

REPORT OF THE FINANCE COMMITTEE

NOVEMBER 15, 2006

A meeting of the Finance Committee was held on Wednesday, November 15, 2006 at 7:00 p.m. in the Aldermanic Chamber.

Mayor Bernard A. Streeter presided.

Members of the Committee present: Alderman-at-Large Steven A. Bolton, Vice Chair
Alderman-at-Large Fred S. Teeboom
Alderman-at-Large David W. Deane
Alderman Robert A. Dion
Alderman Daniel L. Richardson
Alderman Richard P. Flynn

Members not in Attendance:

Also in Attendance: Mark Sousa, Transit Manager
Sheila O'Riordan, Deputy Manager, Grants & Finance
Janice Tremblay, C.P.M., Purchasing Manager

COMMUNICATIONS

From: Janice Tremblay, C.P.M., Purchasing Manager
Re: Contract Award for FY2007 Ammunition requested by Nashua Police Department

MOTION BY ALDERMAN FLYNN TO ACCEPT, PLACE ON FILE AND AWARD THE CONTRACT TO RILEY'S SPORT SHOP IN THE AMOUNT OF \$43,037.01. FUNDS ARE AVAILABLE IN ACCT. #531-45005
MOTION CARRIED

From: Janice Tremblay, C.P.M., Purchasing Manager
Re: Amendment to Engineering Services Agreement for Construction Administration of Transit Garage Facility Project

MOTION BY ALDERMAN FLYNN TO ACCEPT, PLACE ON FILE AND APPROVE THE INCREASE TO THE EXISTING CONTRACT WITH CMA ENGINEERS, INC. BY \$7,500. SOURCE OF FUNDING IS ACCT. #774-53030-3718

ON THE QUESTION

Alderman Bolton

Thank you Mr. Mayor. There is reference in the memorandum from the Purchasing Manager to the city transit personnel relocating from City Hall into this facility. When was the decision made and how was the decision made and by whom was the decision made that would be a good idea?

Mark Sousa

Thank you. The decision was made from a lot of the discussions with the Community Development Director, Kathy Hersh, and there is some reasoning behind it. In years past, we have never had a committed transit Manager who had several duties. Mr. Newman has moved on. He was Urban Programs Manager, but was also the Transit manager.

In the upcoming federal year, we have recognized that there are going to be several new funding sources and several new requirements that the transit is going to have to abide by basically. There are absolutely three new programs that are coming into play. We have never had the ability to have a committed staff to actually follow these regulations. The funding sources will allow us to do that. This will allow us to increase the service, this will allow us to hopefully increase change of routes that we currently have,

It will be a long process, but we are looking at changing the actual routes of the city to be more efficient and to reach more of our constituency. This will allow us to do that.

Alderman Bolton

Why is it necessary to be co-located with the contractor in order to do these things?

Mark Sousa

On a consistent basis, as we have been getting a lot busier trying to take on transit 100% we continually find ourselves over at the contractor's building including for meetings, going through the guidelines – they either come over here or we end up over there. A lot of times they can't leave that building so we end up having to be there most of the time for all of our meetings. This will allow us the opportunity to be on site when issues arise, and we are actually there to be able to be involved in the decision making. They are our contractor. They do work for the city.

Alderman Bolton

Let me tell you what I see as the problem, and you can tell me whether that was considered, and what is going to be done to address is. The advantage it seems to me in having worked on by outside contractors rather than having it done by city employees under the direct supervision of managers that the city hires as employees, is that we have that fire wall, that break that we have hired a company that is supposedly has expertise in this area, we allow them to pursue the provision of the service in accordance with the expertise that they have advertised, in accordance with a contract, and then from an oversight situation we assess whether they are doing what they have contracted to do or not.

It strikes me that when you are basically working out of the same facility – when your office is next door or right down the hall, their on site manager has complete access to our people, their employees necessarily see our employees on a daily basis in formal and informal ways – you lose that clear separation as to what was their responsibility and what was our employees' responsibility so that when something goes wrong down the road we are almost certain to hear well that was approved, it may not have been approved in writing, but your manager knew it was going on, he was there everyday, he saw it.

Even worse, in situations where an employee is injured because of some negligent practice that had been put into effect we are not in a position to say that was the contractor's responsibility, it

was only the contractor's responsibility, and we had nothing to do with it. The response is going to be your personnel, who had general oversight over the entire situation, saw that dangerous activity going on every single day and said nothing.

In context of discrimination complaints or sexual harassment complaints, it is going to be alleged that city personnel knew what was going on, tolerated what was going on, did nothing to prevent what was going on.

In all of these ways, being right there seems to me to negate the beneficial impact of having a separate contractor who ought to be responsible to insure these things don't happen, but if they do happen they are the ones that have the responsibility and the city does not.

The distinction between what is being done by city personnel and what is being done by the outside contractor pursuant to the contract seems to me to become very blurred when everybody is there co-located in the same facility, interacting on a daily and hourly basis formally and informally.

What consideration was that given, and what is going to be done to prevent that unfortunate aspect from coming to pass?

Sheila O'Riordan

Thank you. Those are good questions. I want to start by saying that what we have done in Nashua is a little bit unusual. It is not common for an Urban Programs Manager to manage two federal programs. It made sense for Nashua when we picked up Transit I guess about 20 years ago. We became an eligible entitlement community, and Paul Newman had the experience handling HUD grants so the decision was made to add that to Urban Programs, and it does make sense as far as Transit being a most legitimate urban program.

However, most municipalities – transit is separate. Some municipalities will have a transit authority; some will do just what we are doing, which is a very common model of contracting out. What is unusual is to have the city piece located outside of where the transit activities happen. It is certainly not unheard of, but the City is the grantee regardless of any contractual relationship we enter into for operation, for maintenance or anything, the City is the grantee of the federal funds. As far as blurring responsibility, the primary responsibility of the city's transit personnel is to monitor how those funds are spent and particularly to monitor contract performance.

The fact of the matter is how it plays out day to day. I don't know how Paul and I did it the way we have done it so long – sharing CDBG and Transit. It was a challenge and all good, but this transit management stuff is hands on. We are over there all the time. They know what their duties are. They are a separate corporation. They have their own fidelity bond, their own workers' compensation, etc. – they are not city employees. There is clear separation legally of who is responsible for what. The City is absolutely positively responsible for the grant, for managing the grant, and that includes multiple duties having to do with capital procurements, planning, and daily operations.

We are only I think about ½ a mile away, and we do a lot of bopping back to forth to that rented facility out on Ledge Street, but for as long as the people responsible for managing the grant also are responsible for managing the HUD work, which is done out of this building. The project managers are here, people needing services come here, it made sense for transit personnel to

stay here. But, I don't think any decision has been made. I am not aware of any decision. I think tonight we are looking at the possibility of having that space looked at for possible expansion for transit staff.

If we were to go over there it would make complete sense. If we don't go over there, and we are full time transit, we will have offices here, but we will be there probably 75% of the time, and that could be done. I like working out of City Hall, but if there is space there -- if you look at the original plans on the plan there is 5,000 sq. ft. that was intended for transit expansion. I believe the powers that be saw this coming. There is also about 3,500 square feet for future DPW expansion, and that doesn't include the top level, which is -- they are not quite sure what the use of that is going to be.

I hope that helps to answer your question. I think my main point is that the responsibility of the City is paramount and it isn't simply watching what they are doing. We are down in the trenches with them doing our piece of managing the transit operations.

