

****Meeting recording is available at <https://www.youtube.com/c/FreetownMA/videos> ****

Town Administrator David DeManche opened the meeting at 5:20pm.

Town Administrator David DeManche, Town Counsel Bill Hewig, Committee Members Bruce W. Wilbur, Josh Tefft, and Jose Invencio of LakeCam were present.

Attorney Hewig let the group know that cable negotiations must be conducted in open session and not Executive session. Mr. DeManche noted his displeasure of this. Jose Invencio from LakeCam mentioned that the cable advisory committee formed a negotiating team of two people who will negotiate the contract in Executive Session basically not having a quorum of members and in doing so being able to not having to discuss strategy in an open meeting. Mr. Hewig asked if Lakeville got a legal opinion from their Town Counsel. Mr. Invencio stated they did obtain one. Mr. DeManche noted their Town Counsel was KP Law which Mr. Invencio confirmed. Mr. Invencio is not on that committee and was invited in as a consultant. He and Mike Galla, Comcast, will be further meeting in Executive Session on their negotiations. Mr. Hewig asked which lawyer they got this information from. Mr. Invencio was unsure and referred Mr. Hewig to Bob Marshall, Chairman of Cable Advisory Committee, or the Town Administrator. Mr. DeManche said he asked Mr. Invencio to 1. Advise on what we should be looking for and 2. A sense of what is going on in Lakeville. He also noted that he has spoken with Mr. Foye in Middleboro as well. Mr. DeManche asked Mr. Invencio to share how the process is going in Lakeville. Mr. Invencio stated he would not be comfortable sharing this information as they are in negotiations in Executive Session now. Mr. DeManche asked Mr. Hewig how this work will be done going forward. Mr. Hewig stated as we deliberate on what we need from Comcast and why. He feels that it is no different than when it comes time when we sit down to negotiate with Comcast there are parts of the negotiation we don't want them to know for example we ask for \$100,000 they counter with \$80,000 the question is would we compromise at \$90,000. He stated it would be fine for us to request Comcast to leave the room while we privately discuss the offer. He notes it has not been an issue conducting this in open session. Mr. DeManche stated it is an unfair advantage for Comcast. Mr. Hewig agreed with Mr. DeManche's position. Mr. Hewig stated we need to figure out what we need in annual payments, number of channels, capital and other things we require so we can have a discussion about those things and come to conclusions on what we want which is all public documents so it will not affect our negotiations. Mr. DeManche stated we have monies that we have not used from the cable funding and would that negatively affect our negotiations. Mr. Hewig felt that Comcast would say is that a reserve fund for a rainy day, is it being saved for a large capital project such as construction or moving of a studio, if so that is legit. He continued if you do not have a plan for that money Comcast will say you already have X in that account and are asking for X more, why do you need it? He suggests we have a plan of what that money is going to be used for. Mr. Hewig says it is perfectly legit to have a one year reserve in that account in case the cable company goes out of business and we have to get new coverage, and there may be other capital expenses we may be saving towards. If we have a plan for these monies Mr. Hewig does not feel this will negatively affect negotiations. Mr. DeManche noted we are constructing new Police Station and had a discussion at last meeting to equip the community room with equipment to host all types of meetings in that space. Question is do we take that out of existing funds or would Comcast fund that. Mr. Wilbur asked where do we stand with drops to every public building? Do we have access to the Town Hall, do we pay for it? Mr. DeManche noted that there is a drop in his office. Mr. Wilbur was reviewing contracts that were renewed for Massachusetts for 2020 and looking at issues have a drop at every public building. Mr. DeManche notes that is on the list. Return line with local origination or free drop with free subscriber service. Mr. Wilbur stated he was talking about the free drop. Mr. DeManche said we are not looking at a closed loop. Mr. Hewig stated that the FCC ruling from last September says Comcast is to no longer offer a free drop. He continued that if you are seeing that in these renewed contracts you are reviewing that Comcast is going to bill the town for the basic cable service it is providing at that drop. We will have to decide if we are going to continue having cable at the twenty, or so, public places we have free drops in town now we will be billed. He continued that if we no longer want service at any of these locations, we'll have to let Comcast know that as well. Mr. DeManche shared the Bargaining Points for Freetown Comcast Negotiations document draft 2 dated 5/19/2020.

They are:

1. Increase 1% Franchise Fee to 2.5%. Net Increase Per Subscriber. To support paying videographer to cover meetings/events, basically salaries, operating expenses, equipment and/or facilities as it relates to PEG Access programming and also legal fees as it relates to the cable franchise agreement.
2. Three (3) Standard Definition channels (PEG, Public, Education and Government) and at least one HD channel.
3. Include One Additional Public Access Channel – Not Government or Educational.
4. Senior Discount – Side Letter for Discount (up to \$5.00 per bill)
5. Capital Funding Request:

School Studio at Freetown Elementary School (Stage):

- A. Equipment:
- B. Part-time Cable Teacher/Assistant for School Studio

Local Government Request:

- A. Equipment: Police Station
6. Electronic Program Guide – Scrolling information guide which lets subscribers know what is on all of the PEG channels.
7. Free cable drops/monthly basic cable tv service for Municipal Buildings.

Mr. DeManche noted there is already a small studio at the Freetown Elementary which we could reactivate or put one in at the High School. He also mentioned a combined Lakeville/Freetown studio for the students and community groups to produce their own programming for educational purposes.

