

CABLE TELEVISION ADVISORY BOARD

MAY 12, 2006

A meeting of the Cable Television Advisory Board was held Friday, May 12, 2006 at 8:37 a.m. in the Aldermanic Chamber.

Members of Committee present: Andrew Cernota, Vice Chair
Charlie Matthews, Library
Diane Sweeny, Acting PEG Director
Alderman Fred Teeboom
Ken Tyrrell, IT Department
Gordon Jackson, Nashua Resident
Rick Farrenkopf, School Department (arrived late)

Members of the Committee absent: Dorothy Clarke, Esquire
Roger Hatfield, Fire Chief
Ed Lecius, Police Department
Nick Darchik, Public Works

INFORMAL DISCUSSION

Andrew Cernota

The minutes from the last meeting were not transcribed but were recorded on audio cassette and on video cassette. These have not yet been transcribed. We will accept those when we have a transcription.

COMMUNICATIONS

Andrew Cernota

Members of the committee should have received packets of different communications that have been received from the last meeting.

Alderman Teeboom

Before we make a motion to accept, there are two additional memoranda I would like to introduce. If you don't mind, if you list every one of these memoranda, we already have being introduced so we can state which one they are going to be.

Andrew Cernota

- Memorandum dated April 20th from Alderman Brian McCarthy to CTAB – with attached

Memorandum from Alderman McCarthy to Maureen Lemieux, Director of Administrative Services, dated April 20th

- Memorandum dated April 27, 2006 from Alderman Teeboom to the members of the Board of Aldermen regarding Board of Aldermen Member Suggestion Versus Direction in Reference to the Two Previous Cited Memoranda from Alderman McCarthy
- E-mail dated May 5, 2006 from the comments on gonashua.com from Larry Walshman relating to possibility of competition for cable providers in the City, specifically with regard to Verizon
- Memorandum from Chairman Lecius to CTAB regarding the Technical Review Subcommittee and his appoints to that committee being Mark Sousa, Rick Farrenkopf, Chief Hatfield, Alderman Teeboom, and Bryan Christiansen representing Comcast – end of Memorandum is a proposed draft Fiscal Year 2006 budget for CTAB

Andrew Cernota

There were two additional Memoranda that were circulated that arrived after that first packet had been made up.

- Proposed budget resolution for 2006 CTAB Special Revenue Account from Alderman Teeboom to the members of CTAB dated May 10th
- Funding for the public access channel proposal from Alderman Teeboom to the members of CTAB dated May 10, 2006

MOTION BY ALDERMAN TEEBOOM THAT THE MEMORANDA BE ACCEPTED, PLACED ON FILE AND READ ONLY BY TITLE

ON THE QUESTION

Gordon Jackson

As you know Chairman, I also gave you a letter of resignation this morning. I'd like it included. In addition, I had sent to Chairman Lecius, I believe about 3 weeks ago, a request for some communications to be added to the agenda today, which I don't see on there. I don't have the title in front of me. I was just looking now.

Andrew Cernota

That actually reminded me that we also received the following

- Memorandum from Attorney Clarke relative to conflict of interest matters and the PEG

Program Director position, which was circulate by e-mail previously

Unfortunately, I don't have copies of that other than the one that I printed out this morning. If anyone would like to see that before they vote on the...

Alderman Teeboom

I have not seen the letter of resignation by Gordon Jackson or the other memo that he mentioned. Did Gordon mention a second motion?

Andrew Cernota

Right. I'm just looking that up now. I have it here on my computer. I'm just trying to get to the date of the document.

Alderman Teeboom

At least you can put them on file. I just don't have copies of the documents. I've never seen the letter of resignation.

Andrew Cernota

The letter of resignation was just handed to me before the meeting.

Alderman Teeboom

Just to keep it going, we can just make a motion to get all these letters introduced on record, read without title unless somebody wants to read any of them. Does Gordon want to read his letter of resignation?

Gordon Jackson

I don't have a copy. I gave my copy to...

Alderman Teeboom

Unless somebody wants to read a particular letter, I think we will be introducing it later. Although we'll discuss the content of some of these letters as we go down the agenda. My motion is just to get it on file, on the record, and make it part of the permanent record of this board.

Gordon Jackson

Before I second the motion, I'd just like to say that the document that I sent to Chairman Lecius was dated the 25th of April. I also e-mailed that to all the members of the board.

Alderman Teeboom

What memorandum was that?

Gordon Jackson

It was called build-out for PEG. I wanted to talk about communications or talking points about the concepts that was put before us.

Alderman Teeboom

I've seen that. I think we're going to be discussing that as well.

MOTION SECONDED BY GORDON JACKSON

MOTION CARRIED

OLD BUSINESS

- CTAB Policy Discussion

Alderman Teeboom

As you know the last time we met this board approved the Policy and Procedure Manual. I have two extra copies if anybody needs it or anybody in the audience needs it let me know. That was introduced to the Board of Aldermen. I think within a week after the Board approved it and it was forwarded to the committee that Board of Aldermen uses for these kinds of things is the Personnel/Administrative Affairs Committee. It has set the 25th of May at 7 p.m. for its hearing. I understand that Rick Farrenkopf told me of his intent to appear. As you know, there is perhaps a continuing concern on the part of the School Department that the Superintendent is not in charge of the E channel. As you know, we discussed it at length.

As it stands now, the Nashua School Board Superintendent heads up an E Channel Committee. The E Channel Committee consists of representatives other than the Nashua School District. That's the way the document is written. I don't really expect much debate by that aldermanic committee. You never know. For anybody who wants to hear it, it's 25th of May, a week from next Thursday, at 7 p.m. in these chambers. I'll ask Chairman Tollner to have anybody in the audience speak and hopefully put us number one on the agenda. I've asked Chairman Lecius to appear. Anyone that still has a problem with that particular document after listening to the debate, here we've discussed it for several months, that is the place to go. Once that committee approves it, and I hope it will approve recommendation to pass, it goes back to the full Board the meeting thereafter. Once the full Board approves it, they typically follow the recommendation of committees in cases of a report of this complexity even though it is only 30 pages. There's a lot of issues in there. A lot of important information, including the way this board conducts itself. Once the Board approves it, then it becomes local law. This board, including elections of the chairman, election of the vice chairman, parliamentary procedure, which cites to Mason's. So we don't need as an example seconds on motions. It's supposed to make things faster. All of that

takes effect.

Until the Board of Aldermen approves it, we're sort of on our own on this document. It's sort of, I think, Attorney Clarke in her memorandum refers to this as a working document at this point until the Board of Aldermen approves it. Once the Board of Aldermen approves it, that's it. Changes have to be made formally through an aldermanic process. Thank you.

Andrew Cernota

I'd like the record to show that Rick Farrenkopf has joined the meeting.

- PEG Manager Request for Proposal

Andrew Cernota

Have you been involved in the RFP?

Diane Sweeny

No I haven't.

Alderman Teeboom

Well I have been involved in the RFP. I've had a number of discussions with Mark Sousa, and in particular with Maureen Lemieux. As you know from the CTAB Policy and Procedure Manual, that is at least initially going to be a contractual position of personal services position. It's the very same position that Gordon Jackson has supplied interest in, which I think prompts his letter of resignation. I'm not completely sure. I haven't read it yet. I'm kind of disturbed and I'm going to go on record now. This is taking an awful long time. I don't understand why this isn't already through the process.

All that has to happen is for Maureen Lemieux to write up an RFP. She got the information. I gave her the information of the descriptive language that you need to describe that job. Then it goes to contracts for bid. Last I checked about a week ago, Mrs. Tremblay had not received any information regarding this position. I know Maureen's been busy on the budget, and I know the budget is a priority, but the budget was done as of last week. This is a key position.

We have a fiduciary responsibility to the citizens who pay the franchise fees which is appreciable. Every franchise fee bill, every bill that Comcast presents to anybody has a 4 percent fee. I pay 4 percent every month. Maybe that's not a great deal of money – on a \$50 bill that's \$2, but you multiply that times thousands of prescribers, that's a sizable amount of money. At this point I'll address it later, locked up in the '06 account. It isn't moving anywhere. We are not getting anything done because we do not have a primary person hired to spearhead fixes that need to be made, including the things that Alderman McCarthy mentioned in his memo.

We have had complaints about how Channel 16 is operating. Rick Farrenkopf is trying to get the E channel going. We need focus and direction and knowledge and experience to get this going. A board like this with people who appear once a month is not going to get the job done. Again, I'm going to ask – and Diane if you need to, and I will personally ask Maureen Lemieux why is this thing not moving?

The second problem we have is this board only meets once a month. That is not exactly a lot of meetings. I'm not saying that we should have more meetings. We may have to if we get the E channel going. The PEG program manager position cannot be approved until this board approves it. We can't approve any position until recommendations are made by contracts personnel. Those people can't make any recommendations until interviews have taken place. Interviews cannot take place until the contract RFP is lead by Finance. Then before we can even hire, because this involves an expenditure greater than \$10,000, it has to go to the Board of Aldermen and then Finance Committee, which meets about every 2 weeks for its approval before you can actually give an offer. I see an awful lot of time dragging to get this position hired. Starting with the very essence and fundamental question is where is the RFP? I'm quite frustrated. I will meet with Maureen again. We've got to get moving on that. Thank you Mr. Chairman.

