



**Town of Ayer**

**Cable Advisory Committee**

**Meeting Minutes for August 30, 2022**

**Attendance:** Scott Kurland (Chair); Jannice Livingston (Vice Chair); Janet Providakes; Julie Murray; Chief Brian Gill

**Also in Attendance:** Robert Pontbriand, Town Manager; Attorney William Hewig, Town Counsel

**Welcome/Introductions:**

R. Pontbriand welcomed the Committee to the first meeting of the Cable Advisory Committee. The meeting took place in-person in the First Floor Meeting Room of the Ayer Town Hall located at 1 Main Street, Ayer, MA. Everyone was introduced including Attorney William Hewig of Town Counsel.

R. Pontbriand reviewed the meeting agenda and provided an overview of the role and responsibilities of the Cable Advisory Committee. The overall mission of the Committee is to advise the Select Board on local cable television issues and to negotiate with service providers, ensuring that the interests of the Town of Ayer are represented. The Cable Advisory Commission deals solely with cablecasting of television programming to Ayer residents and has no jurisdiction over internet services provided to the residents of Ayer. The Committee is appointed by and charged by the Select Board to negotiate the terms of a new license with Comcast and to present that new license to the Select Board for review and approval. The current cable license with Comcast expires on March 31, 2023. The Cable Advisory Committee is subject to the provisions of the Open Meeting Law and Public Records Law. In addition to the Committee, the Town Manager's Office will provide administrative support to the Committee including the recording of meeting minutes and Town Counsel represented by Attorney William Hewig will provide legal support for the Committee during the negotiations.

**Organization of the Committee:**

R. Pontbriand recommended that the Committee organize in terms of a Chair and whether or not they wanted a Vice Chair.

**Motion:** A motion was made by J. Providakes and seconded by J. Livingston to appoint Scott Kurland as Chair of the Cable Advisory Committee. **Motion Passed 5-0.**

J. Providakes and J. Livingston asked S. Kurland if he would like a Vice Chair.

S. Kurland said that he would like a Vice Chair.

**Motion:** A motion was made by S. Kurland and seconded by J. Murray to appoint Jannice Livingston as the Vice Chair of the Cable Advisory Committee. **Motion Passed 5-0.**

### **Overview of the Negotiations Process:**

Attorney William Hewig of Town Counsel provided the Committee with an overview of the negotiations process for the license renewal with Comcast. He stated that the process is governed by the Cable Act of 1984 and that he is pleased that the Committee has 7-9 months to complete the process which should be sufficient.

Attorney Hewig continued that Congress recognized the monopoly of cable providers such as Comcast which still has a monopoly in Ayer. The trade-off is that the cable providers get the license, but they have to give back to the community in terms of PEG or public, educational, and governmental public access television. Comcast is obligated to meet the future needs of Ayer's public access cable considering costs. The negotiations are tempered as the costs are passed through to subscribers by Comcast. The Cable Act of 1984 established the license renewal process and the issuing authority of the license in Ayer is the Select Board. The Select Board appoints the Cable Advisory Committee, and the Select Board approves and signs the license renewal.

Attorney Hewig continued that the burden is on the Town to make the offer. The Town must make the first offer as Comcast will not. The Town's offer should contain the future needs of public cable access in Ayer, and we should look at the APAC Budget as well as what the future cable related needs are (i.e., additional equipment; security cameras; new station; new personnel, etc.) The Town should reach out to all Departments and stakeholders in Town to find out what their future needs are. Perhaps invite stakeholders to a future Cable Advisory Committee Meeting. We will want stakeholders to put their needs in writing. During COVID, public access cable was valuable in terms of broadcasting public meeting. Additionally, local access stations are increasingly replacing newspapers in terms of news and announcements.

Attorney Hewig advised that the primary tool the Committee has at its disposal is what is called the public ascertainment process in which the Town determines through public meetings and outreach the future needs of stakeholders with respect to public access cable. Perhaps the Committee could consider an initial public meeting in late September in which stakeholders are asked to provide a list of their future needs for the next ten (10) years. The Committee could also consider doing a public survey. The end product of the ascertainment process is a proposal from the Committee to Comcast regarding the license renewal.

