

CABLE TELEVISION ADVISORY BOARD

10/22/2021

A meeting of the Cable Television Advisory Board was held October 22, 2021 at 8:30 a.m. in the Aldermanic Chamber and via Zoom.

Members of Committee present: Andrew Cernota, Chairman
Lauren Byers, Public Works Designee
Kim Kleiner, Director of Administrative Services
Cheryl Lindner, Chief of Staff
Jennifer McCormack, Library Director
Nick Miseivitch, IT
Brian Rhodes, Nashua Fire Chief
Greg Rodriguez, Education IT
Steve Bolton, Corporation Counsel
Alderman Ernest Jette
Justin Chapman
Daniel Maderos
Justin Kates
Cole Morgan

Also present: Jeff Poehnert, PEG Program Manager
Pete Johnson, Education Channel Access Administrator
Dick Gagnon, Nashua CTV

COMMENTS FROM THE PUBLIC

20211022 CTAB (Completed 11/08/21)

None

Mr. Cernota

So, I'll ask if there is any public comment? All right. Seeing none, I will move on to the first agenda item. Acceptance of minutes from the previous meetings. There are minutes from the September meeting. Is there any discussion or a motion?

Brian Rhodes

Accept.

Mr. Cernota

Motion from Chief Rhodes to accept and place on file?

Cheryl Lindner

Second.

Mr. Cernota

Any discussion? If not, all those in favor?

MOTION CARRIED UNANIMOUSLY

Mr. Cernota

All those opposed? All right, motion passes. Communications. I think one of the most important communications is that we did receive a copy of Comcast's proposal. It arrived last night, I believe. We'll be referring that to our subcommittee that's handling that and to the appropriate folks at City Hall for review. And, once we've had a chance to digest it a bit, we'll probably talk about it again. Okay. There are, I'm told, no reports this month because those are now on the quarterly basis, but Ms. Kleiner, you had some updates that you wanted to give us as far as operations and videographers?

Kimberly Kleiner

Yes. Thank you, Chair. For the minutes, Kim Kleiner, Director of Administrative Services. So, we did yesterday, as you mentioned, receive the renewal proposal from Comcast by email, from Mr. [Christiansen 00:02:58]. I have shared the proposal with our legal department and with our risk department, which is common for any contract or agreement that the city enters that's generally the first stage is for those two departments to review it. And as you noted, the subcommittee. I did have a discussion yesterday with the mayor. We've been tracking the usage of our videographers and we are tracking over budget. So, the city has been extremely busy with most of our committees meeting and the chamber being used almost every night of the work week. We did not budget for that level of meetings. It's good that the city's busy. So, we're looking at how we are going to adjust the budget should that continue and we need other hours.

Kimberly Kleiner

I also discussed with the mayor changing the videographers that work here in the chamber. There's been increased technology with the addition of Zoom. And so, I think Mr. Johnson can

say everything up at the front desk has changed. There's new technology. There's been some struggles with that. So, we'd like to look at the videographers that deal with the chamber meetings and normally run the chamber meetings, training them with some additional training and looking at compensation. So, more to come on that. We'll put together a proposal and bring it to CTAP the full board.

Mr. Cernota

Okay. All right. To proceed, we do have one item of old business on the agenda. And this regards the contract for the public access operations, and you all should have received at this point, the proposed changes to the contract that has actually expired. And Ms. Kleiner, would you like to start us off again on that discussion?

Kimberly Kleiner

Certainly. Thank you. So, we met with Mr. Gagnon a few months ago. As you all know, we've had a contract for a number of years now. The last contract ran through 2015. There has been some discussion on the personnel that operate the public access television studio over on Riverside and how we move that forward. This proposal addresses some of that, some of the day to day operations, the staffing requirements to run the studio, and things of that sort. The contract proposed does have quite a few changes and we wanted the committee to be able to weigh in and look at all those changes, as well as have legal weigh in, as far as does it meet the city's requirements? I do think there's a number of items that... And if we could probably get all the questions of the committee members, then there may be more discussion and we can go back with Mr. Gagnon and speak some more. So, I think today we were thinking this would really be a gathering of information and questions that committee members may have so that administration could work them out.

Mr. Cernota

All right. So that said, would anyone let else like to begin the discussion? Ms. McCormack?