Rick Farrenkopf

If I could just ask a question because it's my understanding, and I guess perhaps I share some of your frustration in the sense that I was under the understanding at the last meeting that we were trying to hurry through our policies and procedures to put it to bed because we needed that done to make that hire. I know that some of the board members of this board came up to me after the meeting and said I might not have voted in the affirmative except for the fact that I know that needed to get done. I'm a little bit disappointed in that. I guess my question is because I don't understand the process totally, Alderman Teeboom, there's a meeting later this month you had sent me about a personnel policies meeting with the aldermen where this will actually get approved finally or sent back to us as approved by them. My question is is at that meeting if there was still any language that we had a concern with, how could I bring that forward or what's the right process if there are some concerns about some of the language?

Alderman Teeboom

Yes I brought this up apparently Rick before you appeared. May 25th at 7 p.m. I'll ask Alderman Tollner, Chairman, to bring this up number one. I know you are interested. I know there is some language that you wanted to strike regarding the E channel manager relative to his relationship to yourself and to Mr. Pfeiffer who runs the studio. That language can be struck. I think that's the first thing I will move to strike that language entirely. Any other concerns the School Department may still have, I mentioned it earlier before you showed up, maybe still have concerns over who runs what and where on the E channel. You can certainly bring that up. The aldermanic committee, which now has possession, has the ultimate responsibility. They can by vote on that committee make any changes, including dumping the entire document. Hopefully that doesn't happen. Hopefully we can make a few changes and on we go back to the full Board.

A point of the director- that is not really held up by the document because things are moving parallel. It's true that this document needs to be approved so we have place mark from the Finance Committee when they approved the funding. This is the enabling document. Otherwise somebody from the Finance Committee could ask to hold the hiring just like they are holding the financials of '06, which I'll address later. So the Board of Aldermen has control over all of this stuff. This board is powerless basically without approval by the Board of Aldermen for both that document, the Policy and Procedures document, the approval of that hiring, and any other things that require funding over and above \$10,000 as well as you know the appropriations of all of our funding. You will have plenty of opportunity. May 25th at 7 p.m. in these chambers.

Rick Farrenkopf

Is it still my correct understanding that this document needs to be approved through that process before we can make a hire?

Alderman Teeboom

No that is not true. That is true. We can proceed with the RFP. We can proceed with the interviewing. We can proceed with making a selection. What we cannot proceed with is extending an offer. We can proceed with, in my opinion, is going to the Finance Committee – I'm on the Finance Committee. The people on the Finance Committee the first thing they will ask is where is your approved document by which this person is being hired? So technically yes they could approve the hiring. I would say that this board would not be moving with the proper diligence by not having this document before it as well. So the process is it does not have to be sequential. It can go in parallel. That's why I'm so frustrated why the RFP for the manager isn't moving forward like it should. Just like the other document is moving forward.

Charlie Matthews

I just have a question. Just for clarification for Mr. Teeboom. The Policy and Procedures Manual that I have, the approval draft, is dated April 14, 2006. I think that was the draft that we worked on the last meeting. Is that the final draft that you have or is there a more recent copy?

Alderman Teeboom

Let me make sure that what you have is – the document that we're talking about – I have 2 copies left here, it says "approved by CTAB on 14 of April".

Charlie Matthews

I don't have that.

Alderman Teeboom

You do not have the latest.

Charlie Matthews

I do not no.

Alderman Teeboom

The reason I called it approved by CTAB, there was some criticism which is the latest draft of the many drafts that floated. If you look inside of the introduction, the bottom line says “approved by CTAB of 14 of April”. I did make the corrections after the meeting. I have circulated it to everyone by e-mail. You should all have gotten a copy. If you don’t have one, I’ll give you this one. It should say approved – got to make it absolutely sure because the changes that were discussed here there were 2 amendments made during that meeting and both of them have been incorporated. I have feedback on what I did was correct.

Unidentified Male Speaker

Is this the one that’s under R-06-54?

Alderman Teeboom

That’s correct. I stapled it to the top. R-06-54 is the one that got introduced to the Board of Aldermen and is now sitting in committee of May 25th.

I think we need to look at and accept the financial report that Diane circulated. That’s not on the agenda. That’s old business. I’d just like to make one comment. I have one comment on that. It’s a minor comment that the accounts, and I think I’ve communicated with Diane about this, the accounts weren’t quite up to date. There are some numbers in the accounts that didn’t make much sense to me internal but one of them means escrow accounts. There are some numbers in between that still aren’t totally clear to me. As soon as Cindy Bielawski explains what these numbers mean in between the account numbers, I will e-mail it to the rest of the committee. Within the account numbers are meaningful to the financial department. Again, I think we are now starting to come under the control of sizable amounts of money. If you look at the report, the part of that \$201,000 – Diane would you address the financials please.

Diane Sweeny

Which part are you not understanding?

Alderman Teeboom

I understand it all. I’m just saying you go through it. We got \$151,000 sitting now...

Diane Sweeny

With is our Comcast funding for the equipment only that we received a check for, which Cindy Bielawski put into this special account number. The 305, the special account, that was set up for

the franchise fee as well as for the check that we received from Comcast for equipment. They've kept those separate.

Alderman Teeboom

And the \$53,000 is the very first payment that we got under the one percent franchise fee for the G and E channel. So my points are that we are getting sizable amounts of money in now. Hopefully we'll be in a position to start spending this wisely. We have a fiduciary responsibility for this amount of money. I think we need to be very careful about how we do the accounts. The account numbers are correct?

Diane Sweeny

Yes.

Alderman Teeboom

The numbers inside of these numbers – 17996150 are internal structures and I found out what they are. I will forward to the members of the board exactly what these numbers mean. Thank you very much.

Andrew Cernota

In light of Alderman Teeboom's request for clarification is there still a motion to accept the budget report for the previous month?

**MOTION BY ALDERMAN TEEBOOM TO ACCEPT THE APRIL BUDGET REPORT
SECONDED BY DIANE SWEENEY
MOTION CARRIED**

NEW BUSINESS

- Adoption of proposed budget

Andrew Cernota

This is relating to one of the two Memoranda dated May 10, 2006. Again, Alderman Teeboom has taken the lead on this.

Alderman Teeboom

I think I addressed this the last time we met. What happened is we had \$108,000 that has to be appropriated based on the two payments expected in FY06. That means payments expected between January and 1 of July. When I brought that resolution before the Board, because it hadn't been prior appropriated, Alderman McCarthy started asking questions about a budget. Now this is extremely unusual for the aldermen to ask for a budget related to special revenue

funds. Special revenue funds, like these funds, can only be spent on a dedicated purpose. Namely these funds - \$108,000, can only be spent on the government channel, and can only be spent on the education channel. No other purpose. So it was unusual that Alderman McCarthy persuaded the argument that I was not able to refute that he wanted the legislation held to appropriate the \$108,000 pending a budget being submitted by this board. I then attempted to get approval through an e-mail process until – and Gordon Jackson pointed out, and he was correct – I'm not saying he was not correct, that a process of approving a budget cannot occur through e-mails. The process of approving a budget must occur by a vote of this board.

I pointed out that a month would go by and this legislation would just sit there. It's exactly what happened. Here is basically in this memorandum before you a budget that I cobbled together that asks for \$108,000 between the P channel and the E channel. I would now like us to talk about and debate this budget. I'll take any recommendations but my hope and my expectation is that before we adjourn that this board will approve a budget that asks for \$108,000 so I can take that budget back to the full Board so I can unlock the \$108,000.

Rick Farrenkopf

I guess where I'd like to start, and this maybe relates to the previous motion that we just approved, I'm still just a little bit confused with the bottom line monies. I guess my question is I don't know where the \$108,000 came from? We received, as I understand, \$151,000 in equipment monies when the 60 days after the contract was signed. We're pretty close to getting, I would assume, another \$50,000 which is supposed to be paid on the one-year anniversary. Also we have ongoing franchise fees of one percent, which is as I understand it slated towards ongoing people and expense. I guess I'm wondering where the \$108,000 is and how this budget needs to be divided up between the \$151,000 that we should have, the \$50,000 that I think we're almost about to have if I understand how it flows, and then the ongoing sustenance fees. I'm confused about the number that we have to create a budget for?

Alderman Teeboom

I can certainly share with you your confusion. Believe me I was just as confused as you were. Let me see if I can straighten it out.

The Comcast agreement was signed in October of 2005. At that time the Board of Aldermen appropriated the \$201,000 through a resolution. To appropriate you don't have to have receipt of the money. You just have to appropriate the expected revenues. By resolution appropriated the full \$201,000 that you see a financial report received \$151,000 of. That is set. We don't need more Board of Aldermen approval for that \$201,000. That's under the control, and the \$151,000 is completely under control of this board pending, of course, the standard of human practices of the city if it is spent.

