

Cable Television Advisory Board Meeting Minutes (Brief)
March 10, 2006

The meeting convened at 8:30 am in the Aldermanic Chamber, Nashua City Hall by Vice-Chairman Andrew Cernota.

ROLL CALL

Members of the Board Present: Andrew Cernota, Dory Clarke, Rick Farrenkopf, Gordon Jackson, Charlie Matthews, Diane Sweeny, Alderman Fred Teeboom, Ken Tyrrell.

Members of the Board Absent: Nick Darchik, Roger Hatfield, Ed Lecius.

REVIEW AND ACCEPTANCE OF MINUTES

Alderman Teeboom asked that 3 minor errors be corrected in the minutes and that Mr. Matthews listen to the tape when preparing the minutes.

Motion to accept and place on file the brief February meeting minutes as amended.
Motion carried.

CORRESPONDENCE

Vice-Chairman Cernota noted no new correspondence other than the draft Policies and Procedures manual and comments distributed to the CTAB members via email.

ACTION ITEMS

POLICIES & PROCEDURES

Alderman Teeboom updated the committee on the subcommittee's review of the Policies & Procedures draft. He also introduced resolution to the Board of Alderman to get the first quarterly installment for the G and E for \$53,000. It went to the Budget Committee and was held there because they wanted to review our Policies and Procedures manual. He doesn't anticipate any problems but it will likely be 2 weeks before the resolution reaches the full Board of Alderman. We can go ahead with hiring a Program Manager anticipating this funding because it sits in a special account.

Alderman Teeboom reviewed the organizational structure – the last page of the draft Policies and Procedures document. CTAB controls all the PEG functions but CTAB reports to the Mayor and Board of Alderman. The PEG Program Manager is central, this is the individual we are talking about hiring. It will be a contract – not employee – position. Human Resources Manager Jane Joyce would review the position description and then CTAB would interview candidates in either a public or non-public process, after which the CTAB would vote to select the final candidate. The PEG PM is also responsible for Government channel operations, funded by the PEG account.

The subcommittee met with James Pfeiffer and Rick Farrenkopf at the TV studios in the South High School. We cannot use the studio for production but we can use it for creating content. The production operation will have to be elsewhere. As things progress we would hire an Education Channel Operations Manager. The education channel handles public and non-public school programs. Alderman Teeboom also sees "government education" programs as well, such as emergency procedures programs for citizens that would be aired on the Education channel.

Public television and NASA-produced programs are excellent and can go on the Education channel (E-Channel). This channel can also support classroom distance learning. Recently added to the organization chart is a dotted line from the Superintendent of Schools and an E-channel committee, a guidance committee made up of public and non-public school officials the E-Channel operations manager. Functionally the E-Channel manager reports to the Program Manager.

The Public Channel (P-Channel) is operated by an independent contractor, based on the Manchester model, in order to isolate government operations from lawsuits. The independent contractor reports back to the PEG program manager, who in turn reports back to CTAB.

CTAB will get reports on the Government, Educational, and Public channels every month. The PEG and Educational and Independent contractor will attend the meetings. The PEG Program Manager will report to the administrative assistant to the Mayor – Mark Sousa. The Mayor has agreed to this.

The E-channel is running semi-autonomously, guided by the E-channel committee. The P-Channel is running almost autonomously, being guided by the independent contractor, and Government channel (G-Channel) is not run autonomously – it is under the direct control of the Program Manager. This is a management organizational structure that goes beyond a governance model.

Gordon Jackson thanked Mr. Teeboom for his work and effort on the Policies and Procedures document. Mr. Jackson also commented that the title “program manager” would be incorrect in a TV environment because that person falls further down the chain of responsibilities. The correct term would be “access coordinator” and he recommended that we revise the name in the document.

Mr. Jackson is also concerned that changes are being made and the latest version of the procedures manual is not identified and requested some kind of document version control. He also asked what is in place in the E-Channel to eliminate any political issues that might interfere with its function. If the E-channel manager is employed by the public schools we want to ensure that issues are being managed fairly and without bias.

Mr. Teeboom noted that the E-channel manager is not employed by the school department but hired by CTAB. Rick Farrenkopf remarked that he reviewed the Policies and Procedures draft and made several changes specific to the E-Channel. The channel is a great opportunity for educational content and should take its direction from educators – from both public and private schools and from the public library. This group would develop some kind of program guide with the educational channel operations manager executing that, managing the videographers and the process.

