

PERSONNEL/ADMINISTRATIVE AFFAIRS COMMITTEE

OCTOBER 12, 2006

A meeting of the Personnel/Administrative Affairs Committee was held on Thursday, October 12, 2006 at 7:30 p.m. in the Aldermanic Chamber.

Chair James R. Tollner presided.

Members of the Committee present: Alderman Robert A. Dion, Vice Chair
Alderman Daniel Richardson
Alderman David MacLaughlin

Members Not in Attendance: Alderman Greg Williams

Also in Attendance: Alderman Richard P. Flynn
Alderman-at-Large Fred S. Teeboom
Alderman-at-Large David W. Deane (8:20 p.m.)
Maureen Lemieux, Div. Dir., Administrative Services
Carol Anderson, Chief Financial Officer/Comptroller
Janice Tremblay, C.P.M., Purchasing Manager

COMMUNICATIONS

From: Maureen Lemieux, Director, Administrative Services Division
Re: Memorandum from Board of Fire Commissioners, dated 29 August 2006

MOTION BY ALDERMAN MACLAUGHLIN TO ACCEPT AND PLACE ON FILE

**AMENDED MOTION BY ALDERMAN TOLLNER TO ACCEPT, PLACE ON FILE, AND REFER BACK TO THE BUDGET REVIEW COMMITTEE AND THE ADMINISTRATION
MOTION CARRIED**

From: Daniel Richardson, Member, P&AA Committee
Re: Data in Support of R-06-110

**MOTION BY ALDERMAN MACLAUGHLIN TO ACCEPT AND PLACE ON FILE
MOTION CARRIED**

APPLICATION TO LICENSE HAWKER'S, PEDDLER'S, ITINERANT VENDOR'S LICENSE - None

APPOINTMENTS BY THE MAYOR – None

UNFINISHED BUSINESS - None

NEW BUSINESS - RESOLUTIONS

R-06-110

Endorsers: Alderman Daniel Richardson
Alderman-at-Large David W. Deane
Alderman Richard P. Flynn
Alderman Mark S. Cookson
Alderman Greg Williams
Alderman-at-Large Fred S. Teeboom
Alderman Robert A Dion

**URGING THE STATE DELEGATION TO PURSUE CORRECTION OF
INEQUITY OF MUNICIPAL LIABILITY IN NEW HAMPSHIRE RETIREMENT
SYSTEM**

MOTION BY ALDERMAN MACLAUGHLIN TO RECOMMEND FINAL PASSAGE

ON THE QUESTION

Chairman Tollner

If I am not mistaken, and I will ask one of the endorsers who is here, this was changed a bit from the intent of the original one right?

Alderman Richardson

This has been a work in process since I believe early June. It was actually after the Budget Committee wrap-up. We were able to then start thinking about cleaning up the odds and ends and doing things that we weren't able to do when we were in the process of actually putting together the budget. This was one of those things that took a while to contact individuals, state legislators to get their input, and to make sure we were covering the basis and had an understanding of the substance within. I talked with Carol Anderson, CFO, talked with State Legislator Pamela Price, and the former assistant Mark Sousa, and got input from all of those individuals. It is my understanding that they feel pretty comfortable with it the way it is written presently. The copies, which I had sent out previously by e-mail were interim versions in development.

Chairman Tollner

Is there any further discussion?

MOTION CARRIED

Chairman Tollner

Before we take up the New Business, Alderman Flynn are you here this evening for your legislation on listing the meetings and adding the job postings on the city channel?

Alderman Flynn

Yes I am. I have no problem going in order.

Chairman Tollner

Okay fine. That is what I wanted to know.

NEW BUSINESS – ORDINANCES

O-06-36

Endorsers: Alderman Daniel Richardson
Alderman Richard P. Flynn
Alderman-at-Large David W. Deane

**PRESERVING FINANCE COMMITTEE APPROVAL AUTHORITY FOR PURCHASES
PREVIOUSLY DISAPPROVED BY THE FINANCE COMMITTEE**

MOTION BY ALDERMAN RICHARDSON TO RECOMMEND FINAL PASSAGE

ON THE QUESTION

Alderman Richardson

The intent of the legislation is fairly plain. The intent is that when things come within the purview of the Finance Committee, it meets the requirements to be presented to the Finance Committee, some of these things, most things actually pass, however, there are certain things, which are deemed by the seven members of the Finance Committee to be inappropriate, and they are rejected. The problem that has been realized in at least one instance was that this purchase of these items actually came back in a segmented form, which took it out of the purview of the Finance Committee, and was subsequently approved by the Mayor. Essentially it circumvented the will of the Finance Committee. That is a problem.

The purpose of this legislation is to state quite clearly that the implicit understanding that this should not be done and clarifies that it shall not be done.

Maureen Lemieux

If I could start the conversation because Mrs. Anderson, Mrs. Tremblay, and I have some serious concerns about the legislation although we completely understand your intention and the issue that prompted the drafting of the legislation. We were all certainly in agreement that we were not allowing any purchase orders to go through that would have exceeded that \$10,000 no matter how they were cut. We were very much aware of that issue. We do, however, have some real concerns that the way this is written may actually cause people to do more of exactly what it is that you are trying to prevent.

We wanted to come here tonight and have a conversation with you. We are worried that this will actually cost us money as a city over time. We have put a tremendous amount of work into Mrs. Tremblay is fastidious in monitoring the purchase orders and making people really follow the rules, which they did not do as well 6 or 7 years ago before Mrs. Tremblay joined us. Our after the fact purchase orders are really at a minimum now. They were plentiful years ago as well as a lot of different things. We are worried that there will certainly be people who will really try to circumvent the process with something like this in addition to this being what we think will be somewhat of an administrative nightmare for purchasing. I just wanted to at least begin to put our concerns out on the table for you. I want to allow Mrs. Tremblay if you would Mr. Chairman to talk about her concerns from Purchasing and certainly Mrs. Anderson has some concerns from Finance.

We understand what you want to do. We are actually on your side in trying to control all of these so we really wanted to have a conversation with you about it.

Janice Tremblay

My two major concerns are the concept that department heads of various departments will attempt to work around and will end up splitting up a purchase to several different suppliers. As an example, they go out and get three quotes because that is what my criteria is if you are spending between \$3,000 and \$10,000, they can do their own solicitation of quotations, but we do require that they get written quotations on company letterhead so that it is a valid written document. My concern is that if in the final analysis that purchase in total would exceed the \$10,000 they will buy some of the items maybe from the lower bidder, but then they will buy other items from maybe the second lowest bidder and possibly even purchase some things from the third or highest bidder so that they have three different sources, they have all of their purchases under \$10,000.

From a purchasing standpoint for us to try to begin to monitor that my memory on certain days is a senior moment type thing. I can't guarantee that I can catch every one of those instances. That is what becomes for me a logistics nightmare in that I am not going to be able to peruse and assure that they are not going without the system. We are going to end up, I think, in spending extra money for something we could have gotten for less. I know the instance you are talking about that precipitated this, and in fact at that meeting Alderman Flynn point blank had asked me what will you do if we don't approve that, and I had basically said we may need to take a look at what we want and things that are absolutely mandatory we may still go ahead and purchase them and we were buying from the low bidder. To split that off and go to another supplier we really didn't want to do that because it was just going to cost us more money.

The other thing that I am concerned about is that the process that we have with purchase orders today and ability to use functions that are the best use of our time and resources will go by the wayside and we will have to revert back to systems that we had in place when I first came on board that were not cost effective, time effective, etc. If my department is going to have to generate spreadsheets and files on the system, etc. to try to track these things and rely on memory to say did we or didn't we and then we have to go back and research – that is a lot of time that we will have to spend to make sure the process works. Those are my major concerns – the time element and the idea that people will actually source at not necessarily the lowest price.

Carol Anderson

I don't have much more to add to that, but I will say that I was here before Janice Tremblay came as Purchasing Manager and I know what that was like back then for trying to get the purchasing function under control, and at the same time getting the various departments and divisions to comply. Mrs. Tremblay came here; she finished working on the purchasing manual. She got that adopted, and there was a dramatic change. It took quite a while for the departments to get used to the fact that they really didn't have as much free reign as they would have liked. I don't think it was so much anyone was trying to circumvent the process – that people were just out there doing their job and that was secondary – that was paperwork to them. Mrs. Tremblay has worked very diligently to get that process in line.

I do know that the departments try very hard at all times to comply and there have been very few

times that we have had to come back to Finance when someone has done something and it has been segmented. I think almost all the time – I am sure there is once or twice when it may not have been for the right purpose or we just wanted to get the job done, but they do make sure that they comply with that. If they don't they are right back here in front of Finance. Janice like I said works very hard at that.