In terms of the one percent franchise fee, it comes in quarterly increments of \$54,000. The first payment in 2005, after this contract was signed, was appropriated by the Board of Aldermen by resolution. The 2 payments in 2006 were not appropriated by the Board of Aldermen back in 2005. Those 2 payments, the first 2 quarters of 2006 is what this resolution is dealing with.

That's what this budget is dealing with. There are then 4 payments further in Fiscal 2007 consists of 2 payments in 2006 and 2 payments in 2007. When the budget was approved last week, in the back of the budget is what you called a pink sheet. The pink sheet lists all special revenue accounts not just CTAB. When that budget was approved by a vote of this board, it also approved all the special revenue accounts. So all of 2007 funding that we expect to get between July 2006 and July 2007 has been appropriated. The only thing that has not been appropriated at this point in time are the 2 payments in 2006. That's what we are discussing here. Hopefully this clarifies this.

Rick Farrenkopf

If I can just repeat what I think I heard you say. The initial \$151,000 is available to us right now?

Alderman Teeboom

Yes.

Rick Farrenkopf

Then we are going to receive another payment at the first anniversary of 25,000?

Alderman Teeboom

October of this year \$51,000.

Rick Farrenkopf

Another \$50,000 in October of this year. That would automatically be available to us?

Alderman Teeboom

Yes.

Rick Farrenkopf

This amount of money are 2 payments from 2006 from the one percent franchise fee that's ongoing. I guess my follow up question to that would be should that money be being spent on equipment or should we be spending that \$201,000 designated money as equipment? Should this budget only focus on people and materials?

Alderman Teeboom

I checked on that with Attorney Clarke. The way the contract is written is \$201,000 is supposed to specifically on equipment. Equipment and maintenance of the equipment. So you want to replace that camera, or install in your high school, a server, that comes out of the \$201,000. It's a one-time payment.

The quarterly payments can be spent on anything related to the G channel and the E channel only. It can be spent on equipment. It can be spent on people, and on services. Obviously the \$201,000 is going to run out but the quarterly payments keep coming. So there is no restriction on the quarterly payments except it cannot be spent on the public access channel, which is a separate issue I would like to take up.

Rick Farrenkopf

One last follow up. So is the intent of your motion then to really to make this money available to us to spend in a way somewhat like this, and we still haven't figured out, and I'm not sure we will in the short term maybe until the PEG manager comes on board, which I would support, spending the other \$201,000 or \$151,000?

Alderman Teeboom

This \$108,000 is here because Alderman McCarthy moved to hold at the full Board level, this is from the committee level, but the full level the legislation appropriated the \$108,000 until the Board of Aldermen saw our budget. Here's a budget. A budget is a budget. It doesn't mean you're spending according to the budget. It is a best guess estimate. If I remember right, Gordon Jackson has some questions about how he wanted to spend money in his budget. I'm eager to hear. We'll make whatever adjustments we need to make. This is my going in budget. That's why I passed over e-mails so I could send it back to the Board of Aldermen. I personally have no preconceived notion of how this ought to be manipulated. The only thing I care about is that the (inaudible) asked for \$108,000 so I can go back to the Board of Aldermen and say this is the budget. The board discussed it and the board approved it now let's get this \$108,000 appropriated and get on with life.

Gordon Jackson

If you'll excuse me because I'm still confused about this whole issue. Is not this \$108,000 sitting on account that is designated for CTAB and cannot be used by the Board for anything else?

Alderman Teeboom

Correct.

Gordon Jackson

Why do we need to pass a budget to free it up when in fact it's already, and this is a rhetorical question, it's the one that you've asked, if the funds are sitting in an account that is designated for us and Alderman McCarthy wants a budget but at the same time the funds can't be appropriated for anything else, why do we need to work on our budget now when we don't even have fundamentally a plan? That money is not going anywhere. If we need funding for something in an emergency situation, I'm sure that the Board would see to it that we got that money. I don't see any point in haggling over a budget for something that we don't even know what we are

going to do with. This is what, as you've said Fred, is something that is just sort of pulled out of your hat. Why are we going through this exercise when I don't see a need to?

Alderman Teeboom

Because the Board moved on this point. You're assuming the Board is always of great wisdom and knowledge, but I hate to tell you it is not always full of wisdom and knowledge. The point of it is Alderman McCarthy successfully moved to hold legislation until he saw a budget. That passed. That's all I can tell you. We now must produce a budget that we can all agree on to send back to the Board of Aldermen.

Gordon Jackson

My point is I don't see a point in producing a budget or working on a budget when in fact we have no idea what in reality we are going to do with these funds. As you pointed out earlier, we don't have a program director. We don't have an educational manager director. We don't have any of these people in place yet that would help us decide how we are going to allocate this money. It seems that this is just jumping the gun for no reason at all. I still can't follow your logic on why we have to work on this issue right now when it seems that there are other matters that are more pressing from my point of view.

Alderman Teeboom

You don't have to work on this issue at all. This board can elect not to pass a budget. This board can elect to just wait until the PEG program is hired. That's perfectly fine. I'm not going to lose a lot of sleep over that. All I can tell you, and unless you submit a budget back to the Board of Aldermen, that \$108,000 is not going to be appropriated. The \$108,000 that is there is not going to be available. I can also tell you that at least one alderman has expressed to me his displeasure with the fact that we have money we're not spending. Money that sits around we cannot spend, and he indicated to me he may want to move to change the Comcast agreement and send the franchise fees back to the people that paid for it. Because the people have paid for these franchise fees aren't getting their monies worth. That's why this is sitting here. The board can do whatever it wants to do. If you're asking why you have to do it, it is because the Board of Aldermen asked for it. That's why. Not because I asked for it.

Gordon Jackson

I understand that you're hearing these things from various members of the Board. I can't dispute that fact. However, I think if I asked you initially that these funds were, in fact, locked up and appropriated for CTAB. Are you telling me that we're at risk of losing this money if we don't put a budget in?

Alderman Teeboom

No I'm telling you that that money cannot be spent. Starting on 1 July we got other money because the 2007 money has been appropriated. I'm saying to you there's \$108,000 that right

now cannot be spent by CTAB until the Board of Aldermen approves it. It is very unusual for the Board of Aldermen to ask for a budget of special revenue accounts. I've never seen it happen. On the Board we just approved like a \$1 million HOME grant fund. All these HOME Land Security monies go into the special revenue account. The police takes all kinds of grants. All these monies have a dedicated purpose, and they go into a special revenue account. The Board of Aldermen routinely approves them. The Board of Aldermen must appropriate all funding. That's a law in the City. That's the law of the State.

So this \$108,000 if you don't want to spend it, don't submit a budget. Ultimately I think somebody is going to move to have that money – the Board of Aldermen can pass any resolution it wishes. Some member, any member of the Board of Aldermen can submit a resolution that it requests that \$108,000 be pulled out of special revenue account and put back into the general fund because CTAB isn't spending it and spending it on whatever else they feel is the priority. You might have a contract claim at that point, but I'm not sure where that stands because the Board of Aldermen has control over this funding and has control over the contract.

Gordon Jackson

Excuse me, again, if I may follow up I guess is the right terminology. It seems to me that there is so much flying around here. In other words, it is locked up. It is guaranteed by a contract that the Board of Aldermen signed themselves to put these funds aside in that franchise agreement. Isn't that correct? So by their very effort to try and remove it to some other source would that not be in violation of their own agreement? It would seem that CTAB would then have to get an attorney. I'm just being ridiculous at this point. I'm really troubled by all this. It doesn't seem like we're working on something that based upon some sort of paranoia that we're going to lose this money when, in fact, we don't even – the issues that you brought up earlier, it's more important for us to try and impress upon people that we need to get the directors position, the other director's position moving and then allow these people, whoever they may be, to work on how to disseminate and use this money. It's just ass backwards. Excuse me.

Unidentified Male Speaker

I guess this is how I look at it. There's been a lot of work going back years through the creation of the Comcast contract to create a government in education and then later in the game a public access channel. That's something that apparently the community wants and through CTAB a lot of work was put into it. Now we're going down a path of trying to implement this. It's going to take some time. What I understand this motion to be, as I look at it, is kind of a freeing up of money from an accounting perspective. We already have the \$151,000 in money available to us to spend as a Cable TV Advisory Board obviously with the Aldermen's approval. We're going to have some other monies flowing in which apparently is already free to us when it gets here. For whatever reason, this \$108,000 is not free to us until we take some action.

If I voted in the affirmative to this, my understanding would be the vote is simply to make this money become available to us at some point in the future. We have no current plan to spend anything, as I understand it, until we have a PEG program manager on board and then we would through some sort of a committee perhaps make a recommendation to this board on the

equipment what to spend. The motion that we're looking at today, I believe, is not to spend money.

