

CABLE TELEVISION ADVISORY BOARD

11/12/2021

All right. Welcome everyone to the November 12th, 2021 meeting of the Cable Television Advisory Board. We'll start with a roll call here. Might still be short.

Members of Committee present:

- Andrew Cernota, Chairman
- Lauren Byers, Public Works Designee
- Alderman Ernest Jette
- Kimberly Kleiner, Director of Administrative Services
- Cheryl Linder, Chief of Staff
- Nick Miseivitch, IT
- Jennifer McCormack, Library Director
- Brian Rhodes, Nashua Fire Chief
- Greg Rodriguez, Education IT

Also present:

- Jeff Poehnert, PEG Program Manager
- Pete Johnson, Education Channel Access Administrator

COMMENTS FROM THE PUBLIC
None

Andrew Cernota
All right. Let's see... and we have a quorum, so we'll proceed. All right. There are no members of the public present. Oh, I see Mr. Rodriguez is joining us by Zoom. Okay. Can you just test your...

Greg Rodriguez
I am here. Can you hear me?

Andrew Cernota
Yes, we can.

Greg Rodriguez
Okay.

Andrew Cernota
All right. So no members of the public presence. Do we have a motion with regard to the minutes to the

October 22nd, 2021 meeting?

Chief Rhodes

Yes.

Andrew Cernota

Chief Rhodes.

Brian Rhodes

I make a motion to accept.

Andrew Cernota

A motion to accept. Any second?

Speaker 3

Second.

Andrew Cernota

There's a second. Any discussion? Seeing none. Oh, Ms. Kleiner.

Kim Kleiner

Yes. Good morning. So we just ask, we have a new service that is preparing the minutes. So if people could just read through them, several of us went through them a couple times to make sure that it picked up everything correctly. There were some names and things that we had to fill in, but just so that when we speak, if we can all speak with starting with our name, which I know was asked before, but now it's particularly important with this service. That's doing the minutes because they don't know us. So I believe these minutes are correct, but if you want to look at them more carefully for a few moments, that would help.

Andrew Cernota

Sure. Thank you. All right. There are no additional comments. All those in favor?

Group

Aye.

Andrew Cernota

All those opposed? Motion passes. All right. We have a slew of communications that you all received by email. List them off, the proposed franchise contract renewal proposal from Comcast, the Comcast franchise fees yearly comparison, the PEG Access Channel funds yearly fund comparison, Public Access contract termination letter, and proposed Public Access RFP. Is there a motion with regard to the written communications?

Alderman Ernest Jette

I move. This is Alderman Jette. I move that the communications be accepted and placed on file.

Andrew Cernota

Okay. There's a motion to accept and place on file. If the chair could, strictly proper, but I might suggest that perhaps the renewal contract be referred to the subcommittee that's handling that, as part of the motion.

Alderman Ernest Jette

That's fine with me.

Andrew Cernota

All right. With that alteration, is there a second? All right, Chief Rhodes. Any discussion? I see none. All those in favor?

Group

Aye.

Andrew Cernota

All those opposed? All right. The motion passes. There is no old business on the agenda. So we'll move on to new business. Ms. McCormick has joined us. Moving on to new business. First item is the Comcast franchise fee yearly comparison. So you should have all received that by email. Ms. Kleiner, Would you like to start us off with that discussion?

Kim Kleiner

Certainly. Kim Kleiner. So what we thought was moving forward, especially as we're making so many important decisions right now with the franchise renewal, and also with the RFP that's up for discussion, that we should make this a report that we generally work into the committee's quarterly reports. The reason being is, we have seen a decline and some of that may or may not be subscribers that are moving away from cable television and cable subscriptions. I think that's a discussion that we could certainly get into more with Mr. Christensen and what they're seeing as friends. But it's important to keep it in mind that, that as our only real source of revenue has been declining, not greatly, but significantly you're seeing a trend.

Andrew Cernota

All right. Thank you. Any- Alderman Jette.

Alderman Ernest Jette

Yeah. So, in view of that, I agree with Director Kleiner. There's been, from 2017, the franchise fees were 1,486,000, and now last year they were 1,298,000. And that's, as Director Kleiner points out, a trend and I don't think it's going to get, if things stay the same, it's going to get worse and worse, less and less. So, the question is, can we continue to financially support the public education government channels with this declining revenue or do we need to adjust the franchise fee? We're only charging 3%, which I know is paid by the subscribers, not by Comcast.

