COMMITTEE ON ADMINISTRATION/INFORMATION SYSTEMS

February 10, 1998 **6:15 PM**

Chairman Pariseau called the meeting to order.

The Clerk called the roll.

Present: Aldermen Pariseau, Rivard, Thibault, Girard, O'Neil

Chairman Pariseau addressed the addendum first.

On motion of Alderman Girard, duly seconded by Alderman O'Neil it was voted to allow Diane Prew to make a presentation.

Ms. Prew stated the purpose this evening for speaking with you is to update you on the Police Department. The Police Department installed a computerized dispatch and records management system in 1986. That system needs to be upgraded and the Police Department has been out for Request for Proposal and has selected a vendor and had initially looked at replacing the system through a lease that would have allowed them to obtain a system at about the same cost of maintaining the old system. After quite a bit of discussion with the Finance Department, legal consultants and the Planning Department, they determined that we have never leased computer equipment before and that there are some technical problems that needed to be addressed and that would cost about $20,000 more to do that. So it was determined that it probably would be better to purchase the system out right. The suggestion that is being made is that I have funds in my 1998 CIP that, given the schedule that we are moving through, we are not expending as quickly as we had anticipated. Those funds were involved in the mapping of the GIS system and what we are proposing to do is to take some of those funds to purchase the Police Department's computer system. It is within the definition of the bond that those funds can be used for that purpose and we are talking about $190,000.

Alderman Girard asked if this was the computer system considered during the fiscal 98 budget process by either Info Systems or the Police Department.

Chief Driscoll answered what we had done in the 98 budget process is set aside funds that we would be using for the lease of the new system and in trying to work out the details of getting a lease in place, working with Finance, with CIP and the City Solicitor's Office, it came around that it would actually cost the City less by $20,000 over the course of the lease if we purchased it and at Bob MacKenzie's initiative and Diane Prew's assistance also they came to realize that it would be actually cheaper and more wise to take the money that was in this year's CIP for computer equipment and do our project this year and set the other one back an additional year.

Chairman Pariseau stated you had the money in your 98 budget to lease. So now what are you going to do with that money that is in your budget?

Chief Driscoll answered well that is our second main problem. The lease was actually going to be very inexpensive for the new system. A lot less than our current system. We currently have, as Diane said, a system that is 10 years old. Actually more than that, some of it is 10 some of it is 12 and we pay monthly maintenance and software licensing fees to Unisys for a total of over $8,000 a month. We were anticipating being able to get this lease on-line early in the fiscal year. Here we are into February and we are still paying in excess of $8,000 a month versus somewhere around $5,000 a month that we thought we would paying with the new lease so any gains that we had in doing this have already been eaten up and then some with paying Unisys so much money for this system.

Alderman O'Neil asked whether we are just refocusing or changing priorities a little bit.

Ms. Prew answered that is right.

Alderman Girard stated if we spend the $190,000 this year, are we anticipating having to replace that $190,000 in fiscal year 99 so that you can complete the work that you have to do.

Ms. Prew replied yes.

Alderman Girard responded so you will be coming forward as part of your request to the Mayor and the Board with another $190,000 for this computer conversion.

Ms. Prew answered that is correct. What we are really looking at are funds that would be used for the digitizing of the City's tax maps. That is the project. That is all encompassing.

Alderman Girard asked and that project can't come on-line now as scheduled.

Ms. Prew answered it can be started, but we will not expend the full amount that was appropriated in 1998.

Alderman O'Neil asked what that amount was.

Ms. Prew answered in 1998 it was $425,000.

Alderman O'Neil asked if the source was a bond.

Ms. Prew replied yes.

Alderman Girard stated that having spoken on a number of different occasions for different reasons with Director MacKenzie and a few others, I understand that the digitizing of the City's tax maps is a critical project and I don't mean to overstate the term critical, but if we are to take that money now I suppose there are no guarantees, but if you get the $190,000 in FY 99 what order of priority is that project going to take.

Ms. Prew answered we hope to start that process before the end of this year.

Alderman Girard replied so you can start both, you can do both.

Ms. Prew responded the digitizing of the tax maps is a very long project for a consultant.

Alderman Girard asked if the departments involved with digitizing the maps had a problem waiting at this point.

Ms. Prew answered well that was discussed in detail with Bob MacKenzie.

Mr. MacKenzie stated creating a geographic information system and redoing our tax map I think is a very important project and it is one that I think is going to save the City some money when we go through because you actually have to read each of the 30,000 deeds that is in the City. I think we are going to pick up basically value when we go through that process. It is a process that I had initiated and worked with the Highway Department, Water Works, and mostly the Assessors and Information Systems so we are all anxious to do the project but I think we realize that there is so much on our plates right now and this is a fairly long task that we felt we knew we wouldn't start until near the end of this fiscal year and

recognizing the importance of the Police Computer system. Just looking at the schedule we knew we could put that off just because of our own time constraints.

Alderman Thibault stated so what we are saying here really is that the Police computers would have to upgraded regardless. Whether you do it this year or next year it is going to have to be done right?

Ms. Prew answered yes and it is time critical because support for that system is...will not be there after the first of the year.

Alderman Rivard asked if they received $425,000 to do this digital project.

Ms. Prew answered yes.

Alderman Rivard asked if they spent $235,000 since they have $190,000 left. Is that what you are telling us?

Ms. Prew answered yes.

