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Town of Danville
Board of Selectmen
June 13, 2016
6:00 pm

At 6:00pm Selectman Cogswell made and by Selectman Farah seconded the **motion to go into non-public session under RSA 91-A: 3 II (e)**. Roll call vote: O'Neil – yes, Giordano – yes, Farah – yes, Johannesen – yes, Cogswell – yes. The motion **passed** unanimously.

Vice-Chair Giordano made and by Selectman Farah seconded the **motion to go to public session**. Roll call vote: O'Neil – yes, Giordano – yes, Farah – yes, Johannesen – yes, Cogswell – yes. The motion **passed** unanimously.

Video-recorded

Selectmen Present: Chairman Shawn O'Neil, Vice-Chair Chris Giordano, Judi Cogswell, Kimberly Farah, Sheila Johannesen

Others present: Jay Sommers – Comcast Representative Janet Denison-Land Use/Assessing clerk, Bill and Eileen Hull

Chairman O'Neil opened the meeting with a moment of silence for the troops who put themselves in harm's way. All stood for the Pledge of Allegiance.

1. Comcast franchise agreement public hearing

Mr. Jay Sommers introduced himself as the senior manager for government affairs for the area and is handling the renewal license. The proposal had been forwarded to the Board and other key people involved in the town. Shawn said there has been issues with video service. Barry Hantman had some questions which were read by Kim Farah.

Jay said the speeds and hi-def quality are fine in Danville, based on subscriber comments that come to their office. He indicated that if people have complaints, the town hall is usually contacted. Jay said the best way to expedite resolving an issue is to call their Xfinity number and if a satisfactory solution is not found, the customer should call the town hall, which would then escalate the issue to Jay's office. It was the consensus of the Board that the Town Hall would not be a typical choice of contact for resolving a Comcast issue. Jay said this is the first he's heard of issues with video service.

Jay said the town has the most up-to-date service Comcast has to offer at 750-860 megahertz. Judi asked if there are any studies that track who drops Comcast. Jay said there is and they track their viewing habits. Judi explained there is another forum in which several people have expressed their dislike of Comcast. She also said there is no reward for loyalty and that people will drop Comcast, and then someone else at the same address will pick up the service as a new customer in order to get the better deals. Kim said loyalty is penalized with Comcast.

One of the comments submitted by Barry was questioning that after 48 hours of no service a refund is issued. It was suggested that the timespan should be four hours without service then a refund is issued. Jay said 48 hours is standard practice.

The prices are deregulated, except for TV service. Shawn explained the franchise is nonexclusive, meaning if another company came to town, they can provide the same services. Jay said Fios is a technology that Verizon owns and Fairpoint does not offer that technology.

Kim mentioned another comment from Barry, regarding section 7.X doesn't have a service level agreement. Jay said they comply with all FCC standards in all customer service levels. He said there should be a section that talks about these standards. It was agreed there needs more clarity about this item.

The discussion was opened to the public. Bill Hull explained that Comcast seems to have a monopoly and wanted to know why they cannot have other cable companies. He said Comcast won't release NECN to others. He also explained a situation at his home in which his service was out while they were on vacation, stating the problem was with ingress but no explanation what ingress meant. He explained they were told it would take almost a week before someone could visit the property. He also said the customer service number is answered by people who don't speak English very well. They explained they finally had things at the home taken care of, but are continuing to have trouble with the service.

Kim mentioned that the town is only paid through the cable portion of Comcast and asked why not the cell phone and internet portions. Jay said the license is just for video services which are regulated by the state and federal governments.

There was also a question about Comcast being exempt from zoning when installing poles. Chris said this is a very broad statement. Jay said they rent space on poles already in place.

New homes must be within 225' of an existing franchisee distribution cable to be offered service. Barry commented this is too short considering the 200' road frontage requirement. Jay said if that distance is greater than 225', then the installation price would be negotiated with the subscriber.

There was also a question about underground installations being nonstandard. It was pointed out that our subdivision requirements require all utilities to be underground. Chris said this is the standard in Danville. Jay said he will propose new language in that portion of the agreement.

Section 3.2 mentions the current level of service being maintained by Comcast and that it has been agreed the town will have five drops or return lines. The town is currently using three. The option for the other two will be added to the agreement. Jay said the five drops will continue for the town. He mentioned the library and school have free internet. This service will continue to be provided.

Jay was asked about how signal degradation is determined. He said if there's an issue, he should be contacted. Shawn said he'd like to be able to send Comcast a digital signal and have that addressed in the agreement. Jay said we may need to change the modulator.

Chris was asked if the town could be on the upgrade list. Jay said they don't necessarily have a list, but the town can consult with Comcast for any new technology available.

It was pointed out that the agreement states three channels are offered to the town. Jay said if the other channels are to be used, the town needs to notify Comcast. Jay said the one channel is probably sufficient for the town. It was agreed that the town would like to keep channel 20.

Jay was told that the town would like see a more robust signal. He explained that while they have tried to put generators to the poles during power outages but the generators are usually stolen.

It was mentioned the contract is for ten years. It is unclear if the Selectmen can enter into an agreement for this length of time although it has been done in the past.

It was mentioned that the contract said there is no limit on price hikes. Jay said the price hikes are deregulated. He said they try to keep their rates as low as possible, but the programming rates continue to rise. A la carte programming has not been examined. He said offering many channels at the same time reduces the price overall.

Jay was asked to forward complaints to the Selectmen's office. He said a monthly or yearly report of service issues can be forwarded upon request.

It was explained that to broadcast from the school and library, modulators will have to be installed at those locations. The Community Center should be added to the list of locations that can broadcast signals.

Another comment from Barry is that Appendix C is too broad. Jay said he can have a channel lineup attached. He also said there is nothing to prevent live streaming.

2. Old/New Business

It was agreed to get bids for finishing Cheney Lane. Lamontagne Builders will be contacted with the bids and given thirty days to respond, or the town will use the remaining fund in the escrow account to finish the road.

NHDOT will be contacted regarding vehicles being parked on what is believed to be state property along Main Street and Hampstead Road. These are vehicles being sold by the auto dealership on that corner.

At 8:28pm, Giordano made and Johannesen seconded a **motion to adjourn**. The motion **passed** unanimously.

Respectfully submitted,

Janet S. Denison
Land Use/Assessing