Andrew Cernota

I believe we're at a bit over four. Or no, four even. Four.

Alderman Ernest Jette

We're at four now?

Andrew Cernota

Yep.

Alderman Ernest Jette

Okay.

Andrew Cernota

And have been for probably...

Kim Kleiner

Five years?

Andrew Cernota

No, a lot longer than that. 20 some years.

Pete Johnson

I don't think it's 20, but it's two contract cycles.

Alderman Ernest Jette

Okay. I know other places, I know that the law allows us to charge up to 5% and a lot of other cities and towns are charging the full 5%. I don't know if that's the answer, or at previous meetings, we had talked about the problem with the federal law, which only allows us to charge a franchise fee on the cable TV part of this. So I'm wondering about the Comcast and consolidated it now to a greater degree, our providing internet service, through via cable. And they're using the same rights-of-way in the city. And I don't know, but do they pay for that? Do they pay for the privilege of using the right of way for that part of their service? Is there, and should we, we had talked before about talking to our congressional delegation, the two senators and our representative, about changing the law to reflect the fact that companies like Comcast are providing not only cable TV, but internet service. And if they change the law to allow us to charge the fee on that as well, then that would ensure that the financial viability of our program. So I don't know if the committee would support a communication to our federal delegation asking them, educating them about the problem, perhaps somebody on the committee. I would be happy to help with the staff we could put together a letter that educates them about what the problem is and encouraging them to perhaps amend the law to allow for our charging a fee on not just cable TV, but the internet service, as well.

Andrew Cernota

This is Andrew Cernota. I guess one thing that you mentioned that I'd be interested in knowing more about is exactly how the internet providers who are using the city rights-of-way, whether that's a taxable property, that easement? And we don't necessarily want to hit the rate payers twice is my thought. But that's certainly something that we should study as a committee. Ms. Kleiner.

Kim Kleiner

So Kim Kleiner. I'll be happy to of our Chief Assessor put together, as a utility, they're taxed. So we can certainly look at all of the properties and all of the right-of-ways that they are covering. That's something that we can pull from our assessing system from AP5. And I can bring that forward to the next meeting so that we can at least look at that. Perhaps even have Mr. Vincent here, and he can explain to us the rules governing utilities and how they are handled. But that would be the only way that I can think of that we would, unless Ms. Byers knows of something, there's no other way that I know of that people pay for the use of the right-of-way.

Lauren Byers

No.

Kim Kleiner

Other than through taxes.

Lauren Byers

Lauren Byers. No, none that I know of. It would be too taxing.

Andrew Cernota

All right. Thank you. Chief.

Brian Rhodes

Yes. Brian Rhodes. Yeah, I agree 100% with Alderman Jette, because I think this is, we need to take a deeper dive into this, and we're not the only community that's going to suffer like this. This is pretty widespread. I'm a city resident who pays an awful lot of money for Comcast. And I know a lot of friends and family who have gone down the road of the internet and I think it's to get their streaming TV or whatever. So I don't think it's "If," it's "When," it's coming. And I think this revenue was going to continue to drop, but this is a much bigger problem than just Nashua, I would assume, that this has got to be everywhere. So if we can generate some conversation at a higher level, maybe we can get some horsepower and it's not going to come quickly, but...

Andrew Cernota

And we should probably also talk to the New Hampshire community media organizations that I know that over the past years when we've talked about this, they've had useful contributions as far as materials and discussion points.

Pete Johnson

Mr. Cernota.

Andrew Cernota

Yes.

Pete Johnson

Yes. Pete Johnson. We are a member of the New Hampshire coalition for community media. And I know that I've put myself down to be on a subcommittee of that group to look at these issues. And also the issue of Consolidated Communications coming in and it looks like they're going to be providing their own television service, branded by Consolidated Communications. So I think we're looking to determine whether they would need to have franchise fees like Comcast has, and also have to take the public education and government channels. I know we're looking at that and I can bring back a report after that, to the next meeting.