Gordon Jackson requested that Mr. Teeboom change the term Program Manager to Access Manager in order to be consistent with current industry terminology. He also said we need to specifically define what we mean by “educational” on the education channel. If a program run on the public channel is called “educational”, then what would prevent running the same program on the education channel.

Alderman Teeboom noted that Appendix A, B, and C define Government, Educational, and Public access programs. Each of the operations managers would have to create their own operations manuals to further clarify programming selections. An outline for the operations manual (adopted from Bedford Community Access TV) is in Appendix D. Mr. Teeboom also remarked that the Board of Ed meetings will be broadcast live on the Education channel. Today, the Board of Ed meetings are broadcast on tape delay.

Gordon Jackson asked Mr. Teeboom where viewers would go if a Board of Ed and Board of Alderman's meetings were broadcast live on 2 separate channels. A mechanism would need to be in place to prioritize broadcasts so that there is no conflict. Vice-Chair Cernota thought that the program managers would be able to address possible conflicts of this type. He also thought that programs might be broadcast on multiple channels if they met the established criteria and demonstrated a need to be seen on both channels.

Rick Farrenkopf reiterated that Appendix B is a representative – but not exclusive – list of potential programs that were previously presented to the Board of Ed about 6-9 months back.

Alderman Teeboom explained the Financial Reporting Forms in the Policies and Procedures manual. 3% currently goes into the General Fund and he asked the Mayor to appropriate at least some of that money to the CTAB so that we can work on the Public channel. The system is set up in three different accounts: the Education & Government channel account which captures the 1% fee, the facilities account with the \$201,000, of which we have \$153,000 at this point, and the CTAB technical services account.

Alderman Teeboom received comments from Alderman Richardson that he promised to review with CTAB. Each channel will have its own server. The E-Channel would be located at one of the high schools, the G-Channel will be at City Hall, and we have no idea where the P-Channel would be, probably not at city hall or at one of the schools. Alderman Richardson wants all programs reviewed by the legal department, but Alderman Teeboom believes that it is sufficient for the program managers to do this and that the legal department is much too busy to get involved in this. Alderman Richardson also suggested that we prohibit paid advertisements for political candidates on the P or E channel.

Rick Farrenkopf noted that school department guidelines are already in place regarding advertising or endorsing candidates, and he would not see any paid programming on the education channel at all. Gordon Jackson asked if the franchise agreement already addresses this issue. Attorney Clarke noted that the Definition 37 of the franchise agreement prohibits any commercial broadcast on PEG channels.

Rick Farrenkopf stated that his home community allows local candidates to post a Powerpoint for a small fee, say \$10, advocating their candidacy, and he's not sure what CTAB would do if such a request came forward. Vice-Chair Cernota thought that the payment might be a re-imbusement associated costs rather than a payment. Gordon Jackson thought that any remuneration would be seen as commercial content. This is a slippery slope that we should avoid.

Alderman Teeboom believes that candidates for public office could only appear on the P-Channel. Mr. Farrenkopf agreed. Mr. Teeboom asked to add to the policies that candidates for public office only appear on the public channel. Mr. Jackson asked to add "without remuneration".

Mr. Jackson stated that regarding NASA and other programs, the FCC takes a dim view on programs on PEG channels produced outside the municipality covered by the contract. PEG channels were created for local access. When you take programs from public broadcasting, they often do contain some commercial content. Cable operators are always concerned about this as both a financial burden and competition to their own programming.

Alderman Teeboom addressed the issue of adult programming. Definitions of permissions and restrictions pertaining to this are in Appendix C (from the Manchester Independent Contractor contract). We have to comply with community standards and First Amendment rights. Adult programming can be broadcast between 11 pm and 6 am but that's up to us to define. Alderman Richardson objected to showing anything like this but Mr. Teeboom thought we could get sued for not providing access. Vice-Chair Cernota commented that we can protect community standards without overreaching. Attorney Clarke noted that everything that has been said has been correct.

There is a definition of what's obscene, but expects that the person we hire will have some experience in this area.

Alderman Teeboom notes from our discussion that political advertising will be limited to the P-channel and we will not take remuneration. He will add this to the document.