Jennifer McCormack

Thank you. So, I read through everything. I have a couple of concerns and I'm looking at the proposed contract revision sheet just for simplicity. So, it talks about removing the Access Nashua Advisory Board and removing mention of a survey of the public for other programming. In my mind, those are both really important ways for the community to contribute their thoughts as to what direction the public access channels should take. Not needing a survey since we've been here for 10 years, the demographics of Nashua have changed drastically in 10 years. So, I would advocate for leaving both of those things in. I'm not sure where the advisory board stands. I'm sure it was established when we first established the public access channel, but I would advocate for leaving those in. Thank you.

Mr. Cernota

All right. Thank you. Alderman Jette, you had...

Alderman Ernest Jette

Yeah, I was wondering if it would be possible for Mr. Gagnon to summarize what the changes are that they're seeking.

Dick Gagnon

Well, the best summary here is on that contract revisions list. Some of the items were things that were decided upon in the beginning in order to get us up and running. And since we've been 10 years, I felt some of them weren't necessary anymore. I will comment though, about the advisory board. It became inactive maybe five, six years ago, because lack of people being interested in being on the board, however, I would have no objection to keeping it in the new con...

Dick Gagnon

... keeping it in the new contract and making an effort to really push to get at least three to five people. So, I don't have an issue at that. And the survey again, could be done again. I won't argue that point at all. I'm just looking over. Oh, and there was some terminology about Community Media Services Group, LLC, which is my company, being a single member and does not have a board of directors. You know, we don't have a board of directors as an LLC. My proposal is to move from CMSG to Access Nashua, LLC, which would become a single member. And the reason for that is that time will come and my plans are to be fully retired in three years, going part-time, heading it up sometime next year. So, my intention is to look for a replacement to take over that business, which would continue with doing Access Nashua.

Dick Gagnon

Let's see. And again, there's some things ... I put, "Change the reference from a dollar amount." The contract had a dollar amount, to the words, the annual budgeted amount. So, it's not something that has to be updated every year. And if we keep the Access Nashua advisory board, that eliminates a lot of these changes that were opposed in here. Yeah. I mean, I think by keeping the advisory board in and the survey, and I'm not sure where it is in here, but keeping that in there eliminates a lot of these changes. And I'm not noticing anything that's major.

Dick Gagnon

Oh, replace all references to audited financial statements with review or reviewer, since the cost of having a CPA audit is quite extensive. This was back when John Bauker was our contract liaison. He had agreed that just my CPA's letter would be fine. So, it'd be removing it from the contract that it requires the word audit, you know? As it states in the contract, our books are open for the finance department at any time to weed through them if they so require or request. So, that's it in a nutshell, other than specific questions.

Alderman Ernest Jette

Chairman, could I?

Speaker 4:

Yes, Alderman Jette.

Alderman Ernest Jette:

So, forgive me. Please forgive me for my ignorance, but I never realized that there was a private sector LLC involved. I thought you were all city employees. I thought this was a city run program. So, could you explain what the relationship is between-

Dick Gagnon:

Sure. I'll give you the history on that as best I can. Mayor Lozo had decided there was some money left in the account for building the studio. There was some surplus money, and she had made the decision to put out a contract request to have the operations and management of the public access channel only. And the reason it was done as a contracted service is so that potentially she believed, and it's proven out, but that it would show that the city doesn't have control of the public access channel. So, the city can't say, "Oh, that show can't run, or you have to do this show or whatever." Okay? So, she did it as a one year trial period. And there were other organizations that put in their proposals. And after review and everything, my proposal from Community Media Services Group, LLC was accepted.

Dick Gagnon:

So, that was for a one year trial. And after the one year, that's the contract that Ms. Kleiner was talking about. Then it was a four year contract at that point. But in the contract it says that it automatically renews if either of the parties don't have an issue. So, we've been operating on that contract now for nine years, and we're happy and proud to say that there have been no issues with the city having problems with our operation of the channel and the programming. Sure, there are different opinions that are given on a public access show, but we've not had any issues of somebody saying something and somebody suing for libel or something, you know? So, that's the history of the best I can give it.

Mr. Cernota

I could probably add a little bit, because I was around during that. It was a concern that if the city had too much direct control over things, either that the city could be liable for actions that people on it might be taking, which I think was somewhat overblown concern as far as financial liability. But then, there was also the concern that if the city was again in direct control, that it would somehow dampen people's willingness to be free and open in their discussions, political or otherwise on the channel. So, the idea was that public would be a separate entity. The hope was that it would also be a nonprofit that would raise some additional funding on its own, through its friends of organization. And that would provide supplement to the funding that the city could provide as part of the annual budgeting process.