The items that Alderman Teeboom has spelled out here makes sense to me. We're obviously going to need to spend some money on a program director, videographers, startup expense, and equipment expenses. All of those categories makes sense to me that we will have to spend money in the future. I understand what Alderman Teeboom is trying to do, and correct me if I'm wrong, is simply to free this money up from a motion that was made by the aldermen to become free for us to spend some time in the future in these general areas, which we're going to have to spend money on anyway, with a future more specific budget once we have a PEG manager hired. That's how I understand what we're trying to do. If that's incorrect, I'd like to be further clarified.

Alderman Teeboom

As I pointed out at the meeting when this was discussed at the Board of Aldermen meeting when I tried to get the original legislation passed, I pointed out that it's a premature to come up with a detailed budget. This is not by any means a detailed budget. This is a 7 – 8 line items. It's a formation of a budget. Just like any budget, I've often prepared budgets. But the budgets are not authority to spend. Budgets are budgets. They are accounting procedures. Just the budget in the City, when the City approves a budget it doesn't mean that every single line item is going to spend exactly like that line item. In fact I see over at the School Department often such lines items around as time goes on.

I pointed this out to the Board of Aldermen. I pointed out to them that it is premature to ask for a budget. But you see by Alderman McCarthy's memoranda. In fact, he went through the extra effort of asking both the chairman of this board, and we might as well address that point, he asked for information about maintenance of the channel 16. Alderman McCarthy focused on channel 16 not the E channel. He pointed that there are big problems with the sound on channel 16. It is absolutely true. On channel 16 is not in good shape. I don't necessarily want to wait until it's all done. We may be able – we were going to be appointed and approving a technical committee. The technical committee make recommendations. You don't necessarily have to wait for the PEG manager to make every recommendation.

Alderman McCarthy points out the fact that he wants to address the sound issue. He addressed separately in a memorandum to Mrs. Lemieux, which I pointed out (inaudible) and not an individual member and the Board of Aldermen cannot request. They can suggest and recommend, and I put appropriate language in, and it should have addressed the Mayor. The point is he's asking for information. He wants the Board to be up to date. He's actually asking from this board to present to the Board of Aldermen a presentation. I see that happening before too long where this board has to put together a PowerPoint presentation or some kind of presentation back to the Board of Aldermen, schedule a full board meeting to the Board of Aldermen and say these are our plans for the PEG channel and this is how we're going to spend our money. I think that's going to have to happen sooner rather than later. This is not the time.

All I can tell you is this is the way I see it. If you want to add to this budget, going to make it more detailed fine. If you want to delay this thing until some date in the future, that's up to this board

also. Meanwhile, that \$108,000 is not at anyone's disposal.

Gordon Jackson

Fred I appreciate what you're trying to do. I understand what you're trying to do. Quite frankly, the point of the Board of Aldermen is this – that this committee has over the years spent funds on projects that have never come to fruition. There's all kinds of equipment that's been put together that doesn't function. It's been a complete disaster. We have a lot of chiefs here that want to get things done, but we have no indians to implement it. So we've spent money in equipment. We spend money on equipment, and we spend money on equipment. What the Board is saying to us, quite frankly, they are not going to let this money go until we have a realistic plan on how to use and put this money to work. That's what they are asking us to do. By coming up with another trumped up budget that has no reality or doesn't fit what we really need to do to me is just another example of our spinning our wheels and getting no where. I know what you're trying to do here Fred. I don't think we need to deal with this issue right now until we have the necessary people in place, that we've made the appropriate plans and done them carefully, and then say this is the money we need and this is how we're going to spend it, and make that presentation that you're talking about.

Ken Tyrrell

Just one question. Do we need to appropriate this money in any way to actually make the hiring of the PEG program manager or can we make that hire without this money?

Alderman Teeboom

Absolutely. My hope and expectation was that the PEG manager, we're already out in the street for procurement. If we hire a PEG manager before 1 July, that's the only money available to pay for that PEG manager. If we hire a program manager after 1 July, we got, as I mentioned, the '07 money which was appropriated without any budget. This is an anomaly. Therefore I understand the concern. It's just a means of getting this lodged from the Board of Aldermen. It may be that somebody on the Board of Aldermen is taping this and when it goes back to the full Board they say well one of your members said that this was a trumped up budget so why should we approve this money? That's possible. I can't predict what happens in discussion. I'm trying to come up with the best estimate of this budget. Ken if you have any suggestions on this budget that you'd like to adjust, I'd like to hear it. I did put down a PEG program director \$30,000 estimate down because I anticipate having hired this person before 1 July. As you know, that would cover more than 2 months worth of salary.

Charlie Matthews

Just listening to the discussion here. I guess it's my understanding that they were just giving the Board of Aldermen an estimate as to what we would be spending money on and to second what Mr. Farrenkopf said, we're really asking them to approve the \$108,000. Any expenditures from that amount of money would have to be approved by CTAB, and we could adjust these estimates as time goes on and as reality makes themselves here.

Rick Farrenkopf

Again just to follow that up. I hear what Mr. Jackson is saying and since I've been on the board, which is a little over a year I think, I've heard nothing but problems with some of the equipment that we've had in the past. Just to make it clear, my intention I'm focusing more on startup expenses for the educational channel. My intention would be I would not want to see us spend any money until we have a well thought out plan with the right technical people in place, of which hopefully the PEG chairman would be one or the PEG manager would be one. I'd like to be a part of that. There are some other folks that I know that have expressed interested. We'll have a well thought out plan of technically what we need to buy, what would be nice, what we need day one, what we might need moving forward. I see that well thought out technical plan coming forward before we actually decide we're going to spend specific dollars on specific items.

Again, my understanding and I think I'm in support of this, my understanding of this is simply to free up money for us to in the future make that type of expense. It sounds like it is some sort of an anomaly, which I'm not going to try to understand the politics of it if you would or how that works. If the understanding of this motion is to simply free the money up so that we could hire a PEG manager earlier rather than later, the expenses that Alderman Teeboom have put in here line up with what I know the expenses will be. Generally they are categories only. They are nothing specific here. I see no reason why not to move forward. I think it only makes progress quicker and easier.

**MOTION BY ALDERMAN TEEBOOM TO ACCEPT THE PROPOSED BUDGET
MOTION SECONDED**

Alderman Teeboom

We don't need seconds. I can address the specifics again. I think Rick pretty much nails it down. I tried to get some information from different inputs. I did receive inputs from Rick and I received inputs from Gordon. I did put in government upgrade \$20,000. I do think even before we hire a PEG program manager, the technical panel we talked to a minute, we need to talk about getting the sound improved. I put in \$20,000 for G channel upgrades. That should not wait until 2007 to happen. There have been complaints about the recordings within this chamber, and a lot of the reportings (inaudible) has to be taken a look at. Sounds are not picked up properly. McCarthy is recommending voice activated video cameras. I'm not totally sure. I didn't think that would work in this chamber. I got \$20,000 for the G channel upgrade. If people want to put more money in for that budget, I'm open to it.

The PEG program director that covers about 4 months worth of salary. I don't think there's 4 months left in this fiscal year. I've got videographers here. I got transcription services. Right now we have no – minutes are not being transcribed. They need to be transcribed. Maybe turn the tape over to someone to professionally transcribe our minutes. They don't have to be verbatim, but there should be an accurate representation. Again, custodians for a lot of money and therefore we have to be careful with the minutes.

I have an E channel startup facility. All of these things will have to be adjusted by the technical committee, which we're going to talk about next on our agenda. This is my going in budget. I'll open all ears that want to add or subtract from this budget.

MOTION CARRIED

- Set a date for the technical subcommittee meeting

Alderman Teeboom

Before we set the date, I think we need to first establish by vote that this is the technical subcommittee. If you look at our Policy and Procedure Manual, the chairman introduces a recommended staffing but the board has to approve his recommendation. I would like to address the technical subcommittee at this point before we set the date of its meeting. Can I do that at this point?

Andrew Cernota

I think this is probably a good place to do it. Perhaps we should start by – is there a motion to accept Chairman Lecius' nominations and to establish a technical review subcommittee and then we'll discuss it and handle amendments after that?

Unidentified Male Speaker

Could you read that into the record?

Andrew Cernota

In fact, I have a copy of it.

Alderman Teeboom

There's a motion for that.

Andrew Cernota

Chairman Lecius on May 10th sent out a memo asking for the establishment of a subcommittee to review technical issues associated with CTAB operations. He appointed Mark Sousa as chairman. Rick Farrenkopf as vice chairman; Chief Roger Hatfield, Alderman Fred Teeboom as committee members, and Bryan Christiansen to represent Comcast. The scope of the committee would include but not be limited to review of connection points, equipment purchase systems, upgrades, and other areas that they may deem appropriate. The committee shall report back all recommendations to the full committee for action.