Alderman Rivard asked what if you had spent it all. What if you had committed this $425,000? How would we address the Police Department's problem?

Mr. MacKenzie responded we would have either gone to a lease which again costs about $20,000 more. We just got a very good bond issuance at a very good price and leasing does cost more. We would have either gone to the lease and paid the extra $20,000 or put in for next year's CIP starting July 1. Those would have been the only options.

Alderman Rivard replied I am the new guy here and I don't understand all this financial stuff so I need help. You had $425,000 and if you spent it all...did they (Police) have any money set aside to lease.

Mr. MacKenzie replied yes.

Alderman Rivard asked how much was that.

Chief Driscoll answered it was roughly $5,000 per month.

Alderman Rivard replied so that is about $60,000. So that $60,000 and this $190,000 is going to get you a new computer system is that what you are saying?

Chairman Pariseau responded no, not $60,000 Alderman. It was $60,000 for the year and now you only got about five months left so it will be about $25,000. I mean if you went February, March, April, May, June, five months.

Alderman Rivard stated I am trying to figure out if Diane had spent all of her money how we would be solving this problem. Where would we find the $190,000 that we are looking for if she didn't have it?

Chief Driscoll answered we would have had to lease. This is an option that is available to us and is something that we didn't even expect, Alderman. When we were trying to work out the details of leasing through the various departments, Bob MacKenzie suggested that this would be a better way to do it since there was money that could be pushed back because of the time schedules of the projects. On the other side, next year we won't be including that amount for the lease in our budget so we will be saving on that end.

On motion of Alderman Girard, duly seconded by Alderman Thibault it was voted to authorize the expenditure of $190,000 in the 1998 CIP budget for a new Police Department computer system.

Chairman Pariseau addressed Item 3 of the Agenda:

> Chairman Pariseau advised that the first purpose of the meeting shall be organizational in nature, and requests the Clerk to provide a brief overview regarding typical issues addressed by the Committee.

Chairman Pariseau stated I believe that was addressed at the last committee.

On motion of Alderman O'Neil, duly seconded by Alderman Girard, it was voted to receive and file this item.

Chairman Pariseau addressed Item 4 of the Agenda:

> Consideration of Rule 11 for consistency with ordinances, Charter changes, and numbers of Committees presently appointed.

Clerk Bernier stated as you may recall, the other day I mentioned that we are going to upgrade the publication of the City Government books. Under the rules we had Personnel and Insurance Committee and it is really Human Resources and Insurance, but it is something that needs to be addressed by the Committee on Administration and then be sent to the full Board.

Alderman Girard stated the committee structure that was adopted actually renamed the CIP Committee to the Committee on Community Improvement, Mr. Clerk. So if you want to be consistent with what the Board adopted, you probably want to change that.

On motion of Alderman O'Neil, duly seconded by Alderman Rivard, it was voted to approve Rule 11.

Chairman Pariseau addressed Item 5 of the Agenda:

> Communication from Mayor Wieczorek submitting a copy of HB-1651 regarding the establishment of a study committee to review cable rates.

On motion of Alderman Girard, duly seconded by Alderman Thibault, it was voted to receive and file this item.

Chairman Pariseau addressed Item 6 of the Agenda:

> Communication from Fire Chief Kane advising that the current contract with the City's emergency ambulance service provider, Rockingham Regional Ambulance Company is due to expire on December 31, 1998 and suggests negotiations and/or draft request for proposals begin.

Motion to move for discussion made by Alderman Girard and duly seconded by Alderman Thibault.

Alderman Girard stated that he spoke to Chief Kane today and also spoke with the City Solicitor. Chief Kane indicated that the Rockingham is doing a decent job and I am sure Chief Monnelly will attest to that if he was asked and, in fact, I think he said they were doing a lot better than a decent job. I think he said they were doing an excellent job. I spoke with the Solicitor today about the Procurement Code question and how this needed to be dealt with. The Solicitor advised me that because the expenditure of $1 was well below the $2,500 that we did not need to go out for proposals or bids and that we were at liberty to recommend extension of

this contract for how ever long we saw fit as a Committee and a Board. That being the case, not thinking we are going to do much better than spending $1/year and given their track record I would like to motion that we extend the contract for another five year period.

Alderman O'Neil asked can you only do one year at a time.

Alderman Girard replied this is not subject to the bid requirements because it is under $2,500.

Chairman Pariseau stated I think what we want to do is initiative negotiations because this matter has also been referred, as I understand it, to the Public Safety Committee.

Alderman Girard stated I am not exactly sure why is was referred to Public Safety because this is the Committee that has jurisdiction. I was at the meeting and I didn't understand why.

Alderman O'Neil replied I believe in previous Boards, Public Safety negotiated the contract, not Administration.

Alderman Girard responded but we are not negotiating the contract. We are being told that the contract is up for renewal and it was sent here to determine whether or not we want to act on that. That is why it is here. I mean contracting out administrative matters are the purview of this Committee. Now Public Safety, if there was going to be a fundamental shift, if we were going to say well instead of contracting out we want the Fire Department to do it or if there were some policy issue like that then Public Safety would have some concerns.

Chairman Pariseau called on Alderman Hirschmann for clarification as he referred this item to both Committees.

Alderman Hirschmann stated because the purview of Public Safety is to discuss public safety issues and that is what this is and the Administration Committee was jointly referred so that you guys could workshop it while we are.

