

## COMMITTEE ON ADMINISTRATION/INFORMATION SYSTEMS

**March 15, 1999**

**5:15 PM**

Chairman Pariseau called the meeting to order.

The Clerk called the roll.

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

**Messrs.:** Diane Prew, Thomas Arnold III, Dr. Grace Sullivan, Marc Vadeboncoeur

Chairman Pariseau addressed Item 3 of the agenda:

Year 2000 Readiness Disclosure Report presented by Diane Prew, Director of the City's Information Systems Department.

Alderman O'Neil moved that Ms. Prew present the Y2K Readiness Disclosure Report to the Committee. Motion was duly seconded by Alderman Girard. Motion passed.

Ms. Prew stated that the report before the Committee was the first installment. This is a working document and we anticipate updating it in April and then on a quarterly schedule thereafter. This first report will be sent out to all those people who have been asking us for information, and we've had quite a few requests, rather than filling out all those individuals forms we're just going to be sending out a copy of this report. To quickly step through what's here and what we did, we have the Readiness Disclosure Act Statement in the front to take care of legal considerations. The Committee that's overseeing what's going on adopted a definition of what Year 2000 Compliance means to us, and we've adopted the United States General Accounting Office model for addressing the issue. We have been contacting our critical vendors and service providers and getting various levels of responses from them. A lot of people are very skittish and don't want to be held liable for what they say, so it's slow going in that area. In terms of the various subcommittees, one of the most important ones to us is the utilities. All our preparation won't mean a whole lot if there are power outages or problems with telecommunications and those kinds of things. So those are being monitored by a committee headed by Joe Kane. The facilities area which is all the buildings and such are currently being assessed and by the end of this month we should have

that in tow. I think the interesting point there is that the majority of the city's equipment is old and does not have computer software.

Alderman O'Neil stated that he had highlighted and underlined that part. It's positive for this, but it's not so positive for other...

Alderman Girard asked the Chairman if he could ask a question. The Chair responded that he could.

Alderman Girard said that with technology, they say the more complicated and sophisticated it gets, the much easier it is to break and the harder it is to fix. There was some concern regarding the preparedness of our facilities. After reading the report, it doesn't seem that you're overly concerned that what we have will be Y2K compliant and will not have problems. Is that a fair statement in terms of where we're at with our facilities? We're not facing any real serious issues, in terms of what's in this report.

Ms. Prew said that in terms of the facilities, no. I believe the Wastewater Treatment Plant is currently being assessed.

Alderman Girard said he was more concerned about the things that we had direct oversight over such as the schools, the libraries, and those issues. But it doesn't seem to be much of an issue here.

Ms. Prew said not from what I have been told. We will have the supporting documentation for that shortly.

Alderman O'Neil was recognized by the Chairman and stated that he certainly understood Diane's report. She's basing the facilities on what she's being told. I'll be honest with you, I don't have a lot of faith in our facilities. I'm pleased that Diane is overseeing the entire project and Frank Thomas is taking over the facilities end, but we have heating systems that don't work in brand new buildings now. Case in point, next door. So I don't have a lot of faith – and I've talked to Diane about this. This is probably going to be the thorn in her side, overseeing the entire project, is the facilities...

Alderman Pariseau asked, what problem next door? There's a problem next door? At the annex?

Alderman O'Neil said, Oh yeah. The boiler. That had nothing to do with Y2K, but I'm just saying we have problems with our existing facilities and throw in this little curve. Diane and I have talked about this a number of times, and that is the one area that I'm very concerned about. I'm very comfortable with the rest of the reports provided. I think we're in a position to handle anything. I'm just very concerned about the facilities. I'm very pleased to see that Frank's overseeing that end of it now.

Ms. Prew said that the April report should reflect what they're finding.

Alderman Pariseau asked how the cooperation has been with the vendors and service providers.

Ms. Prew said that they're responding to us, but just like we've been cautious in what we tell other people, they are being cautious with us also. So we have some standard responses and then in those areas where there are critical components, individual departments are working with the vendors and getting more specific information.

Alderman Pariseau said that Mr. Cowles and his associates – Cyber Services? – was to have a study done relative to the utilities – telephone, gas, water – and a report should have been issued March 6<sup>th</sup>. Did we get a copy of that, the City?

