

DRAFT MINUTES

CATV Advisory Committee Minutes

February 9, 2012

Place: Wheelwright Room, Town Offices

Time: 5:30 p.m.

Present: Matt Quandt, Nancy Belanger, Gerry Hamel, Anne Surman, Hope Godino.

Staff: Russ Dean, Andy Swanson,

Others: Frank Ferraro.

Absent: Candance Hoene (resigned)

Selectman Quandt called the meeting to order. The meeting relocates to the Nowak Room due to members of the public present to attend the meeting.

Mr. Quandt indicated there was one item on the agenda, the agreement with JBC. He asked for committee comments.

Mr. Hamel discusses his concerns. The arrangement was a la carte and now it has changed. He feels some things weren't needed. He would like to ask Doug York about whether some things are needed. For example more detail on the training schedules. He is unclear who does the training and how long it takes.

Mr. Dean clarified the agreement by stating it was an operating agreement to run the access channel, and the tasks to do this are all in the agreement in conjunction with Doug York.

Ms. Surman comments she was upset the committee did not see the contract in its final form. There is no statement of work, payment terms or deliverables. She does contracts for a living and this isn't the way she would do it. There is a set dollar amount. It is flawed from the get go, not correct.

Mr. Quandt relates his experience with military contracts. Tasks and conditions are spelled out, some things are done now, others wait for another time.

Ms. Godino comments that she thought the amount at one time was \$1,000 per month. Once a program is made it can be put on a DVD.

Mr. Hamel comments that Mr. York indicated it was one hour to go through a training session. This agreement calls for not more than two per month.

Ms. Belanger comments the training sessions were discussed and these are specialized training sessions not meant for the general public, they would involve the Exeter Hospital, or PEA, or something like that.

Mr. Quandt comments JBC is going to develop the training program and schedule under the contract.

Mr. Hamel comments if he presented this contract to a homeowner would you sign it. He has been a contractor for years and doesn't see any hourly rate. It's a great deal.

Ms. Surman comments there is no way to audit the contract or any deliverables.

Mr. Dean comments that there are several fixed fee contracts in Town departments. There are several examples of this and it is a common method used. The deliverables are in the agreement, under the tasks listed. There is a paragraph at the end which speaks to required reports.

Mr. Quandt asks Mr. Swanson to weigh in. Mr. Swanson comments we've spent a lot of time looking at this. We've been waiting eight months at some point you have to do something, you just can't stop.

Mr. Moyer comments. He has been working with Doug York by giving him programming. He feels someone needs to be available for channel 98. He has spoken to Ryan Lawrence at Exeter Hospital who is interested in providing programming. Mr. Moyer asked the committee if they felt 10 hours per week was enough to perform all of this work.

Mr. Hamel comments in his opinion this wasn't explained well enough and he thought there was a lot of misinformation about the employee and the hours.

Mr. Dean comments the cost of a full-time employee would be over \$75,000 annually including benefits. This contract is for \$24,000 and Doug York's allocation is \$10,000. The contract is 8 months, if it were for a full year at \$36,000 plus \$10,000 for Doug York this system is more cost effective than hiring a full time employee.

Mr. Ferraro wanted to echo what Mr. Hamel said. He comments the Town was told it would only be ten hours per week to support the access channel. Some tasks in the agreement are made up. He comments the JBC creation of a training video was discussed that could be used as a training tool so Mr. Childs would not have to be physically there to orient people. He comments for this work a college graduate could be hired instead of JBC at a lower rate for more hours. He comments that he has an issue with Doug York being subordinate to JBC. The agreement makes Doug York subordinate to JBC and this is totally backwards. Doug York is the employee.

Mr. Hamel comments as a committee member he doesn't know the charge. He does know his concerns now have made it to the Selectmen. He thinks productions could wait.

Mr. Dean comments on recent history on the issue. This conversation started in April, 2011 on the current agreement. In July a meeting was held at the High School. JBC presented a proposal to the committee that was discussed. A meeting was then held on August 11th and included discussion on the proposal, and it was discussed again on August 17th. The committee then met again on October 6th and discussed the proposal. The point is to explain this has been going on for months. Second point raised by Mr. Dean is to remember the whole foundation for the access channel was voted on by the Town in 2005. This is where access comes from. Everything that has been done has been voted on and confirmed by the Town.