**MOTION BY ALDERMAN TEEBOOM TO EXTEND THE RESPONSIBILITY OF THE
TECHNICAL REVIEW SUBCOMMITTEE TO ALSO TO THE INTERVIEWING FOR THE PEG
PROGRAM MANAGER**

ON THE QUESTION

Alderman Teeboom

The reason for that is this board meets once a month. As you can see, it is fairly difficult to get things done on a month to month basis. The PEG program manger, if the RFP goes out, has to go out to an interview process. I think this subcommittee would make an excellent panel to do the interviewing and make a recommendation back to the full board about the candidates that have been discussed during closed session. A non-public session if we so desire and if the candidates desire under the Right to Know Law. First of all I would like to amend and vote a separate motion to see if the board accepts it to extend the responsibility to also interview for the PEG program manager as director. That recommendation back to the board just like any other recommendation back to the board as to who that panel recommends. Could I make that motion and have a discussion about that?

Diane Sweeny

There is a discussion. You have chairman as Mark Sousa. He is no longer the Mayor's representative so he would not be able to be part of this.

Alderman Teeboom

I'm a little confused. I have a motion to amend on the question of the interviewing.

Diane Sweeny

Mark Sousa is no longer part of the board. Kelly Dowling is the Mayor's new representative. We should change that name.

Alderman Teeboom

I have another series of questions about the makeup of the board. I would like to have that come back to the main motion if you don't mind. I have other questions.

Andrew Cernota

We'll deal with the motion to amend to include the interview process, then we'll go back to the makeup of the board.

Charlie Matthews

I have a question about the Alderman's motion. I think it would be good on the interview team to

also have perhaps have the vice chair or the chair present on CTAB. I think not just the people who have the technical expertise. I think this job is going to be involved involved in programming and other aspects. I think I'd like to expand perhaps.

Unidentified Male Speaker

If we were to, I think we might want to set up a different ...**end of Tape 1, Side A...** My suggestion might be to set up a different committee to interview the candidates and make recommendations. It could include members of the technical subcommittee.

Gordon Jackson

I think I concur in that recommendation. I know we have an amendment on the floor to add that responsibility to this committee. My concern is that the function of this committee seems to be in conflict with our own, if I may, with our own procedures wherein – and I'm not sure what the function of this committee is really supposed to do. According to our procedures here, it says that the PEG director is responsible for the overall management community access television which includes recommending on all equipment to be purchased and aiding in the purchase, so forth, and so on. This technical committee that we're putting together what is its role to devise how all this is supposed to function and design the actual implementation of these channels? Looking at the members, and I think Fred's brought this to the point too, that very few of these people have any technical backgrounds. So to put non-technical people on a technical committee to me does not make a lot of sense here. The whole issue seems to be somewhat convoluted to begin with. I agree with the suggestion that a separate committee or this committee as a whole deal with the interviewing and looking into the employment or contractual agreement between this director and the Ed channel director.

Rick Farrenkopf

I guess two comments. One I think I agree that a separate committee perhaps should be formed for interviewing of the PEG program manager. It should include the chairman and maybe some of these folks. I'd be more in support of leaving the chairman's motion alone. I'm assuming, and I know it's not Mark Sousa now, but I'm assuming this person will report. I think we talked about this already, will report to the Mayor's representative. If it is not Mark, then it would Kelly Dowling.

MOTION BY ALDERMAN TEEBOOM TO WITHDRAW HIS AMENDMENT

Rick Farrenkopf

In a follow up to Mr. Jackson's comment. I think I was the one that originally asked for this technical review committee. I had sent a note off to the chair. The intent, again, is not for these folks to sit down and decide what equipment we will purchase. I would not be in support of that without the PEG manager in place. He needs to be part of that process. What I was concerned about was that through the contract, Comcast is currently in order to meet their obligations, they

have some data obligations. Comcast needs to do wiring at specific points throughout the City. Those being several within the school district, Stellos Stadium, our public library. They need to proceed with that. They also have some needs for some decisions to be made on where wiring gets terminated.

I was suddenly becoming concerned that there was a much different understanding of what Comcast's obligations were amongst the members of this board. I had suggested, and there was some e-mails flying back and forth with some late opinions of things that I wasn't sure met what Comcast obligations were. I had suggested a committee to get together to include the folks like Mr. Jackson, Mr. Teeboom, and some other folks so that we could try to come to an understanding of what the Comcast contract states. What Comcast wants to do because within my schools, I want to move forward that I don't want to go contrary to some people's understandings and be perceived that I'm doing something other than fulfilling what's basically in the contract. I wanted a subcommittee so that we don't have to do this in microphones and take months at a time to get through this simply to get those people who seem to be not quite all on the same page, on the same page, and then perhaps come back here and report. Again, the idea is not to start to decide on equipment, but to come to a common understanding of what's already in the Comcast contract and what Comcast already wants to proceed to do at those locations.

Alderman Teeboom

This committee, to me, is necessary and I asked for it also. I completely concur with you because we're not talking about just buying equipment. We're talking about an entire PEG design. I think Gordon actually brought us to focus. He certainly jogged my attention. I hate to see him go really because Gordon has a lot of experience. He's saying things that make a lot of sense to me like why is it television only? I got a lot of comments from people who say I can't watch these proceedings and I don't have cable. Well today you have a thing called Internet. There's absolutely no reason this service can't be set up so somebody can dial up on the Internet, bring down the player – I do it all the time on audio. I don't do it on video necessarily. You watch the proceeding without having access to the cable television. Maybe it flies in the face of what the franchise fees are all about in the first place. The fact of it is that people watching these proceedings have to be Comcast subscribers.

That brought up the question is what really design are we trying to do? We talked about a PEG design. We got all these access points. We can have a P channel eventually, a G channel, and an E channel. How does that all work together? I think Gordon drew up a little simplistic diagram and start saying about where is the central server? You don't have to have 3 different servers for 3 different channels. You can have 1 server for 3 different parts.

That got me to thinking about we need some kind of a committee that the PEG director can work with as well because meeting once a month is difficult enough. You can see we just spent 15 minutes talking about something as simple as a little budget. Can you imagine getting it to the complexity of technical issues like how to best design the server? That's number one.

Number two then that gets to the make up of this committee. I'll tell you I'm not too happy with it.

We're now talking about the committee. Mark is a terrific guy and I really like him. I don't know why the Mayor let him go as his assistant because I think he did a terrific job. Mark is not a technical guy to my knowledge. I don't quite understand why Rick Farrenkopf is not the chair of this committee. I was going to ask Rick why he had turned that down or was asked to turn that down? Can I just defer that question to Mr. Farrenkopf. Were you asked to be the chairman of this committee Mr. Farrenkopf?

Rick Farrenkopf

No I was not.

Alderman Teeboom

If you were asked to be the chairman of the committee would you serve?

Rick Farrenkopf

I'd prefer to have someone like Mark or Kelly be a chairman of that committee. I certainly would want to be a part of it so that I can understand it and put into the technical issues that we're discussing. I wouldn't want to add to my plate already being the chairman of that committee.

Alderman Teeboom

Would Ken Tyrrell be available to chair the committee? Can I defer that question?

Ken Tyrrell

I don't feel I have the time to commit to this. I would certainly participate and be a willing member of this committee, but to be the chair I don't think I have the time.

Alderman Teeboom

See that's another issue I have. I don't see Ken Tyrrell's name on here. There are two people that ought to be on this committee, bar none, it ought to be Rick Farrenkopf and Ken Tyrrell. Ken runs everything technical in this building, in this City Hall. Rick you're pretty much doing everything in the school department. In between that is the fire department, and Hatfield is on there. First of all, and I'll make in a motion in a minute, that I'd like to see Ken on this committee.

It also gets me to the question of the chairman. Maybe the chairman does not have to be a technical person but he certainly has to be available and has to be able to get people together. I hadn't seen this to be necessarily the administrative assistant to the Mayor. There's no requirement for that. In fact, Mark is not a member of this board. Mark is the Mayor's representative. There is no provision for the Mayor's representative to be a member of the board. I don't know why not. That's the way the resolution got structured. That's not in our ordinance books but we could change that but that's the way it sits right now.

It doesn't have to be that if Mark – just because Mark is not in position he couldn't chair it. I feel more comfortable with Mark chairing it than Kelly because Kelly is brand new. Mark's been around for a long time. Mark has attended all of our meetings here. Mark is up to date on what some of the thinking is. If Mark is available, he ought to still chair it if at least we don't mind having a non-technical person chair it. I prefer to have a member on the board chair it perhaps a member of the board. I don't know who to turn to? I'd offer my own services but I'm just a liaison so it doesn't matter. I do like to be a member because I think I have the background. I'm not all that comfortable with Mark Sousa being the chair. We ought to have a member of the board – I don't know who to actually recommend at this point. I hadn't really thought about that all that much. I'd hope that Rick would take the job. He won't. I would certainly like to see Ken added to this line up. If nothing else, stick with Mark unless Mark says he can't do the job.

Charlie Matthews

I just have a question about this. It's my understanding just reading the memo from Chairman Lecius that it's his prerogative to pick the members of the subcommittee, and he has appointed them. I don't think there is any action we need to take at this time. Perhaps Chairman Lecius might want to change the composition of the subcommittee at some time in the future. He hasn't asked us to participate in this.

