

**TOWN OF LAKEVILLE**  
**Selectmen's Meeting Minutes**  
**March 23, 2015 – 10:00 AM**

On March 23, 2015, the Board of Selectmen held a meeting at 10:00 AM at the Town Office Building in Lakeville. The meeting was called to order by Chairman Powderly at 10:15 AM. Selectmen present were: Selectman Powderly, Selectman Burke (entered at 10:25 AM) and Selectman Hollenbeck. Also present were: Rita Garbitt, Town Administrator and Tracie Craig, Executive Assistant.

**Meet with Cable TV Advisory Committee to discuss Comcast Service Center location**

*Present for the discussion were David Curtis and James Longo, Members of the Cable TV Advisory Committee, Peter Epstein, Esquire and Jose Invencio of LakeCAM.* Chairman Powderly said that Mary O'Keefe from Comcast met with the Selectmen on February 27, 2015 to discuss the relocation of the Comcast Service Center from Middleborough to Raynham. Comcast is proposing to increase their PEG Access/Cable Related Funding from 4% to 5%, but this cost will be passed through to the subscribers. Mr. Curtis said he did not have a problem with them moving the office. It will be further away from the current office, but in a somewhat more convenient location. Right now, you only go there to go to Comcast. The proposed location will have other stores in the area. It won't be closer, but it won't be more inconvenient. However, he does not want the increase in the fees passed back to the subscriber. Comcast is allowed to pass the fees back to the subscribers, but since they are asking for this, it should not be allowed to pass through. Chairman Powderly said he is surprised by the number of people that go to the office in Middleborough. Attorney Epstein said Comcast should have demographic information. He suggested a letter be send to Ms. O'Keefe requesting the traffic patterns and statistics on how many Lakeville subscribers go to the Middleborough office. If you ask them how many people use it, they will know and be able to tell you exactly why the people are there.

Selectman Hollenbeck said it is more about the senior citizens who go there to pay their bills. They will not want to go to an Xfinity store. They are comfortable going to the Middleborough office. We do not want to inconvenience a population for the convenience of another demographic. Attorney Epstein said this is for the convenience and prosperity of Comcast. The issue in the Selectmen's mind should be which is more important, customer service or money for the Town. They are throwing money at you, but you would be making the subscribers, who will be inconvenienced, pay for it. Selectman Hollenbeck asked how many years are left on the license. Attorney Epstein said is expires on January 22, 2022. Verizon's renewal is coming up in 2018. Under Federal law, the parties must start negotiating the renewal three (3) years in advance. He said Comcast wants to move the office. In return, they will increase the amount of funding that goes to the Town. LakeCAM gets the PEG Access funds, which is 4% of gross revenues, plus fees. The fees include 50 cents to the Town per subscriber, 80 cents to the State per subscriber and a supplemental fee, and FCC fees, which are 80 or 90 cents per subscriber. The net gain to the Town will be 4%, maybe 5% and they want to pass it through to the subscribers.

Attorney Epstein said in Ms. O'Keefe's letter it speaks of giving \$25,000 to the Town as a Technology Grant, but not as a license amendment. Since this will not be in the license, they

can't pass it through to the subscribers. They are not saying that on the 1% increase. Also, the Town required Verizon to make the same commitment for customer service. They currently have a customer service office next door to Town Hall. You are not obligated to tell Verizon, but if they find out, Verizon might say we only did this because you made Comcast do it, so you should let us out of it. Legally you probably don't have to, but for fairness, you probably should. Also, Comcast subscribers will now be paying more than Verizon. You can't say to Verizon that you have to pay 5% because Comcast is. He suggested that the letter to Ms. O'Keefe say that the Board is considering this, but we need accurate statistics on how many Lakeville subscribers use this office. The Board cannot make an assumption that this will not be punitive. Assuming you think that the statistics are okay, then approve the increase of the fee to 5% but that 1% difference has to be in the license stating that it cannot be passed through to subscribers.

