

CABLE TELEVISION ADVISORY BOARD

AUGUST 11, 2006

A meeting of the Cable Television Advisory Board was held Friday, August 11, 2006 at 8:35 a.m. in the Aldermanic Chamber.

Members of Committee present: Alderman Fred Teeboom
Andrew Cernota
Dennis Ryder, Citizen Representative
Paul Johnson, Citizen Representative
Ken Tyrrell
Charlie Matthews
Dorothy Clarke, Esquire
Roger Hatfield, Fire Chief
Kelly Dowling, Mayor's Appointee
Nick Darchik
Diane Sweeny
Ed Lecius (arrived late)

Members of the Committee absent: Bryan Christiansen, Comcast
Rick Farrenkopf

READING OF MINUTES OF PREVIOUS MEETING

Andrew Cernota

The official was actually the June 23rd meeting. Minutes of this were distributed prior to the July informal meeting. If there are any comments regarding the June 23rd minutes.

MOTION BY ROGER HATFIELD TO ACCEPT AND PLACE ON FILE THE MINUTES OF THE JUNE 23, 2006 MEETING

MOTION SECONDED BY KELLY DOWLING

MOTION CARRIED

MOTION BY ROGER HATFIELD TO ACCEPT AND PLACE ON FILE THE MINUTES OF THE JANUARY 13, 2006, FEBRUARY 10, 2006, MARCH 10, 2006 AND JUNE 23, 2006 MEETING

MOTION SECONDED BY KELLY DOWLING

MOTION CARRIED

WRITTEN COMMUNICATIONS

Andrew Cernota

The Chair this morning received a memorandum from Mayor Streeter indicating that he has appointed Kelly Dowling as his designate to the Cable Television Advisory Board. I also received our financial statements from Ms. Sweeny. These were included in the e-mails that went out to the board members earlier this week.

MOTION BY KELLY DOWLING TO ACCEPT THE LETTER PRESENTED TO THE MAYOR AS PRESENTED AND THE FINANCIAL STATEMENTS DISTRIBUTED BY DIANE SWEENEY

ON THE QUESTION

Kelly Dowling

I'd also like to note that the financial reports will be in the approved Policy and Procedure Manual format for our next meeting.

Alderman Teeboom

I only ask that I have not seen the memorandum by Mayor Streeter.

Kelly Dowling

It should be on your desk.

Alderman Teeboom

It is on the desk? Okay. I don't have a problem with it, of course, but I just... That's fine. Thank you.

Unidentified Male Speaker

The new members have not received the financial statements if you have extras?

Andrew Cernota

I have a copy here if you'd like to see them.

Alderman Teeboom

Point of order. I don't think you need seconds any more. We now go by Mason's Rules so even though you may be used to Robert's Rules. The need for Mason's Rules are no

longer necessary.

MOTION CARRIED

UNFINISHED BUSINESS

Andrew Cernota

Our previous meeting was without a quorum so it was informal. That being said there was a number of the action items that were to be discussed are already on the agenda for this meeting. So if there's no objection we will continue on with our current agenda.

NEW BUSINESS ITEMS

Andrew Cernota

First we'd like to welcome our new members Paul Johnson and Dennis Ryder. Welcome.

Alderman Teeboom

Mr. Chairman we have another new member and that's Kelly Dowling. She's been formally been accepted by the Board as the Mayor's representative last Tuesday. Even if she's attended and spoke up, she's really also now the first time voting member.

Andrew Cernota

Yes and certainly we want to welcome Kelly. I'd also like to recognize that Kathy Vitale, the Mayor's new nominee for membership in the committee is with us today. Thank you for joining us.

- Election of new officers
 - Nominations for Vice Chairman

Andrew Cernota

As you all know, we have two positions that are currently open that of vice chairman and that of clerk. We will begin with nominations for vice chairman. The Chair would recognize Chief Hatfield.

MOTION BY ROGER HATFIELD TO NOMINATE ED LECIUS FOR VICE CHAIRMAN OF CTAB

ON THE QUESTION

Alderman Teeboom

I have nothing against Ed. He does a fine job. The problem I have with Ed is that he's never here. He was chairman, and I think he had to resign as chairman partially because there was an issue about whether he would be funded for his position, which is funded. The problem I had with Ed is he just wasn't here. I don't know what his absentee record is but he might have been here twice out of all the times that we met. It's not that he didn't try because we had a special meeting one time at the high school and he appeared there for about half an hour. It seems to me that a vice-chairman ought to be here, and there are a number of members here that have been consistently here. Even though I like Ed, I won't endorse him for this position because I think we need a full-time chairman not somebody who isn't able to get here 80 percent of the time.

Kelly Dowling

Yes Mr. Chairman. Are there other nominees from the floor?

Andrew Cernota

Are there any other nominees at this time? Seeing none I guess we'll move the question.

MOTION CARRIED

- Nominations for Clerk

**MOTION BY DIANE SWEENEY TO NOMINATE KELLY DOWLING AS CLERK OF CTAB
MOTION SECONDED BY ROGER HATFIELD
MOTION CARRIED**

- Proposed changes to City Ordinance governing CTAB – O-06-23

Andrew Cernota

This would affect the chain of authority governing the new PEG manager, which we are currently looking for hiring.