The only thing I did want to correct in one of the things that you stated and I am sure it is just that you just didn't know this, but the Mayor didn't approve – the one that we are talking about the Mayor did not approve that. That was up to the department at that time to do that. They had called I believe both Janice and myself at that time and talked to us about that, and they scaled back their purchase. They weren't planning on doing something like let's just say in May and then coming forward in July and then coming forward in September. That was not their intent. They knew they had to scale back that purchase. If they did not scale back the purchase they were told by both of us that they would be back in front of Finance. I did want to make sure that you knew that.

Chairman Tollner

I did speak with some different departments. I would have to say that the message I got back from each one of them was pretty consistent with what all three of you have said.

Maureen Lemieux

Having said all of that we certainly understand exactly what precipitated this. There may be – I don't know if holding this tonight, other than killing it, if holding it tonight we could certainly talk to Legal I would think. There may be ways that within a motion at the Finance Committee if there is a particular item that is in front of Finance that you clearly would not want to see broken up and purchased – if it were something that there were items within something that was within the Finance Committee that you didn't want to see purchased, there may be ways to structure motions just as the Warrant – when there are checks on the Warrant that people don't want to see paid until some notification happens or something is checked into – there might be motions that you could make at Finance that would prevent exactly what your issue is with this, but not create an area where we are concerned about how we are going to really monitor this, and the people really will try to go around the system.

Alderman Richardson

I am shocked at what I am hearing. Department heads purposely circumventing the law – going with the higher bidder? Is that what we are saying? That has been our experience in the past before ...

Chairman Tollner

I served on Finance last time and Janice is all over it. There were a couple of situations where they don't meet the criteria she was very diligent in explaining exactly what the criteria is in the bidding process. Unless they didn't meet the specs that would be the only thing that I could think of as a reason why we might throw out a bid that might be the lowest bid – wasn't a relevant bid because it didn't meet the specs that we had asked for. I was not aware we have ever gone with a higher bid everything being equal.

Janice Tremblay

Everything being equal not we would not have gone with a higher bid.

Chairman Tollner

That is part of the bidding process; if there are 5 bidders that submit and 3 of them don't meet the criteria they are thrown out regardless of what their price is.

Alderman Flynn

I have been on the Finance Committee for these 8 months, and quite honestly I have noticed a number of purchase orders where certainly the individual could have split it up. They really had I think probably for the sake of quantity to get a better bid they made the package more attractive, and I have seen that come to us a number of times where certainly if the individual had chosen to he could have circumvented the system, but did the proper thing and put the package together as the most attractive package possible to get the lowest price possible. I have seen that a number of times. When I see those I am actually more inclined to vote for them because I know that he has done his diligence.

However, I think part of what Alderman Richardson is saying, I don't want to put words in his mouth, but I think this idea of rejecting this legislation because we're afraid or fear that there would be purchases made from the highest bidder just to split these things up – again I doubt that there are many people who work for the city who would do that. Certainly I hope there won't be any people who would see that as their solution to the problem. I find that argument a little bit hard to swallow. I would say that I am sure there is a system of balances where people have to be reviewed regularly or have to have performance appraisals or whatever so I am sure that their supervisor would be aware of their bad practices if that is what they are doing is trying to circumvent the city's purchasing system.

I certainly was very disturbed with that particular instance that I felt that loophole was just way too big, that after the Finance Committee had certainly strongly expressed its feelings that the items that were being purchased and the prices that were being paid were just too much to swallow at that time based on the city's circumstances, where we were reviewing the actual cost of those individual items. I think we expressed very seriously that was something that we didn't approve of. Then for there to be an existing loophole kind of behind the scenes where they can just say well we won't buy 5 we will buy 4. I think I was aware that night the loophole was there. I didn't expect anybody within the city to really use that loophole. I was very surprised that night and was very I think I sent a couple of e-mails around to try to find out what had happened, because I sensed there was something going on, and wasn't happy with it. To think that hole is still there that is disturbing and I think once the Finance Committee has expressed its opinion I don't think that – I would be surprised if many managers would do that, but it certainly seems like the argument that people will start buying from the highest bidder I don't think there are many people that will do that either.

It just doesn't seem to be a proper situation to leave it the way it is now where once it has specifically been said that is an exorbitant price or not a prudent expenditure we should have some way of being sure that we walk away from there knowing that they understand the Finance Committee's perspective and will honor that. I signed up as a sponsor for this legislation. I didn't do this as a way of punishing departments, but I thought there was a big hole in the system. I have only seen it once in 8 months. It bothered me a lot that one time. Personally I would like to see the hole patched.

Alderman Teeboom

I believe the incident you are talking about is the \$2,000 desks and \$600 file cabinets – when I walked in the Chief of Fire's Office during the open house there it is, and I asked is that the \$2,000 desk that we said he couldn't buy and he said well I don't know that. One reason it is high by the way is because the Firemen are not allowed to assemble their own furniture. I was kind of ticked off at that point when I saw that desk.

If you think this is bad I have 4 more purchase order changes in the harbor that will be introduced next week. One of them is to recommend raising the threshold for the Finance Committee from \$10,000 to \$15,000. I think we are micromanaging at this point.

As far as your memory that is what we have computers for. If someone comes in with another purchase and says I would like to purchase this and the package will be below the threshold level the first thing you do is pop up the computer and look at the part number to see if it has been bid before. You don't have to depend on memory. Second of all you can ask someone to submit a certification when they submit a purchase that says we have not submitted this purchase before at a higher quantity that got turned down by the Finance Committee. You ask for that certification as part of the submittal – request that from the department looking for the purchase.

I am interested to know, because I raised that question several times at Finance, can we break up this purchase order and just take the desks out of there. I think I asked about the desk and the answer was no you can't because it was bid as a package by the vendor. That is what we were told. Maybe I ought to pop a fifth one in the harbor that is you can break up a purchase order – the Finance Committee. I don't have a problem with the conference table being \$200 or with the file cabinets being \$600 although it seems expensive – I do have a serious problem with a desk being \$2,000. If I could have cut the \$2,000 off the desk for this particular order I would have voted yes. It is very rarely in Finance we vote down a request. I can probably count on one hand that we didn't approve a purchase request. I just don't see the problems.

Chairman Tollner

We did discuss that a little earlier. I guess the first thing that comes to mind is you were trying to dissect a bid if I am that company that gave you a price on say chairs and desks assuming that you were going to buy it as a package if you decide I don't want to buy the desk, but I will buy the chairs, that bid goes right out the window if I am that vendor because I am pricing that package together. It is like if you wanted your kitchen done and you got a bid and were looking at different items well I don't want you to do the cabinets or the windows I just want you to do the floor, that person putting in the bid will want to re-price it because you are only asking for one of the items. I don't think that is

going to work being able to empower the Finance Committee – I guess you could empower the Finance Committee to split it up, but when the City went to go do business with the bidder 9 times out of 10 whoever bid will say forget it that is not part of the agreement that I submitted my bid on.

Janice Tremblay

The first thing is your comment about go back into the database and put in that part number and determine had I bought this before. We don't have that kind of a database. We don't have part numbers assigned to the items that we purchase. We do not track records. We are not like a private industry that has a standard cost process and a part number and you chase pricing and watch it, look at usage, etc. We don't have that kind of a database. There is no way to go back in and pull up data that is automatically captured as you buy things. It just doesn't exist in our current system. Anything that we would do to track this sort of thing would have to be a manual process of data entry by the Purchasing Department into an Excel spreadsheet or something like that. We just don't have the time to do that. We would basically have to record every single purchase that we made at some particular pricing level.

As far as refusals by the Finance Committee there has been more than 1. I can think of at least 2 within the past year that this Finance Committee has denied. The number of times Alderman Flynn that this has happened in the 8 months that you have been sitting here is only once. I will go on record with the number of times this sort of thing has happened in the 8 years that I have been working for the City is once. It has never ever happened before this last time. It is not a common occurrence. It is not something we intentionally do on a regular basis. I want to assure this committee that is not our goal. Thank you Mrs. Lemieux and Mrs. Anderson for the kind words. I have worked hard to make things right, and I think if you talk to department heads they would tell you that the reason they come to you with that full package and they don't try to break it up is because they have a hard time getting by my office to do that kind of thing. We have rejected purchase orders back to them and said no way this is going to Finance, you can't do this, look at section such and such in the ordinances that has to be upheld. The ordinances are very clear you do not split an order to avoid what is currently a \$10,000 threshold that must go to Finance. It is very clear in black and white in the ordinances you don't do that. I am proud to say that I don't let department heads get away with it. My concern with this is how much more tracking do I need to do and what might happen to now avoid that possibility of being refused and then have no other outlet.

