

CITY OF BIDDEFORD

CABLE T.V. COMMITTEE

SCHEDULED MEETING – MARCH 11, 2019

The meeting of the Cable T.V. Committee was called to order at 4:30 p.m. on March 11, 2019 in the Biddeford Public Access Building. Present were Committee Chairman Mike Swanton, and Members Toni Sipka, Don Harper, and Debi Davis. Member Bob Mills arrived late and Member Lew Belanger was absent. Also present was the Public Access Director Steve Pulos. Brian Phinney, the Chief Operating Officer, was not in attendance.

It was on Motion duly made by Chairman Mike Swanton, and seconded by Committee member Toni Sipka, unanimously

RESOLVED: To Accept the Minutes of January 14, 201, as written.

New Business:

Discussing Franchise Agreement Expiration.

Chairman Swanton referenced the letter he endorsed, drafted by Brian Phinney to the City Council members, on behalf of the Cable T.V. Committee, asking the Council for guidance with regards to the upcoming negotiations. He stated that page 28 of the contract states... "The franchise shall monitor the public education and municipal access channels for technical quality and shall ensure that they are maintained at standards equal to those which apply to the cable system's commercial channels."

Steve Pulos said this could be interpreted several different ways because Spectrum has high definition and stereo/audio and the City is not afforded these capabilities.

Debi Davis stated, and the committee agreed, that the City should ask for the equipment needed to bring the City up to standard and it should be clarified in the new agreement.

Don Harper stated that the City has not received a Financial Report from the Cable Company in 3 years and the franchise fee has been locked in at the maximum of 5% for the last 11 years.

Don said that section 7.6 of the Franchise Agreement deals with the Performance Evaluation Sessions and it states that the Franchising Authority may, every 2 years, review the franchisee's compliance to terms and conditions and hear comments, suggestions, or complaints from the public. Don stated that this has never been done in 15 years.

Chairman Mike Swanton stated that the Cable T.V. Committee needs to step up to the plate and do this.

Member Don Harper then reported that Section 7.13 deals with the annual reports that the City has not been receiving, specifically the agreement states that the Cable Co. shall file, annually, a statement of its Biddeford revenues, broken into categories, and file a report containing the number of subscribers in Biddeford. Don reminded the Committee that they have not received any of these reports for the past 3 years -2016, 2017, nor 2018.

Next, Don Harper discussed section 5.3 that covers the 3 public access channels provided to the City and then the agreement states that the franchisee shall make available a digital box, without charge, to those customers that do not have a digital box to view digital channels. He wanted to know why everyone is being charged.

Chairman Swanton clarified this section's meaning by explaining that if you do not have any cable, the cable company will give you a box, free, to watch public access. But, he continued, if you need a new cable box to watch digital channels, then the first year should be free and then you are charged.

Committee member Harper stated that there is a section in the Agreement that states the franchisee will furnish evidence annually that standby power has been tested annually and is in good repair. No one could ever remember seeing this report.

Lastly, member Don Harper said that under Section 2.5, Transfer of an Assignment, it states they shall submit to the franchising authority 4 copies of the franchise transfer application. Don said the Committee has never received a copy and he wanted to know if the City ever received a copy. He added his frustration by stating that when it comes to the contract, the Committee still hasn't received answers that they asked 2 years ago.

The Committee concurred that it is the role of the Cable T.V. Committee to gather information and submit it to the City Council.

Committee member Bob Mills, who is also the Chairman of the Assessment Board of Review, suggested the Committee use the City's Attorney, Keith Jacques, to assist.

Public Access Director Steve Pulos suggested, since the City has 3 PEG channels available; 1 be used for public access, 1 be used strictly for city meetings, and 1 be used for the school. He said the third channel would need a transmitter and the capability to go out over the air which he estimated to be approximately \$6,000. But, he continued, all of the cabling is already there at City Hall.

Old Business:

POLCO Update – no update available.

Other Business

None

Next Meeting Review:

The next meeting of the Cable T.V. Committee is scheduled its or Monday April 8th, 2019 at 4:30 pm at the Public Access Building.

There being no further business, it was on Motion duly made by Bob Mills, and seconded by Debi Davis, unanimously

RESOLVED: To Adjourn

Meeting adjourned at 5:00.

Respectfully submitted by P. Conway A 23/23