

Town of Ayer

Cable Advisory Committee

Meeting Minutes for February 21, 2023

**Attendance:** Jannice Livingston; Janet Providakes; Chief Brian Gill; Julie Murray

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

**Call to Order:**

The meeting was called to order at 8:35am on Zoom by J. Livingston.

J. Livingston read the following statement into the record:

Due to the ongoing COVID-19 Pandemic, in accordance with Chapter 22 of the Acts of 2022, suspending certain provisions of the Open Meeting Law {OML}, public bodies otherwise governed by the OML are temporarily relieved from the requirement that meetings be held in public places, open and physically accessible to the public, so long as measures are taken to ensure public access to the bodies' deliberations "through adequate, alternative means." This meeting will be live on Zoom. The public may participate remotely by joining Zoom {Meeting ID# 813 1850 5727} or by calling (646- 931-3860). For additional information about remote participation, please contact Carly Antonellis, Assistant Town Manager at atm@aver.ma.us or 978-772-8220 ext. 100 prior to the meeting.

**Review and Approval of the meeting minutes from February 6, 2023:**

J. Providakes had one amendment to the February 6, 2023 meeting minutes to include the statement by Chief Gill with respect to the Town's potential I-net growth and that the Page Hilltop location may need to be kept.

**Motion:** A motion was made by J. Livingston and seconded by J. Providakes to approve the February 6, 2023 as amended. **Motion Passed (4-0) by Roll Call Vote: J. Livingston, Y; J. Providakes, Y; J. Murray, Y; B. Gill, Y.**

**Committee Review and Discussion of Town's License Proposal:**

***[Greg Franks from Comcast joined the meeting at 8:37am]***

Attorney Hewig provided an overview of where the negotiations left off last meeting and the Town's proposals as follows: increase to 5%; \$240,000 for Capital over the next ten years; the Page Hilltop I-net location; Senior/Veteran Discount.

Attorney Hewig stated that the Town would like to keep the Page Hilltop I-Net location.

G. Franks stated that he is OK on the Page Hilltop I-Net location.

Attorney Hewig presented a breakdown of the proposal from 4.5% to 5 % which would be a pass through cost of .38 cents to subscribers.

G. Franks stated that his math is a little different as non-subscriber revenue is included in the calculation. The franchise related costs in Ayer are currently \$1.33 per month.

Attorney Hewig asked for a breakdown.

G. Franks stated the \$1.33 per month per subscriber breaks out as follows:

- \$0.21 cents for the 18 miles of I-Net
- \$1.12 for capital plus interest

This totals \$1.33

Attorney Hewig stated that the Town used 2400 subscribers in its calculations.

G. Franks stated that he could agreed to \$12,000 more on Capital per year which would total \$120,000 over the next 10 years.

Attorney Hewig stated that the Town's proposal still put us below the threshold on subscribers and is reasonable.

G. Franks stated that it is a lot for month per subscriber but Comcast is the only option in Town so that does explain some of that.

J. Providakes asked with 2,372 subscribers, how much money does Comcast bring in?

G. Franks stated approximately \$700,000 per quarter in revenue which is an estimated \$2.8 million a year.

G. Franks stated that there were 2500 subscribers in Ayer in 2013 and they do not seem to be leaving. I cannot authorize \$240,000 but I can get you close.

Attorney Hewig proposed instead of \$24,000 a year could Comcast make the Capital Grant at 0.90 cents per subscriber per month which would equal approximately \$25,000 assuming current subscriber levels. That is the risk. It is done in other places, and we would need time to review.

***[G. Franks left the meeting at 9:00am]***

The Cable Advisory Committee deliberated.

Attorney Hewig advised that Comcast is doing this per subscriber for more on capital. 0.90 cents per month.

J. Providakes stated that some have taken a higher amount and banked it but what if we don't use all of the Capital.

Attorney Hewig stated that Comcast has no objection to us setting some aside for a "rainy day".

Attorney Hewig stated that we also want to make sure we include liquidated damages in our proposal which states monetary fines for Comcast if they are out of compliance.

J. Providakes stated that the issue of poor response time from Comcast for technical support was brought up at the Public Hearing.

J. Livingston spoke of her recent experience with technical support.

Attorney Hewig advised that if Comcast is out of compliance, the Committee can hold a hearing per Section 7 of the License.

Attorney Hewig reviewed the current proposal from the Town as follows:

1. All 5 origination sites for the I-Net
2. 5%
3. \$240,000 for Capital
4. Senior Discount
5. High Definition
6. Liquidated damages

Attorney Hewig further stated that Comcast is not going to give us the \$240,000 as a flat fee. It will be slightly higher but not at \$240,000. We could also ask for more than 0.90 cents as a cushion. I have seen Comcast go as high as 0.97 cents.

J. Providakes stated that if we go for 0.97 cents that would give us more money up front. If subscriber numbers do go down, it would give us a buffer.

B. Gill stated that in terms of the per subscriber numbers those numbers remain stable.

J. Murray stated that she was good with the 0.97 cent proposal.

J. Livingston concurred with J. Murray.

**Motion:** A motion was made to request 0.97 cents per subscriber per month for Capital funding and authorize Attorney Hewig to transmit this proposal to Comcast. **Motion Passed (4-0) by Roll Call Vote: J. Livingston, Y; J. Providakes, Y; J. Murray, Y; B. Gill, Y.**

J. Providakes pointed out that 0.97 center equates to about \$27,000 per year.

Attorney Hewig stated that he will communicate this with G. Franks and see what he says.

Scheduling of Next Meeting:

The Committee scheduled the next meeting for February 27, 2023 at 8:30am on Zoom.

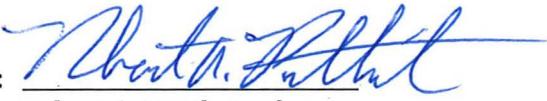
**Adjournment:**

**Motion:** A motion was made by J. Providakes and seconded by B. Gill to adjourn the meeting at 9:52am. **Motion Passed (4-0) by Roll Call Vote: J. Livingston, Y; J. Providakes, Y; J. Murray, Y; B. Gill, Y.**

The meeting adjourned at 9:52am.

Minutes recorded and submitted by R. Pontbriand, Town Manager.

Minutes reviewed and approved by the Cable Advisory Committee on March 20, 2023

Signed: 

Robert A. Pontbriand  
Town Manager