Chairman Pariseau stated I would suggest that our recommendation to the Public Safety Committee would be to move on negotiating with Rockingham instead of sending out for RFP's and all that other stuff.

Alderman Girard stated I guess I would ask then, since nothing in the conversation I had with Chief Kane was brought to my attention what exactly we want to renegotiate. We have the option of extended a contract for $1/year according to the Solicitor and I have not been made aware that there is any problem with the contract that we need to renegotiate.

Chairman Pariseau stated the item on the agenda makes no reference to extending the contract. It is either to begin negotiations or draft a Request for Proposal and I would hope that we would just advise the Public Safety Committee that this Committee will begin the negotiating process with Rockingham.

Alderman O'Neil asked if we had to agree to certain rates or charges of various services to be provied as part of the contract.

Chief Monnelly answered there is a rate schedule in the contract right now. I don't believe any of you have the contract with you, but I do have one here and I can pass around so you can look at. It does spell out the rates for basically every service that they provide right now and that goes up through this year and it does extend beyond that.

Alderman O'Neil responded so we would have to have some discussion with them right.

Chief Monnelly replied it would be in our best interest probably to sit down and talk to them about future rates and any language changes that the City may wish to incorporate into the contract as it stands right now.

Alderman Girard asked if he had specific recommendations.

Chief Monnelly answered I think, as Alderman O'Neil stated, those rates only go up to the present time so I think we need to look at that and see what their ideas are based on what their future projections are for their cost. I really can't speak for them. They are here if the Committee wishes to speak with them tonight.

Alderman O'Neil asked if we just revisit the rates are we redoing the whole contract then.

Asst. Solicitor Arnold answered there are two provisions you are dealing with. The subject of the letter earlier tonight was the extension of a contract. This contract being at the present time for only $1/year. If that were to continue, it doesn't fall within the provisions of having to go out to bid under the Procurement Code because it is a small purchase. You are not talking about the Procurement Code as long as you are not talking about expended more than $500 or for going out for oral quotes $2,500.

Alderman Thibault asked so what is the purpose of going out to bid.

Chairman Pariseau answered we don't want to go out to bid. We just want to sit down and negotiate with them.

Alderman O'Neil stated there may be language that Rockingham may request be changed or the Fire Department request be changed but we can do that and at some point during this year extend the contract correct, Tom.

Asst. Solicitor Arnold answered as long as you stay under $500 a year you are not talking about extending the contract, you can enter into a new one without going through the bid process.

Alderman O'Neil responded as long as we are doing that we can sit down and discuss rates and why we are doing it.

On motion of Alderman Thibault, duly seconded by Alderman O'Neil, it was voted to recommend that negotiations commence with Rockingham and inform the Committee on Traffic/Public Safety of the decision.

Alderman O'Neil asked for clarification which Committee is responsible.

Chairman Pariseau answered that is another issue that someone other than I can answer.

Alderman O'Neil stated as I said in my previous time with the City, Public Safety was responsible for the contract.

Clerk Bernier stated Public Safety would deal with safety issues, i.e. whether a person needs a spare tire on a truck, it would be that kind of thing.

Alderman O'Neil replied so this is no longer considered a safety issue, it is considered an administrative issue of the City.

Chairman Pariseau answered yes, that is correct.

Alderman Rivard asked we have a contract with Rockingham Ambulance and it is going to terminate on December 31 and by December 31 we would hope to enter into another contract with this ambulance service, is that what the intent is here. If, in fact, there is a disagreement, what happens? What happens if the rates aren't approved by this Committee.

Chief Monnelly stated I think that is why we have it in here now in February so that we can look at what our options are. You have the right to negotiate and if this Committee decides that is not the way to go then they can put it out for open bids.

Alderman Rivard stated okay so in the next several months we are going to go over this thing and review it and see if it is something we can afford and if we can't agree we will go out to bid.

Chairman Pariseau replied I suspect the Fire Department would go to different communities and ask what the rate is for that service. We want to be in the ballpark.

Chairman Pariseau asked Chief Monnelly to send a copy of the contract to all members of this Committee.

Alderman Girard asked if the representatives from Rockingham had anything they would like to advise the Committee on.

Mr. Stawasz, Director of Rockingham Regional Ambulance, Inc. introduced himself and Tom McEntee, the Director of Field Operations. He stated that they are very much committed to remaining at the $1/year level and will work to try and come up with a rate structure that will be affordable to the community and keep in mind hardship cases and things of that nature. He thinks there are some language changes, very minor ones that they could make that would be both beneficial to us and the City. The technology has changed greatly in the last five years and I think it would be well worth sitting down and taking a look at that. He brought some information tonight in case anyone is interested. They do random patient satisfaction surveys for all of their clients. They send out an anonymous mailer that it sent back to them. They then compile the results of how satisfied people are with a number of their services. They consistently run above 95% satisfied and excellent and are very pleased with results of how the community feels about them and their response times are very important as well.

Alderman O'Neil asked are we asking the Fire Department to sit with them, should that be part of it.

Alderman Thibault answered I think like the Chairman says they go to other departments and check and see if we are in the ballpark with other towns and cities so we don't have people telling us that we are charging too much for this or too much for that.

Chairman Pariseau addressed Item 7 of the Agenda:

> Communication from Bryan Murray relative to the recent cable television rate increases and requesting that the City initiate an FCC Form 329 investigation and file with the FCC.

