

at facts as opposed to necessarily testimony, and then, hear from someone in opposition and back and forth, and... while we have people in both. Alderman Jette?

Alderman Ernest Jette

Mr. Chairman, could I suggest that we take attendance and establish that we have quorum?

Andrew Cernota

Yes (laughs). Since, we went to, great lengths to do that. Although that, that is on the agenda after the, the Pledge of Allegiance. So perhaps we can go with that first. Mr. Miseirvitch, would you like to-

Nick Miseirvitch

Oh.

Andrew Cernota

Lead us in, Pledge of Allegiance?

Nick Miseirvitch

Absolutely. I pledge allegiance...

Audience

To the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

Andrew Cernota

One other thing before roll call is that, I heard this morning that, former mayor Streeter passed away. So I, would ask that we have a, a moment of silence for him. (silence). All right. Now we'll begin with roll call. Andrew Cernota is here. Justin Chapman is not here. Lauren Byers?

Lauren Byers

Here.

Andrew Cernota

Alderman Jette?

Alderman Ernest Jette

Here.

Andrew Cernota

Kimberly Kleiner?

Kim Kleiner

Here.

Andrew Cernota

Cheryl Lindner?

Cheryl Lindner

Here.

Andrew Cernota

Jennifer McCormack is not here. We have a representative from the police department, specially appointed for tonight, Mr. Pete Johnson?

Pete Johnson

Here.

Andrew Cernota

Nick Miseirvitch?

Nick Miseirvitch

Here.

Andrew Cernota

Cole Morgan is not here. Chief Brian Rhodes?

Brian Rhodes

Here.

Andrew Cernota

All right. And it's the ruling of the Chair that we have a quorum. All right. So we'll begin. I ask members of the, the public to, please state their name and address when they come up to the microphone. Given everyone wearing masks, I'm not necessarily certain that I'd recognize you, so, I ask you to, to do that. And as I say, we'll try to alternate between people that are loosely in favor of renewal and those opposed. If there are no people on either side, we'll go to the next person, on the side that is represented. So, if folks would like to come to the microphone.

COMMENTS FROM THE PUBLIC

Scott McCullough

Good. What's... Good evening, ladies and gentlemen. My name is Scott McCullough, and I agree to... with the contract because we need access to Nashua. They have changed my life in many ways. They gave me opportunities, they gave me opportunities. Well, Dick Gagnon and Pete and, uh, Chris Randall will be... who will actually... Yeah, they let me have a show called Special Talk, and we've had it on air for 70 years. And I love Access Nashua. We need Access Nashua around. My name Scott McCullough, and I live at 49 Congress Street, Apartment Six. Sorry, I forgot to say that.

Andrew Cernota

Thank you.

Scott McCullough

Thank you.

Andrew Cernota

All right. Would someone else like to come up? Do we have anyone that- that's opposing renewal of the Comcast franchise? All right. If not, next person that's in favor of it.

Ken Gidge

Hi, my name is Ken Gidge. I'm from Ward 6 here in Nashua. Bernie Sweeter, oh, I think it was probably 10 years ago, wanted one more channel from the cable company for public access. So that meeting got very contentious right here in this room to the point where they turned the camera to the ceiling and they turned off the sound. Quite a large argument. Finally, it was then Steve Bolton said, "Wait a minute. We heard that nobody went to any of these meetings wanting a public access TV." And I said, "Excuse me. I was at two of them." So that night you didn't sign the contract with the cable company. Three or four days later, I find out that the cable company was very happy to give us one more channel. It took probably five or six years. We did have the channel five or six years under Donna Lee Lozeau, before it became public access. On the very first show of public access live in studio, Bernie Streeter, Mr. Gagnon, the manager of the station then and now, and myself, we sat down and talked about public access, the importance of public access, that it can give the community a voice. And as we get closer to building and finishing this art complex, public access is really going to be important. Now, I've told you the story about Bernie Streeter because it's important. I think it's important that people realize here in this room and, over TV, that this is just one more good thing that he has done. Thank you.