Alderman Ernest Jette

Thank you. That's very helpful.

Mr Cernota

Mr. Miseirvitch.

Nick Miseirvitch

Nick Miseirvitch. On page five, you mentioned changing the provided by the city to attach to this con ... Or vice versa. Attached to this contract to provided by the city and referred to it as "A." I

assume that's going to be appendix "A." I assume that's going to be Appendix A, but there is no Appendix A, Appendix B, or scope of work attached to this contract, as mentioned on page five. And I'm not sure if it's just the copy I received, but there's also no page 18 or 19. I don't know if that's true for everyone. Or I had a printing review.

Pete Johnson

I think that was a scanning error when that was put through the machine, either it pulled two pages through it once. There were no changes to those two pages. I do have them in the copy that I made yesterday.

Nick Miseirvitch

I'd like to see that.

Pete Johnson

There is a change on page, 19.

Kimberly Kleiner

Yeah.

Nick Miseirvitch

Well, according to the summary.

Pete Johnson

Yeah. It's still listed in his list then. And if anybody wants to see it, I did find the actual contract that has all the appendixes and it's actually signed by the Mayor and Mr. Gagnon.

Mr. Cernota

All right. I guess one question I had for Mr. Gagnon relates really to the proposed changes to the staffing. And it actually is related to the earlier discussion as far as why this was set up through a contract service in the first place. By creating a city position that would be doing some of the work associated with the contract, to me that's a fairly significant change in the nature of the contract itself and a much greater interjection of a city employee directly into the operations.

It seems like it compromises what we were trying to achieve there by having it as a contractual service, as opposed to a city employee. I'm wondering if you could speak to why that change is being made. The current structure is that the contract is with the LLC. And basically as long as the LLC is performing the services and the required, the staffing is up to them as far as what they pay or their employees, all that sort of stuff. By shifting the employee to the city, especially if you're going to be shifting to a part-time, semi-retired status into ultimately retirement, where are those lines between stuff that the city's doing? Stuff that the contract? It seems like this is getting very confused.

Dick Gagnon

Okay. The position that we're talking about. And when I say we, it's Pete, Jeff, and myself changing over to a city employee is Dan Young's position. And it's a technical position. Dan hasn't had any, what's the word, any control on the type of shows that we do and who does them and so forth and so forth. Dan has just been a technical person. He creates the backgrounds, the graphics, all of that. He maintains the control room system, which is a TriCaster. He maintains that to load up the backgrounds and everything. But he has no control over the, I'm trying to think of a word to call it, but over the content, okay? That would still be access natural to LLCs or CMSGs position to do. And as far as me going, part-time, I'm going to go part-time when I have somebody that I can be training to be my replacement, okay? The criteria without getting into it too much. But the criteria person I'm looking for to come on board is going to be somebody who's very involved in public access television. My position is more, oh, I'm going to say recruiting. A lot of my work is recruiting new shows. If anybody's been on one of our shows, a lot of times they'll notice that I'll approach the guests and say, "Hey, why don't you do a show?" So anyways, the position that we're looking to move over is a technical position. And Pete could talk a little more on why they would like to have more access to that position.

Mr. Cernota

Well, I guess my question is, what is the benefit to having that as a city employee directly, as opposed to right now where the same technical services are being provided under your contract? And it's part of your contract because he's providing those to the public access.

Dick Gagnon

Right now, it's a limited access. I mean, Dan is a part-time employee. And in order for him to go full time, there's no way our budget would be able to cover it. Because of the fact that our budget, we don't get insurance, we don't get any retirement benefit. Well, we don't get any benefits, we're a contractor. So it would give more access to his abilities and services, which I think Pete could speak on now, why and how him and Jeff would use him more than they do now.

Mr. Cernota

Mr. Johnson?

Pete Johnson

Yeah. Pete Johnson, education channel administrator. I think part of the issue is right now, is that with his part-time ability, he's only able to be there limited hours. So it controls sort of when people can come in and produce their programs. Also, we use his services and pay him in a videographer rate to produce shows for the education channel and also for the government channel. So he's getting very limited part-time work from us as well. We've looked for years as a way to try to work it into our budget, but we don't have the money either fully to cover it. But I think between what CMSG is willing to give up and what we can afford, we could make that work. Does that answer your question, Ms. Kleiner?