Alderman Teeboom

What I'll do is I'll hand out – I've made 10 copies. This was just approved last Tuesday at the full Board even though it's been rattling around for a while. Let me hand out the copies. I'll briefly go over what the changes are. Basically the changes now – the ordinance which establishes this board is NRO 2-108 by an act of the Board of Aldermen a number of years ago. As you know, we approved the Policy and Procedures Manual that we now conduct ourselves by procedurally. This ordinance in that sense brings us up to date. The lines are documents now. So the enabling legislation of this board and the Policy and Procedure Manual the Board also accepted as well as this board as well as the Board of Aldermen are now aligned and dovetail very nicely. There are a number of changes here. There's basically three.

The first one sets up an accounting system, which is more aligned with the Comcast cable contract. By the way, if anybody wants to see the Comcast cable contract it is on the web. It's available on the Nashua website. You go to community, I believe, pull down Cable Television Advisory Board, and there you see a number of documents. One of them is the Comcast contract. The other document, of course, pulls down is the Policy and Procedures Manual. Anybody that has access to the Internet to the Nashua site can look this up. The ordinances, by the way, are also on line and available if anybody wants to go through them.

So the first (inaudible) on the accounting system that aligns itself with the Comcast contract. Later on perhaps we can talk a little bit more about the financial report. I think that is on the agenda the national report or have we gone through that?

Andrew Cernota

We accepted the financial reports. If there is discussion of what needs to be in them we can take that up later on.

Alderman Teeboom

The first part aligns that and if you want to look at the details of the Policy and Procedures Manual, there is a section in there that describes the details of this contract. The contract arrangement as well as in the appendix – Appendix G or F that talks to it.

The next change is the – it was pointed out by Attorney Clarke who is a member of this board, that there was a conflict. Namely the PEG program manager who is represented for now by Diane Sweeny, cannot be a member of this board and also report to this board. The PEG manager would report to this board for the new arrangement. So that's obviously a conflict. This ordinance removes the PEG program manager from being a voting member on this board. At the same time, it occurred to a number of us that the Mayor was never represented on this board. The aldermen are namely I am, but the Mayor never was. So having an opening, this is a nice place to fill that opening. This establishes the Mayor or the Mayor's designee as a voting member of the board, and that is now Kelly Dowling as we just saw in the memorandum from the Mayor.

The third change is really the reporting structure and arrangement of the PEG program manager. The PEG program manager can this of it as dual hatted – administratively care of feeding of that person, progress reviews, attendance, any disciplinary action necessary, any administrative functions are controlled by the Mayor. The Mayor will assign the reporting structure of the PEG program manager to his appointee. I believe that is also Kelly Dowling. Is that true Kelly?

Kelly Dowling

For the short term yes.

Alderman Teeboom

For the short term. The PEG program manager administratively will report right now to Kelly

Dowling. The Mayor can change that at any time. Basically if you look at the Policy and Procedure Manual, the PEG program manager reports to the Mayor. So that's the administrative position.

The function reporting, and if you're in an engineering background it's quite common, because we are a technical – basically I look at this board as a technical steering committee when the bureaucratic steering committee. The work to be done by the PEG program manager is managerial and it's also technical. So functionally the functional direction would come from this board to the PEG program manager. The words "functional" did not set too well with the Mayor. He didn't quite know what it meant. He wanted a further explanation of what it meant. So the wording in paragraph E explains in more detail what the word "functional" really means. That puts it in legislative wording. You can see that it is comprehensive. The details of what this program manager does, again, I explained in the Policy and Procedure Manual. Unless there are any questions, that's the sum of these changes.

Andrew Cernota

Okay. Thank you. Are there any questions or comments regarding that? If not, I would like to note for the record that Ed Lecius has joined the meeting and congratulations on becoming vice chair.

Ed Lecius

I knew I shouldn't have been late. Thank you very much. I apologize for being late.

- PEG manager process update

Kelly Dowling

We are very pleased that we got candidate submissions from over 13 people who applied for this job, and that we had 8 qualified resumes that matched the job description. We have now provided the selection committee with those resumes. They have scored their candidates. HR is now in the process of contacting those candidates to ensure that they are still available and are still interested in the position. We may need to adjust who we interview based on who is still out there, who still is interested of the qualified list. So that is proceeding. We are moving on it daily. As soon as we have some candidates that we are absolutely certain and confirmed will convene the panel and start the interview process.

Andrew Cernota

Do we have an estimated time frame for when we can expect that next step?

Kelly Dowling

I'd like to get it done by the first of September, but people's schedules being what they are, we'll have to move according to when everybody can get there to do the interviewing.

Alderman Teeboom

I must express my extreme unhappiness with the progress on this whole thing. It just seems to take forever. First of all 1 September is completely unacceptable. This has been going on – we go the funding. We got the job description months ago. Just to get the thing advertised took a while to straighten out whether this should be a consultant or an employee took a while, with changes along the way. We advertised and we got 8 candidates and it has taken over 2 weeks just to get a matrix filled with some checkmarks that says these are the people we should be interviewing. Inspections on the big dig go faster than that. It's just completely unacceptable. It seems to me we've got 8 candidates. We have a selection committee. The selection committee took 2 weeks, like I said, finally come up with some rating. Clearly from the ranking sheet I have in front of me there's 3, or 4, or 5 candidates that could be interviewed depending how many you want to call in of the 8. Not all 8 seems like they are all qualified. Certainly some are qualified. I'm not here to talk about individuals. This is not the place unless we go in non-public. The board can go in non-public and discuss these candidates if you wanted to and maybe at some point we would.