Alderman Bolton

I am not wedded to the manager's office being in City Hall. It could be at the DPW garage, it could be in the other half of this building that is separate where the DPW offices are. I just think to me it blurs the line and I can see where in situations where you've got -- they are protected by the workers' compensation act we are not. If it is alleged that our employee did something or failed to do something that should have protected one of their employees from being injured, it is not workers' comp. that we have to worry about we have to worry about a tort suit. If our people aren't there with neither the responsibility nor the ability to be observing on a day-to-day minute-by-minute basis it seems to me that whole argument goes out the window. Whether we did something right or something wrong that is gone.

Same thing in the employment discrimination/sexual harassment type arena -- if we are not there day to day that is gone. Same thing with labor relations and unfair labor practices in collective bargaining and so forth. It strikes me we ought to be standing back and letting them do on a day to day basis what they are hired to do. If we want to be a block away, 100 yards away, but walking in and out the same front door, getting your soda out of the same soda machine, being constantly there and being in a position to have the rank and file employees seeing our supervisory personnel there I think is a bad idea.

Overseeing the grant administration and so forth I don't see why it is necessary to be right three co-located on site. That is my feeling on it.

Sheila O'Riordan

The plan would have us in the building, but as far away from their part as you could possibly be. We're not in the same section of the building we are at the other end of the building if it happens.

Alderman Deane

My question, through you Mr. Chairman, to Ms. O'Riordan -- this is actually going to be an expansion -- it is not a possibility this is going to take place? Is this going to take place this work?

Sheila O’Riordan

No not without...

Alderman Deane

If this is approved – you mentioned earlier that this was an expansion possibility.

Sheila O’Riordan

What is before you tonight is a contract for the architect who designed the building to have a look at this unfinished space and to engage his services to design a couple of additional offices.

Mark Sousa

The other option too is that we would look at getting this drawn up and then obviously take a look at if the funds are available to do it. There is also some talk in Community Development that there is a space issue. If we find out that this won’t work today or tomorrow these plans will always be on file for the ability to expand when the opportunity is here. You approving this just allows us to go out and get the design work.

Alderman Deane

Did CMA happen to give anyone a ballpark figure of what they thought the costs might be?

Mark Sousa

The range they gave us was between I believe \$50,000 to \$70,000 depending on square footage. This is a four office fit-up. When I say four office – not all of them could be used for office space, but four rooms.

Alderman Deane

Alderman Bolton brought up good points associated with the possibility of incidents. Would either one of you know to date whether any of these types of incidents or whether we have had any incidents pertaining to our involvement with the transit end of it – city employees and the contractor? Have we had any issues at all that anyone knows of?

Sheila O’Riordan

We haven’t that I know of. I have been here for 6 years. Prior to that there may have been incidents. I am not aware of that.

Alderman Bolton

A few years ago there was an allegation of sexual harassment on the part of the Manager and one of the employees over there. As it happens because no city personnel was there, no city personnel was entangled in it.

Alderman Deane

No city personnel were involved in that?

Alderman Bolton

No. It was an internal – it was between one of our contractor's managers and one of the employees over there. That is the kind of thing that if we had an on sight manager that was alleged to have tolerated that conduct we could have become embroiled in something and happily we didn't have to become embroiled in it.

Alderman Deane

Thank you.

Alderman Teeboom

I come from a different direction on this thing than Alderman Bolton. I am trying to understand better what this person is supposed to do because I don't understand it. He helps you to plan the routes that is one thing you mentioned. What else is this individual supposed to do?

Mark Sousa

There is going to be a commitment for two full time personnel; one would be the Grants Manager, which will be overseeing all of the transit grants. I can get into specifics on the new regulations that are coming down from FTA. To over see all of these grants to the penny and then to be audited – one person would be handling strictly the financial piece of this. It is a \$2 million budget, which will probably expand. It will be day to day, right now it is a day to day I would say higher percentage of what Sheila does right now is transit and still has to deal with the HUD piece of the other federal grants.

The second part of that is the Transit Manager would be involved in the policy making, the decision making -- we will have to re-negotiate this contract with our first transit personnel – he will be involved in that. There are a lot of day-to-day operational decisions that are made over the phone and by our staff. There is also a piece that Director Hersh had spoken about – the transit personnel could also take over the transportation issues throughout the city, which would include, could include the Broad Street Parkway...

Alderman Teeboom

I thought you were going to say those kind of things, and to tell you honestly in my opinion this thing has got to go back and be defined. If I look at the scope of this job ...

Mayor Streeter

The item under discussion Alderman Teeboom is to approve CMA to outfit this space.

Alderman Teeboom

Let me just finish Mr. Chairman.

Mayor Streeter

If you want to go further on as to...

Alderman Teeboom

We have to amend this to have them come back to tell us what it is going to be because the scope of services is none of which is now described. The scope of services in this amendment on page 2 talks about schematic floor plan, architectural drawings, prepare schematic electrical plan, negotiate change orders – that is engineering services. That has nothing to do with this job as you describe it. I think what you need to come back with is an amendment or something that describes what this job is going to be then we can take a look at it.

Mayor Streeter

I think what you are seeing here is what the architectural firm is going to be looking at. If you want an analysis of personnel and if you want to review their PDFs or whatever they call them I think that is a legitimate request, but what we are asking you to do tonight is just to approve the engineering agreement.

Alderman Teeboom

I don't see an engineering agreement.

Mark Sousa

Mr. Mayor I think he is looking at the next item, the change order.

Mayor Streeter

We are still talking about the CMA...

Alderman Teeboom

We are talking about the document called amendment to engineering services correct? I don't see any scope of services defined.

Mayor Streeter

Three page letter from CMA.

Alderman Teeboom

I am looking at the scope of services, and I don't see defined anything that says planning for routes, managing grants...

Mayor Streeter

Alderman Teeboom they are not doing this. This is the architectural firm.

Alderman Deane

Mayor I wanted to try to help. What this is doing is allowing CMA to go in and design a fit-up for the available floor space for offices for the cost of \$7,500. The future use and the occupancy of these facilities by whatever would be defined at a later date.

Alderman Teeboom

That is the thing that I don't want any part of. This thing about to be defined – I don't want any part of to be defined. If you are going to have engineering services do grant management, planning management...

Sheila O'Riordan

No.

Alderman Teeboom

Well that is what you just said he is going to do. Well then we need to start over.

Mayor Streeter

Staff is going to be doing the work. This is just the engineering aspect of fitting out the unused space in that building Alderman Teeboom.

Alderman Teeboom

I asked him to spell out what this guy is going to do and he said planning route, managing grants...

Mayor Streeter

That is the work of the employees. That is what the employees will be doing.

Alderman Teeboom

Yes. What are we paying someone a \$7,000 for?

Mayor Streeter

CMA isn't going to be doing this.

Alderman Teeboom

Then who are we paying the \$7,500 to Mr. Mayor? Number 2 Mr. Mayor where is that scope of work defined? Number 3 – you throw documentation at us and ...

Mayor Streeter

The scope of work that CMA...

Alderman Teeboom

We need to have it defined...

Mayor Streeter

It is listed Alderman Teeboom on page 2. There is a scope of services....

Alderman Teeboom

I am looking at it....

Mayor Streeter

... as to what they are going to perform.

Alderman Teeboom

And I am looking at that.

Mayor Streeter

Prepare schematic floor plan and architectural drawings, electrical, mechanical, etc.

Alderman Teeboom

Where does it say planning routes?

Mayor Streeter

It doesn't. That is not their role.