Andrew Cernota

Thank you. Though at, at the risk of, uh, dating, I know dating myself, I, think it was more like 17 years, than, than 10 years ago, but point well taken. All right. Anyone else like to speak?

Lori Orlando

Yes. Lori Orlando.

Andrew Cernota

All right. So Ms. Orlando, you're joining us by Zoom I see?

Lori Orlando

I am. Thank you. And I just dialed in, so, I'm late to the party, but... and I'm not certain. I know this is a hearing on, Access and, the contract, but, so I'm not certain if what I'm going to say fits in here, but, public TV or the government channel used to play the, board meetings, all different board meetings, at various times, and there was a menu that was on the screen so that primarily our senior citizens could watch the government channel and see the meetings and what was going on.

And it seems that we have stopped doing that, and we don't advertise the guide anymore and we play the meetings much less. Is this something that is caused by the arrangement of contract or something that is happening with the city? And I'm only addressing it because when I campaigned and door-to-door knocked, there were a, a number of seniors who mentioned that

they could no longer really watch the meetings on TV because they just weren't repeated or played with any frequency, nor could they find them.

Andrew Cernota

I... well, a, that would not be something that would be governed by the Comcast contract. Basically, how we run the Government Education and Public Access channels is up to the city. And as far as the public, the contractor that we hired to do that, Mr. Poehnert, is, shaking his head as far as... uh, my understanding is that as far as the frequency of playbacks, that's... we fill the time slots that we have, the issue is that there have been a lot more of the, meetings that have been televised, since COVID happened rather than ones that... that's used to not be televised. So, because there were more meetings, there were fewer time slots for replays. Mr. Poehnert, can you just,

Jeff Poehnert

Yes. I mean, we... Oh, I'm sorry, I'm Jeff Poehnert. Um, yeah, no, we schedule replays during the day, all day. Now, of course, during the week, we've had meetings almost every night. So those are live. And so there isn't replays, you know, on the nights of the meetings. But our schedule, as far as I know, is on the website.

Andrew Cernota

Right.

Jeff Poehnert

You know, the, the... all the replays. I mean, if you go back on this last weekend, all day long, all the meetings from last week were replayed each day.

Andrew Cernota

All right. Well, I, would encourage anyone that's having trouble with, getting the, schedule or anything as far as replays to, please contact us, because it should be there.

Jeff Poehnert

I will look into that. Absolutely.

Lori Orlando

Thank you.

Andrew Cernota

All right.

Pete Johnson

I believe... this is Pete Johnson. I believe, too, that is something we could ask for in the contract as to get on the electronic program guide so that the programs are listed in there, uh, on the TV itself, so...

Andrew Cernota

That, that's certainly something we'll look at.

Pete Johnson

Yeah.

Andrew Cernota

All right. Is there anyone else that would... uh, from the public who would like to testify with regard to the contract?

Stacy Hynes

Yes, I would like to.

Andrew Cernota

Oh, Ms. Hynes? Stacy Hynes is joining us by, by Zoom. Please proceed.

Stacy Hynes

Yes, I am. My name is Stacy Hynes and I am with the Director of Communications for the Nashua School District, at 141 Ledge Street here in Nashua. And I actually chair the, Education Channel Committee for the city of Nashua. And so I am, submitting a letter, signed by me representing the members on the, Education Channel Committee. And if you don't mind, I'd like to just read the content of the letter.

Andrew Cernota

Please.