There is absolutely no reason this thing couldn't be put on the fast track. Let me tell you why. Not a Board of Aldermen meeting goes by that we do not get criticized for the non-function of channel 16, for the poor sound in the auditorium, for the poor sound in this building, for the non-training for some videographers, for the absence of videographers. We've had several meetings of the Board of Aldermen that no one showed up to televise. Why not? Because no body called in to say they couldn't make it at the last minute. I know Ms. Dowling is new on this job and is relatively trying. I'm not sure she doesn't communicate. But it is unfair to have her be the major go-between on these issues. Sounds don't work. You can't hardly hear the Public Works meetings upstairs. The sound in the auditorium is horrible. One of the aldermen, Alderman McCarthy, wrote 2 letters over 2 months ago stating get this fixed. It's embarrassing. It's embarrassing to sit last Tuesday and hear commentary, and 2 new appointees were here, they listened to some of that, complaints by Comcast subscribers that pay money in saying we pay money why are we paying money? It's nice for us to sit there and have a board meeting and all be very pleasant, but the fact of it is, we can't even get a PEG program manager hired in this kind of speed. I have no sympathy for somebody being on vacation and therefore we've got to hold for another 2 weeks or another 3 weeks. It's just not acceptable. This board cannot function without a PEG program manager.

We've got wiring being installed in high schools. We don't understand the status of it. Rick Farrenkopf who is trying to stay on top of this – there's other jobs. He wrote in a memo that says I don't know where the wiring stands at this point. There's issues with the fire stations. We have several fire stations that need to be hooked up. There's a lot of technical that has to be done. We've got money, and I'd like to go back to the financial report. We've got money to fix this. We have a substantial amount of money. If you look at what we got, we've got \$150,000 in the equipment kitty. AT this point, we've got \$107,000 roughly in the personnel kitty. So it's not for the sake of money, it's for the sake of not getting things done. As simple as interviewing for PEG program manager. Therefore Ms. Dowling, I ask the Chair to put some pressure on this thing. I've been trying. I think Ms. Dowling's been trying. It just isn't good enough. We've got absolutely no reason why we couldn't call these people by starting today, have a schedule set up for next week, call whoever is on the – there's 9 members on the selection committee. Maybe 5

or 6 people can make it. That's all we need for the selection committee to interview. The selection committee has not even met once to go over these candidates. Not once has the selection committee met. It's been in existence for 2 months now. I'm frustrated. I don't like it. I'm not here to fool around about that kind of stuff. It's got to be done. Thank you.

Andrew Cernota

Are there any other comments regarding our selection process? There being none, the next item on the agenda is the technology committee update.

- Technology committee update

Andrew Cernota

Alderman Teeboom referenced this with regard to Rick Farrenkopf. There was an e-mail. I believe it went to the committee that apologized for his absence and said that he had nothing really new to report on this and that he is awaiting the outcome of Comcast wiring.

Alderman Teeboom

I'm on that committee. That's another problem. Comcast is putting wiring in. Nobody is supervising Comcast that I know of, at least I have not heard of anybody supervising Comcast. Nobody on this board I've heard of supervising Comcast. I don't know what they are doing. I know I had 2 telephone discussions with them and they basically said that whatever we do we do by contract. I looked at the contract and there are some questions about what is being with the contract. I think there are technical issues. It was written by people that really don't understand videographer very well. It's a mixture of COAX and fiber. Like I said, this board is supposed to be a technical board not a political board and not a bunch of bureaucrats. We're supposed to understand what's happening but we're not. So there's no technical report because there's no technical activity. There's no technical activity because we don't have a PEG program manager to lead the technical activity. That's all I got to say no more.

Andrew Cernota

That concludes the new business items that were on the agenda. If it's acceptable, I'd like to go back to the financial statement issue that Alderman Teeboom raised previously.

Alderman Teeboom

I don't have a big issue there. I don't want to be the only one that sits here and be negative here. We've got new blood. We've got 3 new members on this board and that should really be helpful. The Chief is back, which is good. The financial report I'd like to make a motion. We are supposed to follow the guidelines of the Policy and Procedure Manual. Like I said again, Section 5 describes the details. I don't think I've e-mailed everyone, but I've e-mailed to the Chair some specifics and to Diane Sweeny. I don't think it is fair for Diane Sweeny to have to change things at this point. When the PEG program manager gets on board that's also his job. Financially he keeps track of how we are spending money. The guy or the woman is going to have 4, 5 sets of

different functions. Financials is one important function. I looked at Diane Sweeny's report, and like I said before, the accounts were proper. It's strange how the way the whole Comcast thing is set up. In total, we're supposed to get about \$208,000 a year out of our one percent to run the government and education channels. Right now there is nothing set aside for public access channel. We have enough on our hands not to sit and worry about the public access channel at this point. We've got to get the education channel up and running, which isn't running at all.