This whole furniture thing my understanding is, and I saw the quotations, they went out they being Nashua Fire Rescue, months before they were scheduled to move into the new building and they got budgetary numbers and they had a long list of items and it included desks and file cabinets and kitchen tables – all of the things, the conference table and things like that. Then as they checked their available funding they picked this item, this item – things that they determined were the absolute essentials – it is very difficult to have a conference room with no table and chairs in it. It is really difficult to hold your commissioner meeting standing up. They went around and thought what are my absolute essentials. There was nothing on that quote or the three quotes that they got that said if you don't buy the whole package these prices are no good. Everything was a standalone price. They were able to cafeteria style choose. They selected this vendor because across the board consistently he was the lowest bidder and his bid was a delivered assembled installed price and the other bidders the price was higher and it wasn't even put in place. There were many many benefits to Nashua Fire Rescue by using this particular vendor. The pricing however, I am not really sure Alderman Teeboom I am not challenging you, but I am surprised to hear that statement I don't know really who made it because they were able to – because they didn't buy everything that was on even that vendor's list.

They did not buy everything, but the prices didn't change. I think that they did the best they could with what they had for funds and tried to put furnishings into a fire station.

By doing it that way, what they ended up doing was with the furniture that they had at the Lake Street Fire Station as you all know the Fire Marshall's Office was scheduled to move to Lake Street, they left that furniture there for the Fire Marshall's Office to use and the furnishings that the Fire Marshall had at Conant Road were trashed. There were drawers missing, severe dents, rusted file cabinets – that sort of thing. We are talking real junk. What they did by putting the new furniture into the new station they avoided the cost of having to move furniture as well. I personally thought they did a good job of thinking it through and making some wise choices. That was why I supported what they were trying to do.

Alderman Dion

I just want to dig into this a little deeper. I am on the Finance Committee, and I recall when this issue was brought up. I remember Alderman Teeboom, myself, and some other Aldermen thought the price was much too high for some of those items. That is why we denied the request. Through you Mr. Chairman I would like to ask the Purchasing Manager, are you telling me that even though the Finance Committee voted this money down that the Fire Department went out and purchased this furniture anyway?

Janice Tremblay

They purchased some of the items.

Alderman Dion

Some of the items up to a total of what?

Janice Tremblay

About \$8,000 I believe it was.

Alderman Dion

They are allowed with the present system to spend under \$10,000 without approval from Finance correct?

Janice Tremblay

Correct.

Alderman Dion

Whether it is \$8,000 or \$800 you are told what they bought and what the bills are right?

Janice Tremblay

Yes I am.

Alderman Dion

So your recollection is that they spent \$8,000. What was the original request?

Janice Tremblay

Around \$12,000 if I am not mistaken.

Alderman Dion

In other words the city by denying this and the way they went we saved \$4,000 is that what you are trying to say?

Janice Tremblay

You did not spend \$4,000.

Alderman Dion

That means we saved \$4,000.

Janice Tremblay\

You saved \$4,000 for the taxpayers yes you did. Did they get the things they needed no they didn't.

Alderman Dion

I thought at one time Mr. Chairman there was talk of having to get Finance approval to change it from \$10,000 to \$5,000. Didn't that discussion come about? I recall a conversation.

Chairman Tollner

I don't think any discussion has taken place formally in the Chamber.

Alderman Dion

I recall it being discussed in this Chamber at one time. I forget who the proponent was, but I know that the administration or the people involved didn't think it was a good idea because there would be so many things coming to the Finance Committee we would be here until 2:00 a.m.

Chairman Tollner

That is true. There may have been a brief discussion saying maybe we should bring it to \$5,000 and

then when that comment was made they said the Finance Committee would probably last until 2:00 a.m.

Alderman Richardson

That is exactly the point I was going to make. If we absolutely insisted on having control over everything we could lower the threshold down to a lower amount to make sure that we see everything that comes through, but that is not the point. The point is to only deal with the larger issues, and delegate some control to the department managers to have the freedom to do things, which are appropriate. I do not advocate lowering that threshold. The point in question should it have come to the Finance Committee - \$12,000 if it barely popped over the threshold – maybe it shouldn't have. Perhaps we should raise the threshold to \$15,000. It would reduce the workload on the Aldermen. It certainly would give the departments more legal freedom to make purchases in the way that they see fit. I guess I am still a little foggy on the explanation given by the Purchasing Manager about what she sees as being the outcome of some things being bought at a lower price and other things being bought at a higher price. I guess I really didn't follow that exactly. I was wondering if you could just cover that once again – how this would be circumvented and be more costly for the city.

Janice Tremblay

If a department head is contemplating a purchase – this is a good scenario the one that we are talking about now – and what they are basically looking at is something that will require going to Finance, and they have been denied in the past. They get a little shall I call it gun shy or Finance Committee shy. In this particular scenario where he had a number of items; desks, file cabinets, etc. It is the kind of thing, the sort of purchase that could be divided up. The thought process is if I take this as a package and I am denied I am dead in the water, I am sitting on the floor doing my work, standing up holding my meetings, etc. However, if I break this up I could stay below the radar screen, i.e., your \$10,000 threshold. I am not saying they would, but I am saying my concern is that type of a thought process will go through their heads and they will say what are my options do I take my chances going to Finance? This is important for me to be able to make this purchase. Do I take my chances going to Finance and getting refused and then that is it I am dead, stopped completely or do I do something else. Again, I am not saying that this is always going to happen. My concern is that it might.

From my standpoint, I see an order come through and the low bidder was School Furnishings, I see an order come through for School Furnishings and it is in the amount of \$3,800 – okay fine that is under the threshold. I think nothing of it. Two weeks later I see an order come through with let's say W.B. Mason and that is for \$4,000 – fine it is still under the threshold. Then I see an order come through for Staples and that is another \$4,000 – add them up and they are over \$10,000 – three different vendors – a breakdown of the different items – from my standpoint it is nothing I am going back and spend a lot of time researching and digging and pulling up and saying did he split this up, did he go to separate vendors, did he pay more money to W.B. Mason than he would have paid to School Furnishings ... that is all extra work that I am trying to eliminate bringing onto my department. I can't guarantee to you or to any of you that would happen once, five times or zero times in any given month of the year, but I envision it as extra pressure, extra responsibility that we as a department shouldn't be facing.

It is just in my mind that they may begin to say we can't get an honest necessary purchase through the Finance Committee so what can we do as an alternative. I don't want to set that up. I don't want

to encourage that, but I am here tonight to express a concern of whether or not that would actually happen.

Alderman Richardson

The concern is very valid. It certainly can happen. I can see how it happened easily as a matter of fact. One of the things that I have been discussing with other Aldermen is to raise the threshold from \$10,000 to \$15,000, to alleviate the amount of things that we see at the Finance Committee so that we can concentrate on the bigger issues and to get away from the miscellaneous purchases. What the Purchasing Manager has brought up is a problem that I have seen on my time on the Finance Committee, and that is that we on the Finance Committee see what is presented before us. We get a little snapshot of something that is happening. Many of these things go on that are actually large ongoing programs that have an entire scheme over multiple years. However, we only see a little section of it at a time. The major problem with the Finance Committee is that is all we see.

Let's talk about furniture – we have this \$4 million project to redo the fire station, we have seen a little snapshot of purchasing some furniture. If we had a broader perspective of everything that is going on, the way it is done in private industry where there is an entire program plan, we would understand where this fits into the picture. We don't see that.

Chairman Tollner

As far as the fire station goes, you do because they report into the Chairman of the Infrastructure Committee and you had two Aldermen that the committee appointed there throughout that construction process. At any time you could pull any line item or any portion of that construction; the roof, doors, building, at any time you knew what the total dollar amount was, they would report back to the Infrastructure Committee as far as where they were against budget, and in the end as was stated here tonight, there was a certain dollar amount left over in their overall budget – that stuff doesn't come back to the Finance Committee for each individual item because that is what the Infrastructure Committee – I think Alderman Deane was the Liaison for that – with the money left over if you were purchasing equipment that is what would come back to the Finance Committee.

Alderman Richardson

You are exactly correct. However, you are incorrect when you say you referring to me. I am not on the Infrastructure Committee. I do not see that. I am on the Finance Committee so I see just that little snapshot. I don't see the entire program. I don't know if this fits into things unless someone tells me. It is just antidotal. I don't really know.

Chairman Tollner

I think where it fits in is the Finance Committee was told this is how much money is left on the project correct?

Alderman Richardson

No.

Chairman Tollner

They weren't?

Alderman Richardson

No. What had happened is the various accounts were collected towards the end of the year into one account. Purchase Orders were cut against that. They were already prepared, all ready to go – all that needed to happen was approval. On the surface that looks like just plain year-end spending – we got money to burn, burn it. That is what it looks like and that is the way it was interpreted.