Kimberly Kleiner

So just a couple things that, and to make this probably a little bit more complicated. So if the city was to add a position, the city would need to post that position and we would need to hire

according to the rules that govern our hiring process. So I would just be concerned that as we talk about this, and we talk about the changes that we don't talk about a specific individual. You're looking at a position, moving a position from a contractor into the city. That's the first thing. The second thing is I'm going to put on my purchasing hat here. And because one of one of the things that goes with my role is bringing forth the opinions of all of the departments within admin services. And there is some concern over just best practice here. And although the city and Mr. Gagnon and his company have had a wonderful relationship in a wonderful service and drop a wonderful relationship and a wonderful service and job has been done. You have a period of time here that is lapsed and best practice tells you that you should look at our request for proposals and going out and seeing what the market yields now. So I have to say that so that we can consider that as a factor. The other thing is, and I'd like to say that I think the audit portion of it that was brought up just a few minutes ago, that's particularly important when you're dealing with the friends. So if you have donations coming in, and maybe the friends of Access Nashua hasn't been active and maybe there's been no donations or things of that sort. But I think the audit part was really important when they were looking at the friends group, because whenever you deal with donations you do have to have a specific audit of those. And I would be a little concerned that the advisory board became inactive five or six years ago because, to Director McCormack's point, Nashua is so diverse and the city has changed so much, especially in those five to six years, that I think we have an obligation to ensure that all voices are being heard when it comes to programming through the city. So that's just a couple of my points.

Mr. Cernota

All right. Does anyone else have any questions or concerns that...? All right, if there are none, I would actually like to propose that we make a motion to table this as far as a final proposal until we've had a chance to study some of these issues and go over them in some detail, perhaps hear back from, I think you said risk management was reviewing it, and I know legal's looking at it too. So it's probably rather premature to make any sort of final judgment. And I do think some of our members need to look at it more carefully too. I guess, still going back to my concern that this fundamentally changes the very nature of the contract itself, and we need to take a look at that. All right, so motion to table?

Dick Gagnon

Would it be helpful also to modify the proposed changes based upon the discussion that we've had today and provide you with a new proposal?

Mr. Cernota

Well, if you'd like to provide an updated proposal, certainly pass that along, which all the more reason for tabling, I'd say. So, any discussion of the motion to table? If not, all those in favor?

MOTION CARRIED UNANIMOUSLY

Mr. Cernota

All those opposed? Motion passes. All right. I don't know if anyone from public has any comments. All right. So, remarks by members of the committee. Ms. Kleiner.

Kimberly Kleiner

I would just like to remind everyone that there is a public hearing booked for November 29th, and that is being publicly noticed and we are putting together a draft review of everything that the committee has worked on thus far, including the survey, including our meeting with the directors, very similar to what had been done at the last renewal. So we'll get that out for the committee to look at. And it is scheduled for here on the 29th.

Mr. Cernota

Thank you. Alderman Jette.

Alderman Ernest Jette

Did I miss something? The financial statements, the managers reports and all that stuff, was that

Mr. Cernota

Because this is a special meeting we didn't actually have those today.

Alderman Ernest Jette

Okay. It's on the agenda, that's why I-

Mr. Cernota

Yes, that was apparently an error.

Alderman Ernest Jette

Okay. So I had something else.

Mr. Cernota

Yes.

Alderman Ernest Jette

So I don't know if this committee is the proper place to raise this, but I've had a lot of complaints voiced by people about the practice that Comcast uses where they leave big loops of cable hanging from the wires. And people have pointed out, and I agree with them, it looks awful. I don't know how we could...

Nick Miseirvitch

Alderman Jette.

Alderman Ernest Jette

Yes.

Nick Miseirvitch

Those loops are not Comcast. Those loops are being installed by Consolidated Communications.

Alderman Ernest Jette

Okay, then I take that back.

Mr. Cernota

All right. I'm assuming that's the fiber?

Nick Miseirvitch

Correct.

Mr. Cernota

Yep. All right. Any other member comments? If not, do we have a final motion?

Alderman Ernest Jette

I move to adjourn.

Mr. Cernota

Motion to adjourn. All those in favor?

MOTION CARRIED UNANIMOUSLY

Mr. Cernota

All those opposed? All right, motion passes.

ADJOURNMENT

The meeting was adjourned at approximately 9:07 a.m.

Committee Clerk