Stacy Hynes

All right. Thanks, Andrew. "Dear Andrew, thank you for facilitating the public hearing for the Comcast franchising renewal. Nashua Education Channel Committee. I write to encourage continued adequate support for Nashua ETV. Nashua ETV is a valuable resource for Nashua residents starting with its beginning in January, 2007, to its formal launch in February, 2009, to its launch of live streaming in March, 2011, to its present day role as a reliable media conduit. Currently Nashua ETV is available to Nashua residents in standard definition via Comcast Channel 99, and via the internet in high definition, via 24/7 live stream. In 2017, we began offering the channel in HD to viewers anywhere where a smart TV with access to Roku or Apple TV. This allows alumni and extended, extended family and friends living in other areas the ability to watch programming such as live sports, graduations, and other special events as they are happening. Nashua ETV is also a showcase of what student learning and education is all about in Nashua. Since the last franchise renewal in 2015, Nashua ETV has provided live coverage for nearly 750 events, meetings, and nearly 25,000 hours of local programming. During the height of the pandemic, Nashua ETV became an indispensable way of disseminating information to residents. As was common practice across the country, school board meetings shifted to remote in-home attendance via video teleconferencing software. Nashua ETV pivoted to bring not only live meeting coverage, but also a much larger number of scholastic sporting events live to eager fans who were unable to attend the games due to the pandemic. We continue to work regularly with education organizations, including here in Nashua, including the Nashua Historical Society, Nashua Public Library, the Nashua Technology Center of the Nashua School District, the Nashua School District Schools, Nashua Board Education, the Joint Special School

Building Committee, Bishop Guertin High School, St. Christopher Academy, Nashua Police Department, Project Search, Nashua Senior Activity Center, Arlington Street Community Center, Nashua Soup Kitchen and Shelter, and the greater Nashua Chamber of Commerce.

Under the current franchise agreement, the city uses 1.3% of cable television franchise fees to support PE- PEG Programming on the public access, education, and government channels. Nashua ETV has been operating on flat funding, but needs to adhere to its mission of broadcasting authentic content and to, to adapt without negative impact from industry fluctuations with the growth of unfettered internet-based options for broadcasts. We want to be sure Nashua ETV remains viable, solvent, and independent of city operating funds. Toward that end, we encourage a franchise agreement that maximizes the 5% of fees allowable under FCC rules and regular capital improvement funding to develop further the community television system in Nashua to serve our residents. If I, or any of my fellow members of the Nashua channel committee, can be of help to you as you work through the renewal of the Com- Comcast franchise agreement, please do not hesitate to contact me. Thank you so much.

Andrew Cernota

All right. Thank you.

Stacy Hynes

And I have actually sent a copy of the signed letter to Donna Graham, but if I should be sending it elsewhere to you, Andrew, just let me know.

Andrew Cernota

That, that, that should be fine. I'm sure it'll get, uh, circulated to the members of the board.

Stacy Hynes

Terrific. Thank you.

Andrew Cernota

Thank you. All right. Is there anyone that's in opposition to the renewal or acritical of Comcast? All right. If, not, is there someone else that's in, supportive of renewal?

Owen Provencher

Mr. Chair, if I may speak?

Andrew Cernota

Oh. Please identify yourself and-

Owen Provencher

Absolutely. My name is Owen Provencher. I proudly serve as the president for the New Hampshire Coalition for Community Media. Greetings from Derry, New Hampshire. I, appreciate the opportunity to, be with you here today, Mr. Chair, and, committee members and also, members of the public in-attendance and viewing, on TV.

I am, here... the, the New, the New Hampshire, Coalition for Community Media is, a volunteer

nonprofit-based organization. And, our goal is to ensure the future vitality of New-Hampshire-based community centers by providing educational workshops, monitoring media trends, utilizing technology to inform and enhance community media centers in New Hampshire, and also to advocate for our colleagues throughout the state. And that's what I'm here to do.

I will keep my comments very short at this time. Primarily, I'd like you to understand, everyone in-attendance and who may view later on, that, we are here as a resource. I certainly am here as president@nhccm.org. As you work through, the process of renegotiation, anything that I personally cannot help you with, I will strive to seek, throughout our network and the powerful coalition that we have throughout the state, to get you the answers and empower you with, the information you need as you work through this.

