

Date: December 1, 2008

Date Minutes Approved: December 8, 2008

BOARD OF SELECTMEN MINUTES

Present: Jon Witten, Chair; Elizabeth Sullivan, Vice-Chair, and Andre Martecchini, Clerk.

Absent: Richard MacDonald, Town Manager.

Staff: John Madden, Finance Director; and C. Anne Murray, Department Secretary.

The meeting was called to order at 7:32 PM.

OPEN FORUM – no items discussed.

7:45 P.M. CONTINUED PUBLIC HEARING FOR RENEWAL OF CABLE TELEVISION LICENSE WITH COMCAST CABLE COMMUNICATIONS

Present for this item of business was Attorney William Hewig, of Kopelman & Paige, PC. Attorney Hewig is representing the Town of Duxbury in cable contract negotiations. Also present were some members of the Duxbury Cable TV Advisory Board, which include the following individuals: Mr. William Kearney- Chair, Mr. Robert Fitzpatrick, Ms. Jean Kennett, Mr. Richard Miller, Mr. Richard Sigrist, Jr., and Mr. Peter Frame.

This is a continuation of a public hearing, which was opened at the Board of Selectmen's Meeting on November 3, 2008 regarding renewal of the Cable Television License.

Background: The Town currently has 3 channels for coverage of 3 services: Public (P), Educational (E) and Government (G) programming. At the Nov. 3rd meeting the Town's negotiating team discussed what COMCAST would provide if the Town agreed to give up one of its channels, but the Board asked them to get a COMCAST proposal if the 3 channels were maintained. Cited as tonight's goal was for the Board to give the negotiating team an indication of which option (2-channel or 3-channel) to focus on. It was understood by all that either option should still allow for coverage of all 3 services (P, E, & G programming) and live feed broadcasts of meetings. If two channels are maintained, then it is likely that educational and government programming would share a channel and public programming would be on the second channel. As a separate negotiation there have also been discussions with the Plymouth Area Collaborative TV (PAC-TV) to handle the broadcasting of the public channel.

Mr. Hewig presented the COMCAST proposals. In the 2-channel option the COMCAST proposal was to offer 3.8% of the gross annual revenue of its cable subscribers with a waiver of \$90,000. in pass through costs to customers. For the 3-channel option the COMCAST proposal was a ten-year average of 4.0% of the gross annual revenue with no waiver of the \$90,000. pass through costs.

The rest of the discussion covered some of the following topics:

- The 3 options for handling the revenue payments from COMCAST were discussed by Mr. Hewig. The options are as follows:
 1. The Town could deposit the revenue into the General Fund with Town Meeting authorization required for expending funds.
 2. The Town could establish and deposit the revenue in a Gift and Grant Account to be expended under the authority of the Board of Selectmen.
 3. The Town could have the payments sent directly to a non-profit corporation, such as PAC-TV, who is contracted to provide broadcasting services.

- The current proposals from COMCAST do not include any provision for the estimated \$180,000. cost to connect Duxbury to PAC-TV, should the Town contract with PAC-TV to manage the public channel.
- Whether it was possible to regain a channel if it is given up. Mr. Hewig indicated most contracts do contain provisions for doing so, but it is difficult for a community to qualify as the provisions typically require that new programming (not re-runs of shows) is provided at least 5 days per week during typical broadcast hours.
- Whether the proposed revenues would cover the costs of running either a 2-channel or 3-channel scenario. Additional information is needed to make a full assessment as the costs are dependent on how many hours of government meetings or educational shows are broadcast and the staffing needed. Based on what is known it is believed the revenues would be sufficient.
- The technology involved regarding bandwidth, whether a channel could be sub-divided, and what that might mean regarding channel numbers was discussed.

When asked which option the negotiating team was recommending to the Board, Mr. Fitzpatrick said that the consensus of the team was to recommend the 2-channel option.

The Board sought Atty. Hewig's advice on the wording of the motion and the protocol for closing or continuing the hearing.

Mr. Martecchini moved that the Board of Selectmen authorize the negotiating team to negotiate a cable TV contract with COMCAST for the most favorable terms possible, assuming it will provide two (2) channels, which would include live feed broadcasts and coverage of three services (public, education, and government). Second by Ms. Sullivan. Vote: 3:0:0.

Mr. Martecchini moved that the Board of Selectmen continue the hearing to a date to be determined. Second by Ms. Sullivan. VOTE: 3:0:0.

BUSINESS

TOWN MANAGER'S BRIEF

No report was made as the Town Manager was not able to attend tonight's meeting.

ANNOUNCEMENTS

1. Congratulations to the Duxbury High girls soccer team, which won the Division 2 State Championship on Saturday, November 22, 2008.
2. Good luck to the Duxbury High School Football Team who will be playing in the semifinals tomorrow. The championship game will be played on Saturday in Gillette Stadium.
3. Selectmen's Meeting Time Change: Beginning in January, Selectmen's meetings will begin at 7:00 PM.
4. GATRA: Today marked the first day of service for the new GATRA bus service.

MINUTES

Ms. Sullivan moved that the Board of Selectmen approve the Minutes of November 17, 2008 Open Session as written. Second by Mr. Martecchini. Vote: 3:0:0.

Ms. Sullivan moved that the Board of Selectmen approve the Minutes of November 17, 2008 Executive Session (A), with the records to remain sealed until the need for such has passed. Second by Mr. Martecchini. Vote: 3:0:0.

Ms. Sullivan moved that the Board of Selectmen approve the Minutes of November 17, 2008 Executive Session (B), with the records to remain sealed until the need for such has passed. Second by Mr. Martecchini. Vote: 3:0:0.

BONUS SHELLFISH SEASON(S):

Bonus Shellfish Season(s) for softshell clams & quahogs in December 2008

Mr. Martecchini moved that the Board of Selectmen declare a temporary Bonus Shellfish Season for the month of December, 2008, in accordance with the regulations attached to the Memorandum of Donald C. Beers dated November 22, 2008, for the:

- 1. commercial harvesting of softshell clams. (Please see Attachment B & C)**
- 2. commercial harvesting of quahog clams for the month of December. (Please see Attachment A & C)**
- 3. for the recreational harvesting of Soft Shelled Clams. (Please see Attachment D)**

Second by Ms. Sullivan. Vote: 3:0:0.

Recreational-Bonus Shellfish Season for OYSTERS in December 2008

Ms. Sullivan moved that, as prescribed in the Duxbury Shellfish Rules and Regulations, the Board of Selectmen declare a recreational bonus shellfish season for oysters on the following dates in December 2008: the 3rd, 10th, 17th, 24th and 31st, on Wednesdays only with a bag limit as prescribed in the Shellfish Rules and Regulations at six (6) quarts per week per family permit. All the Shellfish Rules and Regulations, law, terms and conditions shall apply. Second by Mr. Martecchini. Vote: 3:0:0.

COMMITTEE APPOINTMENTS/RE-APPOINTMENTS - none

ENTER EXECUTIVE SESSION

Mr. Witten moved that the Board of Selectmen enter to discuss strategy with respect to collective bargaining since an open meeting may have a detrimental effect on the town's bargaining position and to reconvene in Open Session solely for the purpose of adjournment.

Prior to entering Executive Session Ms. Murray was excused and left the meeting room.

ADJOURNMENT

The Board of Selectmen reconvened in Open Session at 9:30 PM. Mr. Martecchini immediately moved to adjourn the Selectmen's meeting. Second by Ms. Sullivan. Vote: 3:0:0.