Attorney Hewig continued that at the point of the Town's proposal, the Town is legally required to hold a public hearing which consists of a two-week notice published in the newspaper. At this public hearing, the Committee will present its proposal and will be seeking to persuade three specific groups: Comcast; the Public; and the Select Board.

J. Livingston stated that we need to be careful with the messaging to the public as so many are giving up on cable. We still need APAC and its public access services. It is important that our message stresses that.

Attorney Hewig stated that the required public hearing can happen anytime in the ascertainment process but before the signing of the new license by the Select Board.

R. Pontbriand asked what happens if the negotiations are not completed by the expiration date of the current license which is March 31, 2023.

Attorney Hewig stated that it does not really matter. If time runs out but the negotiations remain in process than the current license remains in effect.

R. Pontbriand asked who the Committee would be interfacing with from Comcast.

Attorney Hewig stated that there will be one-person from Comcast assigned to interface with the Committee.

Chief Gill asked about the issue of the public wanting Fios. Do we invite other providers of just Comcast to the table? How do we address this?

Attorney Hewig stated that Fios is not coming to Town. If they wanted to be here, they would be. You could always extend an invitation.

Chief Gill stated that to thwart the Fios argument we can invite them and if they do not come, we have at least extended the invitation.

Attorney Hewig agreed and stated that there is nothing the Committee or Town can do to force Fios here.

Attorney Hewig stated that the ascertainment process should take about three (3) months. Perhaps September, October, and November.

#### **Overview of Issues/Concerns with the Current License:**

S. Kurland provided an overview of the key issues/concerns with the current license. Ten years ago, APAC had no director and no staff. APAC is now in the schools, teaching classes, and fulfilling our PEG obligations. We need more state, more equipment, and more funding for APAC to continue to grow over the next ten years.

S. Kurland further stated that as part of the public outreach we should target four major groups: students and parents; Senior citizens; government meeting watchers; and the schools. Perhaps having the public hearing at the high school auditorium with pizza. When S. Kurland was in Wakefield, they sent a survey to 25,000 people with a chance to win an I-pad and received very little response. Perhaps we send out a postcard with five simple questions instead of a survey.

Attorney Hewig asked if APAC runs all three PEG channels.

S. Kurland stated yes, and we have office space/studio space at the high school.

Attorney Hewig asked about the number of Comcast cable subscribers in Town.

S. Kurland stated that he did not know off the top of his head, but we are currently receiving \$128,000 a year from Comcast. This number continues to drop.

Chief Gill asked why the cassis system is housed in the Ayer Police Station.

S. Kurland stated because it is the only place with fiber.

Attorney Hewig asked about the number of drops in Town.

S. Kurland stated the Page Hilltop School, High School, High School Auditorium, Town Hall, Fire Station, and Police Station but they are not all active.

Attorney Hewig stated that in terms of the public ascertainment process, we need to determine what we want from Comcast over the next ten years and if there are any issues with the current license where Comcast is out of compliance. You will want to make a list of any non-compliance issues.

**New Business:**

There was no new business.

**Scheduling of Next Meeting(s):**

J. Murray stated moving forward how long do we anticipate these meetings to run.

S. Kurland stated no more than 90 minutes, ideally one hour.

Attorney Hewig stated that the Committee should meet every two weeks initially and then it may be less frequent.

The Cable Advisory Committee decided that the next meeting will be on Monday, September 12, 2022 at 8am on Zoom.

[J. Murray left the meeting at 6:07pm]

R. Pontbriand also wanted the issue of a Senior Citizen and Veterans discount to be considered as this is something many in the Town want and have asked about over the years.

Attorney Hewig stated that Comcast will most likely not put this in the license agreement but in a side letter. The discount is generally 10% off basic cable with evidence of public assistance.

R. Pontbriand asked what the agenda items for the next meeting should be.

S. Kurland stated that the public ascertainment process and plan should be the main item.

The Committee concurred.

**Adjournment:**

**Motion:** A motion was made by J. Providakes and seconded by J. Livingston to adjourn the Cable Advisory Committee Meeting at 6:12pm. **Motion Passed 4-0.**

The meeting adjourned at 6:12pm.

Minutes recorded and submitted by R. Pontbriand, Town Manager

Minutes reviewed and approved by the Cable Advisory Committee on September 12, 2022.

Signed:  9/12/2022  
Robert A. Pontbriand  
Town Manager