Ms. Prew said not that she was aware of at this point. We'll be pursuing that. The financial areas, the Finance Department has been monitoring on the federal level, and so forth.

Alderman Pariseau asked if the banks were in line.

Ms. Prew said they seem to be doing pretty well. They started early and they are tightly regulated.

Alderman O'Neil commented that he knew that Citizens has told anybody that has to do with the computer systems that there will be no vacations after Thanksgiving.

Ms. Prew said that Info had done the same thing. She told her staff, no vacations during the holidays. As much preparation as you do, there are going to be things which are unanticipated. People will just have to address them as they come up.

Alderman O'Neil asked if she believed she had everything she needed, all the resources, meaning people, to get what has to be done, or is there anything we can be doing for you.

Ms. Prew said that there are some requests in the budget, some funding that is necessary.

Alderman Pariseau asked if this was a definite, in preparation for Y2K.

Ms. Prew said there is one item in the budget that is kind of a contingency situation, but there are several items that are needed. There is a request to convert the parking ticket system. There are some telephone systems that may need to be replaced. They're being reviewed right now. We have funding for some of the systems, but there are a couple more that may need attention.

Alderman O'Neil asked if all those requests would be coming from her department or would they be coming from other departments.

Ms. Prew replied that for the most part, they would. There was just one telephone system that we had missed when we put our budget in, and that department put it in theirs.

Alderman Girard asked what department that was.

Ms. Prew said she thought it was the Office of Youth Services.

Alderman O'Neil asked if those items were specifically ID'd as needed to meet Y2000.

Ms. Prew said that was spelled out in the documentation that went to the Board.

Chairman Pariseau said that he really felt comfortable with the work that was presented in this report. I do have to talk to Joe Kane, though. He's got listed, relative to the Emergency Operation Center, he makes reference to the Mayor. If we just had the "Mayor or his or her designee." If the Mayor's not available they would not have anybody...

Ms. Prew stated that she thought this was a section that comes right out of their Emergency Response book.

Chairman Pariseau said he had another question. On Exhibit C, it has to do with the airport. That Phase Completion Date, "2Q99." Is that second quarter, 99?

Ms. Prew said, yes.

Chairman Pariseau continued that he didn't understand. There are specific dates in the other entries, but that's OK.

Ms. Prew said that was the way they presented it. I don't know if that is the way they had to present it for the Federal Aviation Authority or what, but we will be getting an update from them and updating this report as we go along.

Chairman Pariseau said that on the last page of that Exhibit C, there's a little graph, "Year 2000 Status." Currently, the City is 42% compliant, and the remainder, 40%, is in the process of being renovated?

Ms. Prew said yes, which means that we are installing new systems...

Chairman Pariseau continued, so maybe by September we'll be 82% compliant? I don't understand what that "Assessment 8%" and "Validation 10%" mean.

Ms. Prew said that "validation" means that things have been converted and they're being tested to make sure that everything is functioning properly. So those should be done fairly soon because we're in the testing stage. The "assessment" stage, we have a few – as departments gave us their surveys – we found some software that we didn't know was out there. So we need to go out and have a look at that software. Most of it is PC-oriented. It's not the system; it's PC-oriented. And it was kind of difficult in this layout to weight things. Certainly, your payroll system has much more weight than somebody's smaller PC system.

Chairman Pariseau asked if anyone had any questions. There being none, he stated that he felt the Committee feels comfortable with the work that you're doing and we really appreciate it. That will be one less worry to worry about the week before Inauguration.

Ms. Prew said thank you. We'll keep you posted as we go along.

Chairman Pariseau addressed Item 4 of the agenda:

Communication from Grace Sullivan, MCTV Director, advising of the receipt of a grant from the Norwin S. and Elizabeth N. Bean Foundation in the amount of \$10,000 to fund a planning conference scheduled to be held in May.

Alderman O'Neil moved to hear from Dr. Sullivan. Motion was duly seconded by Alderman Girard. Motion passed.