Chairman Pariseau stated that he would go along with filing this not knowing the repercussions and if no one minds he would like to have Tom O'Rourke address it from MediaOne.

On motion of Alderman Rivard, duly seconded by Alderman Thibault it was voted to request that the City Solicitor file an FCC Form 329 with MediaOne.

Alderman Girard stated that he took a look at the stuff and didn't understand it terribly well. What is this form and what is its purpose?

Chairman Pariseau answered that he doesn't understand it that much either but it has to do with the social contract of cable television imposed by the FCC or whatever and if the City receives two complaints about rate increases and stuff, they should file this Form 329 with the Feds.

Alderman Girard asked is it on the rates in general or the rates that are in effect for the people who are getting cable under the social contract?

Chairman Pariseau answered the rates in general like the recent rate increases we got.

Mr. O'Rourke from MediaOne stated that he would be happy to provide some background information and perhaps even clarify some of the information that is out there. He provided everyone a copy of the Form 329. Attached to that is instructions on how to use it, the guidelines that the FCC provides. Form 329 is the established and accepted complaint procedure for cable television rate complaints. The FCC has to receive two of them within 90 days of the effective

date of the rate increase and then they can seek additional information from the cable provider in order to challenge the way that we have adjusted or calculated the rate increase. That is really what this form is triggering. It is a process to challenge the rate adjustment as set forth by the cable operator. So in filing this the community would effectively be saying that they wish to challenge the way that we have set the rates and that they believe we may have set them outside of the federally approved rate setting procedures. That is the process that is triggered. If the Committee goes ahead with the filing, you first send a copy of this form to me, the cable operator, and we have 30 days from our receipt of that to justify for you the rate and then you would attach our justification to this form and forward it to the FCC and then I think if there are any additional communications you could attach those as well. So that is sort of the time-line. I don't know if there have been more than one complaint that are written that have been received. If there are then the Committee might determine to go ahead and do this.

Chairman Pariseau stated well we got a complaint from Mr. Murray who is on the agenda and I have a copy of that and also several phone calls and I believe this Board has also received a communication from a Mr. Frank Bushinski of Flint Street complaining about the rate increases. So to cover that, yes we have received two complaints in writing in addition to the complaints that are in this agenda this evening, Items 8 and 9 I think.

Alderman O'Neil asked is there any one person in the City who is responsible, is Dr. Sullivan responsible for the contract, is there any one City person. We seem to have everybody who has a little bit in on it.

Clerk Bernier stated this Committee is responsible, nobody else. The money, the contract is sent to the City Clerk's Office and our telephone number is on there if somebody has a complaint.

Alderman O'Neil stated but for instance with Public Service and the telephone company you see Steve Tierney at the Highway Department as the one responsible, the Utility Coordinator.

Chairman Pariseau replied for street lighting.

Alderman O'Neil responded well, any issue with them with regards to...

Chairman Pariseau answered I wasn't aware of that.

Alderman O'Neil stated it is a little more than street lighting. He does right-of-way, he is involved in some right-of-way issues and he is the contact person who deals with Public Service, Bell Atlantic. He is the City's representative.

Chairman Pariseau stated Dan, it is here.

Alderman O'Neil asked so there isn't a City staff person who is responsible.

Clerk Bernier answered no. The phone number that is put on the cable bill is the City Clerk's Office and Paul Bergeron is the one addressing these problems, but this Committee would give direction.

Alderman Girard stated just to add to that the budget revenue that we get from the franchise fee is represented in the City Clerk's Office, but the City Solicitor's Office handles the legal end of things and to make things even more complicated, this whole cable regulation thing took a lot of power out of the local communities' hands for franchising and put a lot of it into the FCC and really just took away a lot of our ability to do anything.

Mr. O'Rourke stated I just want to make an offer to the Committee that if you want me to go ahead and provide the justification for this, I can do that at any time. You can ask me tonight and I can prepare it for you and get it back to you, or you can go ahead and file the rate complaint and 30 days from now I will get it back to you but I just wanted to let you know there are alternatives. There is also another alternative for an individual customer, although the individual customer can no longer complain directly to the FCC to challenge a rate. They can certainly submit any letters and this Committee, as well, can submit any letters of concern to the FCC. This form is designed specifically to state that the local franchising authority wants to challenge the way that we have set the rate because they believe that we have done it inappropriately.

Chairman Pariseau stated well I don't want to have that real negative thing on MediaOne but I think that we have to because of the number of complaints that I personally have received and I am sure other Aldermen have received about the rate increases. We would be shirking our responsibility as a City official in not requesting, in my opinion, the City Solicitor to file that Form 329.

Alderman Girard stated if we file Form 329 we are basically saying that we believe the cable company has raised it rates improperly or not in accordance with FCC regulations. I don't know what those FCC regulations are, nor do I know what the cable company's justifications were for raising the rates in order for me to say yes I believe they did it in violation of the rules. Is it possible that before we file a form challenging the validity of their action, is it possible that we can somehow get the information?

Chairman Pariseau answered we have 120 days from the day of the increase which was January 1. Right, Tom?

Mr. O'Rourke replied yes and in response to Alderman Girard you can begin the process, receive the justification and make a determination at that point as to whether or not you want to go forward with the official filing.

