

Lower Makefield Township  
Electronic Media Advisory Committee  
May 13, 2010  
Meeting Minutes

Present: Zachary Rubin, Chairman   David Kelliher  
          Marilyn Bydalek   Peter Stainthorpe, Supervisor Liaison  
          Lisa Gage

Absent: Joshua Waldorf

Also in attendance: Dennis O’Brien, EMAC Member Applicant; Matt Markey, Consultant; Robert Smith, VP, Govt. Affairs, Comcast; Mrs. Goldberg, LMT Resident

The May 13, 2010 meeting of the Electronic Media Advisory Committee was called to order by Chairman Rubin at 7:30PM.

Mr. Rubin welcomed Ms. Gage to the Committee.

Approval of the March 11, 2010 EMAC Minutes – The minutes of the March 11, 2010 EMAC minutes were unanimously approved, as written.

Matt Markey - Mr. Markey was invited by Mr. Kelliher to attend the EMAC meeting to explain his ideas on enhancing LMT’s media. He does not do video streaming but has considerable expertise in video recording, and encoding, municipal meetings. He has worked with Falls Township, Tullytown, and Bristol Borough. The encoding would allow residents to access information from Township meetings, by specific agenda item and meeting date, through links on the website. His cost for a year’s worth of meetings would be \$3,500.00, and the cost for unlimited storage and bandwidth usages with DMX would be an additional \$2,250.00 per year. Mr. Markey could provide 2-3 day turnaround. Mr. O’Brien indicated he thinks there should be some wording providing for 24 hour turnaround, when necessary.

LMT Manager, Terry Fedorchak, had contacted Mr. Rubin about Main Street Social, of South Amboy. Mr. Rubin thought it would be worthwhile to have Main Street Social do a presentation to the EMAC; he called a special meeting for June 10 to accommodate the group. He suggested that the EMAC should come to agreement, after the presentation, on the recommendation they want to make to the Board of Supervisors on enhancing LMT’s media. Mr. Kelliher believes that Main Street Social had talked to Mr. Fedorchak about revamping the LMT website.

Robert Smith, Vice President, Government Affairs, Comcast – Mr. Smith had been invited to the EMAC meeting after objecting to comments made by Mr. Rubin at a Board of Supervisors meeting. In addition, Mr. Smith asked for an opportunity to discuss Comcast’s proposed Stipulation and Agreement.

Mr. Rubin gave a brief overview of the history of Comcast’s above ground pedestals. In the 1990s, Lower Bucks Cable, as an upgrade, put in above ground pedestals in some locations. The Board of Supervisors passed an ordinance saying above ground boxes were not allowed, and following a Zoning Hearing Board meeting, LBC appealed to Common Pleas Court . In 2005, Comcast and LMT signed a 15

year agreement. Two years ago, Comcast started installing above ground pedestals and received a cease and desist order from the Township. Comcast appealed to the Zoning Hearing Board, which said Comcast has the right to put the pedestals above ground as long as they have the appropriate permits. The Township has appealed that decision, and is awaiting the ruling. Mr. Smith indicated that, in order to move things forward, Comcast laid out a Stipulation and Agreement as a blueprint for improving relations between Comcast and the Township.

Mr. Rubin gave the EMAC some information on the comments he made at the BOS meeting, to which Mr. Smith had taken exception. In January 2010, Mr. Smith attended an EMAC meeting, to provide an overview on the work being done by Comcast in Lower Makefield. In April 2010, Mr. Rubin, who is President of the Makefield Glen Homeowners Association, testified against Comcast at a Board of Supervisors meeting, and made three assertions:

1. At the January meeting, Mr. Smith said they would be installing no more above ground pedestals.
2. Comcast, over the last two years, has upgraded the system without above ground pedestals.
3. Comcast is able to upgrade the system without above ground pedestals but it's a cost factor.

Mr. Smith was then asked to express his concerns. He explained that he did not attend the April BOS meeting, and was surprised, when he later watched the meeting, to hear Mr. Rubin quoting him as saying Comcast would install no more above ground pedestals. He was concerned that it would be perceived that he is talking out of both sides of his mouth, since he has been in communication with the Township, and has not told them there would be no more above ground pedestals. He referred to the EMAC minutes and according to them, Mr. Smith said no more above ground pedestals will be installed until Comcast "talks to the Township." Mr. Smith also disagreed with Mr. Rubin's assertion #3, and indicated that the reason for installing pedestals above ground was not one of cost for Comcast; Comcast had an Executive Engineer from Motorola at a Zoning Hearing Board meeting, who swore under oath that Motorola never recommends that this equipment be put underground.

Mr. Rubin offered to stand with Mr. Smith at the next Board of Supervisors meeting and say he misrepresented Mr. Smith's comments in #1, and will also say that #3 was his personal opinion. There was no disagreement about #2 between Mr. Smith and Mr. Rubin.

Mr. Rubin, in turn, expressed concern that he first heard about the Stipulation and Agreement at the Board of Supervisors meeting on May 5; he said it should have been presented to the EMAC before it was presented to the BOS.

Mr. Smith said that over the last two years, no new pedestals have been installed above ground, but Comcast has upgraded some portions of the system. Mrs. Goldberg indicated she believes that two new pedestals have been installed above ground since October 2008. Mr. Smith said he will look into that and report back to Mr. Rubin. He indicated that Comcast has been working to find ways to upgrade the system without installing any more pedestals, but that they cannot waive their right to install them above ground, if necessary.

Mrs. Goldberg suggested that the above ground pedestals that are in place should be moved away from sidewalks, since she believes they are a safety hazard. There was discussion of Comcast's procedure for handling safety problems or abandoned facilities. Mr. Smith indicated he is not aware of any abandoned Comcast facilities; Mrs. Goldberg said she will forward the addresses to him of

pedestals that she thinks are abandoned. Mr. Smith indicated that when a Comcast technician goes to a home, and sees a pedestal that needs repair, he is to repair it or let Comcast know. It was agreed that a resident, upon seeing a problem, should contact Mr. Fedorchak, who will contact Mr. Smith.

Discussion of the Stipulation and Agreement ensued. Mr. Smith feels it could help to avoid a costly legal fight and would memorialize interactions between Comcast and the Township. He indicated that Comcast had agreed to some additional language to strengthen section 6 and asked for EMAC to support the Stipulation and Agreement.

After Mr. Smith left the meeting, there was discussion of the Stipulation and Agreement. Though it was agreed that Comcast is more customer focused now than in the past, it was felt by most members of the EMAC that there should be wording in the Agreement about: notifying residents when pedestals are going to be placed in front of their homes; getting input from residents about placement of the pedestals; removal of obsolete equipment; and labeling boxes to identify company and phone number in case of the need for repairs. A motion was made, seconded, and passed unanimously to recommend to the LMT BOS that they reject the Stipulation and Agreement as currently worded. Mr. Rubin will contact the Township Solicitor, Mr. Truelove, in regard to this matter.

With no further business to discuss, the May 13, 2010 meeting of the Electronic Media Advisory Committee was adjourned at 9:45PM. The next EMAC meeting will be held on June 10, 2010 at 7:30PM in the LMT municipal building.

Respectfully Submitted,

Jeanne Bray, Recording Secretary