

DRAFT

Sandown Cable Access Board Special Meeting

Town of Sandown, NH

Meeting Date: Tuesday, July 8, 2014

Type of Meeting: Public

Method of Notification: Public posting – Town Hall & Post Office

Meeting Location: Town Hall, Second Floor

Members Present: Susan Godin, Loraine Borin, Chris Donnellan – Station Manager and Gordon Champion, Richard Lewis and Hans Nicolaisen (Selectman Ex-Officio)

Recording Secretary: Sue Reynolds

Meeting was called to order by Susan Godin at 7:00pm.

This is a special meeting to discuss the Comcast contract with Brian Christensen.

A discussion took place in regards to the meeting minutes from the May meeting. The Committee agreed to reaccept the minutes with the members that were present at that meeting.

Motion by Loraine Borin to accept the minutes of May 27, 2014 as amended.

Seconded by Susan Godin.

In Favor, Hans Nicolaisen, Susan Godin and Loraine Borin.

Abstain, Richard Lewis

Motion passed 3-0-1

Susan asked the Committee to review the minutes of June 24, 2014.

Motion by Richard Lewis to accept the minutes of the June 24, 2014 meeting as written.

Seconded by Loraine Borin.

In Favor, Susan Godin, Loraine Borin, Richard Lewis.

31 **Abstain** Hans Nicolaisen

32 **Motion passed 3-0-1**

33

34 **Motion by** Susan Godin to accept the non public minutes from June 24, 2014.

35 **Seconded by** Loraine Borin.

36 **In Favor**, Susan Godin, Loraine Borin, Richard Lewis.

37 **Abstain** Hans Nicolaisen

38

39 Cable Franchise Update with Gordon Champion and Brian Christensen. Gordon said he
40 will be referring to the latest version of the contract which was changed after the last
41 meeting in May. Gordon said he feels there are still 2 or 3 issues that are still in question
42 but Gordon feels that Comcast had made some compromises and the Town of Sandown
43 should be very happy with the contract.

44

45 Under the introduction the date of the original meeting will be added, which is September
46 24, 2013. Gordon Champion stated that on page 3 section h) under drop the word fiber
47 optic will be removed. Page 4 the sentence “The current franchise fee is 2%. The
48 proposed fee shall be 3% as of the effective date of this Renewal License” will be
49 removed. Page 4 as well section o) the last sentence “It shall exclude all revenues
50 derived from Franchise provisions of High Speed Internet or Telephony service to the
51 subscriber of the Town” will be removed. Page 6 section 2.2 Term this area is open for
52 discussion and will be discussed later in the meeting. Page 7 section 2.4 d) the sentence
53 “Should any regulating said “level playing field” provision be enacted and or amended
54 during the tenure of this renewal document it may supersede all state and federal laws in
55 existence as of the date of the renewal date” will be removed. Page 9 under section b) the
56 sentence “However, franchise reserves all rights to appeal any assessment of personal or
57 real property taxes” is a duplicate and needs to be removed, as well as the following
58 sentence that reads “Further, the parties acknowledge that there is a dispute between the
59 parties concerning the applicability of RSA 72:23 to the Cable System”. Also there was
60 a new sentence added which reads “The parties agree to abide by any final decision made

61 by a court of competent jurisdiction, after all appeals by either party have been
62 exhausted. Gordon also stated that Town Council approved this wording.
63 Page 14, section 3.1 Area to be served b) The last sentence was added and it reads
64 “Should said development be erected along an existing public way service shall be made
65 available within one (1) month of completion of each property within said development
66 unless further cable construction is required. Paragraph c) Density – Brian feels this is an
67 area that is open for discussion as well. Page 14, section 3.3 Parental Control Capability
68 c) Gordon stated that this paragraph should be deleted as there was enough notice given
69 that there would be a charge for the digital converters. Page 20, Section 4.5 Strand Maps
70 Gordon said the BOS have access to the maps necessary therefore the sentence “Upon
71 sixty (60) days written request..... will be removed. Page 23, Section 6.1 Video
72 Origination has been added and Section 6.2 Peg Access Channel section b) the wording
73 in section b will be removed and there is new language that has been added that begin
74 with the words open issue and ending with the words defined below. Gordon said that
75 sections a b & c are new and this covers the Town in regards to an additional PEG Access
76 channel and Comcast is ok with this. Richard Lewis asks how do we have to prove that
77 an additional channel is needed and who makes that decision. Brian Christensen said that
78 this is listed under section i and the programming needs to exceed 61% during the certain
79 times of the day. Richard asks if there are restrictions of the type of programming and
80 Brian said it is not listed in the language provided in this agreement. Brian feels that this
81 is another area that should be open for discussion. Page 27 Section 7.1 Installation Visits
82 – Service Calls – Response Time a) the sentence “in instances where a developer or
83 builder has provided underground utilities within a development, including coaxial cables
84 to the subscriber’s home, the preceding serial installation timetable shall apply.” will be
85 removed. And section c) Converters the last few sentences from “The franchise shall
86 designate through date of drop off” will be removed from this section. Section 7.2
87 Customer Service the Board agrees with the new wording that was provided in regards to
88 the nodes. Section 7.6 Protection of Subscriber Privacy b) The sentence that reads “Said
89 opportunity to prevent disclosure shall be provided to each subscriber annually through a
90 written notice” will be deleted. Section 7.8a) Gordon mentions that Comcast accepted
91 the wording that was presented to them and he appreciates that. Page 34, section 7.10

92 Monitoring the wording that was presented will be kept in. Section 7.11 Designation of
93 Franchising Authority on Billings, Gordon and the Board are ok with not putting the
94 hours on the cable bills. Section 9.4 Franchise Fees, This is still open for discussion.
95 Brian states this is the end of the changes in the agreement said that the Term is open, and
96 the Density and the second channel is open with trigger language. Brian proposed a deal
97 to the Board of a 7 year agreement, a second PEG Access channel and the density at 20
98 homes airtel, 20 homes underground if there is suitable conduit and 30 homes if there is
99 no conduit and the trigger language as discussed in the contract earlier. The Board asked
100 about a 10 year contract and Brian said he is ok with that too. The Board agreed that the
101 franchise fees will be 2 ½% for years 1-5 and 3% for years 6-10. Gordon cautions be
102 Board in regards to increasing the franchise fee as the current mood of the town is not
103 great with the tax increase that just took place.

104 **Motion by** Hans Nicolaisen to accept a 10 year contract with the franchise fees at 2 ½ %
105 from years 1-5 and 3% from years 6-10.

106 **Seconded by** Richard Lewis.

107 **In Favor**, Susan Godin, Richard Lewis, Loraine Borin and Hans Nicolaisen.

108 **Motion passes unanimously.**

109 The new license date will be left open until the very end when everything is ready to be
110 signed.

111 Brian said that he will revise the contract as discussed tonight and he will get it back to
112 Susan tomorrow and the Board will go before the BOS next week. The Board agreed that
113 Town Council already reviewed the contract and offered their opinion so it doesn't need
114 to go to them again. Chris Donnellan asked Brian about the Telephony service and Brian
115 said it would be best if the BOS give Comcast a formal letter of request. Hans said he
116 will look into this.

117

118 Meeting adjourned at 8:15pm.

119 Respectfully submitted,

120 Sue Reynolds