Alderman Bolton

That is what the guy sitting in the office is going to do.

Mayor Streeter

They are not involved in the transit operation. They will be fitting up an office space.

Alderman Bolton

Actually they will be designing an office space.

Alderman Richardson

Mr. Mayor Point of Order – could you enforce the rules please?

Mayor Streeter

Alderman Teeboom please continue.

Alderman Teeboom

I see scope of services defined in 6 bullet points. The amendment, and I asked specifically what is this \$7,500 for – he mentioned a number of items none of which are mentioned in these points.

Mayor Streeter

I think you missed the point Alderman Teeboom.

Alderman Teeboom

I don't know what we are spending \$7,500 on, and I am asking for an amendment to be presented back to this committee to tell us what we are spending the \$7,500 on because I don't see it.

Alderman Deane

As detailed in the attached correspondence from CMA Engineers, this next proposed amendment will allow for preparation of design plans and specifications, design build documents, and negotiation of a related change order with Meridian Construction for the fit-out of office space for the Nashua Transit System in the existing unfinished space at 9 Riverside Street building. The proposed development of additional available space will allow city transit personnel from City Hall to relocate for better coordination and oversight of transit operation. Addressing the changes now allows us to use the expertise and site familiarity of the existing project engineers providing an opportunity for significant savings.

When you go to page 2 as the Mayor had said, there is a scope of services outlined of what we will get for our \$7,500. Bullet 1 is to prepare a schematic floor plan for review with the city, bullet 2 is prepare architectural drawings including floor plans, reflect the ceiling plan schedules, interior and exterior elevations, sections and details, bullet 3 is to prepare a schematic electrical plan for showing power, data telephone location and lighting as basis for contractor design build, bullet 4 is prepare schematic mechanical plan showing ventilation heating locations as a basis for contractor design build, bullet 5 is prepare specifications and finishes to match existing based on renovation specifications to be provided by the city, and the last bullet is to negotiate a change order with Meridian Construction for completion of the design build work.

Alderman Teeboom

I am trying to figure this out.

Alderman Deane

That is what we are getting for our \$7,500. That was the scope of services – so that the design can be done. I believe Mr. Sousa stated when I asked a question about the cost of the construction of the fit-up of the floor offices the estimate was somewhere between \$50,000 and \$70,000. If in fact they had available funds they would probably be back, but they figured while Meridian is there and CMA's familiarity with the engineering work they have already done, they felt comfortable to have them, while they are there, to do this work.

Alderman Teeboom

Let me come back to the beginning. CMA is doing an engineering job for us. Is there any other work other than this work for any other amounts of money under any other contractual obligation other than this? They are doing all of this for \$7,500 – there is no other contract?

Mark Sousa

They are currently overseeing the current transit garage that is being built today, and this is an amendment to their contract.

Alderman Teeboom

The amendment – the original contract does not contain any of these bullet points?

Mark Sousa

Correct.

Alderman Teeboom

They were not doing schematic floor plan review, architectural drawing design...

Mark Sousa

Not of this area of the garage yes, which was completed and approved, and now they are our project manager oversight engineers.

Alderman Teeboom

This isn't management oversight.

Alderman Deane

That is on the other contract.

Alderman Teeboom

This isn't management oversight. It doesn't say management oversight anywhere in these bullets. This is what is confusing about this. We just got through talking about someone in fact Alderman Bolton addressed the fact someone was going to be sitting there and he didn't like that.

Mayor Streeter

You are talking oranges and apples.

Alderman Teeboom

I don't understand what we are paying the \$7,500 for... you were talking about route planning...

Mayor Streeter

Excuse me Alderman Teeboom ...

Alderman Teeboom

Route planning and grant management...

Mayor Streeter

This is what the staff will be doing. CMA has nothing to do with the management of that office. CMA will do just exactly what Alderman Deane spelled out. They are not involved in the operations of transit whatsoever.

Alderman Teeboom

Then why did we talk about grant management and...

Mayor Streeter

That is what the employees will be doing.

Alderman Teeboom

That is what our employees will be doing?

Mayor Streeter

Yes.

Alderman Teeboom

Well the question I had was what do we get for our \$7,500? That was my question.

Alderman Bolton

Point of Order Mr. Mayor – I keep hearing someone say \$700,000. It is \$7,500.

Alderman Teeboom

That is what I said.

Mayor Streeter

Do you understand now Alderman Teeboom what you are being asked to do – is to amend the agreement with CMA.

Alderman Teeboom

I don't understand what we are amending. If these tasks, those 7 tasks are not being done today, and they are the new tasks I don't understand what that has to do with anybody sitting in the office or not sitting in the office. It doesn't say anything about anyone sitting in the office.

Mayor Streeter

Alderman Deane would you further enlighten Alderman Teeboom?

Alderman Deane

I am going to try to help. When the original contract was approved there was dead space within the building that was designated for future expansion possibilities. I believe that as Alderman Bolton had alluded to through some of his questioning, Director Hersh will be able to free up some space in City Hall by taking some of the existing positions that were mentioned by Mr. Sousa earlier and create this office space in this dead space of that project. What this will do, the \$7,500 will do the bullet points I read off, the scope of engineering services, so that the folks that have office space in City Hall will now relocate down to Riverside Street.

CMA got the original contract for the project, and this is just an add on. I remember looking at the original plans wondering what they were going to do with the sections of dead space that were there, and they said that they might be back if there were existing funds or whatnot. While CMA is there on site they will have them do this engineering work and the design. If there are any funds left and they have the availability to redirect the funds to this type of work they will have the plan in place to ...

Alderman Teeboom

Let me see then if I can capture...

Mayor Streeter

One minute Alderman Teeboom. Does every other member of the committee understand what Alderman Deane has just said? Are there any questions other than you Alderman Teeboom on the explanation that Alderman Deane has made?

Alderman Bolton

Completely clear Mr. Mayor.

Mayor Streeter

Thank you.

Alderman Teeboom

Let me understand it then – there is dead space in the building that was clearly not planned for.

Alderman Deane

It was planned for. It was always there it just wasn't utilized in the initial design.

Alderman Teeboom

Now you want to design some work to be able to get some employees of the city to use that space?

Alderman Deane

Correct.

Alderman Teeboom

And it is the employees of the city I presume they exist, will do this planning and route planning?

Alderman Deane

That is part of their existing function today.

Alderman Teeboom

Okay then I think I understand it better, but it certainly wasn't clear.

Alderman Richardson

My purpose in speaking is because I was moved by Aldermen's logic. I do agree with him on keeping personal distance between an employer and employee group. Through you Mr. Chairman I would like to ask Alderman Bolton if he intends to make any motion for modification of this.

Alderman Bolton

No I intend to vote against it.

Alderman Richardson

Thank you.

Alderman Flynn

This last scope of services, this very last bullet, what does that really entail? Evidently we are just going to get a lot of schematics done, we are really not going to do anything to that space – I guess we are just going to see what will be involved and get all of these plans drawn up. What is this last bullet that we are paying for included in the \$7,500. What do you see as the scope of this last bullet that says negotiate with Meridian for completion of design build work? What are we asking Meridian to do?

Mark Sousa

We are asking Meridian to do nothing at this point. This memo was prepared by CMA, and in the discussions – there is a possibility that we could look at Meridian Construction at cheaper rates since they are on the site to give us a bid – might be a little less than having to come back and do the work if they are on site. That decision has not been made. We will not make that decision until we have this approved and make sure we have funds to do it. This will allow us to look at the expansion space to see what it will entail at some point.