Getting back to the whole issue of not seeing the entire picture, not seeing the layout, the money profile over time for various items – we learned tonight that they had gone out to get quotes earlier on. I had no idea.

Chairman Tollner

What was that for?

Alderman Richardson

The furniture. Must have been in someone's program plan. I have never seen it. I have never seen a program plan. I have never seen it as a line item in someone's program plan. It is a fundamental problem. This particular piece of legislation addresses a very simple problem. If you bring it to us as a package, which exceeds the threshold, that it should remain a package. It is not to preclude it from coming back it is simply to say that the Finance Committee maintains purview over it. Just don't break it up into smaller pieces to try to circumvent the Finance Committee.

Alderman Dion

Mr. Chairman if I may I would like to ask Janice Tremblay another question. Getting back – I am still a little in the dark here for this furniture for the Fire Department. You say the original request was somewhere around \$12,000, and I think that is what it was. You said they spent \$8,000. Now the \$8,000 that they spent on that furniture have you any idea in comparison what the prices they paid for the same items that were quoted on the \$12,000 request – in other words if the desk was \$2,000 on the \$12,000 request did they pay the same amount of money on the \$8,000 request?

Janice Tremblay

The unit price for each desk remained the same. What they did was they didn't buy – their original request for \$12,000 included I believe 5 desks. They did not buy the 5 desks they bought fewer desks and they didn't buy the office chairs – they had already bought the conference chairs. They did not buy the office chairs, the wheeled office chairs.

Alderman Dion

But they paid the same price as they would have if we had spent the \$12,000 is that what you are saying?

Janice Tremblay

The unit price did not change. If a desk was \$2,000 and if they were going to buy 5 desks that would be \$10,000. If they only bought three desks it would only be \$6,000. The unit price did not change.

Alderman Dion

That was delivered and set up also?

Janice Tremblay

Correct.

Alderman Dion

A little while ago you said that the price would change if we went with this ordinance. The price didn't change in this case.

Janice Tremblay

The unit price did not change on the order that we placed against that quote from School Furnishings. However, had they purchased the same desk from one of the other bidders in order to split this purchase so that nothing exceeded \$10,000 then they would have spent more to purchase a desk from one of the other bidders. School Furnishings was the low bidder, but what we did was we didn't bit it out and say we will buy 3 desks from School Furnishings and 2 desks from, and I am throwing out names, W.B. Mason. We didn't do that we just didn't purchase all the desks they identified that they needed to purchase. They stayed with the lower bidder they just bought fewer desks. The unit price remained the same. It wasn't like if we were only going to buy 3 then the price is going to be \$2,800 per desk. That was not the case. It would still be \$2,000 regardless.

Alderman Dion

One more question to Carol Anderson – Carol that \$8,000 that was spent on the furniture, where did that money come from?

Carol Anderson

It did come from various line items. What the Fire Department does at the end of their fiscal year, and I know sometimes it may seem that people are on a spending frenzy at the end of the year, but in the Fire Department's case they don't know sometimes and some of the other departments are under the same circumstances, they don't know what all of their needs are going to be like right through the end of the year. When we are coming towards the end of the year the Fire Department has historically waited for that time to do some of their purchases even to do things like landscaping or anything like that. They wait to see that they have the money available and then they will transfer it into non-payroll

line items to do some of this work. They have done that. That was done even prior to the current administration.

Alderman Dion

What line item did that \$8,000 come from?

Carol Anderson

I don't know. I can't tell you offhand what it is, but they would have put it into a furnishings line item. That is where it should have gone into. I think it had been discussed at some point, and Alderman Deane could certainly having been Liaison to the fire project, that they were hoping to have some monies remaining in their operating budget to help furnish the new fire station. That had been discussed at one point.

Alderman Deane

I wanted to comment on one thing in particular – the thought of increasing the threshold to \$15,000 would be met with some severe resistance from myself. Let me explain to you why. I put that legislation in to bring it down to \$10,000. What I feel that did – it wasn't to micromanage what the departments do, but made them reflect on what they were spending their money on. I have sat on the Finance Committee for five years. When we changed that I did not see a huge influx of agenda items. I think what it ended up doing was the department heads and division directors would sit back and think a little harder before they came to the Finance Committee because \$15,000 is a lot of money. That was back in the days when they were buying software and all of this other stuff, and it was difficult to track it. Bringing it down to \$10,000 some people might have had some heartburn with it, but I don't think it has really increased our workload.

We have certain items that are purchased every year. The Park & Recreation Department for instance purchases basketball T-shirts every year. They purchase Babe Ruth uniforms and things of that nature every year. It is pretty much cut and dry. What drove that legislation was when they were working on Roby Park and we can go back and look at the purchase orders that were cut to an electrical company, and instead of putting that portion of the project out to bid they diced up the billing so that it didn't exceed the \$15,000 mark so that they didn't have to come in front of Finance for approval. That is what happened. I know that for a fact. You can go down and look at those purchase orders and see that. That is what drove that legislation.

I haven't heard a lot of heartburn from people about the \$10,000. I think that makes everybody think a little harder – like should I be spending the money like this, should I go in front of the Finance Committee and say I want to spend \$11,000 on whatever – it makes people think a little harder. That is my feeling. Increasing it up to \$15,000. The other items I heard mention were the paper products and things of that nature, but we all know the size of this building and we all know that stale paper does nothing but jamb copy machines. You can ask the School Department that they fill up classrooms and cafeterias with paper at the end of the year and look at their copy maintenance issues over there.

I think everybody needs to understand what it costs to operate. There is some spending that goes on at year-end. Mrs. Anderson had mentioned the Fire Department. We ran into some issues with that project. The gas main was one of them. An elevator was another. Chief Morrissey told me that they were going to look into their operating budget to try to fund some furnishings for the Fire Department. As confusing as some of the things in the project were, we did fine on that. We did reduce the size and the bond amount by \$1.1 million and we got a new fire station out of it. At that Finance Committee meeting I voted for the purchase of the furniture. I knew what they were doing. I knew that other members took issue with cost of it, and that is fine. I understand the other members' issues with the fact that it was brought in front of us, they were told no, and then they went out, reduced the amount below the \$10,000 threshold, and they bought it anyway. That is a problem.

Although the pricing was done, everything was done appropriately, but when people are told no and the answer is no they shouldn't go and reduce what they wanted to buy and go out and buy it anyway. They have in the past as Mrs. Anderson had said, they do have some building maintenance accounts where I know they purchased snow blowers and lawn mowers – when you look at the Warrant at year-end you can see all of that stuff. The Fire Department has been pretty consistent with doing that. They didn't put a lot of money into the Arlington Street station because it was being replaced. They kind of let that go by the wayside a little bit.

Keeping that threshold at \$10,000 I think is the thing to do. I don't think it has increased our agenda as I said earlier. I think it has created a little more forethought from a lot of division directors and department heads. I can say that the folks that I deal with they are cognizant of the money. They are not just out blowing money on things. They have to look at the entire year. I know I do a lot of discussions with the Park & Recreation Department. He sits there and he tracks everything. He has a huge area to maintain, x amount in his budget, and he just doesn't go out and go on a spending frenzy. He thinks through his purchases. He plans his year and thinks through his purchases, and then he orders in bulk. My only issue on that was when I talked to Mrs. Tremblay was having everybody citywide purchase bulk. If we purchase 90,000 rolls of toilet paper every year well let's just buy it from one vendor. Let's get a price on that or paper towels, etc. I am told that Mr. LaLiberte at the School Department who I know, and he is very frugal with things over there – I have seen him on the phone beating on people for pennies on things, and he is good at what he does as Janice is – she follows everything. I would just strongly suggest leaving that amount of \$10,000 and not bringing that down. I think it has been in place for three years now? I think people are accustomed to that now.

Chairman Tollner

There was not a lot of heartburn over the \$10,000.

Alderman Deane

Do you hear complaints about that Mrs. Tremblay?

Janice Tremblay

No.

Chairman Tollner

I would concur with pretty much everything you said. The \$10,000 figure is a fine one. I want to just make sure that we focus back in on the legislation. Are there any final comments on the legislation?

Alderman Richardson

I want to talk about the accounts – the \$8,000 has been kicked around. I was looking in the Warrant and what I found in the Warrant under the 532 account 63065 to School Furnishings there was a \$2,041 purchase. That was in the July 31st Warrant. Then for the August 31st Warrant there was a purchase from the 590-24532 account to School Furnishings, and that was for \$8,545. If I take \$8,545 and \$2,042 I come up with about \$10,060. They really didn't hold back.

Janice Tremblay

The \$8,400 and change was the order that we placed afterwards. The 590 indicates that was money encumbered from prior year. The \$2,000 thing was an order that had been on the books for months – a special order item that was purchased well before they even got to Finance. It was not related to that other cost.