**MOTION BY ALDERMAN TEEBOOM THAT UNTIL THE PEG PROGRAM MANAGER IS ON BOARD CONTINUE THE FINANCIAL REPORTING ACCORDING TO DIANE SWEENEY
MOTION SECONDED BY ROGER HATFIELD
MOTION CARRIED**

PUBLIC COMMENTS

Kelly Dowling

Although not a member of the public any more, I'd like to make mention that we have a special guest in the room today. He's the new manager of our IT Department and perhaps Ken Tyrrell can make that introduction.

Ken Tyrrell

Sure. I'd be pleased to. This is John Barker the new IT Manager. He comes to us from AGVA.

John Barker

I've only been on the job about 3 days so bear with me as I get acclimated. I'm interested in hearing all the opinions. I'm looking forward to working with this group. For now, I will continue to have Ken as my designee on the board. I can probably tell you at the next meeting whether we'll continue that or whether there will be a change. I've already started studying the minutes and the documents which I've got with me now. I think its good work. I'm glad to be a part of this.

MEMBER COMMENTS

Ed Lecius

Mr. Chairman thank you. I share Mr. Teeboom's frustrations. I think in the same vein we have moved slowly to this point but now that we are almost a full compliment of this committee with Mr. Teeboom's additions Ms. Ordways, I think we have taken some quantum leaps in the last couple of months. Maybe not as fast as Mr. Teeboom would like, but I think we are moving in the right direction. I would like to thank them for their efforts in joining this group and also welcome the new members and look forward to their expertise and input as we move forward into the future. Thank you.

Dennis Ryder

Mr. Chair I think it is appropriate to inform Mr. Lecius that he is the Vice Chairman.

Paul Johnson

I too share Alderman Teeboom's frustration. I think some of it is due to a lot of circumstances, including lacks of quorums on this board, and difficulties in coming up with the hiring position and how it was structured. There's a lot of blaming to go around. I too would like to see this resolved as quickly as possible. I firmly agree that the reason not get on the phone with the candidates as soon as possible and try to schedule things quickly. I would hope that that would be directed and that that happen.

On another matter as one of the new members of the technical committee, I would certainly be interested in obtaining in advance of a formal meeting (inaudible) I guess won't happen until the PEG manager is hired and eventually starts. Any technical documentation that other members of this committee have had in the past to review and get up to speed on.

Andrew Cernota

I believe that right now Rick Farrenkopf the representative of the school department is the current chair of that subcommittee. I can set you up to correspond with him about that.

Kelly Dowling

Just to be official, should we vote Mr. Johnson on to that committee?

**MOTION BY ED LECIUS THAT PAUL JOHNSON BE APPOINTED TO THE TECHNICAL COMMITTEE
MOTION SECONDED BY KELLY DOWLING**

**MOTION BY ED LECIUS TO AMEND THAT PAUL JOHNSON AND DENNIS RYDER BE APPOINTED TO THE TECHNICAL COMMITTEE
MOTION SECONDED BY KELLY DOWLING**

ON THE QUESTION

Alderman Teeboom

The technical committee met once and they met with 2 Comcast representatives. They met at the high school. It was a fairly good meeting. I left with a lot of questions. I do have some information that I have obtained since that I'll e-mail to you and anybody else who wants it based on the form of some charts that show the wiring, the layouts, and in a less satisfactory manner the override procedures, which needs a lot of review. I should say that when we met in the technical meeting we talked about who would be in charge. Right now Rick Farrenkopf is in charge. He is heading it up but he hasn't called any more meetings. The feeling was that as soon as the PEG manager would be on board we may want to put him or her in charge of the technical meeting so that it called maybe once a week. There's a lot of activity that must take place on this point. I'll certainly support your nomination. I forgot who's on it. There's already 4

members on it. Ken is on it. We may want to review who's really on it. I kind of lost track. We met so little having only met once, I lost track of who's on it. I'll ask the Chair that he reviews the composition.

I would like to say though that, and that's for the new IT Manager Mr. Barker, the video (we're talking about technical now) in Nashua because it's so late coming to the picture with channels other than the government channel, we are able to kind of bootstrap and jump into the technology forward. The access television is no longer just analog t.v. like it has been there for many years. It is now digital t.v. Digital t.v. means, as you well know, servers being able to play these meetings – not just watching it at 8:30 in the morning with hardly anyone watching. You could play it back at night. You could play it back at the aldermen meetings by just calling up a server. That's the direction you want to go in to. You want to be able to record multiple meetings at the same time. We've got many school buildings and many city buildings connected including the athletic field. All of these are going to be wired into a network. The network does not exist yet. We just have a bunch of wire. Wires without servers mean nothing. All that has to be reviewed by the technical committee. All of that has to start working together. It has to be tested. Once it is done, we have a combination of live and non-live broadcasts.

There are a number of things going on around the City all at the same time. That all catches into the IT system as well in a roundabout way. I'm not exactly how that all ties in, but there could be connections there. I look for a more tightly connected operation between cable access television, IT operations, and in the high school where we have at south high school a very advance studio frankly, which is not directly going to be connected in because the school wants to keep that for learning. They have a studio and facilities. Then, of course, we have very richly connected the fire department who has complete override responsibility.