Alderman Thibault asked did I hear wrong or was it right that I heard that the people that are upset with the extra charges because of the new channels provided that you could bring down their cost if, in fact, they don't want those channels. Did I hear that that was a possibility and that can be done?

Chairman Pariseau answered oh yes, Alderman. I went from $23.02 down to $10.40 or something like that. I changed the service.

Alderman Thibault replied okay. I didn't really know that this was possible. Now this might be the answer to all of these problems.

Alderman O'Neil stated I want to make sure we are talking about the same thing. It is my understanding that you have your basic service and I can't remember what the heck I pay for it, but there is actually a service that is a little bit less than that. Am I correct? Then the basic service.

Chairman Pariseau answered no. The basic service is $5.84/month or something like that. That gives you your channels from 2 to 21. Then you can get on Cable 1 Tier which gives you WGBH, the Info Cable Network, WBZE, etc. 18 additional channels for $4.22 more.

Alderman O'Neil stated I am not claiming to be an expert on this but my service goes into the 20's, i.e. Nickelodeon, Family Channel, Comedy Central. To me and I am only speaking for myself, to me I consider that basic service. Now maybe title wise it isn't. In my opinion, a lot of the misconception is out there is that they have to have those when there actually is a little bit of a lesser plan. I have heard this from some elderly people and when I did a little research...do you understand

what I am trying to get at, that it is a lack of understanding of what actually is basic service because I didn't understand it myself.

Chairman Pariseau replied and they think they are stuck paying for all that.

Alderman O'Neil responded exactly that they can't drop to go through the 1-21 as you have indicated. I think that is what half the problem is here is just understanding that. Miscommunication.

Alderman Thibault stated there is a major miscommunication from the public. The people don't realize that they can't get anything but what is there. Pay the $29 now or whatever it is. Most people feel that they have no choice on that, that they have to pay that.

Alderman O'Neil asked Tom O'Rourke what he would call what he just described.

Mr. O'Rourke answered I think that what you are talking about is the level of services we refer to as standard service and that includes the Basic Cable 1 and Cable 2.

Alderman O'Neil replied see I think that is the basic service and I am fine. I am very happy with what I have.

Alderman Thibault asked how much does that cost.

Chairman Pariseau answered $26.83.

Alderman O'Neil stated I agree with Alderman Thibault that basic and standard I think confuses the issue and I think that is where a lot of the problems are going on in the City. That the people think that standard is the lowest level of service they can get when it really isn't. There is a step below that and if I am reading this right...

Chairman Pariseau interjected there are three steps below that.

Alderman O'Neil stated I don't understand what Cable 1 and Cable 2 means.

Chairman Pariseau answered Cable 1 is the mid level of service for $4.22. So I have that and I got the basic at $5.84 and that is all I got.

Alderman Girard stated I don't want to be repetitive but I think that what Alderman Thibault and Alderman O'Neil have pointed out is that the way the service tiers are structured is confusing and perhaps maybe what we could ask in addition to getting the information for this form, MediaOne to do when they send out their bills maybe we could ask them to put the insert in there to explain each tier, how it works, what it costs and maybe we could even ask them to rename the tiers because the naming itself could be part of the problem. To me a standard package is not everything, is not all you can get. To me a standard package is a basic package. Your premium package is everything you can get. Maybe they can take a look at renaming the tiers and using their newsletter that comes with the bills to explain to everybody what each tier is, what each tier costs, how each tier works so they know exactly what they are getting. Even if you were to take a look at the $25.83 you get 58 or 60 channels plus the ability to have HBO. That is less than $.50 a channel. If someone wants to pay to have that, I mean if someone wants all those channels I am not sure it is an unreasonable charge but if they don't they should know that they can back off and go to the next tier and maybe they don't know that.

Chairman Pariseau replied the complaints that I have been getting are that people have had the service and they were paying $11 and now it is up to $28 or whatever. That is what they are complaining about.

Alderman O'Neil stated again I think most of us are in agreement here. I think it is lack of understanding. They think they have to have that level of service when they don't and I think that the problem here is just a communication issue.

Chairman Pariseau replied but we addressed that at a meeting we had in December I believe.

Alderman Thibault stated I think that Alderman Girard is right on track here. They have to tell the people, especially some of the older people, and explain it to them in a way they will understand. This is the problem. At least that is the feeling I get from the calls. They feel that they are obligated to take that package.

Alderman Girard stated even just looking at this channel line-up you don't necessarily know that the Cable 2 includes the Cable 1 and the basic broadcast. You don't know it is cumulative. You don't know what you can back out of. It is really sort of cryptic.

Alderman O'Neil asked Mr. O'Rourke if he was based here or if he handled other areas.

Mr. O'Rourke answered I have responsibility for 57 New Hampshire communities.

Alderman O'Neil asked if this was a common problem and if it is something that the company is trying to address.

Mr. O'Rourke answered I have been pretty popular these past couple of months, as you might image, visiting many of our municipalities and I think that because historically most of our customers have subscribed to the standard service. They never had any opportunity or need to review the different options. Most of our customers never change their level of service, but we do provide, these are the bill inserts that we sent out and we send them out on an annual basis describing the different tiers and the prices and what is included in each. We understand that they don't read it so one of the things that we are looking to do is find some better ways to share the information and I suggested a separate mail piece to go in the bills that only deals with the packaging. This is A, this is B and this is C. No other information. This is it. We are also trying to find a way to use our own medium to message on TV. Grace will tell you that it is a natural resource that is available to us that is vastly underutilized.