Secondarily, I'd like to just state that no, time else other than, through a pandemic crisis, has, the services of media centers throughout New Hampshire have been more evident, whether it'd be ensuring access to gun government meetings, which we know are of value, as, mentioned by previous commenters, allowing the opportunity, even though the crisis, finding ways to remotely produce, shows for independent producers, so that members of the community do have a voice and are able to, share that, with the community. School... not only school board meetings, but I'm sure, as many other communities all across the state, school spirit parades are allowed to be, you know, captured, all of these important events for that, create the fabric of a culture in a community.

And I'm also here to tell you that you have a gem in Nashua with Access Nashua. The entire staff there, but, primarily, I'll mention Dick Gagnon and Pete Johnson. I consider them mentors. They're, part of the founding members of our organization, and they are extremely dedicated, not only for you in the hilly city, but for empowering community media throughout the state. Every... even national association meeting with the Alliance for Community Media and the regional, Pete team is there every single time now (laughs), and he can catch me up if I happen to miss a meeting. These are folks that are invested and love what they do and want to offer that to the community. It... this is a service that really needs, um, full support and understanding and respecting the fact that this is a, a, a, a process that your community has to face. I don't want... and choices you have to make. I don't want to go to too many details regarding your particular contract. However, I will restate that I'm here as a resource, and also just give you a sense of the overall trend of what other communities that are around the state are doing, uh, when it comes to their time to renegotiate. And there are very few real areas. It's, it's pretty, pretty standard now. There are a few key points that are open for negotiation. That would be, the rate up to the maximum, as previously mentioned, um, for FTC 5%. We also have, the opportunity to negotiate for, capital grants that, typically, are, annualized over the term of the contract. And also what is trending now is our side letters in the agreement for HD channel over, over cable TV. I strongly encourage you to maximize and negotiate for the full 5%. There are a couple of reasons why. Primarily, we, are seeing it's, its no secrets out there, but in the market, there is a trend of, cord cutters. This will help to, to compensate for that.

And, when we really think about it, if we think about, you know, for those watching, perhaps who don't understand the funding model for PEG media, it is not tax-payer-funded. It is it through franchise, these franchise fees, which are up for negotiation. Meaning for any subscriber,

we'll receive, a franchise fee at the bottom of their monthly bill, such as they with like Comcast. When we think of a rate increase, of 1% of what that bill might be, we're talking a few dollars a year on average, per subscriber. And like no other media center, because of their history, because of their experience, because of their situation, Nashua can turn those pennies, those few dollars into, exponentially, more. Turn those pennies into dollars. I will leave my comments at that. Again, primarily, I'd like you to know you can reach me at any time, president@nmccm. I thank you very much for your time.

Andrew Cernota

All right. Thank you. All right. Next up would be someone in opposition to renewal. Is there anyone? If not, is there another person in favor? And thank you for your patience (laughs).

Chris von der Lippe

My name is, Chris Von der Lippe, and I run a company on the water productions and have been affiliated with Access Nashua for a total of nine years. And I can tell you that it's a phenomenal experience because of the broad range of content, uh, that the station produces. I've been working with Scott McCullough for seven or eight years, and it's allowed him to really grow as an athlete, as a person. We've covered primarily sports, but everything from the winter games, skiing, snowshoeing up at Waterville Valley to the Penguin Plunge, the station has so many, avenues for, for educational programming as well.

Like a lot of the programs that Ken Gidge has been involved in, the art of politics, it is so, so important. And also, growing with government meetings and things of that nature. And there's so many avenues to, to learn and learn about technical equipment and grow, not just for the Access Nashua staff, but for people who have independent companies like myself, as well as, you know, even creating, fictional pieces for people who are creative and have independent pieces that produce the TV show lessons. So I think the, broad range of drama and educational content that Access Nashua has produced since 2012 and continues to, the bar continues to raise. And, that's why I, I support the franchise agreement. Thank you.