The Chief of the Fire Department here can at any time if he desires, and he's got to have the capability to do so, right now he doesn't have the capability, he should be able to sit in his office, push a button, take over all 3 channels – public access, government access, education or for that matter all Comcast channels – really depending on how we assign it, certainly by the Comcast contract, you should be able to access at any time the 3 channels. On top of which he has a training responsibility. He can take over I think any of the channels – government or the education channel for special missions. Certainly the government channel for training. Again, he hasn't done much of this because he doesn't have the capability to do so.

These are difficult technical challenges. They are well within the technology today. There is something at this board has not grappled with. That's why I'm so hard on getting (inaudible) sufficient. That's why I'm glad to see somebody like Paul Johnson who's got a lot of rich video experience. I have some video experience, but he's got much more experience than I have. Mr. Ryder has an engineering background. We certainly need engineering discipline. Mr. Ken Johnson has an engineering background. On that point, I'm supporting beefing up the technical panel. Thank you.

Kelly Dowling

If we could move to vote in the 2 members, I would like to suggest that we alter our schedule and

see if the technical committee by ruling of this body couldn't be on a more regular meeting schedule. Could we impose a once a month requirement for that committee to meet?

Paul Johnson

I was just going to suggest that the Chair perhaps instruct whoever can pull together the list of who the technical committee members are to do that expeditiously, and relay that through Ms. Dowling to the members.

Andrew Cernota

Actually I have the list right here. The current Chair is Rick Farrenkopf. The Vice Chair is Roger Hatfield, Ken Tyrrell, Nick Darchick, and Alderman Teeboom are the remaining members.

Roger Hatfield

I respect what Kelly is saying about setting a fixed schedule. I would appreciate holding off until the subchair Rick is here to discuss that. I think we all owe him that respect.

MOTION CARRIED

Andrew Cernota

We'll table the discussion as far as the regular meeting until Rick Farrenkopf can be consulted.

Dennis Ryder

Are there any existing limits of how many members are on that committee?

Andrew Cernota

I don't believe there is. It's just been an ad hoc committee.

Paul Johnson

Are we in the public remarks of the members yet?

Andrew Cernota

Yes we're in the remarks by members.

Paul Johnson

Before we adjourn, I'd like to make a remark if I could. I assume that most of you if not all have followed the news of Verizon's pulling out of the television business in New Hampshire roughly about a week ago, which is good news and bad news I guess. I won't go into all the details on that. It certainly means that we're dealing with one provider right now Comcast. It's bad because

you don't have the competition. I think it's in some respect at least we know what we're dealing with. I think Verizon is going to try to get a different deal that may ultimately pirate or spirit away some of the funding for PEG. I think they are trying to do that through Washington through the lobbyists.

At any rate, that spawned right before that happened, that spawned an editorial in the Union Leader a week or two ago that I just wanted to comment on very briefly. For those of you who didn't see it in which the Union Leader opined that the internet was the proper place for these kinds of services now rather than cable t.v. That nobody watches the government channel only a handful of people do. Essentially that it's a waste of money and that should all be put on to the internet. I felt very strongly that that is absolutely not the case. The reason for that, of course, is that everybody pretty much is connected to cable t.v. and can participate in the educational and government and hopefully some day public access programming through their basic cable at minimal cost. That large slots of the population – seniors and lower middle income families, and ethnic communities would not have access to the internet necessary to receive that programming over the internet if that were to happen. I do think that there is a move of foot to try to gradually squeeze out all of the things that we're working for on this board to provide good informational programming for members of the community at no additional cost through the local basic cable – regulatory if efforts are underway in Washington by the phone companies. The cable companies are watching that, and you've got this move for the internet. I would just like to encourage all of us to be vigilant for that and watch out for that. We're working to build something here. I hope that it will continue to have long-term funding and long-term viability as the market place changes for video services. Thank you.

Kelly Dowling

Although Alderman Teeboom pointed out that we are, in fact, a technical board and not a political one, this is one area in which I believe we could vote to send a letter to the appropriate parties expressing our opinion one way or the other.

Alderman Teeboom

I have concern – if you look at that new website – HCCM, it's a community of cable television – community access, Dotty Grover I think is that – if you look at that, there's quite a write up about activity going at Washington, DC, with the FCC Communications Commission about trying to get rid of the funding by which we operate. There is some logic on the cable television industry side because they see Verizon, the telephone company, laying in fiber optics cable which is actually more robust than COAX cable. It's a fiber optics going into the homes and all the new homes are getting connected directly with fiber optics. The last mile no longer applies to the new homes. They offer television. So now you've got television by the telephone company who's not paying a franchise fee. Even though they said and negotiated with the City, they broke up all discussions at this point (inaudible). At the same time, there's satellite television. They're not paying any franchise fees because the air is free. There's no infrastructure, streets to tear up by which you get the franchise money that pays for this operation. Basically that's a philosophy. This is something that has to be watched. We should be a lobbying group with that organization. Mr. Chairman I would ask that you do more than just say thank you. I think a letter from you or you can designate somebody else if you haven't got the time to this organization. Ms. Dowling can

tell you who the people are. You say we are the Cable Television Advisory Board of Nashua and we are concerned about whatever. You could maybe meet with the Mayor and find out exactly what happened to his Verizon franchise discussions which he has never revealed because he said he was discussion that but he didn't want to make the information public. That broke off. You might want to do that and be a little bit more proactive than we have been so far than we have been so far with these lobby organizations. If you feel that you have to go back to the board to get approval on the letter, you can do it – the board whatever you feel necessary. It's certainly within your authority. It seems to me that you can write a letter on behalf of this board. I do think something ought to be done.