Alderman Flynn

I expected that to be your answer. I don't think we are going forward with anything with Meridian Construction based on the paperwork in front of us tonight asking us to amend this purchase order.

Mark Sousa

We would have to come back here if we have the funds.

Alderman Flynn

Looking a little further out, I notice this is the second or third time and there is a comment in here about – we continue to amend and make these things grow and grow. Do we expect that this will be the last change for the services with CMA related to this project or is there another step or another expected amendment coming forward for more work that we want on this particular project?

Mark Sousa

Thank you. That will depend on if we have the funds available to go forward with the expansion space. We would utilize CMA's expertise to oversee the fit-up. That decision has not been made. To answer your question right now until we know exactly what we are dealing with I can't tell you that we won't be back unless we have the funds available.

Another point I want to make is that we are not asking for any more funds. We are not asking. We have budgeted these amounts – what you see here and what you will see next. These have been budgeted items. We are not asking for more funds from the City. You have already approved the money for us and it is sitting there. I hope I have answered your question. I won't know until we really have a better definition of what we are dealing with.

Mayor Streeter

Do you anticipate any more requests for change orders for CMA other than this?

Mark Sousa

Not until we know exactly what we are doing there.

Alderman Flynn

I think the Mayor is asking the same question as me, and I think you want to answer it. Maybe I am not phrasing it correctly, but I will try one more time. Apparently they would be the oversight if you could find the funds and decided what you really want to do with this space.

Mark Sousa

Correct.

Alderman Flynn

Beyond that is there anything more that we would anticipate using under the breath of this contract, anything more we would use CMA for?

Mark Sousa

No sir.

Alderman Flynn

Thank you.

Alderman Dion

I will use the right figure - \$7,500. How much dead space would that leave assuming we approve this, and how many offices are included in this design? Is there any deal as to who will go into these offices – could it be anyone at City Hall or is it definitely slated for the Transit Authority? Furthermore, once you get the design naturally you want to build it so the funds would you come before the Finance Committee to ask for those funds or would this money come out of the bond money without approval from the Finance Committee?

Mark Sousa

I will answer the first part and have Sheila answer the second part. The first part is who will be moving over there. This would be designed strictly for city transit personnel. Nobody from DPW, nobody from another department would be utilizing these offices if we fit them up.

Alderman Dion

Why is that? Is this because the bond is for a transit garage and nobody else because the bond was slated for that?

Sheila O’Riordan

This is a \$6,325,000 project. Of that \$2 million is city bond money, and that has been allocated among Transit, DPW, and Police based on square footage. The balance, \$4,325,000, is mostly FTA money. There is a little bit of State money in there, there is a tiny bit of CDBG money, and there is \$7,000 or \$8,000 worth of 505 money escrowed from prior Transit Operating Grants. The total FTA amount is about \$4 million. What that means is that that money cannot go to any other function other than Transit. Since the bond has already been spent on the DPW and Police

portion there are no other funds going into the fit up other than their piece of the bond. The majority of the budget is strictly FTA money or money designated by the State for transit or money approved in prior years by the city for transit. These offices would have to be used by Transit.

Mayor Streeter

They couldn't be used by any other service?

Sheila O'Riordan

Not if we are going to pay for it with FTA money Mayor Streeter.

Mayor Streeter

Do you have any further questions Alderman Dion?

Alderman Dion

Well than answered my question. Alderman Bolton brought up the fact and some valid reasons why he doesn't seem to think that is a good idea for the transit City Hall staff to be moving over there, and he has given some valid reasons why. My question was as to whether this could be utilized by other city departments and that answer is no.

Let's go back to the money part. Would you have to come before the Finance Committee once the design that you are asking for now is approved we will say, for the construction would you have to come to the Finance Committee or would this automatically come from your budget without any involvement by the Finance Committee?

Mayor Streeter

I believe the answer is that this would be a change order that would have to come before the Finance Committee.

Alderman Dion

For the construction part?

Mark Sousa

Absolutely.

Sheila O'Riordan

However, it would not be a request for funds. We would be requesting your approval of the contract. Maybe that is crystal clear and I am belaboring it, but the budget is sound.

Mayor Streeter

No additional funds would be requested for anything in that facility?

Sheila O’Riordan

That is correct. We feel very comfortable that we have done all of the underground work and nothing too scary came up, the steal in, the project is slated, it is on time, it is slated to be completed – I am talking about the garage whole Riverside project is scheduled for completion by March 1st, and we are right on track and are under budget even with this potential added space.

Mayor Streeter

If the decision is made city employees will not be transferred, and the decision is made to not only go ahead with the amendment to the contract for engineering and so forth and it is actually constructed – will there be either now or in the future will that space be used by the contractor? Is it possible?

Sheila O’Riordan

By the transit contractor? It could be. If we were to expand space for the contractor we would probably opt to use space that was closer to them right now, but I think if the decision were made not to move city staff over there we would not move forward, and that expansion space would remain unfinished.

Mayor Streeter

In the future if another administration decides to use the space we would have to ... **tape flipped**
...

Mark Sousa

The other piece we may run into is that we would have to go out and encumber more federal funds – we would have to go through FTA to do the actual work for even this piece so we would have to go back and try to get another year in some grants and try to fit it up so if we didn’t do it today at the end of the day we would have to go back and do it.

Mayor Streeter

Hypothetically you are going to go out and buy a dozen more buses that will require X number of new drivers and more oversight and so forth – could this space conceivably be used for those purposes?

Mark Sousa

No well it could be, but let me explain. The two different locations we are talking about here – you have a transit garage and then you have a building that is administration.

Mayor Streeter

Alderman Dion did you have your questions answered?

Alderman Dion

Yeah. If we approve this tonight Mr. Chairman the way I see it then we are approving the contract to build the offices. If we don't then what good is the plan and the architectural designs if you are not going to do it?

Mark Sousa

It would allow us to have those on file so if at some point you did want to upgrade you could do it without having to go out and encumber all of these costs again through another grant. It is an opportunity for us to do it now.

Alderman Richardson

I wanted to ask how many employees we are talking about.

Mark Sousa

The Community Development Division, with the approval of the Mayor, is approving two full time members to work on transit.

Alderman Richardson

We are talking a total of 2 people?

Mark Sousa

Right now right.

Alderman Richardson

Thank you.

Mayor Streeter

Are there any further questions?

MOTION CARRIED

Division Taken

From: Janice Tremblay, C.P.M., Purchasing Manager

Re: Amendment to Contract for Construction of Nashua Transit Bus Garage

MOTION BY ALDERMAN FLYNN TO ACCEPT, PLACE ON FILE AND APPROVE THE INCREASE TO THE EXISTING CONTRACT WITH MERIDIAN CONSTRUCTION BY \$19,609. FUNDS ARE AVAILABLE IN ACCT. #774-01318-3718

ON THE QUESTIONAlderman Deane

Thank you. I guess through you Mr. Chairman to Mr. Sousa or whomever can answer this – on page 1 of 3 in the reason for change orders, about 2/3 of the way down it states that the City Plumbing Inspector requested that a mop sink be included in the project for use by the maintenance personnel. Floor maintenance will likely consist of sweeping for this use, but the sink will provide an alternate location for heavy hand washing separate from the restroom sink. Can you please explain to me why we would spend \$4,700 on a swab sink? I know for a fact that you could pick a swab sink up for about \$300. Why are we paying \$4,700?