Andrew Cernota

All right. Thank you. I would ask, we've heard a lot of support for, cable access and, both the government education, the government access. I would ask that, people touch on their experience with Comcast, when they're talking, just, that is what we are trying to elicit. Comment on, the public in education and government access are all part of the contract in that those channels are part of the contract and the funding is also part... because of the franchise fee, but in addition to ascertaining the, the value of those, we are looking for feedback as far as how Comcast has performed on the, the current contract, whether they've, adequately, serviced the community. So if, if folks could comment on that that would be appreciated. Is there someone else that's opposed to Comcast being the franchise holder in the future? Seeing no one else at it, is there someone else in favor of it?

Bill Jennings

Can I get that mic to talk?

Andrew Cernota

Sure.

Bill Jennings

Good evening, everyone. My name is Bill Jennings, and I'm the station manager for Bedford Community Television and WBNH-LP 105.1 FM radio, Bedford radio. I've been involved in, PEG Access for 22 years, managing the station down there, with the station growing to where we now have four people and five part-time people. I've negotiated for the town of Bedford three separate agreements. I've been involved in a number of different agreements, working with different towns, and it's always been with Comcast. I've seen changes, I've seen growth, and I've seen them open up. Technology has changed, it's made life simple. Anytime there's an agreement, people will take a look at, "Okay, what can we do to get more?" There's always that opportunity to get more. So all I can talk to you about right now, also being on the New Hampshire College Community meeting, and I've been with them for over 20 minutes, is what we have experienced. I'll talk about the town of Bedford.

In the early days of 2- not 2000, 2001, we were a 3%. When we did a five-year extension, we went to 4%. When we did our 10-year extension, we stayed at 4%. In 2018, we went to 5%. Now, why do we do 5%? Because we saw it as a potential defensive process to offset some of the decreases that we expected as people moved off at cable and went to OTT. And that has proven correct. But we see that change very minimally as we go from year to year, which we're only now down 2.3%, because OTTs and cable have kind of met at a, at a level, where you can choose one way or the other, but you're getting basically equal services.

What we've done is, unlike Nashua and we're working with about a half a million dollars, is we set that rate of 5%, because with the exception of this community and one others', everybody else was at 5%. The federal law allows us to go to 5%. Nobody walks away from money, and the impact is minimal. As Owen said, its dollars. Somehow, people think they're, they're being charged an awful lot of money to support the local community media center, which is your best PR center for the town. We have four channels, three SD, but when they stream they're Hd, and we were one of the first ones in the entire Northeast to get an HD channel, which we got in our agreement. We also, and I was listening to the directed communications, we also, as I said, stream in HD, but we also have [inaudible 00:30:04]. You can actually have... download BCTB, and you can have us right on your menu right next to Netflix, Prime, et cetera. We believe in distributing media any way you can get it. There's no life just watching cable. We do it on our Facebook page, we do it on a YouTube page. We distribute through our channels, which is one format. If there's any hiccup on the line, people that have community access usually don't have that problem, but we really don't. We have a lot of high speed at this time. This is technology moving forward. And the way we were able to do this is because of the money we get, and we fully reinvest it. We have some talented people, and if nobody believes that public access was an invaluable part of keeping communities together, and if you're looking to cut, you're going down the wrong path. But this is your community. We were media in Massachusetts public access here in New Hampshire, my own council. Our school board recognized that we went potential in some people's mind from a wants to a need. We worked very closely with public safety. They can override our channels, and we pay for that infrastructure. Emergency management operations, we're part of that plan. And the way we're able to do that is we have the money to set

their infrastructure up and to have them automatically override our video, our channels. And we were able to start a low power FM radio station. And by doing that, and that's an FCC controlled radio station, we were able to set up a radio override. So when all things else fail during an emergency and everybody loses their power, falling back on that battery radio is pretty nifty. That's all made available through franchise fees. 5% helps us to stay in operation. 5% will help you to protect your asset.