Ms. Sullivan said that the Committee had the actual letter of the grant proposal that was sent to the Bean Foundation, c/o the NH Charitable Foundation. The purpose of the grant will be to fund a planning session where we will have people from the community get together and provide their input as to the kind of facility Manchester Community Television should be, and we need to give a comprehensive plan as part of cable negotiations with MediaOne. When I spoke with Tom O'Rourke, back in the fall, he said the one thing that was going to be of concern to him during negotiations was access – public, education and government access – and that it wasn't going to be that we could put on a piece of paper that we get \$6 million and 14% of the gross – not that I'm saying we're going to ask for that – but we need a comprehensive plan. And it makes sense to have a plan, anyway, in terms of the growth and the needs of the community as we've grown. So basically, this money would be to fund a planning conference that's going to be held on May 26<sup>th</sup> at the Art Institute and will begin in the morning and finish at lunch. We'll be bringing in people from throughout the community. Obviously, the Aldermen will be invited. I've spoken to many of the department heads, and they've all been enthusiastic about wanting to participate. We'd like people in nonprofits and education and health and business groups to participate to talk about what we need in the community or a telecommunications facility. I first spoke to Mike Hickey from Bell Atlantic. He runs a very large telecommunications system for NH Bell Atlantic. I spoke to him and said we need to put together a plan and how should I do it, and I talked to him about this before I put the grant together. And I wasn't asking for money when I talked to him, but he said, "I'll give you \$1,500 as a seed, because it's really great what you're doing and to put together a telecommunications plan for the City would be really good." So, it's going to be on May 26<sup>th</sup>. We're going to have a speaker come in from the Alliance for Community Television to talk about what's going on in other parts of the country, and then, when we have put together a written plan, we're going to bring it back to the Aldermen for you folks to look at. It's just really, for me, gratifying that the Bean Foundation funded this plus Mike Hickey's commitment from Bell Atlantic. Does anybody have any questions about this?

Chairman Pariseau asked what day was the 26<sup>th</sup>.

Ms. Sullivan said it was a Wednesday. May seems to be a very busy month for everybody. It was also a day when we could get the Art Institute. They're only going to charge us \$100 to cover maintenance, which is very nice.

Chairman Pariseau asked if she needed any action by the Committee.

Ms. Sullivan said, no, I just wanted to keep you informed. The grant was given to the Manchester School District which runs Manchester Community Television, but because the report will be going to this Committee, I thought it was important that you know about this conference and that, at the same time, the Charitable Foundation said you should be looking at corporate funding in terms of developing a better business plan. So that's something we're going to be looking at. We'll be looking at a well-structured, coordinated plan that will bring telecommunications into line not just for the next five years, but for the next twenty years.

Alderman Thibault asked if MediaOne got involved in this at all.

Ms. Sullivan responded that when they thought about putting together a conference like this, she asked MediaOne if they would like to be part of it or even to help fund it and they said they wouldn't fund it, but they would be there as a resource. And they should be there as a resource, but at the same time I think it's important to know that in Massachusetts, RCN, a competing cable company had entered into an agreement with Malden. So this is a plan that is not just for MediaOne but for competing cable outlets if they come into the state.

Alderman Thibault said, Isn't that something we found out when we went to Lowell? They're contributing like 1% and over here you're getting ½%?

Ms. Sullivan said that in Lowell, the City gets 5%, which the FCC says we can get; in Manchester we're at 4%. We get 1% and the City gets 3%. In Lowell, 3% goes to the City, 1% to public access, and 1% to public education.

M. Vadeboncoeur said that in Lowell, the public access center is actually set up as a nonprofit so they're not a City Department. So 3% goes directly to the City, 1% goes directly to the school to fund their educational access which is brand new for them, and the City keeps 1% but out of that 1%, I believe, they pay for two full-time, government access positions. The City pays for the positions, using cable money. They are employees like any other, but they're funded out of the general fund and the City keeps the 1% to cover that cost.

Ms. Sullivan said that the nonprofit, public access facility was downtown in Lowell.

M. Vadeboncoeur added that the employees used that facility for government access. Ms. Sullivan said it was kind of backwards from us.

Alderman Girard said this is a bit off the topic, but you and I have talked about competition and you referenced it here when you said the plan is not necessarily for MediaOne so much as for any company that comes in. I guess what I am wondering is, now that we are in the process of renewing the franchise, what

suggestions you could give the Committee or what the Committee should be looking to do to sort of invite, if not entice, companies like RCN to sort of come in and, perhaps, share the franchise.