Alderman Teeboom

The previous policy and procedures was silent on the whole question of a chairman's responsibility. The current document that this board approved is no longer silent about that point. This is standard parliamentary procedure. Any appointments made by the chairman have to be approved by the membership. No it's a fine point to say should the membership overturn the members appointed and Chairman Lecius is not here. It's probably not a fair thing to do. I am not here to be a rubber stamp just because Chairman Lecius – primarily because Ken is not on this. I'm perfectly willing to have us not approve this committee if you don't – but the board can make changes as far as I can tell to this make up.

Rick Farrenkopf

I don't know if this is appropriate it not. I'd like to move to table this until our next meeting when the chairman is here. If that's appropriate or not?

MOTION BY RICK FARRNEKOPF TO TABLE APPOINTMENT OF MEMBERS TO THE TECHNICAL COMMITTEE

ON THE QUESTION

Unidentified Male Speaker

I'd like not to table it only because, again, I'm kind of stuck in the middle where Comcast wants to at some point, I mean this is May, their obligation is I believe in the contract August. So they're trying to move towards their contractual obligations. They want to move forward with actual work.

I want to make sure that that work is understood and approved by CTAB. I would not want to table it. I want to move forward. I would defer to the chairman's motion and support this. I would love to see Ken on the committee. If he can't serve on the committee, then I'd want to see him invited to those meetings. I'm suspicious that Chairman Lecius wouldn't have a problem adding Ken if he were willing when he came back and amend this. For now, I'd just like to move forward and get something in motion.

MOTION BY RICKFARRENKOPF TO WITHDRAW MOTION

Unidentified Male Speaker

I have a question though if I may this is going somewhat in circles. Rick do I understand that the connections that these connections from the various points in the schools and other educational facilities have they been made or have they not been made? In other words, in talking to Jim my understanding from what I can gather in talking to him is that the lines have all been set and they all connect up to the head end at Orchard Street.

Alderman Teeboom

That's out of order. I'm sorry. We were talking about an amendment. We're not here to talk technical discussion.

Unidentified Male Speaker

The reason why...

Alderman Teeboom

Out of order. Out of order.

Unidentified Male Speaker

Can I ask you a question?

Alderman Teeboom

No. The motion is to table and not to take...

Unidentified Male Speaker

I withdrew it.

Andrew Cernota

So we are talking about the approval of the chairman's request (inaudible)

Alderman Teeboom

The motion is to table. That's a priority motion.

Unidentified Male Speaker

I withdrew it Fred. I withdrew my motion.

Alderman Teeboom

I'm sorry. Was your motion to table?

Unidentified Male Speaker

Yes.

Alderman Teeboom

I'm sorry. I apologize. I don't know (inaudible)

Unidentified Male Speaker

I'm only trying to get at is Rick seems to feel he needs to get this work done with Comcast. What I'm trying to determine is where this – I understood that the lines were already laid and were all wired to the head end at Orchard Street. Is that correct?

Rick Farrenkopf

I want to answer that. I also, I hope this is not out of order, in addition to adding Ken I'd like to see Mr. Jackson on that committee. I know his expertise. I meant to mention that.

Gordon Jackson

On of the things that he may have missed when you hadn't arrived yet (inaudible)

Rick Farrenkopf

I didn't know that. I was going to say I know that Gordon has a tremendous amount of expertise, and we could certainly use it. I didn't know that. I'm sorry to hear that. In answer to your question, we had discussed probably – Comcast had asked us 2, 3, or 4 months ago who the main people at the various buildings were. Again being within the school department, within the public library, Stellos Stadium, and I was named as obviously the contact person in the schools. What Comcast has done to date is they've brought wiring, if you would, through the outer wall. So at district office and at our high school north and our high school south they've brought both fiber and COAX cable depending upon the location through the outer wall and it is into the building if you would. It's not made to the final termination points. As an example an origination

point for us at north logically would be our north lecture hall because that's where our Board of Education meetings take place. They have not done that wiring. I've also talked to them about doing some additional wiring that I think makes all the sense in the world to do while they are doing wiring. Again my concern, I know that Alderman Teeboom had talked about a technical committee at some point in the past as well, but my concern for this committee is just I'm a little bit concerned just because I want to make sure that what is going on within the schools with Comcast we are of a full understanding of. That's where my concern was. Some of the wiring has been done. It's within the walls of those buildings. There's additional wiring that has to happen in order for Comcast to meet their obligation. I just want to make sure that we are all on board with what they are doing. What they are doing really is spelled out in a contract. I mean I agree we want to do this as smartly as we can, but a lot of that is depending upon what we can afford. But to meet their minimal obligations, that's why I wanted to meet.

Unidentified Male Speaker

I guess the concern we have is that they don't directly connect all those points in parallel to their head end so that we have them come out of these various points into a switch so that we have control, or you have control as to which source you want to select. We don't want them to run in parallel 5 lines up to their head end. The only way we can control that is through them. We want to be able to control it at our end. I hope that that wiring hasn't been done. I know I'm sort of out of order here but my time is limited. I'm going to turn into a pumpkin in two hours. That was my concern that if they haven't got the wires done, then let's get your committee together so you can head that off and tell them where you want it done.

MOTION BY ALDERMAN TEEBOOM TO AMEND MOTION TO ADD KEN TYRRELL TO THE TECHNICAL COMMITTEE

ON THE QUESTION

Unidentified Male Speaker

It puts me in a difficult spot because I want to honor Chairman Lecius' original motion. I'm going to trust that he wouldn't have a problem with this. I would certainly love to see Ken Tyrrell on the committee. I would support that.

MOTION CARRIED

**MOTION BY ALDERMAN TEEBOOM TO APPROVE CHAIRMAN LECIUS' APPOINTMENTS AS AMENDED
MOTION CARRIED**

Unidentified Male Speaker

Just a point of clarification. We still need to find out whether Mr. Sousa is going to be able to be chairman.

Alderman Teeboom

That's done. He's part of it. He's voted on. That's it.

Andrew Cernota

If he's unwilling to serve in that position, I'm sure that we'll...

Alderman Teeboom

We'll have to revisit that. I presume that he agreed to that.

Andrew Cernota

As far as scheduling a meeting for that committee, perhaps that is something that the committee members themselves want to deal with and then report back to the remainder of the committee by e-mail so that we know when that meeting is. Is there any discussion at this point from...

Alderman Teeboom

There's one other item. I did want to say by the way – the meetings are part of the subcommittee. They are under the Right-to-Know Law. They get announced and posted. I'll make sure that they are shown in the calendar. I think the community at large may be interested. I for one want to see a complete layout. I'm very concerned about what (inaudible) is telling us about overall design. I want to review that design with you. Not just because I don't trust Comcast or their cable, they are a very expert at it. How does that whole thing fit with all these connections points? Where are we going with the design? We don't have a PEG program manger yet, but we can certainly – and this type of a committee will stay in place for quite a while it seems to me because it will probably work with a PEG program director. We'll have a separate committee we'll have to form to do the hiring.

Back to the agenda item, I have a memorandum which we did not discuss which is the P channel funding. I want to briefly address that question if you don't mind. Then we can ask for audience input. As you may know the public access channel did not get funding for '07. It used to be a 505 account and have the videographer accounts and all that. That account is zeroed out and no money has been put in place because we have the one percent funding we talked about earlier.

The fact here that that one percent funding is for the government channel and the education channel not the public access channel. So we have no funding. It's a public access channel. It's not going to happen any time soon. That concerns me. The fact of the budgeting process. We're getting a 3 percent franchise fee that amounts to about \$650,000 in general revenue. It's a line item you find in the budget, and that goes into undesignated funding. Meaning it goes to wherever the aldermen decide to put it. Whether it be the school department, public works, or any other department. The fact of it is there is no money now for public funding. I don't know how we are ever going to get a stable source of public funding because I can just see the argument going – gee you're talking money away from the education of our kids. We are not

hiring teachers. We're firing teachers. You're all aware of the arguments within the City that many of us had to deal with on the board. All of us had to deal with on the board. It is very difficult in that situation to say oh by the way I want \$100,000 set aside for the public access channel programming. You can imagine if you brought that up during the meeting in the high school auditorium, I'm not sure you would have walked out alive. I have a problem. The problem is the way it is set up. In '05, a year ago, when the Comcast contract was discussed there was considerable public input, myself included at the time, about wanting a public access channel. Even the contract mentioned the public access channel, funding was not set aside within that contract. There was an attorney's note, Attorney Epstein said I have specifically not made funding available with instructions to this board and to that then Chairman Hersh. I don't know what the inclination on this board was at the time. It seems to me there was a bias against public access programming. When it came before the Board of Aldermen there was discussion. There was expressed interest in getting a public access program. No one on the Board of Aldermen made a motion to amend the contract to put some portion of that 3 percent aside for public access funding. If it had been one percent, it would be like the E & G channel. I'm not even talking about one percent. We're talking about a fraction of that.