Attorney Epstein said another question is: Does the Town need the money? Comcast is going to charge the subscribers. Why are you even discussing this, if LakeCAM or the Town doesn't need it? Some access corporations are very well funded, and they don't need the money. The \$25,000 is not a grant. Comcast cannot close the Middleborough office, unless you agree, so make them prove that it will not hurt the senior citizens. He said any cable monies that come to the Town are supposed to be used for cable related purposes. You could always ask for more money that cannot be passed through. Mr. Invencio asked did Comcast specify what it is for? Attorney Epstein said for a technology grant. The State has said if you have cable monies going to the Town or an access corporation, they must be used for cable purposes, because it is passed through to the subscribers. It really is customer service versus some increased funding. Selectman Burke said they have the information. It's just a matter of them sharing it. Mr. Longo said Comcast says they don't have it. Mr. Curtis said Ms. O'Keefe said she didn't have it. Mr. Invencio said at the last meeting, Ms. O'Keefe said 200 people a month from Lakeville use the Middleborough office. Selectman Hollenbeck said currently there are 1,960 subscribers for Comcast and approximately 1,950 for Verizon. Attorney Epstein said you are receiving \$25,000 per quarter from each company or \$200,000 total a year.

Mr. Invencio said that LakeCAM went looking for additional vacant space, but we cannot afford a new location, according to our long term plan. The plan was to move to a standalone building with rent of \$2,350 a month and a build out of \$80-\$100,000. Attorney Epstein said LakeCAM can't afford to pay that. Mr. Invencio said LakeCAM donates \$2,600 annually to the Library and \$2,400 to the Town. Mr. Invencio said part of the discussion was can we get enough money to move to a larger location. Attorney Epstein said the net gain would be approximately \$16,000 annually based on the latest reports. If 200 subscribers use that office a month, that is approximately 10% of your subscriber base. He has discussed with Mr. Curtis a condition that they cannot move more than a certain amount of miles from Town Hall. Chairman Powderly said the proposed location is approximately ten (10) miles from Town Hall. The current office is 5.9 miles. Attorney Epstein said they are almost doubling the mileage. People go to the office to exchange equipment, and a sizable portion of seniors go to pay their bills. You may want to ask people at the Senior Center their opinions. If you are favorably disposed to do it, give her a counter proposal. No pass through costs to the subscribers and request an amount that you would like. The \$25,000 is outside of the license, so they cannot pass it through. You want to make sure that you give them no allowance to gouge customers. Mr. Invencio noted that another advantage for Comcast is that they may be consolidating multiple offices into one location in

Raynham and make Middleborough a full training facility. Is it unreasonable for Lakeville to ask how much they would be saving over the seven (7) years of the contract by allowing this, and can we get a piece of that money. Mr. Curtis said he believes Comcast owns the building and are planning on using it as a training facility. Attorney Epstein said if they are going to stay there, why can't they keep the office there.

Chairman Powderly said the approximate additional quarterly payment would be \$4,000. The \$25,000 would be money that the Town could take or allow it to go to LakeCAM. Attorney Epstein said the 4% goes to the Issuing Authority for PEG Access Cable related funding. The Town could take it all, but you have to use it for cable related issues. Most Towns have access corporations, and the money goes to them for the benefit of the subscribers. You could say that the Town will be taking the increase, but remember after fees, it will be approximately 4 or 5%. Chairman Powderly said he didn't think the Town would be interested in taking the extra % increase, however, we might want the other money. Attorney Epstein said they have proposed to make it outside of the license amendment, so you could use it for whatever, if they are not charging subscribers for it. You need to ask if you want more capital money. The Selectmen should put in a mileage cap, which will build in some protection for subscribers. Mr. Curtis said if they moved to Route 138 in Raynham, that would be double the mileage. Attorney Epstein suggested putting in a mileage cap by road. You want to make sure they are not tripling the mileage for subscribers. Mr. Invencio said Comcast is using Middleborough as their head end. Attorney Epstein said that would be problematic to move the head end. The issue is what is best for those 1,960 Comcast subscribers. If it makes sense to you to allow them to move, fine. No fees can be passed through and put in a mileage cap. You can always say no thanks.