Ms. Sullivan said that she thought it was happening. And if you study the history of cable...

Alderman Girard interrupted and said it may be happening, but how do we get their attention and put MediaOne on notice that we're not necessarily...

Chairman Pariseau said we can discuss that at another meeting.

Ms. Sullivan said we can do some homework and find out where this action system, where the network is, and how far we want it to come.

Alderman O'Neil asked the Chairman, so you don't want to get off... I was going to ask a question while they are both here that's different than this but has to do with cable. Do you want to wait until the end to see where we're at?

The Chairman said he would just as soon take it up later.

Alderman O'Neil moved to refer the material to the full Board for informational purposes. The motion was duly seconded by Alderman Girard. Motion passed.

Chairman Pariseau addressed item 6 of the agenda:

Communication from Linda Garriott, Intown Manchester, seeking permission to install banners on lighting hardware for an arts and music event on Hanover Street in conjunction with the Downtown Farms' Market and the Manchester Summer Concert Series to be held Thursdays on July 8, 15, 22, 29; August 5 & 19, 1999 from 6:00 to 10:00 PM.

Alderman Girard moved to approve the request. Motion was duly seconded by Alderman Thibault.

The Chairman asked what they meant by "lighting hardware." Was this going to be high enough so trucks don't hit it.

Alderman O'Neil said he interpreted "lighting hardware" as the light poles. They've tied them to that before. I think the Traffic Department puts them up, don't they?

Chairman Pariseau said he hopes they get paid for it.

Alderman O'Neil said Traffic does a lot of things.

Motion carried.

Chairman Pariseau addressed Item 5 of the agenda:

Communication from Thomas O'Rourke, MediaOne, advising that the City may request gross revenue payments to include the "fee on fee" noting such request must be made in writing by March 1, 1999.

Alderman Girard told the Chairman he had a question and was recognized for that purpose.

Alderman Girard said that he understood from the letter that the cable company was telling us that we can assess the franchise fee on the revenues that we collect from the franchise fee. And that they're telling us we can do that and they are just going to pass it along to the customer.

Chairman Pariseau said that the gist of their letter was, go ahead and do it, and it's not the cable company it's the Board of Mayor and Aldermen, and we're going to be the ones looking like...

Alderman Girard interrupted and said, right. But I have no interest in assessing the fee on the fee, but I would like to ask this Committee to recommend to the Board of Aldermen that the Finance Department be directed to audit MediaOne's books so we know whether or not we are receiving what we should be receiving in franchise fees.

Chairman Pariseau said if you read the letter that we got from Grace Sullivan in saying that they're really not paying us the correct way. They're deducting the City amount from the net. They're not giving us the money on the gross amount, the money that they make.

Alderman Girard said that's why I'm asking the Finance Department to conduct the audit so we know whether or not we're getting what we should be getting. The Solicitor has something to say.

Asst. Solicitor Arnold said that he just wanted to say that, as part of the renewal, the negotiation process, we're going to look to audit the books to make sure...

Chairman Pariseau asked what if we...

Alderman Girard interrupted and said, Mr. Chairman, there have been some issues with the franchise fee and how it's been collected and what it's been paid on. What I would like to see is the Finance Department, sooner than later, or whoever else – the City Clerk's Office or your office needs to get involved – audit MediaOne's books, not only for the current year, but for all of the years since the past audit to make sure that the City has, in fact, recovered in fees what it should have recovered in fees. There are questions there, and it seems to me that we've batted this around this Committee long enough and the only way we're going to get to it is to have the audit, and something tells me that given the discrepancies that exist, that might be money well spent.

Asst. Solicitor Arnold said that he would agree. I concur in your observations. I just want to make it clear that it's a concern that we have as part of the renewal process. Certainly, I have no objection to your asking the Board to direct the Finance Department that it be done.

Alderman Girard asked the Chairman if he would be allowed to make the motion that we audit MediaOne's books as far back as the last time there was an audit to ensure...

The Chairman said that if he wanted to make that motion, I think we ought to go ahead.

Alderman Girard said he would make that motion. The motion was duly seconded by Alderman O'Neil with the comment that it be done by Finance or one of their auditing firms.

