



CITY OF DOVER

## CITY COUNCIL MINUTES

Meeting Type: **Workshop Meeting**  
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
Meeting Date: **Wednesday, March 21, 2007**  
Meeting Time: ***Following Special Meeting***

### 1. DISCUSSION RE:

#### A. CABLE FRANCHISE RENEWAL TENTATIVE AGREEMENT

Those present: Councilors Ciotti, DeDe, Mayor Myers, Deputy Mayor Hindle, Councilors Scott, and Trefethen, Also present: City Manager Mike Joyal.

Those absent were Councilor Cheney, Keays and Turner.

Joyal proceeded to explain the process and how the cable company has restricted the renewal process. It has been governed by Federal Statutes. He noted Dana Lariviere is here as well as Cable Committee members: Audra Lurvey and Brian Miller.

He called on Dana Lariviere to explain the renewal process and tentative agreement thus far which comes under federal law; the original agreement was signed in 1971. In the 36 years since then the agreement has been extended and is now set to expire next month. In 2004 the city council appointed a committee to oversee the cable renewal process. There has been a steady erosion of local oversight and control due to federal laws and regulations. He explained how the process has worked. What it is not is an exercise in setting prices, controlling cable content or impacting in any way the conditions that Comcast cannot provide any other service such as telephone or internet. The committee has taken a detailed assessment with multiple public hearings and before them is the fruits of these efforts; he stated he has a brief power point presentation that he will walk them through as quickly as he can, (see City Council folder of 3-21-2007)

He proceeded to explain the agreement review process. He explained the different local communities and the School Board franchise fee comparisons. This is revenue derived from the cable related revenue. The committee tried to keep it as low as possible. This is more of a user fee. Dover's will be 2.75% as opposed to some other communities that are at 5%. He continued saying the estimated budget requirements and the inclusion of the \$10,000 capital for equipment replacement. Trefethen asked about the budget and what year they would fall into. This money will go into a reserve fund for cable related services. This cable access channel or channels will be a huge benefit to constituents. The City Manager explained how we pay Gary Avery to broadcast the public meetings. Also there are many more meetings that the city has that could be broadcast into residents home. We could maximize the use of the access channel. Comcast has agreed to give us a second access channel. We would continue to use channel 22 for the government access channel, he listed all the boards that could be made available to be broadcast. The second channel will be dedicated to educational access and operated out of the high school for the school to put on whatever content they deem important. As we add more meetings when the channel capacity has been used up or filled up Comcast has authorized a third access channel. The budget included a full time access coordinator at the rate of \$65,000. He listed the rest of the items in the cable budget.

Turner wants to know why Cheney has left and now he is leaving for the other meeting at 7:42 pm.



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The Mayor reviewed the items on the budget list for a total of \$230,000. Dana reiterated they only included what the public has requested and this is a direct result of this. Trefethen said he mentioned this is a non exclusive contract. He asked about any future competitor. Dana said they would have to match Comcast's agreement. Scott wondered if they had considered other providers. The City Manager offered to explain that yes but there is no one out there currently that could match the offer. Scott followed up why would we have a 10 year contract with technology changing as fast as it is. Dana shares his frustration but there are no alternatives. The City Manager explained everything in this agreement is dictated by federal law, he explained part of the past agreement. Also there is a movement afoot at the FCC level to further erode their ability to negotiate with these companies to get services to benefit the community. DeDe stated this is like being sent into a fight with Mike Tyson with only the forehead. Step by step the large cable companies have been eroding local power in the cable contracts.

The Mayor clarified this cable committee was started in 2002. The Mayor says are any of the other communities getting anything that we are not. Dana says all the newer contracts are very similar. Discussion ensued about how Verizon is for sale in NH. He explained the annual technology grant (\$25,000 for their term of the agreement (public internet and network access) the City Manager says the cable company is adamant that this is nothing to do with the internet service so they came up with a technology grant (not a separate fee on the cable bill) to be used for internet access. Trefethen would like this indexed to whatever this internet access is going to cost us at the schools etc.

Scott asked if we can run commercials as he recalls that McDonalds advertised on this channel. DeDe recalls there was a screen role that we were using several years ago. The City Manager clarified this may have been from way back when Continental had the cable access. Discussion ensued about a prior cable committee when Howard Williams was Mayor. And ever since we have had the current equipment and there have been no commercials on channel 22. Discussion ensued about the monopoly of the cable company. The committee has explored all the options.

The Mayor asked about the other community agreements that Dana has reviewed. Dana confirmed they are 7-10 year contracts. The City Manager says the only way to get competition is for the municipality to create their own cable company at the local level that is to start stringing the wires, poles etc.

There is a company in western NH which is the Monadnock Company. Trefethen says the results of this service would not be that much cheaper than current ones. As the cable company now pays the channels for allowing them to come into our homes. Trefethen referred to his own company and the cable act of 1996 but it never came to fruition. There is no competition; but he hopes it does come. This contract is reality. Dana confirmed this is their reality for the past 3 years but he feels they received more concessions than anticipated. Dana concluded the presentation and recommended that they approve the agreement. Ciotti wanted to know what we are currently paying for services. Joyal says for just Mast Road, \$12,000 for one line or close to \$100,000 for the entire city facilities. The City Manager has been told the net cost to pay for replacing the connections by the phone company for internet connections to city facilities. Ciotti wondered if we could add an increase to the \$25,000 concept from the cable



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company. The City Manager said that was a hard negotiation. Ciotti stated we are just a flea on the dog of life and along for the ride.

The Mayor thanked Dana and the entire committee; Dana then confirmed this has the full recommendation of the cable committee.

Joyal summarized what the city gained from this whole effort which was the public ascertainment process where the citizens as well as the schools came out and shared their needs. Also not all the folks in the community had cable access previously. The cable company has agreed to do a build out of the cable system within 12 months of signing the contract. He continued to explain the pluses that we will receive if the council votes for the agreement. All the schools public as well as private will be included in the installation of internet access. He feels the committee did a great job in acquiring some of these items. He will have a resolution to be referred to a public hearing on 4/11/07 and vote at that time. The City Manager then reminded them that just so they know the last extension expires on April 15th with Comcast.

### 2. ADJOURN

Hindle moved seconded by DeDe to adjourn at 8:30 pm.