Alderman Richardson

I stand corrected.

Janice Tremblay

Visibility of that – you see that was not a 590 account it was a 532. It was done in FY06 and was already on the books. It was just a long lead-time item.

Alderman Richardson

Thank you.

Alderman Flynn

Mrs. Tremblay I am sure you have handled volumes of information, but you have a good memory. That night I recall having some discussion with you, and I would like you to just clarify – at that time I am not sure I got all the gist of it – at that time you told me that you were holding three separate purchase orders, each purchase order was under \$10,000, the collective value of the three purchase orders was like \$13,000 so there were actually three separate purchase orders, and I think you held them up and showed them to me. You had all three and they weren't going anyplace. We were talking about how it was going to be funded, etc. At that point, you talked a little bit about either your responsibilities or some guidelines or practices that you were required to follow when there were purchase orders that came to you within some timeframe for similar type activities and you had a responsibility to put that together even though they had been issued by the same department for the same account number in three separate orders all under \$10,000 - that you had some responsibility,

some mechanism that at least at that point you were able to gather these up and then present them to the Finance Committee because that was your responsibility to do that. Do you remember some dialogue like that? Could you speak on that a little bit?

Janice Tremblay

That is referring back to what I was talking about a little earlier. There is wording in the ordinances that specifically states that any purchase over \$10,000 must come before the Finance Committee for approval. You are not allowed to separate out into separate orders, separate purchase orders, in order to avoid that \$10,000 requirement. This particular instance was kind of easy for me because it all happened within several weeks. What Nashua Fire Rescue was doing was as they wound down into the end of that fiscal year and they were finding money available here and there and made transfers over into furnishings, and as they transferred an amount of money that would cover some specific items on that original quote that they could go ahead and purchase they cut a purchase order. Then a week later they did it again and cut another one. That is why we had the purchase orders – they had been done, but we were basically – when it began to come over the \$10,000 that is when I called Chief Hatfield and said we have a problem here – you are over the limit and it is all with the same vendor and it is all off of the same quotation. I said Chief you can't do that you will have to go to Finance. Orders had been cut and the funds had been encumbered, but what we did was we called the vendor and said hold we need to take it to Finance and get their approval, do not proceed with these orders. Those were the orders that I had with me that night. Those were the orders that were summarized on the memo that I presented to you gentlemen.

As I recall we had three separate identities on that one memo, which totaled up to the figure whether it was \$12,000 or \$13,000 in that range. The point of the matter was totaling it exceeded \$10,000. All I was doing was mandating that Chief Hatfield and Chief Morrissey needed to follow the letter of the law in the ordinance where it says you can't split these onto separate orders. That is when we ended up coming to you. To follow up on that, after the committee voted no, you Alderman Flynn asked me Mrs. Tremblay what will you do now that – if we don't approve this what will you do, and I said at that meeting that night I said we will most likely go back tomorrow, take a look at what we absolutely must have out of that \$12,000 or \$13,000 spend and then proceed to get only those items. No one on the committee made any other comment at that point in time, and that is why we went ahead and did it.

Alderman Flynn

I don't know what we could or could not do that night. We asked what you were doing and you made it clear to us that was within their prerogative or their latitude to exercise that. I think a lot of us walked away that night very concerned that was the next step that they could follow. We weren't about to write legislation that evening to stop that. We did walk away from that recognizing there was a patch that needed to be put into the system. Certainly this legislation tonight tries to address that just a little bit. I do appreciate now a little bit more what was really happening there was it was the end of the year. I remember there was some talk about end of year spending. That is probably why we got these three purchase orders all within a short timeframe. That is why it was a little bit easier for you to be able to recognize there were three separate purchase orders all for in this particular case one quote. Thank you.

Maureen Lemieux

If I could just add to that as the people who really police this for you, Mrs. Tremblay is really quite

vigilant as is everyone in Mrs. Anderson's office. You may recall I believe probably at your last Finance meeting you had an order for Concentric come before you. It is easier for us if these things are happening with companies that have the same name. Our fear with this is that it will be happening with companies that do not have the same name and we won't even know it. You certainly won't know it. With Concentric back in I believe February a purchase order was cut for Phase I of a particular project, which was \$6,000 or \$7,000 or however much that purchase order was. Fairly recently another purchase order was cut for them. It was different fiscal years, it was 6 months apart, but because it was the same vendor Mrs. Tremblay could identify that, and that department was told after we had a fairly large meeting with them, with Legal and everyone else there, that department was told hold off you are not doing Phase II until we go before Finance.

When it is the same company and it is not necessarily – I don't even want to say people are blatantly trying to go around things, I don't know that they intentionally split it, but we were certainly making sure that they came to Finance whether they intentionally split the purchase orders or not. Our fear with this is that they will go to different companies and if they think there is a problem at all with something they will be bidding it out in separate pieces and we are not going to know the difference.

Chairman Tollner

We can take a couple more questions. We need to try and come to some closure on the legislation.

Alderman Dion

Whoever can answer this question – if this ordinance, 06-36, would have been in affect when that furniture proposal was brought before the Finance Committee and rejected, could they have gone out and spent \$8,500 and buy some of that furniture anyway if this legislation would have been in place?

Chairman Tollner

No.

Alderman Dion

Thank you.

Alderman Williams

I just want to piggyback on that so I understand this. I do understand that part, but my question would be if this does go through wouldn't the person that wanted to purchase furniture not want to risk not being able to buy any so wouldn't they just make a smaller order that didn't have to come before Finance in the first place?

Chairman Tollner

Yes we had spoken...

Alderman Williams

That is the fear with putting this into place. People may try to make smaller orders and we may not get the best price right?

Chairman Tollner

They could cut it up.

Alderman Richardson

I don't see the logic in that whole thought process. What is to prevent any department from doing that right now?

Chairman Tollner

In the conversations I had earlier this evening and the example that was just used, if you are going to whatever the company was, School Furnishings, they could do that, but the Purchasing Department would catch that if there are 2-3 matches. What I think Mrs. Tremblay was talking about earlier was if I want that furniture I will buy a little piece from W.B. Mason, a little from Joe's Furniture, etc.

Alderman Richardson

So you hit it right on the head, but I don't think you understand that you did that. What is to prevent them from doing that right now? Going out to the separate vendors, coming in under the \$10,000 limit?

Chairman Tollner

They could.

Alderman Richardson

They could.

Chairman Tollner

I think the concern of these three individuals is it might become more prevalent.

Alderman Richardson

This legislation has absolutely no affect on the propensity to do that. It will happen if it is so desired.

Chairman Tollner

The professionals that handle this day in and day out it is their opinion they think this would exasperate that situation.

Alderman Richardson

I am looking for the logic in how that would happen.

Alderman Williams

I have a contrary viewpoint. If I am in charge of buying new chairs for the Aldermanic Chamber right now I can put an order in to come before Finance for \$15,000, and if for some reason Finance turns it down I can go back and just get \$9,900 worth of chairs and not come back to Finance. I try to go get the best price, get a really good price for a good package of 15, you guys don't like it, I go back and buy \$9,900 and we are done. If this goes through I try to get the best price to get the 15 and you say no there are no chairs. I am going to be afraid to go get the best price.

Alderman Richardson

Perhaps you don't understand. The exact wording is that it does allow you to come back. You just can't split it up. You can come back to the Finance Committee with a better argument, better logic, more explanation to resolve whatever problem there was. It doesn't prevent you from coming back. The thing it prevents you from doing is splitting it up after it has been to the Finance Committee.

Carol Anderson

I know it may seem small, but one of the things that could happen is that if they feel that the purchase is really necessary rather than risk being rejected they will probably spend, let's just say hypothetically, another 10% to split it up three different ways and not be rejected. It may be worth it to them to forego \$1,000 on an almost \$10,000 order. That way it costs the taxpayer more.

Alderman Richardson

If you have a Board of Aldermen that has some fairly frugal individuals on the Finance Committee and that process is learned, what is to prevent the departments from doing that with the present situation?

Carol Anderson

I would say right now that everybody is working under a frugal budget now no matter what department you are. I don't think that I would want to risk – I would not want to spend an extra \$1,000 if I didn't have to, but at the same time if I really felt I needed it then I would do that. I am thinking this situation was unique. ... **tape flipped** ... furnish the Fire Department with the new station and everything – you don't see this happening. I really feel that the department heads have worked very hard to do the best for not only their departments, but you do best by what the Board of Aldermen wish, but also for the taxpayers. I am just fearful as Mrs. Lemieux said and Mrs. Tremblay that this will set another behavior pattern in place that really didn't exist before.