Chairman Pariseau replied well maybe we can get Channel 16 to do something.

Dr. Sullivan responded I was just going to suggest that. Some of the questions that have been brought up that I have been hearing that you folks are getting we could get those questions and have Tom come on and answer those questions in regards to, you know, the Disney Channel, was a premium and now is under standard service so I can understand why people are saying why am I paying more for this because people who were paying $11 were not getting Disney before.

Alderman O'Neil stated I am certainly not trying to be critical of their media people or whoever put this together but the first thing listed is the standard when it should be the basic. I agree with everybody here. I think it just comes down to communication and I think Mr. O'Rourke is hearing pretty clear from this Committee that they need to do something about that and take whatever avenues are necessary to try to correct this problem and then I think we wouldn't be getting letters on a monthly basis.

Alderman Girard asked would we be stepping outside of our jurisdiction as a Committee if we were to ask MediaOne to develop explanative materials that this Committee could review prior to them being sent so that way if we get it hopefully other people will get it.

Chairman Pariseau answered well I don't know if we can do anything about that now but during the new contract discussions we could. I don't like getting a note about rate increases the day before they are going up. I mean lets tell them that it is okay. At least we will have some understanding of why.

Alderman Girard replied we lost a lot of that ability when the federal government stepped in to regulate.

Alderman O'Neil asked if this Form 329 is filed and they come back to us with some satisfactory changes that we think address the concerns of the Form 329 what is our option at that time.

Chairman Pariseau answered we can drop it.

Alderman O'Neil asked we just indicate to the FCC that we are...

Chairman Pariseau interjected it doesn't go to the FCC on day one. It is sent to MediaOne and they have 30 days to respond. If we are happy with their response then we kill it.

Asst. Solicitor Arnold stated so I understand from my office's perspective all the Committee's motion is doing at this point is having us send the form to MediaOne and you want us to come back to the Committee before we forward a response to the FCC.

Chairman Pariseau replied that is correct. We will get their response to this Committee and if that meets with the Committee's okay then we will kill it right there.

Asst. Solicitor Arnold stated well the way I would have interpreted the prior motion is when we got the response back we send it to the FCC and that is just what I want to be clear about.

Chairman Pariseau answered that he did say that but Mr. O'Rourke corrected him. It isn't filed directly with the FCC, it is filed with MediaOne.

Asst. Solicitor Arnold replied but after they respond it goes to the FCC.

Mr. O'Rourke stated after we respond, the Board of the LFA, franchising authority, has the opportunity to decide a) I want to continue with the proceeding, or b) I accept the justification.

Alderman Girard asked before Mr. O'Rourke leaves can we ask him whether or not MediaOne can develop some more understandable information that we could review and have them send out with their bills.

Chairman Pariseau stated listen, while we are on the matter of cable television, I need a commitment from, we need a commitment from MediaOne that they would pick up the expenses associated with a consultant that we wish to hire to discuss the negotiations for contract renewal.

Mr. O'Rourke answered I will have to bring that back to my office. I don't have the authority to make that commitment this evening.

Chairman Pariseau stated in talking with Tom Arnold today, he suggested that we get that in writing that whatever expenses are incurred.

On motion of Alderman O'Neil, duly seconded by Alderman Thibault, it was voted to request that MediaOne provide, in writing, that they will pay for the expenses associated with hiring a consultant for contract renewal negotiations.

Alderman O'Neil stated last time I think I was around for the last time and I believe we had Mr. Epstein from Boston, along with Dr. Sullivan. Did you (Dr. Sullivan) get any money or were you volunteer.

Dr. Sullivan answered at that time I was a volunteer on the Negotiations Committee.

Alderman O'Neil stated but I know those two people did the majority of the work.

Chairman Pariseau responded we have to go out for bid. If I had to do it alone, I would recommend that we go with Epstein, but we have to go out for bid.

Alderman O'Neil stated but my point is in regards to City staff, whether it be Tom Arnold or somebody else from the City Solicitor's Office, Grace Sullivan or somebody else from her office that...I guess the way I put it is they are on City payroll and it is part of their job or...Do you get where I am coming from? Do you follow?

Alderman Girard answered you are trying to avoid overtime problems, I think.

Alderman O'Neil asked is that the scope of their job. Tom is that the scope of somebody from your office in their day-to-day operations as part of their job is negotiating this contract.

Asst. Solicitor Arnold replied it will be assigned to somebody, certainly.

Alderman O'Neil asked what about your office (Dr. Sullivan).

Dr. Sullivan replied we have a two year window that by the existing cable contract that we should be negotiating and I think that time is of the essence, especially in regards to the enormous change with the 1996 cable deregulation.

Asst. Solicitor Arnold stated what we have done in the past is we have not only had staff negotiating, but we have hired an outside consultant with some expertise.

Alderman O'Neil replied right, Mr. Epstein was here last time.

Chairman Pariseau stated back in 1989 the Committee consisted of three Aldermen, Provencher, Cook and Wihby and Dolman and Mayor Beaulieu was there at this meeting that I have got minutes of back in 1989. Also there was this Peter Epstein, the consultant and Millimet who represented the United Cable and Sam Phillips at United Cable, a guy named Rollack from United Cable, Attorney Tom Clark and Solicitors so that is...