Mr. Invencio said he was asked by the LakeCAM Board to put together a list for Comcast regarding their request to move the office. He requested three (3) HD channels, \$100,000 in capital, an additional 1% in internet services, and to move their fiber to wherever we want to relocate. Ms. O'Keefe pretty much said no to everything. Attorney Epstein said Comcast is very resistant about providing HD for PEG. However, they have given HD bandwidth to communities when they really need something. He would put that into your request that they provide one (1) HD channel. Mr. Invencio asked if broadband has now been considered a utility, can the State ask for more money to go to PEG. Attorney Epstein said Comcast provided three (3) services: internet, cable and telephone. All this designation does is change it to a telecommunications service, which is subject to more regulatory oversight. We can only get money for cable services. We cannot take anything on the telecommunications side. Asking for an HD channel is fine. Attorney Epstein suggested requesting \$50,000, which cannot be passed through, one (1) HD channel by a certain date, 1% extra for PEG, and the mileage cap. The problem with asking for the fiber move is that you don't know where it is going to go. If you can get a sense of how far the studio could be and a ballpark figure of what they would charge to move it, that would be the capital figure you would ask for. Attorney Epstein said you would need Verizon to move their fiber as well. The Comcast contract language does not say reconnect. Mr. Invencio said they could keep the head end at the Library. Attorney Epstein said he thinks the HD PEG channel is a good idea. Your subscribers will benefit.

Chairman Powderly said the letter to Ms. O'Keefe should address the Lakeville demographics, discuss the additional 1% not being passed through to the customers and

increasing the capital grant to \$50,000. Attorney Epstein said in this initial letter, it should just deal with the statistics. Chairman Powderly asked Attorney Epstein to draft the letter to Comcast. Mr. Curtis said he would attend Friday coffee time at the Senior Center and talk to the seniors regarding the potential move of the office. Attorney Epstein said, if there is a regional facility servicing several communities, does that mean that it is going to be that much more crowded. Will they just have one window for customer service? You are in the driver's seat because you don't need to allow this. Unless you get ironclad assurances from Comcast, don't do it. They cannot move that office without you allowing it. Mr. Longo said it would be interesting to know what kind of dedicated customer service they will have. Mr. Curtis replied probably similar to Verizon. If you go in to pay a bill, you go to an ATM like machine if you don't want to wait for a person. Chairman Powderly asked about Comcast's building in Taunton. Mr. Curtis said they want to close it. Attorney Epstein said they will most likely do the regional store where they will be selling services. They won't worry about Middleborough. They could sell their current building and relocate into a small office somewhere in Middleborough or Lakeville.

Attorney Epstein asked about the \$5,000 contribution that Verizon was going to make to the Senior Center. Mr. Curtis said Verizon does not offer a senior citizens discount; Comcast gives a minimal discount. Verizon offered in a side letter a grant to the Senior Center, but the sticking point was that the Senior Center was not a non-profit. One of the Cable TV Advisory Members was working with Marilyn Mansfield on this, but it was not resolved. Chairman Powderly said we now have a Friends of the Senior Center non-profit group. Selectman Hollenbeck said they could accept the money. Attorney Epstein said a letter needs to be sent to Jill Reddish with a copy to Peter Bauman reminding them that the \$5,000 contribution is still out there, and the Town now has a 503C that can accept the money. This would be a good entity to send the money to, since they are aligned with the Senior Center.

Mr. Curtis spoke to the Selectmen about the need for members on the Cable TV Advisory Committee. There are three (3) vacancies. We are starting to get into the renewal process with Verizon, so we need a bulletin put back in the paper. We need to let people know that they do not need expertise to serve on the Committee. You don't even need to have cable television. Attorney Epstein said Verizon will send a letter between May 5, 2015 and November 5, 2015 saying that their license is going to expire, and they are looking to start renewal talks. Attorney Epstein said new members could either be a Lakeville business owner or a resident. Chairman Powderly said the Selectmen will request another notice in the paper.

Upon a motion made by Selectman Hollenbeck, seconded by Selectman Burke, it was:

VOTED: To adjourn the Selectmen's Meeting at 11:35 AM.  
Unanimous in favor.