

**Cable Advisory Committee**  
**Meeting Minutes**  
**March 28, 2019**  
**7:00 p.m.**  
**WayCAM Studio**  
**264 Old Connecticut Path, Wayland**

**Attendance:** Ken Isaacson, Jake Mohnkern, Lauren Zajac

**Absent:** Doug Levine

**Also Present:** Cherry Karlson, Board of Selectmen; Jim Mullane, Executive Director of WayCAM; Alan Mandl, Acting President WayCAM; Bill Hewig, KPLaw

**1. Call to Order and Review Agenda for Public** Acting Chair C. Karlson called the first meeting of the Cable Advisory Committee (CAC) to order at 7:04pm in the WayCAM Studio in Wayland High School when a quorum was present, noted that the meeting will likely be broadcast and videotaped for later broadcast by WayCAM, and reviewed the agenda for the public.

**2. Introduction of Committee Members, town counsel** Each committee member and attendee briefly described his/her background and role.

**3. Committee Administrative Tasks, including elect Chair and Vice Chair; assign minute taker; discuss role of Committee; determine meeting dates** C. Karlson volunteered to take minutes for this meeting. Members have been sworn in. C. Karlson explained the typical role of a committee chair. The Committee will return to this item later in the meeting.

**4. Public Comment** There was no public comment.

**5. Overview and discussion of Committee purpose, negotiation process, timeline and deliverables with KPLaw attorney William Hewig** C. Karlson reviewed the documents provided by counsel: sample survey, draft public hearing notice, sample business plan and roadmap memo.

J. Mohnkern: is the committee negotiating a budget for WayCAM or negotiating on other cable topics?

W. Hewig: negotiations cover all cable needs which includes WayCAM and other municipal needs not directly related to WayCAM. It all gets funded through the two licenses.

K. Isaacson asked about the impact of the current FCC discussions. W. Hewig noted he is in regular contact with the FCC and no decisions are expected until maybe September 2019. Worst case scenario, the capital grants may be counted against the annual grant. We do not know if or when the order will be issued, and it is anticipated that the order will be immediately contested in a lengthy court case. If the order survives, it is likely to be changed and implemented over time. Over the next ten years, he anticipates major changes in cable funding – if not because of this order, then because of changes in viewing habits (using wifi rather than cable).

W. Hewig explained the purpose is to negotiate funding from the two cable providers (for access and municipality needs), services and perhaps discounts (e.g. senior discounts). Negotiations do not cover programming or rates. The Comcast agreement expires in September 16, 2020 and the Verizon agreement expires in February 2021. His advice is to negotiate the two close together for level playing field provisions and similar asks/concessions from each. The committee should work as if it is negotiating both contracts.

Tasks are defined by the Federal Cable Act of 1983, and the process is called Ascertainment. This is a two-pronged approach. First, the onus is on the Committee to tell the cable companies what it wants and needs.

Ascertainment begins with a review of current cable related expenses including access budget, equipment replacement budget, municipal expenses for maintaining the MAN, what is needed in the future to sustain, enhance or improve the system. This information is summarized in a Business Plan.

The Committee will market its vision for the future to the providers. The goal is for the longest possible licenses understanding that the license will likely survive longer than the cable industry in its current form. The Business Plan will explain the goals over the next 10 years, including a budget, capital plan and other related future needs. Conducting a survey (samples provided) is a way to find out if subscribers are receiving the services that should be provided under the existing license; it is also a chance to ask if residents would pay more for additional local cable access programming and services. Showing a willingness to pay is important.

Negotiation amounts are capped at 5% of gross annual revenues. Members should review the language in the existing contracts.

Some information needed for the next meeting: WayCAM budget, WayCAM capital plan, Town IT budget related to cable, amount of payments from providers to the Town (from license). The payment amount will give the number of subscribers. J. Mullane reported that the Comcast payment goes directly to WayCAM and the Verizon payment goes to the Town and then to WayCAM.

The CAC must hold an advertised public hearing – as a legal requirement and as an important Ascertainment tool. This will help accomplish the second step of determining compliance with the existing licenses. Complaints from users are a primary way to determine compliance. Frequent issues include signal quality, density and setbacks, and the ability to reach the cable company. Cable companies must answer 90% of its calls within 30 seconds under ordinary circumstances. CAC should ask for compliance (telephone response time) reports from the providers.

W. Hewig suggested that language regarding liquidated damages may be included in the next agreement.

The Committee discussed a potential timeline with W. Hewig. The business plan is the first effort. A community survey could then be done in Feb/March 2020 with a public hearing immediately after Town Meeting at the end of April 2020. Members discussed handing out a notice at November STM saying cable negotiations are starting and to watch for a survey and public hearing in 2020. Then the committee would have all the info by the end of April 2020 with five months before contracts expire.

Other information for the Committee to consider: locating the Comcast binder likely sent to the Town Administrator's office with a draft renewal license, deciding whether the Schools have a place at the table and are looking for funding through the license.

W. Hewig reported that success comes from reaching out to everyone in the community – posting meetings, conducting a survey, holding a public hearing. Public input is key. C. Karlson offered to reach out to the School Superintendent and Chair of the School Committee. J. Mohnkern suggested students could help with developing the survey. C. Karlson suggested that the next meeting be a brainstorming session of next steps.

W. Hewig stated he can review a draft Business Plan, survey and community hearing notice and check in with us every few months. He does not need to attend each CAC meeting. At 8:43pm, W. Hewig left the meeting.

**3. Committee Administrative Tasks, including elect Chair and Vice Chair; assign minute taker; discuss role of Committee; determine meeting dates, *continued*** The next meeting will be Thursday, April 18 at Wayland Town Building. C. Karlson offered to book a meeting room and post an agenda. Members will work on activating town emails. C. Karlson will follow up on Board of Selectmen appointment votes for D. Levine and herself as an alternate. L. Zajac will follow up with J. Mullane for budget and capital info.

The Committee returned to the discussion of electing a Chair and Vice Chair. The decision was postponed until the next meeting.

**7. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, if any**  
None.

**6. Tour of WayCAM studio:** C. Karlson noted that following the tour, the Committee would not return to the studio room and would adjourn from the tour. Beginning at 9:02pm, J. Mullane gave Committee members a tour of the WayCAM studio and described plans for a small expansion and the need for additional storage.

**8. Adjourn** The Committee adjourned from the tour at 9:20pm.

**Items Distributed for Information and Use:**

1. Memo from William Hewig, KPLaw, dated March 28, 2019 re: Cable Television Renewal License Procedures – Roadmap Memorandum
2. DRAFT Notice of Cable Television Public Hearing, provided by William Hewig, KPLaw as example
3. Sample Cable surveys from other communities, provided by William Hewig, KPLaw as examples
4. Sample Business Plan, Watertown, MA, May 15, 2014, provided by William Hewig, KPLaw as an example
5. WayCAM capital requests, provided by Jim Mullane
6. Wayland Cable Agreements (online)
  - a. Comcast: [https://www.wayland.ma.us/sites/waylandma/files/uploads/comcast\\_2010.pdf](https://www.wayland.ma.us/sites/waylandma/files/uploads/comcast_2010.pdf)
  - b. Verizon: [https://www.wayland.ma.us/sites/waylandma/files/uploads/verizon\\_2011.pdf](https://www.wayland.ma.us/sites/waylandma/files/uploads/verizon_2011.pdf)