Andrew Cernota

All right. Thank you. There's no further discussion. Perhaps we could move on to the PEG Access Channel elite funds, yearly funds comparison? Ms. Kleiner.

Kim Kleiner

Good morning. So the reason working with Janet Graziano, our finance manager, we put this together. It's important to note, you're going to see a difference in 2016 to 2017, the difference being the salary

line and the professional services. In 2016, our videographers were charged to professional services and in 2017, that was moved to salaries as city employees. And that was due to an audit. They could not be treated as contractors. They could fit the letter of the law. One of the reasons we wanted to show this was so that you can see the other service's line is the line that has continuously increased. One of the things that's charged to this line is the contract that we are all discussing currently with Community Media Service, LLC. Which was issued a termination letter on this past Monday. It's important to note, [00:17:30] I think that we need to look at, that's, other than salaries, our largest expenditure out of this fund. So as we talk about franchise and our revenue decreasing, do we want to look at that largest expense that we have? And are there other things we could do, other revenue we could bring into this fund? And of course, any revenue that would be brought into [00:18:00] this fund would have to be done through legislation. But for instance, these shows that are on the Public Access Channel, could a group have been made that are friends of Public Access that was originally stated in the contract and have some of these shows be sponsored by local businesses and have [00:18:30] that as a source. I just don't think that we can rely on Comcast, or the franchise fees, being the sole revenue. I think we have to look at other ways that we can perhaps bring in revenue. And that was our point.

Andrew Cernota

I think that's a very good point. Any other discussion? Alderman Jette.

Alderman Ernest Jette

Yeah. I think Director Kleiner makes a good point. I'm interested in knowing what other communities do. Mr. Johnson, mentioned this group that we are a member of. I don't know if he knows whether they have, I know there was, a couple of weeks ago or several weeks ago, there was a problem with the feed on the football game. And so instead of getting the local feed, we got access to something called Friday Night.

Andrew Cernota

Yeah. We got access to one of the streaming providers. Many of the channels provide streaming access to the games, such as we do. And we were able to take a secondary access and play that for the second half while the... I still don't know what the issue was, but our IT service went down during halftime of the game. So we were able to get up and running during the third quarter and provide our viewers with at least the remainder of the game. We continue to record at Stella Stadium and any replays that we did for fully our people doing it.

Alderman Ernest Jette

So this is Alderman Jette, again. [00:20:30] I only mentioned that because whatever that was, that Friday Night Lights or whatever it's called, there were advertisements on that. I don't know if they're a community...

Andrew Cernota

That's not a community station. They go around the state and provide video services of a number of games. Usually they have one game a week. They happen to be at Stellos Stadium that night, as well as we were. So we utilized their service for the second half of that game, so that our viewers could watch. The next week they may have been at Merrimack. So they're not here all the time, it just was fortunate that they were at Stellos that evening.

Alderman Ernest Jette

So Alderman Jette here, again. Could I ask Mr. Johnson, [00:21:30] this group that we belong to, that

you're active with. Do you know, do other communities allow advertising? Do they generate revenue through advertising for their

Pete Johnson

Well, I think we need to clear that we're not really talking about advertising. We're talking about sponsorship.

Andrew Cernota

They have sponsors that do their program. We technically can't do advertising as well, according to our regulations, rules and regulations, it's supposed to be non-commercial. So that's why we don't put advertisements as such on our stations. That could be changed, but in general, Comcast and the PEG Channels are supposed to be noncommercial in nature.

Alderman Ernest Jette

Okay. So Alderman Jette here again. So when Director Kleiner was talking about generating revenue, she was talking about not advertising, but sponsorship?

Kim Kleiner

Foundation.

Andrew Cernota

It would be sponsorships contributed to a "Friends of" organization that would then be able to use that money to support the activities of the PEG Channels.

Alderman Ernest Jette

So, Alderman Jette here, again. So these sponsorship, it's like public radio or public television? There are not supposed to be advertisements, they're sponsorships, but they sure sound like ads to me.

Andrew Cernota

Right.

Alderman Ernest Jette

But I guess it's a subtle difference, it's permitted?