Janice Tremblay

I would like to ask a hypothetical question – as I look around the room I think there are 5 who are here tonight that are members of the Finance Committee. If I had come back to you with the \$8,400 purchase would you have denied it again? As I read this legislation that is what should have happened. If we had determined that we needed to spend \$8,400 we would have had to come back, and I guess my question is would that have been refused again? I am getting the feeling it would have.

Chairman Tollner

We are going all over the place here. Let's do our best to try and bring some closure to this.

Alderman Dion

In answer to Mrs. Tremblay's question if that \$8,400 came back to Finance and the prices were the same for the items I would have voted against it.

Alderman Deane

Mrs. Anderson had made a comment and Mrs. Tremblay has made it as well that this whole scenario is nothing more than a unique situation. If it was a unique situation why all the heartburn over this? I don't get it. If it was a unique situation that I believe earlier in the meeting you stated it has happened once in your eight years of being here, what, as Alderman Richardson had stated on a couple of occasions, what is driving the heartburn about this legislation? What is going to change behavioral patterns of the frugal budgets that the division directors and department heads have right now? I don't think this is going to change it at all. I think people see the money they get, they know the scrutiny they are under, and I don't think that someone will look at a chair and say I will give up \$1,000 to buy it because I want it, I need it, I have to have it because I don't want to go to Finance. I don't think people do that. You don't see it. I don't think it is going to change anything.

In fact, when this ordinance gets approved, which I think it will, it will probably never be used because if you are telling me Mrs. Tremblay there has only been once in 8 years it is a pretty good track record on your part as far as I am concerned. Putting this in to make people aware of the fact that this is the way it is I don't think will change any spending habits or behavioral habits from anybody. I think Mrs. Tremblay you do that all by yourself. You look at the ordinances that are in place and you enforce them the way they are to be enforced. I have spoken with Mrs. Anderson on numerous occasions about different things, and if things run down through Finance and she is not happy with it the answer is bring it to the Finance Committee they would love to talk to you about this. You know what happens more often than not they don't do it. I really don't see what all the heartburn is about this.

Chairman Tollner

I think the flipside of that is it is unnecessary if it has only happened once and it will create more work is what we heard earlier this evening.

Alderman Richardson

I was interested in answering the hypothetical – let me answer it with a hypothetical – my hypothetical answer is that if it had come back to us in any form we are all reasoned individuals and we would all consider it on its merits once again. If the merits had not changed, if there is no new information, we would have rejected it most probably. However, if there was new information, a new explanation of it, and it was acceptable to the majority, we would have approved it.

Alderman Teeboom

All I can say is this – if this were passed and therefore bid would come back I would expect a couple of things would happen – first of all someone either read the minutes and found out that we have heartburn about the \$2,000 for the desk. I will always have heartburn for a \$2,000 desk. We routinely pass in here millions of dollars without merely a discussion, but there is discussion of these things. The next time if it had not passed they would have come back and said \$2,000 and we would have

said you didn't do your homework where is the \$800 bid, and If you come back with the \$800 bid then we would have said yes. The issue was cost. On this point, all I can say is ... **tape inaudible...** you can say to someone when they come back with a bid if you don't have the manpower we are trying to address Mrs. Tremblay let your fingers do the walking. Your finger walking is show me a certificate. Have you put this purchase before the Finance Committee before yes or no? Then you have to look at nothing because if the guy says yes and lied it is actionable – he can be fired. If it says yes and he did before you have to do nothing you say yes or no and make your judgment. If you are in charge of the ... **tape inaudible ...**

Chairman Tollner

The motion on the floor is for final passage of O-06-36.

MOTION FAILED

Division Taken

MOTION BY ALDERMAN RICHARDSON TO TABLE

ON THE QUESTION

Alderman Richardson

It may become apparent in its value when other ordinances come in.

MOTION CARRIED

O-06-39

Endorsers: Alderman-at-Large Fred S. Teeboom

Alderman-at-Large David Rootovich

**AMENDING THE MUNICIPAL CHANNEL PROGRAMMING ORDINANCE TO ADD
THE CABLE TELEVISION ADVISORY BOARD TO THE LIST OF MEETINGS TO BE
SHOWN**

MOTION BY ALDERMAN TOLLNER TO RECOMMEND FINAL PASSAGE

ON THE QUESTION

Alderman Teeboom

Basically CTAB meets once a month, and last time we met we were not being televised. It turns out CTAB is not on the list. The list is lengthy, and, therefore, CTAB ought to be at the bottom of the list. The list is in a ranked order so CTAB would be last. I don't think there is a conflict at 8:30 a.m. on Fridays. I would suggest a further amendment that maybe I can bring in another piece later – the amendment would be that there are two committees on that list; Joint Special and the other one is the Senior High School Project, that is really now supposed to be Construction Projects Committee. Those two are supposed to move to the Education Channel when the education channel is up and running, which is now undergoing testing. The amendment I would like someone here to make is that when the education channel is up and running that those two committees move to the education channel and no longer under the control of this programming committee that controls the programming of the meetings on this particular list.

MOTION BY ALDERMAN TOLLNER TO AMEND BY ADDING A SECOND PARAGRAPH STATING “WHEN THE EDUCATION CHANNEL IS UP, ACTIVE, AND RUNNING, BOTH THE JOINT SPECIAL SCHOOL BUILDING COMMITTEE AND THE CONSTRUCTION COMMITTEE MEETINGS SHALL BE TELEVISED ON THE EDUCATION CHANNEL.”

ON THE QUESTION

Maureen Lemieux

I just have a question for Alderman Teeboom. I don't know if he intended not to include the Board of Education. Was it your intent to leave the Board of Education on TV 16 or your intent to include it in this motion that you would like?

Alderman Teeboom

She is exactly right. The Board of Education is second or third on that list. The Board of Education, Joint Special, and the Projects Committee.

AMENDED MOTION BY ALDERMAN TOLLNER TO AMEND BY ADDING A SECOND PARAGRAPH STATING “WHEN THE EDUCATION CHANNEL IS UP, ACTIVE, AND RUNNING, THE BOARD OF EDUCATION, JOINT SPECIAL SCHOOL BUILDING COMMITTEE AND THE CONSTRUCTION COMMITTEE MEETINGS SHALL BE TELEVISED ON THE EDUCATION CHANNEL.”

ON THE QUESTION

Alderman Deane

The Board of Education is already listed in the prioritized ordinance for TV16. My question is if there are conflicts what meetings are going to be televised?

Chairman Tollner

I think the Board of Education would take priority as the number one...

Alderman Deane

It has to be spelled out in the ordinance. That is what I did with the original TV 16 ordinance.

Alderman Teeboom

The one that is before you only deals with the government channel and only the order of programming in the government channel. When these programs that we are talking about move to the education channel these programs are no longer going to be under the control of the program committee. They now become under the programming control with all kinds of other programming/activity of the education committee that is being formed with the Superintendent as the Chairperson.

Alderman Deane

So if the Education Committee didn't want to show any of these, and there was a simple majority vote they would not show any of them?

Alderman Teeboom

By the policies and procedures we approved all programming decisions in the education channel are under the control of the Education Committee.

Alderman Deane

My question again if a simple majority of that committee didn't want to show any of those meetings they wouldn't be shown?

Alderman Teeboom

They wouldn't. They have not generated their own rules yet, but let's say they consider that a majority that is true. It is up to that committee.

Alderman Deane

I would just assume leave them on the government access channel, which we have control over whether their meetings are replayed or not and how they are prioritized. I think it is imperative with the size of our educational system in the city that the business of the Board of Education be broadcast or re-broadcast in the prioritized fashion we have it. I think when you are spending \$85 million plus of taxpayers money every year I think the citizens that have an interest that want to see how the policy making board is spending their money and the benefits the children are receiving from it I think it is up to the Board of Aldermen to keep those Board of Education meetings under our control to make sure that they are shown. I am not saying that this group wouldn't do that, but I would want to make sure that we appropriate the money to them. I think their actions through their meetings are available to be re-broadcast I think we should be controlling that destiny.

Chairman Tollner

Are your comments to leave the Board of Education meetings where they are right now and move the other two groups over to the educational channel or leave them all?

Alderman Deane

I would leave them all on the government access channel because the Joint Special involves taxpayers' money, Board of Education is the policy setting board for the educational facilities in the city and the construction committee is part of Joint Special - that should be left on too because they are overseeing the expenditures and approvals of millions of dollars of borrowed money. Although I think the idea is there, but I wouldn't want to see – when we looked in the past before I put the ordinance in to prioritize channel 16 that was up to the Mayor's Office. That was wrong. It was pick and choose regardless of what anybody has to say it was pick and choose on those meetings. I think the meetings that have the most impact to the taxpayers should be the ones that are either broadcast live or re-played as we do. I think since we put the ordinance in it has worked out rather well. The Board of Education wasn't buried, they are right at the top of the list. I really think that they belong under the government access rather than the education channel.