Attorney Clarke has additional comments to make to the Policies and Procedures and will send an email noting where we need additional changes.

Gordon Jackson asked if we can shift funds between channels. The Government channel has gone begging for the last couple of years whereas the PE component is in the start-up phase and may not need additional funding at this point. Attorney Clarke replied that the 1% we are getting from Comcast has to be spent on government and educational access expenses. That's not flexible but there is flexibility within the 1% between what goes to government and educational. The 3% is going to the General Fund and there is no decision by the Board of Alderman to allocate this to any of the channels.

Alderman Teeboom stated that we are getting about \$50,000 every quarter in the E & G account. It would take an amendment to the contract and we would have to submit a memo to the Board of Aldermen to approve transfer if CTAB would like to see the 1% also allocated to the P-Channel. If so, he can move forward with the memo just described.

Vice-Chair Cernota noted that there is no allocation for the P-channel at this time and that Alderman Teeboom is proposing that we ask the Board of Alderman and Comcast to amend the contract in order to allocate a portion of the 1% franchise fee to the P-channel.

Gordon Jackson stated that we need guidance regarding how to allocate these funds. Rick Farrenkopf suggested that this is why we need to get a knowledgeable person on board, who will make a list of requested expenditures for CTAB to evaluate.

Attorney Clarke said that we can amend the contract, but priority should be on Educational and Government access. Mr. Farrenkopf noted that our current 1% would be spread very thin, and agreed we should concentrate on Educational and Government access for the first year.

Gordon Jackson stated that it would take time to bring the Public channel up to speed. Alderman Teeboom said we have about \$28,000 in the CTAB account and asked the mayor to fund it for the P channel, but agrees with Rick that he would like to see the E-channel get launched and will go along with restricting the money to the E & G-channels.

Gordon Jackson said the municipal channel has suffered with a lack of production values and we need to bring the G-channel up to quality standards. He also wanted to know where we stand with the traffic channels? Alderman Teeboom stated that there is nothing in these policies and procedures about traffic cameras. He will make a motion to remove them after consulting with Chiefs Hatfield and Heffernan.

Gordon Jackson noted that everytime we tried to remove the cameras there was significant resistance from departments in the city. He also asked Mr. Farrenkopf if North and South High Schools and Stellos Stadium were interconnected with fiber. Mr. Farrenkopf replied that North and South are connected with fiber. The contract calls for origination points from Comcast at North, South, Ledge Street district office, and Stellos. To date all that has happened is that a Comcast rep has come on site at each of those locations, but no discussion to date on how any of those origination points might cooperate. We see the main origination point at one of our high schools.

Gordon Jackson expressed concern that, as with Channel 16 today, we would have to go through a manual switching process and asked if we can insist that the origination points are

interconnected? He sees current design as non-functional. Mr. Farrenkopf said that we would want to address these issues with Mr. Christensen and the person we would hire. Vice Chair Cernota suggested that this is not the forum for this level of technical detail and this discussion should be continued in the Technology committee.

Gordon Jackson stated the program manager must also be connected wherever they are located within the city and asked if Comcast will do that? Mr. Farrenkopf noted that once the policies and procedures are complete and the subcommittee disbands, we can meet with Comcast and interested parties to iron out these details.

PROGRAM MANAGER UPDATE

Diane Sweeny emailed a budget report to the committee. Per Maureen Lemieux we are buying VHS and DVD recording equipment. Alderman Teeboom would like a proposal of what she plans to buy first so that we can approve it. Gordon Jackson added that he would like to see requirements so that we can better evaluate what equipment is needed.

Alderman Teeboom moved to hold the policies and procedures document until comments from Attorney Clarke and others are collected. Hopefully we will approve the document at the next meeting and put in motion to hire a program manager and anticipating approval by the Board of Alderman.

Motion to hold the policies and procedures document over to the next meeting pending changes. Motion carried.

Vice-Chair Cernota asked for comments from the audience. There were none.

Motion to adjourn. Motion carried.

The meeting was adjourned at 10:07. The next meeting will be on Friday, April 14, 2006 at 8:30 a.m. in the Aldermanic Chamber, Nashua City Hall.

Respectfully submitted,

Charlie Matthews,
Secretary