Alderman O'Neil stated my question is whether or not for City staff it is part of their job.

Chairman Pariseau replied yes it is.

Dr. Sullivan stated Alderman Wihby had asked me to be part of that.

Chairman Pariseau stated just for discussion if we are going and looking at this cable contract renewal I would anticipate, I don't know, I would anticipate that we go ahead with the consultant, get him or her on board and then begin the public hearings dealing with this cable television. I would suspect that we could have them in maybe five locations throughout the City to make it easier for the constituency and I would like to begin that process in Ward 9 at the Bakersville Community Center to take care of and then we would go to Ward 11 and then we can go to Ward 6 and then we can go to Ward 8 to bring in Ward 7 people. At one time I thought maybe if we had an advisory committee of the general public to assist this Committee and I guess that may not be necessary unless we run into a problem. So we are going to have our work cut out for us in the next four or five months anyway. Hopefully we can get the consultant in by the middle of March, start the public hearings in the nice weather in April and I don't want to prolong that because we got the budget season coming so if we can get the cable public

hearing part of it out before May then we can deal with the budget in May and June. That is my tentative schedule. Nothing cast in concrete.

Alderman O'Neil replied even if the hearings on the cable were after the budget process, we are still ahead of the game, right.

Chairman Pariseau answered yes, you are right. In 1999 the contract expires.

Alderman O'Neil stated I think you are right. We can't be in the middle of this when we are going through a budget process but time is on our side.

Chairman Pariseau replied we would just as soon get rid of it. You know I looked for that letter that we got from Attorney Eis and I can't find it. I suppose that you folks ought to be sent a letter in writing that yes, the City is ready to negotiate or renegotiate or whatever we are going to do.

Mr. O'Rourke stated the way that the process usually begins is with the submission of a draft proposal from MediaOne and it is really something that we submit as a boilerplate. This is the starting block and then we conduct acsertainment of the community needs and that includes a public hearing. One of the things that is sometimes helpful to the community when we are entering a renewal negotiation is a preliminary meeting with the interested parties. That may be members of this Committee, someone like Dr. Sullivan, etc. That I would be willing to host. I typically host that in every community where I am entering a renewal. It is very informal.

Chairman Pariseau asked did Atty. Eis's letter include that boilerplate contract.

Mr. O'Rourke answered it did not.

Chairman Pariseau asked if you can find that letter could you send it to the City Clerk's Office.

Mr. O'Rourke replied yes. That is the one where she just triggered the opening of the renewal process, right.

Chairman Pariseau answered yeah. I think it was last June.

Alderman O'Neil stated we voted to request that MediaOne pay the consultant fees, but we haven't voted to request them to start negotiations on a new contract so we need to do that.

Mr. O'Rourke responded we don't need it in writing. We can go forward.

Alderman O'Neil stated but we need a vote or some kind of record.

Clerk Bernier responded no. The motion that we have is you are asking the City Solicitor to send him a letter seeing if they are going to pick up the tab for a consultant.

Mr. O'Rourke stated there are two different paths that you can follow for renewal. One is the formal process and one is the informal process. In 99% of the cases, we proceed under the informal process but if, at any time, things break down or deadlines aren't being met either side, either party, can trigger the formal renewal process. We don't do it immediately though because we think that we usually have better luck and sometimes can maintain better relations under the informal.

On motion of Alderman Girard, duly seconded by Alderman O'Neil, it was voted to request MediaOne to develop some simplified materials for this Committee to review and then for distribution to the constituency.

Dr. Sullivan stated I have a suggestion for your public hearings. I would like to make available MCTV and the studios and the staff to do a public hearing at the studio in which could be a call-in hearing to allow for the vast amount of senior citizens that...

Chairman Pariseau stated you can make those arrangements with the City Clerk.

Chairman Pariseau addressed Item 8 of the Agenda:

> Copies of communications relative to the City's cable television contract.

On motion of Alderman O'Neil, duly seconded by Alderman Rivard, it was voted to send a copy of the communication to MediaOne.

Chairman Pariseau addressed Item 9 of the Agenda:

> Communication from Laraine Prive expressing her displeasure with MediaOne.

On motion of Alderman O'Neil, duly seconded by Alderman Rivard it was voted to send a copy of the communication to MediaOne.

Chairman Pariseau addressed Item 10 of the Agenda:

> Communication from Henry Wieglos regarding problems he has encountered with recent changes made to the cable channel line-up.

On motion of Alderman O'Neil, duly seconded by Alderman Rivard, it was voted to send a copy of the communication to MediaOne.

TABLED ITEMS

> Communication from Alderman Reiniger recommending that Section 150.01 of the Housing Code Ordinance, Chapter 150, of the Code of Ordinances of the City of Manchester be amended by deleting paragraph (A) (2).
> (Tabled 12/2/97)

On motion of Alderman O'Neil, duly seconded by Alderman Thibault, it was voted to remove this item from the table for discussion.

Mr. Lafreniere stated I have spoken on a couple of different occasions with Alderman Reiniger about his request for consideration of this item. It is my intent to address this in a comprehensive update of the Ordinances which I had spoken to in front of the full Board. The issue that brought this forward for Alderman Reiniger he indicates is no longer something that is time sensitive for him. He has expressed to me concern that we do address it and it doesn't get lost in the fray and I concur. We have spent some time developing the methodology by which we will pose an amendment to this section but will not probably be quite in the format that Alderman Reiniger posed. Obviously it would be this Committee's purview as to what direction to take that policy decision but we have currently as I say we intend to bring this forward as part of the more comprehensive look at the entire Ordinance structure and we hope to do that in the short-term as opposed to the long-term.