Mark Sousa

During the design phase, CMA had designed it without the – it is more of an industrial sink. We have one currently at the transit garage over on Ledge Street. We have one that is not nearly as functional as it should be. This is more than just a mop sink. This is an industrial size sink that by code, by our plumbing inspector's code, required that we have this sink to be utilized for different items. This \$4,700 included or will include the groundwork that we have to add in to the underground plumbing work, we added site work that needed to be done by the 3" drain. It includes all of those items – another cut into the flow of the water – we had to add that. It is not just the sink itself it is all the components that have to get us to that point. Our plumbing inspector said that to be in code we had to have this industrial size sink due to the type of work that garage will entail. That is what we went by when we went to get the plumbing permit.

Alderman Deane

It states here the plumbing inspector requested. By code is the city forcing us to install this sink?

Mark Sousa

We were told we had to come to code yes.

Alderman Deane

When the plans were reviewed and approved by the city why was this not picked up then? Why did the planner reviewer not pick up on this?

Mark Sousa

That is when he picked up on it when he reviewed the plan.

Alderman Deane

But we got our permit didn't we?

Mark Sousa

We had our permit to start construction and they were going through the plumbing permit process, and that is when it came up.

Alderman Deane

So they issued the building permit. I was under the impression that part of the overall plan review included the, especially in a commercial application, includes all phases of the entire building – the plans have to be submitted prior to approval. They were giving you separate permits without approving or reviewing everything on the plans prior to issuing permits?

Mark Sousa

We received the permit to start the work. The plumbing permit is separate. The electrical permit is separate. The mechanical permit is separate. They are all separate entities that are reviewed by our inspectors.

Alderman Deane

I understand that, but when the entire roll of plans is submitted for permitting each one of those components is reviewed and usually the plans are marked up to show deficiencies. Were they marked up at that time to show deficiencies?

Mark Sousa

Not that we were aware of.

Alderman Deane

So it was an oversight on the city's behalf?

Mark Sousa

I am not sure what the oversight was.

Alderman Deane

So they are stating by code they are going to require us to put this sink in? It is a requirement by code.

Alderman Bolton

Was CMA asked why it was left out of the original design if it is a code requirement?

Mark Sousa

We had discussions. CMA did not feel it was necessary under the codes as they read it, and it was our inspector that told them it is required.

Alderman Bolton

Was an appeal taken?

Mark Sousa

No not that I am aware of.

Alderman Bolton

Was any work already done that had to be – that made it more expensive to install this afterwards than it would have been had it been included in the original design?

Mark Sousa

I don't think so.

Alderman Bolton

When you made reference to you now have to cut into pipes and things like that you don't mean pipes that were already installed now have to be cut into?

Mark Sousa

Correct.

Alderman Bolton

When they are initially installed there will be another outflow. When you are talking about you now have to install a 3" drain you are not talking about installing one where work had already been done that now has to be undone?

Mark Sousa

No.

Alderman Bolton

Did anyone consider since you have what I guess is a reputable engineering company, which holds themselves out as knowing what the code requirements are and designing accordingly, what consideration was given to taking an appeal from the decision that this sink was a code requirement?

Mark Sousa

After several discussions basically CMA agreed that although they disagreed with it they felt that if it is warranted then go ahead and do it.

Alderman Bolton

It is not their money right? Why wouldn't they feel that way? If they are willing to say it is not required why don't we appeal it?

Mark Sousa

That was never addressed. We hadn't thought about that.

Mayor Streeter

It is safe to say that whatever happened didn't happen under your watch Mr. Sousa?

Mark Sousa

It is a day-to-day job so I am not saying under anybody else's watch.

Mayor Streeter

I know what you are trying to say. Are there any further questions?

Alderman Teeboom

I am going to read about the digital communication – I understand it is a change so the Fire Department can monitor the fire alarm directly without going through an outside vendor. Could you explain that a little further? Are we saving money doing this?

Mark Sousa

Yes. When the design was done the digital communicator was not put into place, and when went through the process we had a discussion with the Fire Marshall's Office who reviewed the fire alarm, went around about certain issues when it comes to the fire alarm, where we would place it, code that we have to come up with on size and things of that nature. When we got to the discussion of the digital communicator box it was our Fire Marshall that recommended this. Any alarm, motion, sensor that goes off goes directly to Nashua Fire Rescue now. We actually have a box on the side of the building that will allow the lines to go directly into NFR and if we didn't do this we would have to be able to use a phone line to basically go to a company similar to an ADT or something like that where we would have a monthly charge. Over a period of time we would have to pay that monthly fee and have a third party in the middle. The suggestion in the long run is a cost savings to the city. It is a direct line right to Nashua Fire Rescue.

Alderman Teeboom

And that was not contemplated in the original design?

Mark Sousa

Correct.

Alderman Teeboom

A review of the plans brought this about?

Mark Sousa

Correct. It is not a normal procedure. It is really something that we offer that is very helpful to us.

Alderman Teeboom

Thank you.

Alderman Deane

Where are the attachments that are stated on the change order on page 1?

Mark Sousa

I have a set here, and I thought there was a set attached.

Alderman Deane

Does this show a charge for revisions made to the plumbing floor plan? Were there any engineering charges associated with the \$4,700 they want to install this sink? Do we have attachment D & E?

Mayor Streeter

Are there further attachments Mrs. Tremblay?

Alderman Deane

Can you explain the metal wall panels? That is on page 1 – when you get below it now they are adding 29 calendar days to the substantial completion contract time because of this sink.

Mark Sousa

It is not because of the sink it is actually because of the steel panels. Typical is 4-6 weeks in the last 6-8 months. It is now up to 8 weeks to get these panels finished. That is the issue. We were right on schedule up until – that sink had absolutely nothing to do with the scheduled days. It had everything to do with the fact that we couldn't get the steel.

Alderman Deane

Can you explain the charge associated with the metal wall panels? It is part of a change order. Part of this change order includes extending the substantial completion date. Is there some sort of penalty associated with that?

Mark Sousa

We have had this discussion, and in our current contract it allows us to go back and penalize the contractor for items that are in their control. This design and the metal panels was out of their control. It was just the fact that they couldn't order the steel and it was an acceptable change because it really was out of their hands. CMA agreed to it. We have had some discussions about it, but CMA ultimately agreed after contacting several different manufacturers that the lead-time is now up to 8 weeks before we can get the steel panels delivered or processed.

Alderman Deane

It states here that the metal wall panels could not be released for design and manufacture until the structural steel drawings were approved. Who were they approved by CMA?

Mark Sousa

Correct.

Alderman Deane

Which occurred on 10-12-06. I can understand the issue with the ordering of anything made out of metal today. Has any of this work been done yet – any of the fit-up done for the sink or anything else, the conduits – has any of this work been completed?

Mark Sousa

The only item that may have been anticipated is some of the – let me explain the way that we are designing this building is we are actually putting the shell on first and then we're going to pour the flooring last so the work for the sink and everything still is available to fit up and dig up. The only item that may have been done is the excavation of the inside – maybe there was a trench that was maybe dragged – none of the other work – it will be done at the final fit up.

Alderman Deane

So they will put the steel on, the roof on, the skin on the outside of the wall, and then they will do all of their underground piping and compacting and then they will pour the floor – so there is no concrete there?

Mark Sousa

There is none.

Alderman Deane

Basically we are just pulling a 3" sewer line over and using that as a drain. I know you are not a plumber, but how far from the sanitary is this sink – from the main sanitary that it ties into?

Mark Sousa

I am glad you prefaced that with I am not a plumber.