You know, as they say, if you build the road, you don't stop maintaining the road, right? You got to take care of that road. If you spend millions on a road, you're got to pay hundreds of thousands to maybe make sure it's maintained. The same way with access. You're missing on an additional 1%. You guys control it the way you want. We have our organization set up a little differently, where all our money is controlled by the us, and we do not distribute it directly to the school district, we work with the school district. We have such a great bond with them. We pay for the infrastructure, and the press box, and the theater, and the gym. We even have provided some funding for classroom. We take some of the students and we have them in the program doing some internships with us.

So the school is very much part of our operation. It's not separate. But I... if you heard your director of communications from BTV, she nailed it. What they're doing on their end is exactly why you need to keep the money going. I manage public access. My assistant manager is here, also does that as well? I manage the educational channel, I manage the government channel. Of course, we have the HD channel. We have it under one roof, under one control.

So we have, like every other community in New Hampshire with the exception of one, and that one community now, which if they had gone to 5%, we're all at 5%. And I would just recommend going to the 5%, because once you enter that 10-year agreement, there's no going back. I have seen, in the past, this one town, but they decided not to do it the second go round, where they would do after one year, they would say, "Let's say... have it set at 4%." All right, if we want to go to 4 or 5%, then this committee here could just send a letter to Comcast and say, "We've reviewed this. Our funding's going down. We'd like to bump that up to four-and-a-half percent." And they'll on that. Or you may want to go up to 5%. Our town and most of them said, "You know, we're going right to the top." 'Cause they didn't want to be meeting and going through the delegation or doing through the analysis, et cetera.

You have to ask yourself, "What is the main concern about going to 5%?" You just... as I... as the chairman just asked if there's anybody here in opposition, that's what we found in our community. 99% of the people in the community are not in opposition, but let me assure you that one percent's going to do more for you with minimal, minimal, minimal, if any, complaint from anybody. So I'll urge you consider it. The opportunities to expand what you even have here now is, is endless. And since this community takes a piece of a lot of money to put into non-media assets, I mean, that's a decision you guys handle, and I'm just delighted they don't do that in Bedford. 'Cause that's more money in your pocket that, uh, certainly if that's what you're doing to offset the tax rate, but at the same time will also pro- protect you, as I said, we did it as a defensive tactic, so when those... that money starts to, to slide down.

Bill Jennings

So that's all I have to say. I mean, I hope you consider it. This comes from 22 years' worth of experience in dealing with counselors over the years that did push back and just have me do some digging and more justification. So I don't mean to be coming into your community as an outsider, but I'm pretty passionate about it. That's why I love what I do. So thanks for the time.

Andrew Cernota

Thank you. Is there anyone from Nashua here who would like to speak? All right. I do want to just observe that in addition to the fact that, most of our franchise fee actually goes to the city budget as opposed to the, PEG, services, a number of those things that, that were cited as being possible expansions or, are things we're actually already doing, with the current funding. All right. I guess if there are no other further comments from members of the public... I see in Mr. Provencher. Are you,

Owen Provencher

I'm just... I'm still here, Mr. Chair.

Andrew Cernota

Okay. Uh, all right. Did you have, comments that you would like to make?

Owen Provencher

Nothing really in addition to what either I, or any person said at this meeting.

Andrew Cernota

My apologies. I, with your squint... screen going to your name as, as opposed to your face, I thought you were another person calling in. All right, if there are no other comments, I guess, there is a, final motion?

Lauren Byers

Motion to adjourn.

Andrew Cernota

All right.

Speaker 2

I second. Yeah.

Andrew Cernota

Motion to adjourn and second. All those in favor?

Audience

Aye.

Andrew Cernota

All those opposed? Motion passes. Thank you, everyone. Thank you, members of the public for your comments and, we'll look forward to, continuing with the process. Thank you.

ADJOURNMENT

The meeting was adjourned at approximately 7:39 p.m.

Committee Clerk