Andrew Cernota

Related to that under one of our previous Chairman Larry Hersh, he did sent a letter in regards to this to, I believe, our congressional delegation. I think future letters may carry more weight if they were backed by a resolution of the board rather than merely the chairman addressing that. If there is a consensus of the board if they want to express their support for – it may very well just logically be required that we support public education and government television funding, but certainly that we would want to express that to the appropriate authorities, then certainly the board should vote on that and have it as a resolution.

Paul Johnson

I'm in firm agreement with that. I'm not sure at this point what we'd say, but I think we spend a little time thinking about that. I believe you mentioned that we are now members of New Hampshire Coalition for Community Media, but I do not believe we are members of the alliance or community media which is the national organization. I'd like to make a motion that the City, which I guess would be the organization rather than this board, that the City join the Alliance for Community Media as well, which is a national lobbying organization for this specific issue and also which has a lot of good materials that we'd then be able to have access to.

MOTION BY PAUL JOHNSON THAT THE CITY JOIN THE ALLIANCE FOR COMMUNITY MEDIA

Kelly Dowling

I wonder if the City can, in fact, join an organization or if it must be this board. I'm not certain about the legality of it. Dory do you have any insights?

Dorothy Clarke

I'll look into it. I certainly think if the City wasn't able to, this board which is an agency of the City would not be able to. If one can, either could. I'll check into it. I can offer a little more background on Verizon. I have a copy of a letter and a draft franchise agreement that they had sent back in April 3, 2006. It was very generic. They sent it to Mark Sousa in the Mayor's office. Then my understanding is they met once or twice with Mark on very high level sort of discussions. They really didn't get into any technical – they didn't really start discussing the franchise agreement in specifics. They're draft. One big issue that was going to come up was language

under New Hampshire State Law which says that you can't give any new franchisee any better or worse terms than you have with your existing one. They basically would have had to meet Comcast's obligations in terms of providing funding to the City and the same amount and that sort of thing.

My impression of what's been going on at the federal level is companies like Verizon which operate in a much grander scale are trying to – the legislature is a big component of the federal legislation seems to be the ability to set up a sort of national franchise rather than having to go in and deal with individual city and towns. There's been a lot of discussion about if some sort of again local funding can be tied into that or if they are trying to, as Fred said, get out of really any individual agreements or funding arrangements with the municipalities. There seems like there's been strong lobbying on both sides. I think it's stuck at the senate or the house, but nothing's been decided yet. I have a feeling that's why Verizon did decide to put a hold on talking to cities and towns and say we're going to wait and see what happens at the federal level first.

Paul Johnson

The real risk here is very clearly that if Verizon gets a better deal nationally or in some way and comes in and eventually takes 50 percent of Comcast market share, then the franchise fee which we live on is reduced by 50 percent. We have expensive infrastructure and operations and only accessible to half the people in the City probably and also with half the funding. This is the crux of the issue.

Kelly Dowling

Just from a fiscal prudence perspective, I don't know that the City also allocated any fees that may be associated with membership.

Alderman Teeboom

Two things. Before we join anything we have to know what the cost of it is. I guess if this board decides to become a member rather than the City becoming a member, I think it is more appropriate that we can take it out of our funds and vote on it and take it out of operating funds. I don't see it being a big issue. I don't think it's going to be that expensive. I am concerned about the funding mechanism of these things. We do depend on the funding. As you know, we only capture one percent of the four percent on the franchise fees in our accounts. There's three percent which adds to about \$650,000 in this City. This department might be surprised by this; \$650,000 goes into the general revenue fund, which I call the black hole in the sky. It all rains down God knows where in the accounts of the City. It does not accrue to television operations. Many other communities devote their entire franchise fee doing that contributions to television operations. When we finally get around to public access television, we'll have to set up an account and get the Board of Aldermen to make a change to the contract because the only way we can have continued funding guaranteed is by some mechanism in the contract. It does not exist now. The previous board elected not to set aside funding for public access channel (inaudible) government and education channel.

That brings to my final point about a resolution question. If the Chair does not want to write a

letter but rather wait for the Board of Aldermen to act as a resolution from the City, I can tell you I will not bring a resolution to the City until I see a PEG manager on board. The PEG manager presenting a comprehensive plan to this board about how all the 3 channels are going to operate, where are we going to be housed, how we may be going to do public access television so we have a complete picture in mind. Then I'll go to the Board and say I feel solid about public access television in the City of Nashua. Until then, I'm not going to go to the Board. I think I'll get hammered by the very same people that wrote letters and Alderman McCarthy saying what's going on with this cable access television board? Why are they not doing anything? If you don't want to write your own letter, I'm not going to do a resolution by the board at this point.