AMENDMENT WITHDRAWN

Chairman Tollner

The more I think about it I think the Board of Education meetings should be right up there with Finance and Budget.

Alderman Teeboom

We can do that, but you can have the Board of Education on both channels because nothing prevents the education committee to also put this on the education channel. You would have duplication. I don't necessarily disagree with your logic. I just wanted to bring that up.

Chairman Tollner

So that leaves the legislation as it was originally presented to the committee tonight. The motion is still on the floor for final passage. Is there any further discussion?

Alderman Richardson

We have a follow on ordinance, O-06-40, which addresses the same area. Would it be advisable to combine these two or to address them singularly?

Chairman Tollner

I think singularly since that is the way they were filed with Legal.

MOTION CARRIED

O-06-40

Endorser: Alderman Richard P. Flynn
Alderman-at-Large David W. Deane
Alderman Mark S. Cookson
Alderman-at-Large Fred S. Teeboom
Alderman David MacLaughlin
Alderman Robert A. Dion
Alderman-at-Large James R. Tollner
Alderman Daniel L. Richardson

**AMENDING THE GOVERNMENT CHANNEL PROGRAMMING ORDINANCE TO ADD
CITY OF NASHUA JOB POSTINGS**

MOTION BY ALDERMAN TOLLNER TO RECOMMEND FINAL PASSAGE

ON THE QUESTION

Alderman Richardson

This does not have the change, which was just approved on 0-06-39. We added Cable Television Advisory Board to the bottom of the list.

**MOTION BY ALDERMAN TOLLNER TO AMEND O-06-40 BY ADDING THE CABLE TELEVISION
ADVISORY BOARD TO THE LIST OF MEETINGS TO BE SHOWN**

ON THE QUESTION

Alderman Deane

I have a question for Director Lemieux – it seems sometimes the city has a hard time filling boards and commissions. I know the Mayor brings forward his candidates. Has the Administration contemplated maybe throwing this out – throwing some suggestions out to some citizens who may have an interest in serving on some of these boards and commissions that they have trouble getting people to fill the positions?

Maureen Lemieux

We would be more than happy to. When Alderman Flynn first suggested this – I know I called him as soon as he sent the e-mail telling him I thought this was a wonderful idea as far as putting the external job postings – I want to make very clear you may walk into City Hall or you may know of jobs that are vacant in the city – the only jobs we are putting on Channel 16 are the ones for which we can hire external candidates. Any union jobs are always open to members of that union first before we post externally. It was a terrific idea. I would also be more than happy to explore putting the list of different boards and commissions on channel 16 that have vacancies. I just want to note that we only have the capability, at least with the system that we have right now, of having 12 of those PowerPoint slides that you see on Channel 16. There could be times, if there are other things that are really pressing that we need to get out there, that we may need to manage what is on those different 12 slides. I certainly would be more than happy to look into adding boards and commissions.

Alderman Deane

Remember that server that we bought that doesn't work? What are we doing to increase our ability to go for more than just 12 slides? Is that equipment that CTAB is purchasing Alderman Teeboom?

Alderman Teeboom

It is going slowly, but it is working. We are tomorrow after taking initial steps to improve the audio in this facility and the audio upstairs. We are getting proposals in; we are doing the final RFPs. Tests were done last week. That is taken care of. The next step is the hiring of the CTAB Program Manager. We are getting together on that tomorrow afternoon. We have candidates. This is the second attempt, and hopefully we will be able to hire someone. John Barker has been a terrific help on this whole thing.

Then the third step – start taking a look at the server. The server that you mentioned is gone. It is not even worth its weight. It is beyond repair. It is years old. There is no maintenance for it. The cost would be more than what we can do. We are going in with a whole new approach. If you hear just a limit on the number of charts that will be extended. I would like to make comment – I have looked at the slides. I am pleasantly surprised now to see things other than these cameras with the traffic all the time. I would like to recommend and take a look at a better slide system. I would like to see a synopsis of the description, etc. We can certainly extend that system. We can extend all of that stuff including the servers when we ultimately get digital television instead of the analog television.

Alderman Deane

Thank you.

Alderman Flynn

Speaking directly to this legislation, this is just something that I observed by going to a Board of Public Works meeting – I thought this would be a way to have a relatively inexpensive or nearly free way of allowing residents of our city to have a better visibility as to what the job opportunities were. The legislation as it is written says the Government Channel Programming Committee shall also establish and maintain a procedure to use the government channel to broadcast all job postings that the Human Resource Department deems appropriate for external posting. I think that goes to your comment that there are certainly a number of jobs that get offered up first or go through this internal promotion opportunities. When I saw this situation, certainly they were hiring talented individuals, but they were people who had skills that I am sure there are people in Nashua who equally have CDL licenses, equipment operators – I am sure those are nice jobs.

I am sure we are hiring competent people, but it was a shame that we didn't get any even applications from people who live within the city. I stole this idea from Commissioner Don Dyer. He at that point seemed a little disappointed that people were not getting the message within the city. At Alderman Teeboom's suggestion, I did talk with Attorney Clarke, Mrs. Joyce, and Mrs. Lemieux and they were very supportive. I think within 3-4 days it did show up on Channel 16. This is a good way for us to have better visibility of opportunities for people within our city. I think what this legislation does it kind of sets it as a policy or gives it some permanence so that over time it doesn't just disappear. Things change; people get caught in compromises, different priorities – by putting it into policy that means we will have to consciously decide that we want to discontinue that practice down the line.

I know today it is in place and I appreciate your quick response to my e-mail, and the fact that it is already on Channel 16. I think it does well for our citizens. I thank you for that. Again, this just allows us to put some kind of policy/permanence in place.

Alderman Dion

I think it would be a good time to ask this question since we are talking about televising meetings – back I think it was the last Finance meeting or the one before that we had a typical Monday night meeting and there was no cameraman. Can you explain to me why and how – in fact this is the second time -- I have seen it happen within a year, but this just happened a week or two weeks ago.

Maureen Lemieux

What happened that evening is we have 5 different videographers who work for us. That evening we had a very difficult time getting videographers, and we were only able to have 1 work on that particular evening. That evening there was a Board of Education meeting also over at the School Department. The Board of Education takes precedence over the Finance Committee by the Ordinance. I have the ordinance posted in my office. We live by that ordinance, and we schedule people based on that ordinance.

Chairman Dion

The School Department seems number 1.

Maureen Lemieux

They are second to the Board of Aldermen, but they are ahead of Finance. Because we only had 1 person who was able to work for us he went to tape the Board of Education.

Alderman Dion

How can you prevent that from happening again?

Maureen Lemieux

Usually we are able to secure the number of people that we need for any given night. There are many nights when we have 3 videographers working – we may have someone up in the auditorium, here, and also may have someone over at the school department. This just happened to be a tough night that we couldn't get the 2 that we needed. Short of changing your priority and making Finance more important than the Board of Education, I can't guarantee to you that would not happen again.

Alderman Dion

I think if that is the case then we should have a bigger pool of cameramen available.

Maureen Lemieux

It is very difficult to get people who want to be cameramen for us. We do it on an independent contract. They never know until a week or two ahead of time which nights they may be working

because we have to know what the schedule is. They have to come and set up. They all have jobs in addition, but we have – we work very hard trying to maintain a stable of videographers. We have talked to Channel 13 when they first went over to Rivier College. We were hoping that we would be able to tap into some of the college kids to come and work for us. That did not pan out at all. We have high school kids with that beautiful studio that we have over at the high school who take courses and have learned different things, but we have all kinds of restrictions on having kids who are not 18 working. We never know when a meeting starts whether or not it will go until 10:00 p.m. or 11:00 p.m. or 12:00 a.m. Certainly for Planning and Zoning as you know those go very late. We can't have high school kids doing those. We have a very difficult time getting videographers.

As I say right now we do have 5 of them, and there are sometimes nights when we can't get them to work. We are always happy to have more people express an interest. We have gone out to our employees several times, and put notices out on e-mail telling people that we are looking for anyone who wants to make a little extra money on the side – if anybody has ideas of how we could – or if anyone is watching this and is interested in being a videographer for us we would be more than happy.

Alderman Deane

That was going to be my recommendation to add it to the job postings on Channel 16.

Maureen Lemieux

I will be happy to.

Alderman Teeboom

The programming committee can with 2/3 – there are 3 members of the committee so 2 members of the committee can vote to change the order if we ask them to. Now say the Finance Committee is more important than the Board of Education – that is how you can make a change on anything on that list.

Chairman Tollner

I don't think so.

Alderman Teeboom

That is what is in the ordinance.

Chairman Tollner

They have that much authority?

