. The highly problematic Housing section is yet to be presented, and may be delayed until after the election. The approved elements also have requirements to counter the rising sea level in low areas of Portsmouth. In short, the Plan determines what Portsmouth will look like in the future and where our taxes are going to be spent. Substantive recommendations from the Citizens Committee have been all rejected by the Planning Board, save one.

The concerns that the majority of the members of the Comprehensive Plan Citizens Group have are obvious: incorporation of requirements to rezone the residential areas of the Town to conform to racial and economic percentages considered appropriate by the State and HUD. This means some form of public housing, probably large capacity buildings, and a shift of the property tax burden to residential owners to make those projects viable. The implementation of public housing is already underway in Barrington. Recent court decisions have lowered the standards of proof for discrimination and Portsmouth will be an easy target for fair

housing advocates. The ability of the Town to resist these social engineering efforts will evaporate once the Comprehensive Plan is adopted with the new standards.

It is clear that our town's residents should be making these decisions, and that zoning in residential areas is our business and not that of unelected government employees in Providence and Washington. This election will decide our path. Portsmouth voters must elect people who will insist that the Comprehensive Plan is purged of these requirements and who will defend our community against these bureaucratic intrusions.

## The Portsmouth Budget

This is an election year and the Council was unwilling to pass a budget containing significant property tax increases. This year did have a significant increase in the vehicle tax, while the real estate taxes for residential and commercial property (they are linked at the same rate), increased 1.27%. This rate exceeds the rate of inflation, which was .7% in the last fiscal year. The rate of increase of real estate taxes therefore exceeded the income growth of those on fixed incomes, and most of the rest of us, by almost half.

The members of the PCC adopted a policy of a zero tax increase for recent budgets. Budgets for the previous two years contained residential property tax increases that were flat, but this year they started to march up once again.

The summary of budget totals and tax rates is below. Please note that these are the taxes collected. The \$945,385 increase was almost half from new properties entering the tax rolls.

Fiscal Year 2016 - 2017			
	Total	Increase	%
Total Budget	\$60,668,949	\$2,511,007	4.32%
Property Taxes - Res.	\$42,990,098	\$945,385	2.25%
Property Taxes - Com.	\$4,709,955	-\$17,695	-0.37%
Motor Vehicle	\$2,352,867	\$261,545	12.51%
Inventory	\$1,012,381	\$60,846	6.39%
Total Tax Levy Growth	\$51,214,555	\$1,770,458	3.58%

The problem in the budget and tax relationship is that the budget is growing much faster than the effective real estate tax rate at 4.35%. This is possible because of onetime revenue from the State of \$511,000, the growth in the tax base and reductions in debt payments for this year. The onetime payment from the State and the reduction in debt costs are events that will not be repeated. However, the new spending in the budget - primarily for salary and benefit increases - will be with us next year. Municipal salary and benefits increased at the rate of 7.3% in this budget. So the costs built into the new budget will have to be covered by tax increases next year, barring additional surprise revenues. In addition, any recession will likely reduce State aid as the last one did, making the situation worse.

## Open Government

Many of the Town's important issues, such as the sewers and the windmill, continue to be debated and decided in secret. The Labor agreements have not been reported or discussed in public for many years. For our citizens, any real evaluation of the performance of our government must be done in open session. Otherwise, we do not know who among our elected officials opposed or supported issues that were decided, or the costs to the citizens of those decisions.

Our Charter provides for a fundamental separation of responsibilities between policy making and administration of that policy. The members of the Council and School Committee make policy in formal meetings in front of the people. The Town Administrator and Superintendent administer that policy. These two elected bodies may make policy only in a formal meeting, advertised so all citizens are aware of the event and the items to be discussed. No policy decisions are permitted to be made by individuals or groups of elected officials outside of this process. Appointed employees are not permitted to make policy. The elected officials are also prohibited from administering policy within local government. This is a balance that works well, as long as the rules are followed.

The problem with this approach is that difficult policy decisions place a great deal of pressure on elected officials. In Portsmouth that has led to too much delegation to appointed officials and the serious overuse of Executive Session. We must do better.

## Landfill Deposits End

The long ordeal of dust and contaminated soil has not come to a close at the Island Park Landfill.

After a number of extensions, the Department of Environmental Management set the end date on the Island Park Landfill contaminated soil deposits. DEM also set the capping date of the facility for September 20, 2016.

However, it appears that the capping operation has not been completed. That means that not all of the contaminated soil received and deposited at the site, to help pay the cost of capping, is covered to the required two feet of clean fill. There has been no activity noted at the site for a number of

weeks and all of the heavy equipment has been removed. Inquiries with DEM have produced an agreement that the site does not seem to have been adequately capped. The case has been referred for enforcement action, according to a DEM official.

It appears that the landowner is in violation of the Beneficial Use Document's original intent; coverage of the contaminated soil. While the old soil is covered, the newly deposited *contaminated* soil is not capped properly and the site remains a health hazard.

In addition, the recent application for a septic system variation for adjacent property, purchased by the owner, has been denied by DEM. While the denial is on appeal, the Department's policy is to not award variations while the owner is in violation of DEM agreements or regulations. So the failure to complete the capping operation has likely put an end to any development in the near future. The site, of course, **has limited value for development, due to the deposits of contaminated soil (elevated levels of arsenic)** which the land owner himself proposed as a method for paying for the capping operation.

Representatives of the Landfill Committee and the Portsmouth Concerned Citizens visited DEM to discuss the landfill on May 18, 2016. It was a productive meeting and our representatives made the case to DEM that there were a number of problems with the owner's application for a septic system variance at the Walnut Street property. Our principal points were that the proposed septic system was a commercial system in a residential zone, located in an area prone to flooding and in an area that was identified by DEM as saturated by too much effluent in its Notice of Violation of September 15, 2010. We made the case that the facility would increase effluent in the Island Park area by 4.2%.

Our objections to the septic variance were also formally submitted to the DEM Administrative Adjudication Division for inclusion in the hearing record. The letter was also sent to the DEM principals involved in the landfill including the Director of DEM. We made the case that DEM had been correct in rejecting the application for a septic variance, finding ourselves in the unusual position of agreeing with the Department.

*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

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