Andrew Cernota

Yes. And I think we'd probably want to be, if we went that route, we'd want to be even more careful than... I've noticed over the years, public television has drifted. So, in the 70's and 80's it was a little slide at the end, saying this program supported by thus and such trust. And now it's a full fledged ad for a cruise line. I think if we went that way, we would stick with the slide, this program sponsored by thus...

Alderman Ernest Jette

No, that's what I was going to say. The granters that they have on public broadcasting have really expanded over the years and become commercials, but when they call them branders, they're allowed.

Pete Johnson

Pete Johnson here. I think they ask in general for people to visit their website or to do that type of thing. There's still no direct call to action. You can't say, "Well, come on over. We've got X, Y, Z for \$9.99 today. Stop by the store and pick it up." Alderman.

Alderman Ernest Jette

Yes. Alderman Jette, again. So, the other thing that Director Kleiner mentioned, and we accepted a communication copy of this termination letter, I don't remember our voting to terminate. And I'm wondering what the process is there? How did that happen?

Pete Johnson

The issue was that the previous contract had limitation on when the automatic renewals happened and that period of automatic renewal ended quite some time ago. So the contract was actually terminated, of its own operation several years ago. So we had been operating without a contract as such under the term, but following the terms of the proceeding one. When the discussion about all the changes to that contract came up, it was clear that the contract that was to be changed was actually no longer in existence. So the city hiring, not hiring.

Kim Kleiner

Purchasing.

Pete Johnson

Purchasing roles, required that that contract be officially terminated and notice of that be made. And then we've have to go through the RFP process in a more formal way to get appropriate bids. And we certainly encourage the previous vendor to resubmit under that RFP process. And perhaps they'll be selected again, but under the city rules for purchasing, we have to follow a certain process.

Alderman Ernest Jette

Okay. This is Alderman Jette, again. Hopefully he'll recognize my voice by the time this is over. So the Community Media Services Group, they're still getting paid for the work that they're doing, that hasn't changed yet?

Pete Johnson

Correct. Oh, Ms. Kleiner.

Kim Kleiner

Oh, Kim Kleiner. So yes, on a month to month basis, the current vendor is being paid. There is an item that will be going through the next finance committee, asking the finance committee's permission to do so, until RFP process is complete, and a new contract is successful in being approved. That's important, and hasn't been the practice. I think we've been operating just year to year on the contract that Mr. Cernota spoke about. Which the contract did allow, but only for some period of time. When you look at how long it has been, and then the [00:28:00] changes that have been discussed to that contract. And they're pretty significant, right? You're talking about changes and personnel, he's talking about changes. At that point, I consulted our purchasing manager and she said, it's enough of a change in a period of time that you need to go out for an RFP. And certainly the current vendor is welcome to submit, and we hope that he does, but it also allows others that same opportunity on a different scope of work. So it's really two-fold. There's a RFP being issued, and then we will also go to finance and ask for that month to month approval until the new contract's in place.

Alderman Ernest Jette

Okay. Thank you.

Andrew Cernota

All right. Thank you. Which actually brought us into the discussion of the proposed RFP. Ms. Kleiner.

Kim Kleiner

Yes. So the proposed RFP, which it has been worked on both, Mr. Johnson and Mr. Poehnert and I, met with Kelly Parkinson, our purchasing manager. And she was sorry she couldn't be here today to speak more to it herself. It's been put into a new format, which all of our RFPs have been put into. We wanted to get the committee's feedback on anything that you saw that we might have forgotten, but we took the initial and we changed and edited it just a bit to meet what we thought the committee had spoke of as far as the scope of work. So really what we're looking for is the most important part. What do we want this vendor to do? And so that's why we brought it forward. We would like to issue it as soon as possible, but if committee members need more time to weigh in, that's acceptable, too.

Andrew Cernota

All right. Does have anyone have any questions or comments? Alderman Jette.

Alderman Ernest Jette

My only comment is, if it can wait to our next, we're not meeting monthly anymore, are we?

Andrew Cernota

No, our next meeting would be scheduled for December 10th, Friday, December 10th.

Pete Johnson

Yeah. Our quarterly meeting actually just happens to be just a month away.

Alderman Ernest Jette

Okay. So if that's a tolerable wait, I don't know about the other committee members, but I really haven't had a chance to really read through this in detail. If we need to act on it, I trust that the group that worked on this has thought of everything. But it would be good to give the committee members a chance to read through it. If we can wait a month, I would suggest we do that.

