

**Telecommunications Committee
December 10, 2012 7 pm
Durham Town Office**

Members present: Geoff Leighton, Milton Simon and Kris Koenig.
John Ricker: Public Information Technician
Secretary: Deborah Larrabee
Attorney Patrick Scully

G. Leighton opened the meeting at 7:00 pm.

Franchise Agreement

G. Leighton turned the meeting over to Attorney Patrick Scully from Bernstein and Shur. Attorney Scully is a Municipal lawyer for Bernstein and Shur and has been negotiating Cable Franchise Agreements for over 20 years. He negotiated Durham's existing Franchise Agreement. This committee has 6 months, which is plenty of time. Durham needs to keep communicating with the Cable Company to get the franchise done.

This will begin the negotiating process. Even if the cable franchise expires the cable company will still keep the cable access up and running. Legally this should not be done however this seems to be the process in all towns.

New Business:

Presentation by Attorney Scully:

Attorney Scully presented an overview of the Franchise: Spoke about what other Communities are doing. FCC is more interested in completion rather than rules. FCC Rules have changed. Favorable to Cable companies and not town's. There are two Cable companies in Maine: Time Warner and Comcast. The others are dish, Direct TV, etc. In 2008 franchise attorneys wrote a Maine Model Franchise agreement. This was put before the Legislature in 2009 and adopted. The Model Franchise agreement can be written to go with specifics to each town. He brought copies of the Maine Model Franchise for each committee member to review. He recommends using Maine Model agreement as the cable companies are familiar with the agreement and move negotiations along quicker. Franchise dividends received now are at 5%. The attorney stated that 5% is what the cable company will probably stay at with the new agreement. Attorney Scully talked about the unnerved roads in Durham. Town and Private roads with few houses. Any roads that have at least 18 homes per a mile of road the cable company should be serving.

New Franchise Agreement: Attorney Scully recommends:

1. Review Maine Model Franchise Agreement
2. 10-year agreement. However some agreements can be 15 years. (Copies of Freeport's new agreement and other town's as well are available. Attorney Scully can get copies of these agreements to the committee.

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3. Franchise revenue will remain at 5%. (*Current Contract: page 25:Franchise fee: Section 14.0*)
4. Un-served Roads: (Page 8: Extension Policy: Section 2.3.1:*Exhibit A Page 55 of the current Franchise Agreement*) Another question is do we have any un-served roads by the Cable Company? And did the cable company give service to current list of roads in the agreement? Cable likes to see that the Town is utilizing all channels available. Currently Durham has a G rating (Governmental Access). Town has option to add Channel.
5. Internet
6. Public Access can be utilized and is an internal decision.
7. There is a PEG (Public Educational Grant)(Pages 36 & 37: Section 21.2 & 21.3) Access equipment available through the cable company. This grant is based on the number of customers that Durham has. This can be taken as a lump sum or divided up. (*In the last agreement a grant of \$25, 000 was received*). A capital plan should be part of the Grant application. Suggestions for Capital Plan are the Eureka Community Center. Durham has one PEG channel Freeport.
8. Currently our Franchise fees are dedicated to equipment, Web, Town Channel, Public Information Tech and the Secretary. This account is carried forward every year.
9. A question posed was does Durham have everything that other Town's Have? ***John Ricker to research.***
10. A public hearing to see what the people want for cable is needed.

Continuing Business:

Acceptance of Minutes: 11-5-2012

**M. Simon moves to accept minutes as written and presented. Second K. Koenig
3-yes 0-no 0-abstain**

G. Leighton to send copy of member e-mails to Deb Larrabee for dissemination purposes.

Public Information Technician: John Ricker: Report

J. Ricker reported that the P.I.T. position is going well. His 90-day review is Dec.18th. G. Leighton recommended that to members sit in on the evaluation. 6 pm on the 18th of Dec. Secretary Larrabee to check if the Selectmen allow this.

J. Ricker is still working with the school.

The committee inquired about what is in place at the Eureka Community Center. J. Ricker to call Joe Whispell and go over what has been done.

Discussion on the P.I. Technician J. Ricker assisting the Office staff with IT problems. The decision is that the Technician help is very small and for this year will not be an extra budget item.

T. H. Creations charged \$85.00 to assist J. Ricker with the web site. The cost for T.H.Creations to host the Fire Dept. Website is \$200.00. NO estimate was received on setting the website up.

The Town Website no has forms available.

In the future the Committee would like to see a Web Technician/ Data Base. This person may be a free-lancer or charge by the hour.

J. Ricker asked about posting neighboring town's fund raising events? Yes if the business is non-profit.

J. Ricker is also working on confirming e-mails for the news blast.

The C.T.A.M. dues and the P.E.G. media fees have been paid. There is a lot of good information available through both of these companies. The committee cautioned use of Public Access as the is rated G (Governmental.).

J. Ricker will be working on creating policies for the Town Channel and Website.

Other business:

Selectmen to check if all installations in Exhibit A have been done per the Franchise Agreement.

Budget 2103 includes \$5,000.00 for legal expenses for the franchise agreement.
Need updated Budget from Janet the Administrator for next meeting.

J. Smith was asked to do a trending Chart on cable franchise fees over the next years.

Adjournment at 8:20 pm.

Secretary Deborah Larrabee

Deborah Larrabee