Alderman Deane

I just think \$4,700 is an astronomical amount of money to pay for a mop sink. The conduit I can understand because you probably had to core through the concrete, the game wall master box makes sense I mean yes it is an initial investment up front and it is tied right into the fire department's communication system and there is no mid-line person, and the sidewalk construction adjacent to the existing building makes sense as well. I am just really struggling with this \$4,700 for one appliance.

Mayor Streeter

Are there any further questions?

MOTION CARRIED

Mayor Streeter

Just for the record if you would indulge me – Mr. Sousa and Ms. O’Riordan just bring us up to date on what you have done since Mr. Newman’s departure.

Mark Sousa

I guess I would just say that Ms. O’Riordan and I have taken on not only this transit garage project, but we are also still coming to the final phases of the DPW and the Police Department fit-up if you will rehab of the building. We are pretty close to being done. We have a final walk through on Friday. We have been pretty diligent in making sure the contractor does the walk through, touch ups, and things of that nature. That contract will be coming to an end here pretty soon. We are dealing with a couple of issues over there – the front conference room we are working on trying to fix some leaks over there.

We do have a mold issue in the front conference room that we are dealing with that we actually are having contractors go out and take care of. All and all there will be possibly some – I believe at the end of this rehab fit-up there will be no more change orders. That will be a done deal. In fact, I have the paperwork on my desk, and we actually have a credit. At one point we thought we would be back here looking for another \$8,000 - \$10,000. We now have actually a credit of \$142.12. We managed our way to the point of not coming back here, which was one of our goals that we wanted to get that finished. We are managing that project, and it will be coming to an end soon.

As far as the transit garage goes I think if you have a chance we have some photos. We are pretty excited about the steel being up and the roof being on. Once it is all enclosed the electrical starts. We are hoping that date will actually push back a little bit. We are on it every day. We are pretty much over there every day dealing with the contractor and managing both projects.

Alderman Dion

Since we have Mark Sousa here I have a question I would like to ask him. Mark I hear rumors that Riverside property has an unpleasant odor resembling the odor of mold that is getting some people ill in that building. What can you shed on that?

Mark Sousa

We did have that issue come up, and we immediately took action. We will have a contractor in there very soon to remediate the mold. It may be pretty extensive in that front conference room. We’re actually looking to hire a company to come in and take an infrared picture of the whole wall to see the extent of the damage.

Alderman Dion

Would that mean ripping the wall apart?

Mark Sousa

We may have to.

Mayor Streeter

To the best of my knowledge Alderman Dion no one has reported any illness whatsoever. This was a conference room that apparently is not being used.

Alderman Dion

You know how rumors start Mr. Mayor. I heard that. I just thought I would ask the question.

Mayor Streeter

Sometimes rumors aren't true. I am not aware of anybody reporting any ill affects.

Alderman Dion

Unpleasant odors...

Mayor Streeter

An odor is one thing, but you used the word illness. I am not aware of any illness that was brought on as a result of ...

Alderman Dion

Nausea – let's use that word.

Mark Sousa

We asked DPW and that conference room is not being utilized at all.

Alderman Dion

Is that the only room this odor is coming from?

Mark Sousa

It is. The only other issue may be the bathroom was torn out in the front and we are having the contractor come in and take a look and put some drywall up.

Alderman Dion

Why wasn't it detected before the new sheetrock was put on?

Mark Sousa

I can't answer that. I don't know.

Alderman Dion

If the odor is that pronounced then I am sure even with the new sheetrock I am sure they could smell this odor a lot more distinctly before they put the new sheetrock up.

Mark Sousa

To my knowledge I don't know how bad it was when they worked over there. I have only been dealing with it since we have been over there.

Alderman Dion

There is a game plan to remedy the situation?

Mark Sousa

Absolutely.

Alderman Dion

Thank you.

From: Mayor Bernard A. Streeter

Re: NRPC Contract regarding the Broad Street Parkway

Mayor Streeter

Alderman Richardson had called me yesterday and wanted to know if Mr. Williams would be available. Unfortunately he has a meeting of a sub-committee of his commission tonight and respectfully declined. I think that the explanation that accompanied the e-mail from Mr. Williams to myself clearly explains the position of the NRPC and their role in this contract. I am asking that the motion to amend the NRPC contract by adding the words "that the selected contractor will be brought before the Finance Committee for approval" to the end of paragraph 14. For the reasons that were stated in the e-mail, I am requesting that the Finance Committee amend the contract to delete the words that were added at the October 26th meeting.

MOTION BY MAYOR STREETER TO ACCEPT, PLACE ON FILE AND AMEND THE EXISTING CONTRACT WITH NRPC BY DELETING THE WORDS: "THAT THE SELECTED CONTRACTOR WILL BE BROUGHT BEFORE THE FINANCE COMMITTEE FOR APPROVAL" FROM THE END OF PARAGRAPH 14

ON THE QUESTION

Alderman Richardson

Parliamentary Inquiry – since you were on the losing side of that vote can you then introduce a motion for reconsideration – is that what this is?

Mayor Streeter

This is a motion to amend a contract.

Alderman Richardson

I don't know how we can proceed without having Director Williams here. The central focus of the problem that I have is that his statements in the Budget Committee meeting were if the initiator of this statement be put into the agreement. This is what he said that he expected to happen. After the selection process to come back before the Finance Committee so I want to understand this, and I don't understand his position now being completely opposite of that. I don't know how I can proceed with this until we understand what his thought processes are. It does not come through in his letter, in his e-mail. He makes the suggestion that perhaps the City might be interested in doing it themselves. I understand that part of it, but we don't get down to the why – what the problem is. That is the reason that I wanted to have Director Williams here tonight. I responded with another e-mail, which I gave you the quote right out of the Budget Committee meeting minutes so that it is very clear exactly what was said.

I don't understand his position. You indicated that you thought you understood his position. I don't understand his position. Furthermore, in your transmittal e-mail, which transmitted his remarks, you indicated that I can't quote you exactly, but you said that it appears that this puts all future contracts in jeopardy to some extent.

Mayor Streeter

You are correct I did say that.

Alderman Richardson

That I don't understand at all because by reading his remarks I don't see that in his remarks at all.

Mayor Streeter

The discussions I have had with Mr. Williams of the NRPC – if it is the will of the Finance Committee to oversee projects that have been awarded to the NRPC they don't want to be involved.

Alderman Richardson

We are talking again about this specific contract. This is the one we are talking about.

Mayor Streeter

This is the first contract with NRPC that the Finance Committee has imposed their desire to have an oversight. I believe Mr. Williams' defense is that if we want to have oversight then you ought to do it yourself. NRPC doesn't want it.

Alderman Richardson

That is not quite exactly correct. The text that was inserted to have the NRPC come back with the selection for Finance Committee approval is not oversight. That was a one-time event. That is not any oversight during the execution of that study. That would be a one-time event. That is not oversight that is an approval.

Mayor Streeter

... **tape inaudible – speaker away from microphone...** We are currently overseeing the activity of a consultant ... **tape inaudible** ... In addition; we procured the consultant and negotiated a contract for the previous Broad Street Parkway study. We have never had any complaints about our ability to conduct these activities. In fact, a number of ... **tape inaudible** ... due to our skills. I don't think there is any question that they have the ability and the experience. I believe if it is the Finance Committee desires a high degree of oversight in the consultant selection process that the best approach would be that the consultant contract be ... **tape inaudible...** This would give the committee the level of oversight they desire and shorten lines of communication.