Andrew Cernota

Can I take that as a motion to table until the December 10th meeting?

Alderman Ernest Jette

Unless someone else wants to weigh in before we make that motion to stop the discussion. So I'll make that motion.

Andrew Cernota

All right. There's a motion. Is there a second?

Jennifer McCormack

I'll second.

Andrew Cernota

Ms. McCormack seconds. All right. Any discussion of the motion? Seeing none. All those in favor?

Alderman Ernest Jette

I think you have to do it by roll call with a member online.

Andrew Cernota

All right. Andrew Cernota votes yes. Mr. Chapman is still not here. Ms. Byers.

Lauren Byers

Yes.

Andrew Cernota

Alderman Jette.

Alderman Ernest Jette

Yes.

Andrew Cernota

Ms. Kleiner.

Kim Kleiner

Yes.

Andrew Cernota

Ms. Cheryl- Ms. Linder is not here. Ms. McCormack.

Jennifer McCormack

Yes.

Andrew Cernota

Captain Maderos is still not here. Mr. Miseivitch.

Nick Miseivitch

Yes.

Andrew Cernota

Mr. Morgan is still not here. Captain Chief Rhodes.

Chief Rhodes

Yes.

Andrew Cernota

All right. The motion passes. All right. We now have a period for public comment.

Alderman Ernest Jette

Did you forget there, Mr. Rodriguez. That's the reasons we're voting.

Andrew Cernota

Can someone please update the city website to include Mr. Rodriguez? Mr. Rodriguez?

Greg Rodriguez

Yes.

Andrew Cernota

Okay, thank you. All right. So the motion does pass. [00:34:00] Public comment, Mr. Gagnon.

Dick Gagnon

Yes. What I'd like to say concerns the Public Channel, as far as a video festival that we were involved in along with education and government, and they can update you on their awards. We had submitted 13 different programs for multiple categories that were judged, and we received the results last night. Sadly through Zoom, so we couldn't enjoy it as much. We were notified about a month ago that six of our 13 were in the finalist spots first, second or third. And as of last night, the results were that an episode we did for art week with artist, Don Higgins came in third place in that category. Another show that we do CHW in Action, which was under a Health and Spiritual category, came in third place. Nashua Strong with Harvey Key, and it was an episode, We Mow Lawns about a young girl who started a business mowing lawns. She won third place. Chick Chatting with the guest was Dan Magrath, a financial person, they came in third place in their category. Exit Team, Nashua, which is recovery advocates that come on and talk about their experiences, came in second place in their category, and then Charged Up Top 10 in music, independent music video reviews, came in first place. And I believe it's at least the third time, I forgot to check the wall last night. It's at least their third time that they come in first place in their category. And the team at Access Nashua is extremely proud of what we've accomplished as far as the video festival for the New England region, which is New England plus New York state. And if Pete and Jeff want to talk about their winnings...

Pete Johnson

I can bring it up. So, like Dick said, last night, they were presented the awards and we came out with one first place for our FCBL 2020 Championship Game that was done over at Holman stadium. And between Jeff and I, we took another, I think it was four-third places and two second places. So all in all, we did a good job for the region in New Hampshire. There were only seven first place awards that were given out, and Nashua took two of those.

Andrew Cernota

Excellent. Thank you.

Pete Johnson

If anybody wants to see the event, it's now up on YouTube and can be watched, and we'll also download a version of it for replay on our channels so people can see, but they do show a clip of all the first place winning entries. So you get a chance to see what other communities are doing, as well.

Andrew Cernota

Okay. Thank you. Remarks by members. I do want to just add congratulations to those who were successful in the competition there.

Dick Gagnon

Thank you.

Andrew Cernota

There's nothing else. Is there a final motion?

Dick Gagnon

I move we adjourn.

Andrew Cernota

Motion to adjourn. All those in favor?

Group

Aye.

Andrew Cernota

All those opposed? Motion passes. All right.

Dick Gagnon

Thank you.

Andrew Cernota

Thank you.

Adjournment

The meeting was adjourned at approximately 9:39 am

DRAFT