Alderman O'Neil asked, Leon, the back page of what we have here, is that how it is or is that Alderman Reiniger's proposed or what.

Chairman Pariseau answered he (Alderman Reiniger) wants to eliminate that section that says September 2 of 1986. That.

Mr. Lafreniere stated essentially the effect of the proposal would be to eliminate the language that restricts the owner occupied exemption currently to those owner occupied units in buildings that contain four units or less and have been continued to be occupied by the owner since the date of the adoption of the Ordinance. The Ordinance was originally adopted and structured and I know you were heavily involved, Alderman O'Neil and Alderman Thibault at the time that the Ordinance was developed with the structure and how it would impact those existing situations where owner occupied buildings existed and it was felt at the time that these units should ultimately come under the purview of the Certificate of Compliance Program. However, it is appropriate to give deference to the fact that those units that had been owner occupied, those buildings that had owner occupied units perhaps might be a better way to say it, should be considered as exempt from the Ordinance during the time frame that they remained in that status. Once they were transferred, once the ownership changed, at that time they would come under the umbrella of the Ordinance. So the effect of the change as proposed by Alderman Reiniger would be to eliminate that portion of the provision that keyed it to the units being occupied by the owner from the time that the Ordinance was adopted. It would in effect eliminate all owner occupied buildings with four units or less regardless of when that ownership was established from the Certificate of Compliance Program.

Alderman O'Neil asked are you saying that, you are obviously looking into this issue, in my opinion we probably want to reach some kind of happy medium. I understand the respect and we certainly encourage the owner living in the residence and we have quite a few programs going on in the City that encourage that so as long as we are trying to reach a balance and don't go one way.

Alderman Thibault asked are we saying now that the ones that are there, the ones that we claimed were exempt, now you want to make them no longer exempt.

Mr. Lafreniere answered essentially the ones that were exempt were exempt as long as they were owner occupied when the Ordinance went into effect. The change would be that they would be exempt regardless of when they were owner occupied. So if somebody bought a property tomorrow, a four unit or under tomorrow, it would be exempt from the program.

Alderman Thibault stated I agree with that.

Alderman Rivard asked why is that a problem. Why can't you make a decision on that? I guess if I understand this we have certain cases. If there is four units or less and there is an owner in there if they lived there in 1986 they get certain privileges and if they bought it today they don't have those same privileges.

Mr. Lafreniere answered correct.

Alderman Rivard replied that would probably discourage someone from wanting to live there. That would discourage me probably. So why, we have a difficult decision here. Who makes the decision? Are you going to make a recommendation?

Mr. Lafreniere answered I am going to make a recommendation and you make the decision. It is a policy decision, it is a policy direction. Obviously it is established by the Board.

Alderman Rivard asked is this a financial decision. Will we lose money by changing this?

Chairman Pariseau answered no.

Alderman O'Neil stated the Certificate of Compliance, Bobby, is we were having such a problem with absentee landlords and the conditions of the buildings so really as a group the Board of Aldermen created the Certificate of Compliance and I think it has been very successful in the City. The problem is it puts...

Alderman Rivard replied what do they do, get arrested or something. If I don't live there and the house falls apart what do they do to me that they can't do to me if I live there? I don't understand.

Alderman O'Neil responded that is the point Alderman Reiniger is trying to get at that we shouldn't treat it the same way. If it is owner occupied we should treat it differently than the absentee landlord.

Alderman Rivard asked and what is that difference.

Alderman O'Neil answered I don't know the specifics.

Alderman Rivard asked is there a fine. Is there money involved in this?

Mr. Lafreniere answered there could be. If you are not in compliance and you don't make the corrections as directed by the Ordinance, yes. There is also revenue assigned to the equation from the standpoint of the Certificate of Compliance Program generates revenue by virtue of the fact that you have to pay for each dwelling unit and pay an inspection fee and that goes into the general fund revenues.

Alderman Rivard asked is that a concern, is that why it has taken a long time to change this.

Mr. Lafreniere answered that is one aspect that I want to bring to your attention. I do not believe that it should be, in this particular case, the overriding concern. There are a number of other issues. Essentially what I would like to do is to lay it out in a format where all of the issues are on the table so you can make a decision based on those issues. The revenue side is certainly one aspect of it that you can weigh into your decision.

On motion of Alderman Girard, duly seconded by Alderman O'Neil, it was voted to put this item back on the table.

Chairman Pariseau addressed Item 12 of the Agenda:

> Communications from Attorneys Pestle and Miles regarding the federal preemption of local zoning of cellular, radio, and television towers and providing suggested form letters to be sent to Congress and the FCC. (Tabled 12/2/97)

On motion of Alderman O'Neil, duly seconded by Alderman Girard, it was voted to remove this item from the table.

On motion of Alderman O'Neil, duly seconded by Alderman Thibault, it was voted to refer this item to the City Solicitor.

There being no further business to come before the Committee, on motion of Alderman O'Neil, duly seconded by Alderman Thibault, it was voted to adjourn.

A True Record. Attest.

Clerk of Committee