That to me is saying if you want to continue to have oversight then contract with someone else. That is my interpretation of what he is saying.

Alderman Richardson

We are talking about this contract. We are not talking about all future contracts. We are talking about this contract again. I can't talk to any future things that I know nothing about. I can only talk to this one. I did not hear anything in there about him saying that he wants to take his marbles and go home. I heard nothing about that.

Mayor Streeter

Would you like me to repeat what he said?

Alderman Richardson

Be my guest.

Mayor Streeter

He says if the Finance Committee desires a high degree of oversight of the consultant selection process, which you have indicated you want, the best approach would be for the consultant contract to be administered by someone else or namely city staff. That is pretty clear to me. If the committee wants to oversee the contract well then contract with someone else. ... **tape inaudible** ...

Alderman Richardson

Let me quote directly again from Mr. Steve Williams – you quoted him. I would like to quote him also. From the Budget Committee meeting, he says in response to Chairman Deane's question he says "Right so what we would do in that case is that NRPC would write the RFP, review it with the members of the Committee, that is what would then be sent off to the list of qualified consultants. They would then make their proposals, we would go through a typical review and interview process, and one would be selected. The contract would be negotiated and ultimately presented top the Finance Committee I suppose for their approval at which point it would be ultimately acted upon and the consultant would start the work." This was the understanding that we had at the Budget Committee. That is how it got through the Budget Committee. It was because of the specific language and the testimony that was given.

That was the understanding that we were lead to believe. Now we get something else from him, which is complete contrary. That is why I would like to have Director Williams here to talk about that.

Mayor Streeter

Would you like to shed some light on Alderman Richardson 's comments Alderman Teeboom?

Alderman Teeboom

I told Alderman Richardson I don't share his same reading, and I certainly attend the Budget Committee. We do have oversight by the Infrastructure Committee on this whole process in fact we insisted. That is part of the contract. There is a review committee that is made of the city over this contract. That includes an Aldermanic member, and that is not just a one-time deal. Now I don't know that the Finance Committee does any oversight. We sit here and review contracts in the most minimal fashion. I don't see the Finance Committee overseeing anything from a day-to-day basis, and we have plenty of people doing that.

There is a very fine point – I think there is miss-communication all the way around. The very fine point is that Alderman Richardson moved the last time we met to have Mr. Williams appear before the Finance Committee with his selection of sub-contractor and have the sub-contractor approved by the approved by the Finance Committee. I don't recall that specific discussion in Budget. In fact, what you read didn't address that question in Budget. Approving a sub-contractor is an unusual step. I generally understand as I have spent a lot of time in contracting that sub-contractor approval is given when you approve a prime contractor, but it is up to the contractor to select its subs or used in the proposal the prime presents the subs along with his own prime contract.

I think it is a bit unusual to ask the sub-contractor of NRPC to be approved by the Finance Committee. I had no objection to it at the time, but I think this is getting completely out of hand. I think we are getting stuck on irrelevancies. We have all the oversight we need. We have lots of oversight. I would like to see us get on with the study, proceed, select the contractor. I have faith the NRPC knows how to pick a sub-contractor because if the job isn't done right they will be terminated as the job goes along. I don't have this problem, and I don't have the same reading of the Budget meetings that Alderman Richardson has frankly, and I don't feel that strong about it.

Alderman Richardson

I have a book here of all of the activity of the Finance Committee, and in here 99.9% of it is things coming to the Finance Committee with a contractor selected, we approve the item, we approve the contract, we approve everything to do with that purchase. That includes the contractor. Ninety nine percent of our business we are approving the contractor selection. That is a normal course of business. What is proposed in this agreement is abnormal...

Mayor Streeter

On construction projects....

Alderman Richardson

Any consulting work whatsoever.

Mayor Streeter

Please continue. I am sorry I interrupted you.

Alderman Richardson

What we are proposing to do with the NRPC is abnormal where we have no oversight of the contractor selection that is going to be performing the work. That is the problem that I have with this. We have no oversight of that whatsoever.

Mayor Streeter

I dispute that Alderman Richardson. You have all the oversight in the world. We have a member of this committee sitting on the oversight committee.

Alderman Richardson

Mr. Chairman that is a single Alderman. That is not this committee. We have had that discussion before. My position is that does not inform all of us of what is going on, it does not give us a voice, it gives one person a voice. That is my position.

The other thing is that I believe that we have something else very unusual about this. During the Budget Committee process, NRPC came to us and suggested along with DPW and Director Hersh that they could do this study, the content of the resolution, for \$150,000.

Mayor Streeter

The Board approved that.

Alderman Richardson

The Board approved that. For that \$150,000 – now \$15,000 of that was to go towards management whatever overhead. He was coming to us with \$135,000 job going to an engineering contractor. This was not caviated with we will go check to see if we can do this, this was we will do it, we can do it for \$135,000. There was no question about it. That speaks to me of not having any doubt whatsoever. It speaks to me of saying that somehow this has been talked about and agreed upon and a contractor selected already at that point. I have a problem with that. This is how I feel about this. I am telling you how I feel about this. I don't feel very good about this. That is one of the reasons why I am pushing for this. I want to see this committee have a little bit more oversight on this particular job. This has got a lot of political sensitivity and I want it to be very much on the up and up. I want to have it very very clear that it is on the up and up, and that is why ...

Mayor Streeter

I do not like you inference Alderman Richardson. The NRPC doesn't do things that aren't on the up and up.

Alderman Richardson

I...

Mayor Streeter

Or that they would engage a contractor that would somehow not do what is required. This is a very reputable agency. We have done business with them for time in memorial. They have done great work for the City of Nashua.

Alderman Richardson

I believe I had the floor.

Mayor Streeter

To infer that this particular contract somehow they are either going to sluff off or hire incompetence...

Alderman Richardson

Mayor I believe I have the floor.

Mayor Streeter

... to me is a slam at the NRPC and I don't appreciate that.

Alderman Richardson

Mayor I believe I have the floor.

Mayor Streeter

I am the Chair, and have some options myself too Alderman.

Alderman Richardson

I understand that. I am telling you how I feel about this.

Mayor Streeter

And I am telling you how I feel.

Alderman Richardson

And I am telling you that what I would like to do is I would like to have this at a minimal effort be on the up and up and be absolutely clear that it is on the up and up. That is what I would like to have. That is my total objective. Now look at the fact, the fact is how much does it cost to come and appear before the Finance Committee – it takes a couple of hours of your evening. Is that going to take any money away from the contract no not at all. Does it take any time – 3 hours. What is the big impediment that is what I want to know? What is the big impediment that coming before the Finance Committee for final contractor selection – what is that big impediment. I don't understand this at all.

Mayor Streeter

May I suggest that if you don't like my motion you vote against it?

Alderman Dion

I remember this discussion taking place before the Budget Committee, and two Aldermen in particular on that committee didn't want to commit to a project that they didn't know what the real cost to the city was. Basically the contract that was agreed upon by the Budget Committee for \$150,000 basically what they wanted to know was the cost, the city's share of the cost for the project in today's dollars because that \$6.2 million that was projected was a couple of years ago. We all know how prices change. That was the basic reason.

Mr. Chairman let me ask you this, in your conversations or correspondence with the NRPC did Mr. Williams give you any indication as to who he was going to contract this out to, and of course he would be overseeing the project – did he mention any firm whatsoever that he had selected?

Mayor Streeter

He did not, and I didn't ask him Alderman Dion.