Right now there is no money set aside. It has to be appropriated by the Board of Aldermen during the annual process. From what I can tell, it is not going to happen. It didn't happen this year. I don't see it happening next year. I don't see it happening the year after. If you have to hire an independent contractor, at some point when you have some funding you can't even tell them if we can't get funding for you next year you may be out of business. It is a terrible way to try to run a public access channel. You have Nashua is one of the few communities that does not have a public access channel. I'm justly concerned and I would like take CTAB – maybe this is not the time to bring it up now, to start thinking about moving to change the Comcast contract. The way that would happen is that this board can decide if we want some amount of money from that 3 percent set aside for public access channel. Let's call it a half a percent as an example. This means \$108,000 a year. Can you run a public access channel on \$108,000 a year? Possibly. I don't know. There hasn't been any discussion about that so feedback from what other communities are doing. Given that then, I can take back to the Board and make a resolution saying lets modify the Comcast agreement. We have Bryan Christiansen who is an advisory to this membership, he's not a member. I don't think Comcast has a problem how we spend the money as long as we don't charge them more money. If we can make that change, we can go back to the Board and arrange a change in the contract. It's not going to be easy. It can certainly be done.

I think we need to start thinking about doing it. This is not the place. I brought it up because I just don't see how we can go along and pretend that we're going to have a public access channel when in the current arrangement there is no funding and in my opinion, there will be no funding unless we make a change.

Gordon Jackson

Thank you. Fred I understand what you're saying. I think if I may just take a moment to solve your problem for you. The memo that I sent out to everybody originally what I was trying to express to you is that rather than build a cable access system as most people have done in the

past. In other words, what has happened in the past as we have seen 3 separate and distinct facilities constructed for access, which is PEG, which is government, educational, and public access. You go to the trouble of building 3 distinct facilities, which means you duplicate everything. In addition to that, this technology all comes out of the 1970s, 80s and 90s. What I tried to point out to you in this memorandum that I sent out is that the industry has leaped frogged that. We're past that now. We are no longer in an analog age anymore. We are now in a digital age. Basically we're just moving data.

What I'd like to suggest to you to think about is not to build 3 separate and distinct facilities but to take the funds that you have and take the energy that you have and build a single facility that can house all 3 of these functions. Basically what you're doing is moving data through a system and someone at the other end turns its switch on their t.v. set and they see a government channel. They see an education channel, and they see a whatever it is channel. For example, a studio is a very expensive piece of equipment to put together. It takes a lot of space and it takes a lot of expensive equipment. Most of the time it sits idle. So why have 3 separate studios when you only, in fact, need one. With judicious scheduling can move any group in there. If they happen to be public people, their programming goes into the server and goes out to the public spigot. Likewise the educational goes out or the government goes out. What I'm trying to say is that if you reject the past, what we've done in the past and what's been done by others you could build a system here in Nashua that would be miles ahead of everybody else. At the same time not have to waste a lot of money in duplication.

I'm not a good public speaker. I'm a visual kind of person. I tried to put this on paper for you and tried to explain this to you. My t.v. station is right here in front of me in this little computer. I can control it from anywhere that I have access to the Internet. Everything is contained in a large computer system. Likewise, I can also do my editing here. So why go to the trouble of building a large editing facility for many people who are waiting in line when the average person with a PC at home could log into the City's editing server that is part of CTAB and do their editing on that particular project. The technology is there where you could, in fact, put together a first-rate facility that would house all of these functions and use just the one dollar for all of them. I don't know if I'm making any sense to you or not. That's what I was trying to convey in my earlier e-mails to you all. That's what I would hopefully like to see put together if we can all come to an agreement on it. Obviously there's lots of questions. Basically you've got on your procedures here positions for 3 people – education, government, and public. Rather than have them working separately if they worked together, there you have a staff. To do all this takes people. It just doesn't happen over night. You need doers. People who are going to sit down and work and get all of this stuff done. If you've got 3 videographers and 3 managers, you have a staff of 6 people that can run this thing.

I've suggested to the City that they could, in fact, use Court Street. There's already a wonderful facility there with a huge lighting grid set up that could house an incredible t.v. studio where you could hold your debates, hold your inaugurations, public access, use it for dances and plays, education, whatever you want. That would also help underwrite that expense of running that building plus there's parking for the public and that sort of thing. This is why I've been trying to hold back on rushing to get a lot of stuff done because I think we need to sit down, or hopefully you will sit down and work out a clear and concise plan on how to make something for the future

rather than trying to replicate things that have done in the past that don't make any sense. That would solve your problem Fred. All that money that we're building now for education could also be used for public access.

Alderman Teeboom

No it can't. One thing you can't.

Gordon Jackson

Listen Fred. Why can't it?

Alderman Teeboom

It's an important point. I took this up with Attorney Clarke. I asked her that precise question. The Comcast agreement specifically says that the money that we're talking about here can only be spent on E and G. So as soon as you have a part of that server SP you can't spend it on that. The Comcast agreement is written as if there were 3 separate – exactly the things that you say we shouldn't be doing.

Gordon Jackson

I'm talking about facilities Fred. You mean to tell me that – a man couldn't sit over there in an office and people come in and sign up for public access and you're saying they can't use that facility?

Andrew Cernota

Actually I think that is correct. With the particular contract language that's in place, the money to fund those people they're essentially be paying their time. Their time that's being funded with that money coming from that Comcast contract is tied to the education and government side of things. If you broke it up so that they had a certain amount of time on public and a certain amount of time on education and government, the part of their time that, in essence – part of their salary – the funding that public side of things wouldn't be funded with the money that is available to us under this current account. The same thing you'd have to some how fractionalize the pricing of the facilities, the equipment. I don't know if we're in a position to do that. We could request an amendment of the contract to allow that one percent that we have currently to be used for any of those 3 public, education, or government facilities. As it is written now, it is specifically for the education and the government.

Gordon Jackson

I'm not going to take a lot of your time to discuss this. All I'm saying is that if you think about it and plan it carefully you can kill 3 birds with 1 stone. I can be done. If it means getting some changes made in procedures and policies or whatever, I think you could do it. That's what I hope to see. Like I said, why build 3 separate structures when 1 house would serve it all. That's my

two cents on that. Like I said Fred, if you could do it that way you don't have to go back to the Board and say we need another \$100,000 to build a public access facility because we have something that works for us. It's all a matter of technology. It's just using technology to your advantage to make this work in a way that you'd like it to do.

Alderman Teeboom

That is a significant point that Gordon is making. What Gordon's point is if you do it right, not only can you get on the Internet you can combine it all. We could go back to the contract and say just change where it says E and G and call it E, G, and P maybe to combine funding but do not allocate any additional funding. That is the one percent pays for P, E, and G. If we don't have to have additional funding for the P channel. The Board of Aldermen would probably love that one. I don't think Comcast cares. I'm not at all – I'm pleased with the kind of stuff that you're saying. I must caution you a little bit that you are in a little bit difficult situation here in that you are going to be competing for the PEG program director's position. So just let me just caution you on two things. One is not to go into it too far because as Attorney Clarke said you may – she addressed the fact that the committee discussion before you resigned. Second of all, you may want to keep some of this stuff to yourself in a situation where you're interviewing with us.

Let me just say that the kind of stuff that Gordon is talking about makes, and from my technical background, makes a great deal of sense. My god I'm the second most conservative member on the Board of Aldermen after I think Mr. Dion. If you can accomplish these things with less money, greater efficiencies, boy I'm a 1,000 percent in favor.

Gordon Jackson

I don't want you to forget a couple of things. The existing municipal channel is in bad shape. I know we're rushing to get new things done, but I want to encourage you to take some time and go back and try it and deal with some of the problems in the existing muni-channel. It's held together with spit and glue right now. It's hanging by a thread literally. It has a lot of technical problems as you've already seen if you're not watching it.

The other thing that occurs to me is that there is some basic components missing in our high schools that if a few dollars were taken out of this pot that we have now, again I don't know how you are going to do this, but if a few dollars were taken out of this pot now a lot of those systems over there could be completed. That is to say even with some simple fiber optic transmitters and receivers, the 2 high schools could be connected. Apparently from what I understand from Jim is that the fiber is in place but they didn't budget the receivers and transmitters, which are a couple of duplex would probably run you less than \$10,000 for both. I think that given the ed department given that opportunity then could look at doing some communication between the 2 high schools and not having to bus students back and forth. That opens up, I think, a lot of opportunities for the high school. If that could be put somewhere in that ed budget, I think that would be a great assistance to the Department of Education. Like I said, those are things that I think that you don't want to forget about. There are systems now that need maintenance and need attending to before you jump into this grand plan. That should be kept in mind too.

Andrew Cernota

Okay. If there's no further general discussion, I'd like to see if anyone in the audience has any comments that they would like to make.