Andrew Cernota

I just want to clarify. I meant a resolution by this board – the Cable Television Board, as opposed to the Board of Aldermen. Just so CTAB is speaking that that is their policy as opposed to the policy of the single individual on the board even if that person is the Chair since we have already gone in that route.

Paul Johnson

It sounds like I should withdraw my motion to join the ACM and simply request that we find out what membership with ACM will cost and how and if some agency of the City can actually join it.

Andrew Cernota

Ms. Dowling would you please perhaps research that for us and report back to us.

Kelly Dowling

Absolutely. I'll share that information on our membership status with Mr. Johnson.

Andrew Cernota

If there are no other comments by other members of the board, I would like to briefly say that Alderman Teeboom raised the issue of the educational channel early on and that very limited progress has been made in that regard. One of the things that is articulated in the Policy and Procedure Manual is that that educational channel would be – a committee would be formed to essentially of educators in the City would be put together to address some of the issues relating to the educational channel. The City schools, the school department, does have a representative on this board. Some of the independent schools do not yet have any formal relationship with this board. One of the things that I would like to do between now and the next meeting is to begin to contact some of those independent educational organizations in the City who will be in essence a consumer of that educational channel, and apprise them of our situation, and ask them to start the process of working towards putting together developing a representation to that committee. Are there any suggestions from the board?

Kelly Dowling

I think that is an excellent idea Mr. Chairman. I think perhaps what we could do as a board is to vote to institute a committee for the education just like we have a technical committee. I don't believe we actually have a formal committee to appoint these folks to. So perhaps this body today could create that committee, ask that someone take ownership of it, and then start to develop a mission statement for that committee, and start to pull those people in.

**MOTION BY KELLY DOWLING TO INSTITUTE A COMMITTEE FOR THE EDUCATION CHANNEL
SECONDED BY PAUL JOHNSON**

ON THE QUESTION

Alderman Teeboom

I'm trying to understand the committee. This is a committee to form a liaison with outside committees?

Andrew Cernota

Under the Policy and Procedure Manual that you were so instrumental in putting together, the educational channel itself has an educational steering committee. That committee is made up of representatives from the school department and from the independent educational institutions in the City. Right now the independent educational institutions in the City haven't really been formally contact by this board. We would need to contact them and request that they obtain representation to go forward with that committee. As Ms. Dowling points out, we haven't formally created that committee. I'm not sure if that is something that would need to be acted on at a higher level.

Alderman Teeboom

I can address that question. If you look at the Policy and Procedure Manual, the Superintendent of Schools is in charge of that committee if you read the section and the write up. That was on the insistence of the then Superintendent who at that time wanted complete control over the education channel to the exclusion of any other education facility outside of Nashua School District. It seems to me, again, that could be a letter from the Chair asking the Superintendent to start putting something together. Rick Farrenkopf represents the Superintendent of Schools. He's had discussions. I have not had these discussions. I think Vice Chairman Lecius has had some discussions so maybe he can address this. I know Ed Lecius met with the formal – the still current Superintendent who is on leave, but maybe Ed Lecius can address it then. I'll ask Ed to address this question.

Ed Lecius

Mr. Chairman I will contact Acting Superintendent ...**end of Tape 1, Side A...** of making some appointments from the Nashua School District and see if he is willing to reach out to the other private schools and if not, then we'll follow up with you and we can make contact. I believe several meetings ago there was a representative from one of the private schools who was here and did speak and did ask to be included. You and I can work on that if he just wants to do the public schools.

MOTION WITHDRAWN BY KELLY DOWLING

Dennis Ryder

I'm reading the page 7 of the management model that you issued there Mr. Teeboom. It says that the education channel access manager will have daily operational responsibility making sure that the E programs run to accordance to the program guide. Has this gentleman been appointed yet?

Andrew Cernota

No.

Alderman Teeboom

That section refers to 7.2, and in 7.2 on page 12 I wouldn't advise it buying a copy like I've done here so you can refer to this. Page 12 talks about this committee. In the diagram that lays out the whole structure, the committee you can see clearly corresponds to the education access channel manager. Since we don't have a PEG program manager, it's a bit premature to talk about an access channel manager because obviously we don't have that person. That access channel manager is not running the committee. That access channel manager reports to the PEG program director, the technical work, and is basically the eyes, and ears, and execution for that committee. So that committee has their own person that makes your programming content education contract is programmed. It's much too premature. We have no technical situation in place to hire this guy. He would not be very useful at this point. However, the idea of getting this committee going is I had not thought about that. That's not a bad idea. I like that.

Paul Johnson

I would encourage that this committee also include the library if it doesn't in that that library provides (inaudible) educational function and the only public City preschool educational function at all. So I'd hope that would also be included in that.

Andrew Cernota

I haven't checked on that specifically, but I believe they are included in the educational channel.

Charlie Matthews

I'd like to concur with what Mr. Johnson just said. I think specifically we are not included in the Policy and Procedures, but I think that I would like to be part of that committee. I'm assuming we're talking about the E channel committee at this point. This is not another committee of the E channel specified in the Policy and Procedures Manual?

Andrew Cernota

Correct.