Mr. Ferraro reads the cable committee charge. He points to the section where the final authority rests with the Board of Selectmen on all matters pertaining to the cable franchise.

Ms. Surman comments she has one more comment. On dragging our feet. She knows the committee met several times last year but did not see anything on this agreement that was described as having a sense of urgency. No emails saying it needed to get done. She wants to clear this up.

Mr. Moyer comments in his mind the process has been dragging on now for some time. Mr. Moyer recounts how when he first brought this issue to the committee several years ago it was his opinion it dragged. There is a sense of community through access and energy needs to be put into 98.

Mr. Dean hands out a task list prepared by JBC for next steps. There is an open house scheduled, along with several other tasks related to outreach and programming. This will occur in the next few months if everything stays in place.

Mr. Moyer comments about training and production.

Mr. Ferraro asks the committee as a whole or a subcommittee to redraft the entire agreement to address the needs of what is to be considered, and present it to the Selectmen.

Mr. Quandt asks the committee he wished to hear whether they would recommend the contract or not.

Mr. Hamel comments his list of concerns have been conveyed to the Selectmen. He was hoping Mr. Childs would be here to answer his questions. Mr. Quandt asked Mr. Hamel if he had spoken with Mr. Childs and he said yes. Mr. Hamel confirms his issues were discussed with Mr. Childs.

Ms. Godino comments that JBC has a signed agreement and it has been done in good faith. She mentioned some of her original comments were made months ago and he has a signed agreement.

Ms. Ilse Andrews comments she was confused by the reporting structure. If a consultant is in charge should this be changed. If it not clarified in the agreement it could be a problem.

Mr. Dean comments he had no problem with the structure. JBC and Doug York work as a team and so far that is how it has been. Mr. Childs met with Doug York last week and the result is the work plan people see here. That is how it is working. Mr. Dean comments he is comfortable with how the relationship is working.

Mr. Quandt asks for Mr. Swanson's opinion on this issue. Mr. Swanson states the structure makes no difference, JBC and Doug York are working together on the contract. There are no reporting issues he is aware of. JBC has the content and they should report back to the Selectmen. It makes sense.

Mr. Ferraro raises the issue of the contract being valid. The validity has been questioned this is something the Board will take up.

Mr. Hamel comments he thinks Doug York's name should be stricken from the contract, what if he leaves. It should not reference a person.

Mr. Dean comments the contract says "Doug York, EXT-V-P and E Coordinator" and both are mentioned.

Ms. Belanger comments that Doug York reports to Jay. Jay reports to the Selectmen. Doug York would have to take time out of his 10 hours per week to report to the Selectmen, leaving less time to do other things. She sees the contract and its intent and feels the intent of the contract is laid out as to what is to be done.

Ms. Surman comments her problem with the word oversight in the agreement and it should be stricken. Contracts need to be clear. Doug York is a Town employee.

Mr. Quandt commented he is seeking an official vote to recommend. Ms. Belanger moves to recommend. No second.

Mr. Hamel moves to not recommend. Second by Ms. Surman. Vote is 2 for, 2 against, motion fails.

Further discussion.

Ms. Godino comments if the Selectmen support the contract she can support the contract. She hopes it gets across to JBC they are wanted, they signed a contract in good faith, and she hopes they know we like the work they do and that is why we agreed to it.

Ms. Surman comments it isn't about that. Did governing body see contract before it was signed. Governing body did not see it.

Mr. Dean comments he tailored the agreement based on comments received throughout the process. It is an eight month contract.

Mr. Quandt indicates consensus seems to be to wait for Selectmen action.

Mr. Quandt moves on to the minutes of January 19th. Questions. Mr. Hamel asks a reference in the minutes to "a cheaper way" be stricken as his issue was maybe not that it could have been done cheaper but just another way.

Ms. Belanger moves to accept the minutes of January 19th. Second by Mr. Hamel. There not being enough members present to vote on the minutes due to lack of attendance at the meeting of the 19th, the minutes will be held.

Mr. Quandt mentions Ms. Hoene has resigned from the committee.

Meeting schedule is discussed. The third Thursday works for everyone. The next meeting will be the third Thursday in March. Topics will be committee charge, input, expansion, narrowing charge, etc.

Ms. Surman moves to adjourn. Mr. Hamel seconds. Committee is adjourned at 6:35 p.m.

Respectfully submitted,

Russell Dean
Town Manager