PUBLIC COMMENT

Jack Kelley

Jack Kelley, 12 Skyline Drive. I'm also a member of the Board of Education. I have just a couple of comments here. First I've heard a lot of comments here tonight especially from Mr. Jackson concerning central servers, and central connections, and whatever on the educational channel, the government channel, and so forth. It seems to me that this committee to a degree has already decided that there is going to be a facility within the school somewhere that is going to process this educational channel. To my knowledge that has never been brought before the Board of Education. It has never been approved by the Board of Education. With the current policies and procedures that are going to this Personnel and Administrative Affairs Committee, I don't think it will be approved by the Board of Education. So some of these assumptions I think people have to step back and think about. I'm not trying to put Mr. Farrenkopf on the spot here. He has brought us all of this information as it has been brought up at this board. These things seems to be discussed amongst yourselves without getting any input from the facilities where you're planning to put these servers, these connections, and so forth.

I agree with what Mr. Jackson said. I think it's perfectly wonderful idea to have these all consolidated in one location. Court Street sounds like an ideal location to me. The idea that possible use of a television studio at the South High School is going to be the facility that will be used to make any of these education, or public, or whatever programs is not anything, again, has been brought before the Board of Education or approved by them. That facility was built partially with State funds as an educational facility to be used as, I believe, a vocational – correct me if I'm way out of line here Rick, as a vocational facility where we got funding from the State to be able to bring in other students similar to some of the other programs that are being run in the high schools. So to turn it over and have the public at large use it, I don't believe we can even do. I just want to make sure this board understands that and is not making assumptions on facts that they are not fully aware of. Having said that, I'm not saying that any of this cannot be discussed, cannot be worked out, and cannot be brought to any conclusion that would be satisfactory to everybody here. I just want to make sure everybody is aware of these facts. To me there appear to be some assumptions that I'm not, in fact, facts right now.

Andrew Cernota

If I might just briefly put your mind at ease. We have not made any assumptions along those lines. We have not made any decisions as far as where any equipment would be located. That is still something to be discussed that hasn't been – there's been no decision made at this point and very little discussion. I know people (inaudible) to the idea of the school facilities, but beyond that there's not been any determination or any perhaps other members of the board might.

Rick Farrenkopf

Just in light of the whole conversation, I think where the Cable TV Advisory Board is at this point. This is my understanding is that they understand that the television studio itself is not meant to be any kind of control room or really any connection in any way, shape, or form. At least this is what I hope and this is what I think we've discussed to the educational channel. What we've talked about is the television studio like any other locations in the schools could be a source of content so that someone could take a camera to any classroom and create content that might go on to the educational channel within the t.v. studio where Mr. Pfeiffer creates content today. That could become content on to our educational channel. But that the educational studio is a total separate entity from the education channel. There is no correlation at all.

I think to the point though that is being brought up, and this is getting back to my concern and wanting to move forward a little bit with the technical discussion, the contract as it exists and our policies all point currently towards an implementation where there – and I'm not saying that this is technically the way that we should go, but where we are and where we are currently heading points to a direction that says that we have a separate educational content source and a separate government content source. The place where that content source gets originated right now is within one of our schools for the educational channel. I'm not saying that that can't change. We can address that as we move forward. The wiring that Comcast is doing dictates that the content source is within one of our schools.

We have discussed – I've brought to the board a thought, and absolutely correct no vote has been taken, that we could potentially use some space in one of our schools where we could house things like a video server, like a character generator, or whatever if that's the way we went. So guess I just want to reaffirm that I don't think CTAB has made any decisions. There has been discussion, and I hope that I've made it clear. I've tried to. That the educational studio is a totally separate entity and should not be considered. I'm hoping that I addressed some of those concerns. There are some valid concerns moving forward.

Gordon Jackson

I would also add to that that CTAB hasn't made any decisions as to where any of this would be housed at this point. Also just to bring to your mind to recall that one of the problems in this is access. What I mean by that are just the operators themselves needing access. For example, right now no one can access any of this equipment in City Hall because City Hall gets locked up as of a certain time. We can't get in here to do anything. Likewise with the schools. The schools are locked up. You can't get in to do anything. Television is 24/7. You need to get to it. You need to keep in mind that you want to put it some place that is accessible for those people who are trying to operate it.

Alderman Teeboom

I just wanted to add. The debate we've had of who is in control and the hiring and firing of managers. I think that's been the debate here not where things are located. I do want to point out to you that, since you're a member of the Board of Education, the meeting on the budget was held in South High School. The television programming started off – I watched it on Sunday

because I was not there on Friday night, it started off it was terrible for an hour. You can't track anything. The noise was awful. I called somebody who called somebody, who called Mr. (inaudible) who went in on Sunday, I believe, to fix the server and got the sound back. That is a school facility used for public hearing for the entire City. So we have to have access to the high school, both North and South, to broadcast these programs. That would have been a government program feed not an education program feed.

Furthermore, we met with Mr. Pfeiffer. I'm kind of sorry to see Mr. Pfeiffer not on this committee. We have had a meeting with Mr. Pfeiffer. You were not there. You were going to be there. Rick was going to be there. Chairman Lecius was there. We talked about facilities. You pointed out to us that he could not use the school facility for program content generation, which was my original thought, because it's a learning facility. He did not want a learning facility turned into a production facility. So we took note of that. We changed that plan. There is nothing in the Policy Procedure Manual right now that says that this shall be the location. In fact, we've taken some language out that we talked about earlier that even suggests cooperation between the education channel manager directly working with Mr. Pfeiffer and the production studio. We're going to take that language out even.

Mr. Rick Farrenkopf has been a member and advocate for school operations. So it's not that we haven't had discussion through him with the Board of Education. I'm aware of this. For instance a briefing presented to the Board of Education and I have a copy of that PowerPoint briefing. I don't quite understand. I understand your concern. We're going to have to take care of this. We have talked about this at length. We talked about tying the high schools together, and we're going to bussing, and maybe there can be a common objective between what the education channel is trying to do, and we're trying to do internal for your plans in the school – wiring up the schools. There is a feed to Ledge Street. There's a feed to North High School. There's a feed to South High School. All that was intended to tie the television community in with the school system.

Rick Farrenkopf

I don't want to belabor this because time is of the essence, but to support a little bit of what some of Mr. Kelley's concerns are. I was at that meeting when we met over there. I was there. I think where Mr. Kelley and the Board are coming from is regardless of what ends up being there are some implications from the actions we've taken so far based on what's in the policies, what's in the contract. Those implications are that there will be a facility in one of our schools. Again, I'm not saying it has to be. But those are the implications.

The implications are that we are going to hire an educational t.v. access manager who is going to be within our schools, having the ability to interact with all sorts of people. The concern has been how much input and control into the hiring of this person does our superintendent have. That's where some of the concerns are and where some concerns may still be. I think what Mr. Kelley is bringing up is that we need to make sure that the Board of Education is fully apprised and continues to be of the actions that this board is taking. The implications are that there is a facility that will need to be at one of our schools. That's just an implication. Please understand what I'm trying to say. The implication is that there will be a person within one of our schools that needs to

be there to control what goes on to our educational channel the way that things are moving forward today. So there are concerns the Board ought to have. We need to continue to do as best a job as we can of making sure that we get their input and their blessing before we make decisions that affect the schools.

Jack Kelley

The second point I had comes directly to what Mr. Farrenkopf has just said. Since the January meeting minutes were posted on the website, the public has not seen the minutes to any meeting you people have had. There are no public records out there with any of your meetings. There is no way for the public to hear other than through rumor and innuendo. We have been informed through Mr. Farrenkopf, but the general public has not been informed, of how this has been going on. I'm aware. I've gone to Diane Sweeny to get the copies, to look at video, and I've purchased videos of various meetings so that I can find out what is going on. At the present time, you folks do not have any of your minutes out there to the public. So the public is not informed of what you are doing unless they happen to be sitting at 8:30 on a Friday morning and viewing this. That is part of the perception out there that is a problem to people. That's all I have.

Coleman Kelly

The question I would pose following his comments about the availability of this information of this board only from the monthly Friday meetings is cannot a tape be made when the meeting is in progress and then replayed at other times during the day to those facilities exist? Would be the only question I would pose and whether or not there would be a willingness to do it. That way the information could be available to the public. Thank you Mr. Chairman.

Andrew Cernota

I'm not sure about the replay schedule. The tape is being made at least for the April meeting since we ran out of audio tape that would actually be the record of that meeting. As far as the posting on the websites, we've had some problems with that in the past. We have been working on that.

Diane Sweeny

Since we've had a clerk, those meetings have been put up on the web site. Since we don't have a clerk, that's when we started having problems of not having any minutes at all. So we have nothing to be able to post. I do have the audio if anybody ever wants to come and use it, and listen to it. We do tape the meetings. We keep them for a month so if anybody wants to come into my office and take the film and return it back to us they are more than welcome to.

ADJOURNMENT

**MOTION BY GORDON JACKSON TO ADJOURN
MOTION CARRIED**

The meeting was declared closed at 10:35 a.m.

Committee Clerk