Charlie Matthews

- the E channel specified in the Policy and Procedures Manual. Yes. The Public Library would definitely like to be a member of that committee.

Kelly Dowling

You're the first member of that committee.

Unidentified Male Speaker

Have we moved and voted on that committee?

Kelly Dowling

It's actually part of the Policy and Procedures Manual that we've adopted. I guess now we're just sort of constituting it and just giving it the impetus to move forward in a timing mode.

Andrew Cernota

If there's not further discussion of that, we'll go ahead and Mr. Lecius has said that he will contact Acting Superintendent Hottel and we'll start that process then. That will at least give us a basis to start going ahead with the educational channel so that we're moving forward on that as well. AT this point, we have authorization and funding for 2 of our 3 channels to go ahead – the government and the educational and both need quite a bit of work at this point.

Dennis Ryder

I'd like to make one more remark if I could. The thrust of this meeting seems to be that nothing is happening. Would there be any advantage to this committee meeting more than once a month versus we're going to have to wait for Mr. Lecius for a whole month to hear what he said to the Superintendent? Is there any way we can meet more than once a month and maybe help start speed some of these actions in place? I'm very much a man of action. I crack in on this stuff. Let's move it.

Kelly Dowling

I might make a suggestion that while this board is constituted based on the Charter and it does say we will meet once a month, there's nothing that says the committees can't meet every day if they want to. So if we relegate much of the to do list to committee work, they can meet on an ad hoc basis, communicate with each other via e-mail, and then report back to this board based on what we charged them to do.

Paul Johnson

I would just like to say that we are about to enter a period of some rapid developments with hiring, with setting these committees going, and that it would be appropriate to have scheduled special meetings on alternate weeks so that we're meeting twice a month and at each meeting we decide whether to do that for the next month, or just call them at an ad hoc basis. I think for the next two months at least twice a month would allow us to make more rapid progress.

Dorothy Clarke

I just wanted to note that there is no limitation in the ordinance for the amount of meetings that CTAB has. It just says the committee shall meet on an ad hoc basis.

Kelly Dowling

The only issue I have is budgetary again and that's that over 70 percent of this board is made up of City employees. I'm certain that their bosses all budgeted for their disappearance for 2 hours during a prime working day to be participating on this board. I would say there may be implications to us meeting on a more regular basis and having a quorum for those meetings. I'm not certain that we can just arbitrarily dictate that those folks be obligated for those meetings. I would suggest we as an advisory board best check with the Mayor to ensure that we can authorize that.

Alderman Teeboom

The Chairman, I kind of disagree with that Ms. Dowling. The Chairman is authorized to call any meeting that he wishes to call. That's in the Policy and Procedure Manual.

Kelly Dowling

I worry about a quorum.

Alderman Teeboom

Well then he's got to worry about a quorum, and I understand you wouldn't want to do that unless you really had to. The point of Mr. Ryder he wants – a man of action – wants to get going and he and I share that. I was glad to recommend his name to the Mayor. This board should really function through its committees. As an example, the Chair once we got a person in the selection committee, who is also a committee on this board, hopefully selected the PEG program manager out of the interviews, this board has to approve that person. So we have to be in non-public

session. We don't have to wait for a month to have that happen. The Chair can call that meeting. But the Chair should only call the meeting when he really has to. The Chair can call a meeting at any time given the public notice requirements of having 24 hours notice. I forgot the detail. You've got to give some notice because the public has the right to attend.

Kelly Dowling

And we have to schedule our video folks.

Alderman Teeboom

The video is nice; we don't have to have video. There are requirements of notice under the public law because the public has access. However, the technical committee can meet at any time. So we have a selection committee that can meet at any time. So hopefully that meets next week. We have a technical committee, which is dormant, and hopefully with a PEG manager on board that really gets going once a week maybe even more often. We now may be forming an education committee – Chairman is the Superintendent. That has a cycle of its own. So there's supposed to be all this separate activities. None of this coordinate have to be worked this entire board. These committees might have non-voting ad hoc members. There's nothing that says you couldn't have someone like Jim Pfeiffer who is a terrific resource on knowledge. He could be an ad hoc member to the technical committee, but he wouldn't be a voting ad hoc member he'd be an advisory. He's a city employee and he may only want to meet in the afternoon. He told me he only meets after the kids go home, which is 2:30 or 3:00. So there are time constraints. Nothing prevents this Chairman from calling a meeting any time that he considers necessary of this board or any subcommittee chairman calling meetings of the subcommittees that are reporting back to this board. That's the way the structure is supposed to operate.

Andrew Cernota

I think as Alderman Teeboom says we do have the authority to call ad hoc meetings and will certainly be trying to rely more heavily on that subcommittee structure so that we do have the more direct more available oversight. In the meantime, I maybe forced to call meetings more frequently to address some of the issues, particularly the hiring of the PEG manager. Does this address the issue?

Dennis Ryder

It's a start. Let's do something. That's what we are all sitting here for. Let's do something.

ADJOURNMENT

**MOTION BY ALDERMAN TEEBOOM TO ADJOURN
MOTION SECONDED BY ED LECIUS
MEETING ADJOURNED**

The meeting was declared closed at _____ a.m.

Committee Clerk