Jose Invencio noted that Lakeville is getting free drops in their current meetings. IN terms of Educational channel he can not speak to that as it is an issue with the towns and if Freetown wants to continue a relationship with Lake Cam. Mr. DeManche also mentioned wanting to set up the new Police Station which Mr. Invencio noted Lakeville did with their new Police Station. Mr. DeManche asked what the cost was for that set up and Mr. Invencio said about \$25,000 but noted they already had some equipment so it may cost Freetown more. Mr. Hewig asked if Mr. DeManche has any plans on setting up at the new Police Station. Mr. DeManche said not at this time but he will bring it up at the team meeting on Thursday. Mr. Wilbur asked what dictates who is going to use the community room, is everyone going to have access? Mr. DeManche said not open to public groups to do food related things, like Boy Scouts doing a spaghetti dinner. He continued it will be town governmental groups and it will act as a command central for emergencies. Mr. Wilbur questioned doing it after building complete would not be ideal, Jose Invencio said Lakeville did theirs after the building was complete. He would recommend if there was a way to put in a metal conduit from server room to where you are going to set up cameras that would be helpful before the building was completed.

Mr. Wilbur would like to discuss each of the numbered points on the Bargaining Points for Freetown Comcast Negotiations Mr. Hewig said we would need to demonstrate that we would have additional programming to acquire additional channel noted in number three. Mr. Hewig feels the senior discount is a side letter and we should get that. Lakeville would be open to sharing their government and educational channels. Mr. Invencio feels it would be beneficial for both towns to share the local channel. Mr. DeManche asked how we would do that and Mr. Invencio said through Verizon which is not widely available in Freetown. Mr. DeManche asked how do Freetown people get local sports? Lake cam sends it to Comcast in Middleboro who sends it back to Lakeville and Freetown. Channel 9 is government, 95 high school sports/educational.

Mr. Wilbur noted that twenty years ago we had a very active cable committee creating a lot of their own programming in their own studio in Berkeley. Mr. DeManche asked if Lakeville had a studio, they do not but have plans to add one in 2023. Mr. Tefft asked if there is a way to watch public programming with the On Demand feature on Comcast? Mr. Invencio said in Lakeville all meetings are linked on their website but do not offer other programming on Video on Demand (VOD) as the funds to pay for them come from Comcast fees.

HD Channel should not be an issue per Mr. Hewig, they generally want to do it third year into a ten-year contract and also want town to pay for it. Both of these points Mr. Hewig is pushing back on. Mr. Invencio suggests we go with educational channel in HD.

Mr. DeManche noted last point number one above he wishes to get an increase in the Franchise Fee. Mr. Wilbur inquired how long have we been at 1%. Mr. DeManche believes we have been at 1% since the beginning. Mr. Wilbur asked Mr. Hewig if the 1% is negotiable. Mr. Hewig stated it is negotiable while contract being negotiated but then you would be locked in for the duration of the contract. Comcast looks at this as a cost as subscriber fees go up, they lose subscribers.

Mr. Tefft asked is the capital costs disbursed through ten years and added to the bill? Mr. DeManche stated they are hidden in the bill so to speak as it is one of the fees being charged on bill. Mr. Hewig agreed. The capital costs and franchise fees are passed onto the subscribers. Mr. Tefft asked if the number of subscribers change does the billed amount change? Mr. Hewig said you have two types of pass through costs, percentage of gross annual revenues which does not change, the amount you will get per quarter will change based on number of subscribers. The capital because it is a fixed amount of money it will change if number of subscribers change. Mr. Hewig suggests asking for capital as a percentage instead of a fixed cost and this is something the committee can discuss.

Mr. Wilbur expressed that we need to discuss what we are doing in the future with the funds we have now. Mr. DeManche asked if there was any objection if he brought up to the Police Dept. that we have these funds and could utilize them for the installation and equipment (PA system, fixed cameras that wall to transmit signal without videographer on site) for the new Police Station. Mr. Wilbur said he was fine with this proposal. He also mentioned Dartmouth has a similar system. Mr. Invencio said they installed five fixed cameras in their new Police Station meeting room which requires one person to run the equipment. They have four fixed cameras in the Selectmen's meeting room with one person switching between cameras. Mr. Invencio said you could have volunteers from the cable advisory committee with the proper training could serve in this capacity. Mr. Tefft suggested students may be able to assist on these meetings as an educational opportunity. Mr. Wilbur suggested having another meeting to discuss that topic exclusively. Mr. DeManche suggested bringing in Superintendent of Schools Rick Medeiros in to discuss this further. Mr. Tefft agreed this was a great idea to gauge the interest of the students. Mr. DeManche asked Mr. Invencio if Lakeville broadcasts plays at the schools. Mr. Invencio stated that they do not as many of the plays are copyrighted. Mr. Invencio offered to have a further discussion on his experience with the schools over the last six years but wishes to do so offline and individually. Mr. DeManche will set up a time to speak with Mr. Invencio before reaching out to the Superintendent.

Mr. Wilbur lost his connection to the meeting. Mr. DeManche stated we do not have a quorum and the meeting ended at 6:24pm.

Respectfully Submitted
Lu-Ann Souza
Senior Clerk, Board of Selectmen