Alderman Dion

Okay. I think Alderman Richardson would feel better at least voting on this if he knew who Mr. Williams was contemplating giving the contract to.

Mayor Streeter

I think that once he determines or once they determine who the contractor is I am sure he will share that information, but this says brought to the Finance Committee for approval. This asks this board to approve what we have asked them to do.

Alderman Dion

Mr. Chairman all I am interested to know is exactly what the Budget Committee wanted to know – the cost of this project. That is all I am interested in knowing what it is going to cost the city.

Mayor Streeter

It is \$150,000 that will get you this study.

Alderman Dion

I am very satisfied with that as long as I get that answer.

Mayor Streeter

That is what we are contracting them for.

Alderman Flynn

I wondered Mr. Mayor – this is the second time that we have met and Director Williams hasn't been able to come to this meeting. Both times the Mayor has excused him for not being able to attend so I am assuming he knew there was a meeting and was invited. Am I assuming correctly Mayor?

Mayor Streeter

I asked Mr. Williams if he was available tonight, and the answer was no he has another meeting.

Alderman Flynn

We don't know that he is opposed to coming in here and discussing this with us there has just been a conflict for two consecutive meetings is that correct? Is he opposed to coming in and discussing this matter with us?

Mayor Streeter

I don't know. All I know is what he said here that if you don't like the ... **tape ended** ...

Alderman Flynn

I guess I just wanted to – if we were to vote no on this and let this dwell for another two weeks – I recognize this is a huge project and the results of this are going to somehow make us decide or commit us to what path we want to go down for another \$6 million or another \$20 million of bond expense. Do you have any comment whether Mr. Williams is unlikely to be able to find the time to come see us or if we put this off for two weeks that he would come in and sit down with us?

Mayor Streeter

I will be happy to invite him to attend our next meeting, but two-week delay is more than just a two-week delay. If you continue to require to be involved in the selection process then that will further delay this study perhaps into next year. I think the thing that bothers me is that the amendment, which was passed, allows the Finance Committee final approval of the selected contractor by the NRPC. I think that bothers Mr. Williams because they feel that they do have a tremendous track record, and the inference here is that they are not, and you heard it tonight Alderman Flynn, inference by at least one member of this committee was that he doesn't trust the NRPC in making the right decisions. Now if you want to vote my motion down be my guest and I will invite Mr. Williams to our next meeting, and if he is available he will attend. I fail to see how that is going to change his statement that if this committee desires a higher degree of oversight then perhaps someone else should be engaged.

Alderman Flynn

I read his note, and I don't really see that hard position/hard charged words – I guess you could read this with whatever tones you choose to, but I don't really see that quite in here. Again the way you worded it – I feel that probably you suspect it just is a conflict that he really is not opposed to coming in to see us if we delay this. I think you answered my question. Thank you.

Alderman Dion

The study even if it was approved two weeks ago or tonight, if the contract was approved, it is going to take a year to get an answer so I don't think two weeks delay in getting Mr. Williams here to answer some of the questions that would probably ease Alderman Richardson's mind would hurt anything providing of course he is willing to attend. Thank you.

MOTION BY ALDERMAN DEANE TO HOLD IN COMMITTEEON THE QUESTIONAlderman Deane

I respectfully request that you invite Mr. Williams to attend our next regularly scheduled Finance Committee meeting.

Alderman Teeboom

If I were Commissioner Williams he probably doesn't want to appear because I think he is offended. What I afraid of is this – I am afraid that he may say you can take this study and you can shove it. The reason I say that is \$150,000 is really a bargain for the City the way I see it because this is a very complex study. To get another contractor on board would be an enormous effort – to bring someone else on board with the same level of expertise to get going. You have seen all the work he has done in the past.

I have seen NRPC do nothing but really good work in the past. If he drops this study and says I don't care about this contract, well I sent an e-mail where we can blacklist him, and tell him not to have a contract with us again, but I don't think that is in our interest. The other thing I wanted to say is we are kind of forcing this on him because the amendment that we talked about taking out was amended at the last meeting. It wasn't really part of the contract, and I am not sure Mr. Williams was every asked how do you look at this amendment. He was asked about the rest of the contract. We didn't ask him to comment on that amendment. I am afraid that if you hold it he may tell us not to do the study, and I worry about it because I do see all the oversight through Dion's committee – public every two months. I don't worry about the study. I now worry about NRPC dropping the study.

Alderman Richardson

Thank you very much. I don't read Director Williams that way at all. I think he is a very balanced person. I don't see him going...

Mayor Streeter

We are not here to discuss the personality traits of Mr. Williams...

Alderman Richardson

I am responding to Alderman Teeboom okay? I am directly responding to his comments. I don't see what Alderman Teeboom supposed as being plausible. Furthermore, I believe he extended the interpretation of my comments Mr. Mayor beyond what they were intended. My intent is to

have a check okay in place, a normal check in place – Finance Committee approval okay as we do for 99% of our other business. This is not an unusual request.

Mayor Streeter

It is highly unusual Alderman Richardson for a consultant contract.

Alderman Richardson

I do not understand that at all. We are asking for a little bit of oversight, little bit, very extreme small amount.

Mayor Streeter

Motion is on the floor to hold.

Alderman Richardson

I did not say the things that you extended interpreting my comments. I said what I said and I did not say the things that you interpreted that I said.

Mayor Streeter

Alderman Richardson I think if you review the tape of this program you said that you did not have the confidence in the decision-making authority of the NRPC.

Alderman Richardson

That is not what I said...

Mayor Streeter

That you wanted ...

Alderman Richardson

I will review the minutes.

Mayor Streeter

Okay. I called you on it because we are not here to – there is a motion on the floor.

Alderman Bolton

I am going to be voting against this motion to hold. As it has been battered about on and on I find myself in the perhaps unique position of being in agreement with Alderman Teeboom and Mayor Streeter on this. How anyone can interpret the repeated references to being on the up and up as not a direct assault on the integrity of the people at the NRPC I don't know.

Alderman Richardson

Mayor Streeter I need to respond to that.

Mayor Streeter

Briefly Alderman Richardson.

Alderman Richardson

The purpose of the Finance Committee is to – it is in the Charter, we have a job, we approve those things, which come before us from our very own employees. Do we doubt our own employees to the point where we have to check on them? Is that what we do? No. We trust our employees to do their job correctly, but this is the check that gives the public confidence in what we spend money on. This is the check. We need a check on this contract too. We don't have that. Thank you.

A Viva Voce Roll Call was requested, which resulted as follows:

Yea: Alderman Deane, Alderman Dion, Alderman Richardson, Alderman Flynn

4

Nay: Alderman Bolton, Alderman Teeboom, Mayor Streeter

3

MOTION CARRIED

UNFINISHED BUSINESS - None

NEW BUSINESS - None

WARRANT

MOTION BY ALDERMAN FLYNN TO APPROVE WARRANT #9 IN THE TOTAL AMOUNT OF \$9,616,788.01 OF WHICH \$1,886,468.81 ARE ACCOUNTS PAYABLE, \$4,532,131.59 ARE PAYROLL AMOUNTS, \$10,400.00 ARE PREPAY AMOUNTS AND \$3,187,787.61 ARE WIRE TRANSFERS

MOTION CARRIED

DISCUSSION

ADJOURNMENT

MOTION BY ALDERMAN DION TO ADJOURN

MOTION CARRIED

The Finance Committee meeting was adjourned at 8:45 p.m.

Alderman Richard P. Flynn
Committee Clerk