Alderman O'Neil asked if he could bring up something. I know that Dr. Sullivan and Tom have been working on the RFP's. Where do we stand on that?

Chairman Pariseau said wait...

Alderman O'Neil said wait a minute, let's stick with this. I want to stick on these RFP's. If I may. It ties into this. I want to make a point. Hold on a second. My point being, we need not only to have the consultant on board for negotiations, we need to have the consultant on board – and maybe this will change if there's competition in here – every letter we get from them, we all know where it belongs. They tell us what's going to happen. We need, with all due respect folks, we need a professional. We know the consultant that we used last time, they're very concerned about because he's one of the best in the country at this. And I think we need to have the consultant somehow within their fee, that we can use them two hours a month.

Chairman Pariseau said they have refused to pay for the consultant already.

Alderman O'Neil said, wait a minute. I'm saying as part of – we've appropriated money to hire a consultant, correct?

Chairman Pariseau said, yes.

Alderman O'Neil said, what I'm saying is there should be an appropriation every year of some – and I have no idea what the right amount would be – that the consultant be on board...

Chairman Pariseau said, all the time...

Alderman O'Neil continued, so that we turn this over, and let he or she...

Chairman Pariseau said, let him send...

Alderman O'Neil continued, on behalf of the City of Manchester...

Chairman Pariseau continued, send copies of the letters that we get from MediaOne...

Alderman O'Neil continued, and let them – and with all due respect, Tom Arnold did not go to law school to be a telecommunications lawyer. Dr. Sullivan, first and foremost, is an educator, not a... Well, maybe she does law on the side. She's multi-talented, we know that. There are a lot of ways to get around the law. It needs a professional...

Chairman Pariseau said, they have their lawyers...

Alderman O'Neil said, right, they have lawyers and all they do is work. They know federal law, they know state law.

Chairman Pariseau asked if that was a motion that the Committee could send to the full Board.

Aldermen Girard and Thibault seconded.

Alderman Girard said, if I could say, part of the problem...

Chairman Pariseau asked the Clerk if he got that motion.

The Clerk said, not really.

The Chairman stated the motion as offered by Alderman O'Neil to be as follows: "To refer, as part of the fiscal year 2000 budget process, the appropriation of funds to retain cable counsel." Motion was duly seconded by Alderman Thibault. Motion passed.

Alderman O'Neil said to Dr. Sullivan, you didn't... you are a multi-talented woman...

Ms. Sullivan said, not at all alderman, because I think I've been talking about how we need a telecommunications expert for some time.

Alderman O'Neil said that every time we get a letter from these guys, it's...

Chairman Pariseau said, it's all for them.

Alderman Girard said that part of the reason for that, though – and I'm not defending the cable company or anything like that – but part of the reason for that was that cable regulation act that went through, which effectively took the authority out of the local franchising officials.

Alderman O'Neil said that there has to be some law that protects us out there.

Alderman Girard said that the one that is in force now is supposed to do that.

Ms. Sullivan said that we have the decision in *Dallas v. FCC: Memorandum Opinion and Order* and I agree with Mr. O'Neil, you do need a specialist for this stuff. General discussion ensued where Ms. Sullivan stated I do think Alderman Girard's case is well-taken that because we are the Primary State -- and I think MediaOne is looking at this contract – I think they're aware of the fact that we are a Primary State and when a Primary Election comes along the people that live in New Hampshire talk issues. And I think this cable issue is a real issue in terms of that Cable Act, Alderman Girard. So I think that it makes a lot of sense when you bring up the Act.

Alderman Girard said the federal government said they were going to lower our cable rates by regulating the industry...

Chairman Pariseau said that while we're discussing cable, how about that other cable company that's up on Wellington Road that we don't get a dime from?

Ms. Sullivan said that's another court decision that happened in Chicago – and, again, I didn't go to law school – and that's something...I think we should get money from that, and cities have gone to the FCC over that.

Chairman Pariseau said he knows he had mentioned it to Tom. What is the status? I know you've looked into that or you were going to.

Asst. Solicitor Arnold said that basically what they have is a – it's my understanding – satellite receiving dish that's on a building that serves multiple apartments for that building. Since they do not cross or use a public right of way.

Chairman Pariseau said they do. Their wires run across those streets up there.