Maureen Lemieux

Yes. We actually have done that once or twice if we knew that say the Board of Education was only doing a work session and there was almost nothing on the agenda, and there was something very important going on in the city and we didn't have enough people. The ordinance does say that – by a

2/3 majority, which is 2 people.

Chairman Tollner

Are there any further questions? The motion on the floor is to amend.

**MOTION BY ALDERMAN TOLLNER TO RECOMMEND FINAL PASSAGE AS AMENDED
MOTION CARRIED**

O-06-41

Endorsers: Mayor Bernard A. Streeter
Alderman-at-Large David W. Deane
Alderman Robert A. Dion
Alderman-at-Large James R. Tollner
Alderman Brian S. McCarthy
Alderman Michael J. Tabacsko
Alderman David MacLaughlin
Alderman Marc W. Plamondon
Alderman Daniel L. Richardson

ESTABLISHING A 14 COURT STREET COMMISSION

**MOTION BY ALDERMAN TOLLNER TO RECOMMEND FINAL PASSAGE
MOTION CARRIED**

Alderman Deane

I wasn't here at the beginning of the meeting. I had a question – on the communications did you have any discussion on the memorandum from the Board of Fire Commissioners?

Chairman Tollner

No we did not.

Alderman Deane

What did you do with that?

Chairman Tollner

The motion was to send it back to the Administration and also recognize that it was also in Budget.

Alderman Deane

Did it pass to send it back to the Administration?

Chairman Tollner

Yes it did.

Alderman Deane

Were there any stipulations put on it?

Chairman Tollner

No sir.

Alderman Deane

Send back something they sent to us with no recommendations.

Alderman Richardson

Mr. Chairman I don't recall any vote on that issue.

Chairman Tollner

Absolutely there was a vote.

Alderman Richardson

Are you certain of that?

Chairman Tollner

Absolutely.

Alderman MacLaughlin

It was unanimous.

Alderman Richardson

Thank you.

MOTION BY ALDERMAN RICHARDSON TO TAKE FROM THE TABLE

R-06-36

MOTION CARRIED

R-06-36

Endorsers: Mayor Bernard A. Streeter
Alderman-at-Large David Rootovich

**DETERMINING THAT REVISION OF THE CITY CHARTER IS NECESSARY AND
PROPOSING THE ESTABLISHMENT OF A CHARTER COMMISSION**

Alderman Richardson

I don't understand why this particular resolution has been tabled as long as it has been. It has been sitting out there awaiting something. Can anybody clarify for me what we are waiting for?

Chairman Tollner

First of all I think the time has passed for us to take action on it this year. I also think if memory serves me correctly, and I will research it, I think Alderman Bolton had sent a message to the Mayor and I think his request in his memo was dead on – basically this legislation asks us to take a look at the revision of the entire City Charter. I think the request of Alderman Bolton although I don't know whether it was a formal request, was a request to have Corporation Counsel take a look at the City Charter, and identify for the Board of Aldermen those areas that were of concern from a legal or updating perspective rather than the Board of Aldermen doing the entire thing. The reason why it has been in committee is there is no push to take it out of committee.

Alderman Richardson

What are we going to do with this legislation? It serves no purpose to sit here idle with the promise of action. We have had an opportunity to be timely with it to reduce whatever cost there might be. That has now gone by with perception that some other action is necessary. Should we not recommend indefinite postponement with that rationale that you have just given for it?

Chairman Tollner

Anybody could make that motion or we could ask the City Clerk what the next timeframe is that we would be able to work on it.

Alderman Deane

Your remarks on Alderman Bolton's request to look at antiquated language in the Charter is one thing, but if you put a Charter Commission together they are going to come back and will state actually having a Mayor – we should have a Town Manager – that may be a request – Board of Aldermen – too big, Fire Commission – don't need it, Board of Public Works – you should add 10 commissioners. They can come back with all sorts of suggestions and recommendations. It is not just dealing with antiquated language. When you are looking at the Fire Commissioners for instance they still have charge over the horses. Public Works still has charge over the delivery of garbage pales. There is a lot of different language in the Charter that would change if this commission was elected. It is not just dealing with antiquated language it would be dealing with the entire way Nashua city government operates today.

Alderman Teeboom

As a reigning expert on how to amend the Charter because I am the only one that ever in most recent

memory lead a successful citizen petition to change the Charter – a Charter Commission takes a separate election of citizens, and I believe it is 9 citizens that get elected. You have to go through approval on this thing then it has to go before the voters. The voters have to agree that a Charter Commission is necessary. After the citizens have voted on this there can be a special election or a regular election. There has to be another election, a second election, to elect the Charter members. You can have your signs up and campaign just like you campaign for anything else.

Once the Charter Commission is formed and then is allowed to sit in an office in City Hall for 9 months thereabouts, hold public hearings, get paid a small amount of money, and at the end of that process come out with a report that can change all kinds of stuff. Like you say Town Manager or whatever.

What Alderman Bolton is proposing is a different approach. I don't know if it is any better. What he is saying is make up a list of the things that you want to change and put them out as amendments. The same matter that deals with changes to a charter commission also deals with a charter change to an amendment – much simpler process. You vote on the amendments, agree what that amendment should be, put it before the voters at the next special election or general election and the citizens vote yea or nay, and it is done.

Chairman Tollner

Right but the Board of Aldermen have to approve it...

Alderman Teeboom

Have to approve all that stuff. The only restriction is an amendment can only deal with one subject so you can have an amendment should the Mayor be changed to a Town Manager – first we have to change to a town – should Nashua change to a town. That would be one amendment. Another one get rid of the horse and carriage stuff. That is a different amendment. You can imagine you would have 5-10 different amendments. There could be 100 because our Charter is indeed antiquated. What Alderman Bolton is asking for is a lot of work on the part of our attorneys. They would have to spend quite a bit of time – our attorney staff is very thorough in case you haven't noticed. We only have 3 attorneys so they probably would have to vend this out. We could do that. We could pay someone to go analyze this Charter – probably not a bad idea. Does that then tell us yes we should do that and then decide to pick and choose a couple of things that are really important and put them out for amendments are if there are so many after looking at those changes we should do the Charter Commission?

You are right having this thing sitting here doesn't make any sense. However, just moving on it doesn't make any sense either. My recommendation would be if you are serious about doing something about the Charter get this thing out with a recommendation from the Board of Aldermen that they form some funding to get someone to come up with that list. Then make a decision.

Alderman Richardson

I have listened to all of the discussion. I would ask why we couldn't amend this to focus the Charter Commission on just those things to bring us in compliance with State Law. I believe that is probably the most important thing to do. Presently our Charter is not compliant. We have found that out with a couple of lawsuits. Doesn't that seem to be a reasonable thing to do?

Chairman Tollner

That would be a good idea. I think you would have to sit down with Corporation Counsel and either come up with new legislation or significantly amend this legislation.

Alderman Teeboom

The way I read the law the Board of Aldermen does not have the luxury of instructing a Charter Commission what it ought to confine the study to. If you put a Charter Commission in motion through the process they start with a clean slate. You cannot tell the Charter Commission ahead of time only study the horse and carriage stuff. The way the law reads if major changes to the charter are necessary put a Charter Commission in place and they will take the testimony and they will decide what the changes are. You cannot direct the Charter Commission to confine their study to a certain area.

Chairman Tollner

I think Alderman Richardson was going down a different road as far as identifying those pieces of the Charter that are outdated. I think that would behoove us to go with

**MOTION BY ALDERMAN RICHARDSON TO RECOMMEND INDEFINITE POSTPONEMENT
MOTION CARRIED**

TABLED IN COMMITTEE

Ordinances

O-06-28

Endorsers: Alderman-at-Large Brian S. McCarthy
Alderman-at-Large David W. Deane

**CREATING A FACILITIES DIVISION AND PROVIDING FOR A PROCESS FOR
THE EVALUATION AND PERMANENT ESTABLISHMENT OF SAID DIVISION**

PUBLIC COMMENT - None

DISCUSSION

Alderman Deane questioned the motion that was made pertaining to the communication from the Board of Fire Commissioners dated 8-29-06. The Committee Clerk read the motion "to accept and place on file and refer back to Budget Committee and the Administration."

Alderman Deane stated next Thursday evening the Budget Committee would be discussing the issues

associated with the Chief's annual compensation as well as the cost of living increases that he feels he is owed. He stated he would have sufficient documentation of the entire issue in the Aldermen packets.

Alderman Teeboom stated he has expressed to the Fire Commissioners his displeasure with possible intent to retain legal council. Alderman Tollner informed the committee he brought up the same issue and displeasure at a recent Board of Fire Commissioners' meeting.

ADJOURNMENT

**MOTION BY ALDERMAN DION TO ADJOURN
MOTION CARRIED**

The meeting was declared closed at 9:35 p.m.

Alderman David MacLaughlin
Committee Clerk