Ms. Sullivan said they do because they're in condos. Chicago has a case on it before the FCC.

Asst. Solicitor Arnold said they may. I could look at that further. Last time I looked at it, I was under the impression that they did not cross city streets. If that has changed, that may be something we want to look at. There was an exemption in federal law for our authority to franchise, that essentially covered that system last time I looked at it. If that may not be true any longer, we could take another look at it.

Chairman Pariseau said he thought we should send a note to MediaOne for them to send us a memo – their letter is dated February 15<sup>th</sup>; the City Clerk's Office never got it until February 26<sup>th</sup>, and they expect an answer from the full Board of Mayor and Aldermen by March 1<sup>st</sup>. We ought to just tell them to pump sand.

Asst. Solicitor Arnold said that he thought, in this particular case...

Alderman Girard interrupted and said he would make that motion if the Chair wants that letter. Motion was duly seconded by Alderman Thibault. No action was taken on the motion.

Chairman Pariseau stated that we should send a letter to MediaOne telling them to grant us reasonable time.

Asst. Solicitor Arnold said he did not think that was necessary in this particular case. What you've been handed here is the FCC decision which had been reviewed by a Court. I think that they're being somewhat deceptive in how they present it. My suggestion to the Committee would be to just write back to MediaOne and tell them we expect to be paid the fees due to us in accordance with our cable franchise agreement with the company.

Alderman Girard moved Attorney Arnold's suggestion. Motion was duly seconded by Alderman Thibault. Motion passed.

Alderman O'Neil asked if he could ask a question. When do we expect that a recommendation will be made to this Committee on a consultant?

Asst. Solicitor Arnold said that was what he was trying to get to before. The RFQ's have gone out. We received a response. We sent out the RFP. The RFP response was due by 5:00 p.m. today. I have four of them sitting on my desk now that Grace and I were going to go open as soon as we leave here. We have gotten them from Peter Epstein; Cindella, Tucker and Donahue over in Exeter; from O'Neil, Wills and O'Neil in Minnesota; and Rice and Associates, if I remember the name, out of Washington, DC. These are the four responses that we have got.

Chairman Pariseau said so the only one local would be Exeter?

Asst. Solicitor Arnold responded, within the state. Peter Epstein, certainly, is down in Boston.

Alderman O'Neil said we had very, very good luck with him last time.

Asst. Solicitor Arnold said he was an eminently qualified specialist.

Alderman O'Neil continued that MediaOne is afraid of him.

Alderman Girard said he did not want to prejudice the process.

Alderman O'Neil said he did not want to either, and we know there's an O'Neil and O'Neil firm out there too.

Chairman Pariseau asked what the Committee wanted to do with item #5.

Alderman Girard said that he would make a motion to recommend to the Board that the fee on the fee not be implemented.

Asst. Solicitor Arnold said, again, he would want to be careful to say that we expect to be paid in accordance with...

Alderman Girard interrupted and said that the Board referred this to us and asked us to make a recommendation.

The Chairman recognized the Clerk who stated that the Committee had already voted to send a letter to MediaOne indicating that Manchester expects to be paid the fees owed it under the terms of its contract. That would be a sufficient response to the item on the agenda.

Alderman Girard said, OK.

Chairman Pariseau said that awhile back we had a matter at the full Board that was referred to this Committee and that is the activity surrounding nonprofits, and it's not on the agenda. I don't know where it is. At the last meeting, the Chairman of the Board of Assessors called and wanted to know if he should be here, and I said "No, we'll get you at the next meeting" because there was nothing on the agenda. And there's nothing on this one, too.

Alderman O'Neil said that there were a number of items that somehow have gotten lost in the shuffle with the Committee. There were some cab items. We were asked to take a look – and I'm partially to blame for this – some kind of policy for concerts and that with regards to...

Alderman Girard interrupted and said we've got to go and take Riverfront Foundation's contract back...

Alderman O'Neil said, right. Remember there was the issue of how many cops and how many firefighters, and we said we would try to determine some kind of number so that promoters would know what that is. We have a number of items out there that need to be addressed at some point.

The Clerk stated that he would make sure, in the future, that all tabled items were represented on the agenda.

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

A True Record. Attest.

Clerk of Committee