

Minutes of the Special Meeting of the Town Assembly of the Village of Arden (uncorrected)

# Monday, December 11, 2006

Gild Hall – Arden, Delaware

49 residents were in attendance, as shown below. This meeting was called by the Village Secretary in response to a petition signed by more than 25 members of the Town Assembly.

Beverly S. Barnett  
Kathy Bird  
Walter T. Borders  
Brooke Bovard  
Alan Burslem  
Maria Burslem  
Felise Cressman  
Mike Curtis  
Alton Dahl  
Dorinda Dove  
Roger Garrison  
Aaron Hamburger  
Sally Hamburger  
Virginia Henry  
Natalie Hubbard  
Milton Isaacs  
Rodney Jester  
Deborah Kenney

A. Barnes King  
June Kleban  
Lynda Kolski  
Mary Marconi  
Ron Meick  
David Michelson  
Mary Murphy  
Denis O'Regan  
Ron Ozer  
Bill Press  
Hugh Roberts  
Marjorie Roberts  
Charles E. Robinson  
Nanette Robinson  
Shelley Robyn  
Warren Rosenkranz  
Ann Schmittinger  
Danny Schweers

Sally Sharpe  
William Smith  
Sadie Somerville  
Beth Stevenson  
Steve Tanzer  
Bill Theis  
Alan Threefoot  
Elizabeth Varley  
Mary C. Vernon  
Larry Walker  
Laura Wallace  
Tom Wheeler  
Mark Zylkin

*Also in attendance but not voting were Mary Lou Frere, Rhonda Binda and Jim Davis from Verizon, Inc.*

## MEETING CALLED TO ORDER

Steven Threefoot, Chair of the Town Assembly, called the meeting to order at 7:40 p.m. New attendees to Town Meetings are Bill Smith, Roger Garrison and Felise Cressman.

The sole purpose of this meeting is to consider a TV Franchise Agreement with Verizon Delaware, Inc. Steven explained that an Act of the U.S. Congress requires Cable TV providers to come to agreement with local municipalities. We are here to discuss a Franchise Agreement with Verizon and, in all likelihood, will have a similar discussion about Comcast soon.

Danny Schweers read the following resolution into the minutes:

**A RESOLUTION OF THE VILLAGE OF ARDEN, NEW CASTLE COUNTY, DELAWARE AUTHORIZING THE ENTERING INTO OF A CABLE FRANCHISE AGREEMENT GRANTING A NONEXCLUSIVE FRANCHISE TO VERIZON DELAWARE INC., TO CONSTRUCT, INSTALL, MAINTAIN, EXTEND, AND OPERATE A CABLE COMMUNICATIONS SYSTEM IN THE VILLAGE OF ARDEN.**

WHEREAS, Verizon is in the process of installing a fiber to the Premise Telecommunications Network for the transmission of non-cable services in the Village and desires to use portions of the Network once installed to provide cable services in the Village;

WHEREAS, The Village of Arden wishes to grant Verizon Delaware Inc., a nonexclusive franchise to construct, install, maintain, extend, and operate a cable communications system in the Village, in accordance with Title VI of the Communications Act of 1934, as amended, 47 U.S.C. §521 et. seq.;

WHEREAS, The Village of Arden and Verizon Delaware, Inc., have reached agreement on the terms and conditions of said franchise; and

NOW, THEREFORE, BE IT RESOLVED that the Town Assembly of Arden, New Castle County, Delaware, hereby resolves as follows:

Section 1. The Village of Arden hereby authorizes the entering into of a Cable Franchise Agreement with Verizon Delaware, Inc., to construct, install, maintain, extend, and operate a cable communications system, the specific terms of which, agreeable to both parties, shall be memorialized in said Agreement.

Section 2. If any sentence, clause, section or part of this resolution is, for any reason, found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts hereof. It is hereby declared as the intent of the Town Assembly that this resolution would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 3. Ordinances or resolutions in whole or in part conflicting with any provisions of this resolution are hereby repealed insofar as the same affects this resolution.

Section 4. This amendment shall be effective immediately.

Steven then held up the full text of the Franchise Agreement, some 30 pages long, details of which will be discussed as we proceed.

Elizabeth Varley seconded the resolution.

Alton Dahl: About Section 3. We have an ordinance that requires Village permission to work on roads. Will this agreement nullify that? Steven introduced Verizon's representatives: Mary Lou Freer, Rhonda Binda and Jim Davis. They said that this agreement does not supersede any Right Of Way issues; falls under Title 2; Verizon has to go through permitting process. Alton: I have approached workers installing cable and they didn't know about permits.

Elizabeth Varley: The permit Alton is talking about concerns digging up of roads, in which case Trustees need to be contacted.

Alton Dahl: Is Verizon going to connect fiber optics into homes? Jim Davis: Yes, right to the home. Jim Davis: Manager of Contract Services

for Delaware. Anything in the prebuild about tree trimming is my responsibility. The network terminating device (NTD) can be mounted inside or outside a dwelling, as you wish, and converts fiber signal into electrical signals. Can install a wireless router or hardwired connection to your computer(s). The video connection is coax cable. This device does require 110v power from an outlet near the point of entry. The NTD has a battery backup, good for 8 hours of dial-up service.

Tom Wheeler: Some of us have invested in buried utility lines. Will Verizon honor that? Jim Davis: Yes, Verizon will plow in fiber optic line to your house after using the Miss Utility service to see where other buried utilities might be.

Larry Walker: Please explain extra connections Village might get. Steven Threefoot: Village will be given video drop into the Library, the Buzz, and into Craft Shop Museum plus a one-time \$3,240 payment. Village will get 5% user fee, similar to what we have with Comcast. The Village can lower this fee or, later, raise it again, but 5% is the limit.

Charles Robinson: What about financial advantages? Steven: We get about \$5,000/year from Comcast now. Charles: will fiber optics come into every house? Jim Davis: No, only to houses asking for Internet or TV service. Charles: Is the backup battery limited to 8 hours? Jim Davis: Battery life can be boosted or a portable generator can be used to provide longer service during power failures.

Mark Zylkin: Will Verizon become a direct competitor with Comcast's cable TV? Jim Davis: Yes. Mark: With two franchise agreements, will Verizon and Comcast offer same rates? Steven Threefoot: We have no control over rates, which can vary. We only have control of Franchise Fee, which must be same for both suppliers. Mark: Does Verizon support wireless Macs? Jim: Yes, we support Airport. The former incompatibility has been resolved.

Brooke Bovard: If I understand you correctly, some new users of Verizon's fiber optic service will need to install an new electrical outlet at the point of entry into the house. Jim Davis: yes. Will there also be a fee to run the fiber optics to the house? Jim Davis: No. Brooke: Is anyone here overjoyed that we will have TV access at the Buzz? Steven: no, but that connection will now be a possibility if, in the future, we have a need for it.

Mike Curtis: Would be nice to get everyone basic cable, had hoped to get that but hear it is not a possibility. Can we eliminate 5% fees, which are really a tax? Steven: Yes, we can lower fees, even to zero, at any time, as long as it is done in a timely manner in conjunction with our budget process.

Bill Press: Once you are hooked up, is one service superior to another?

Marylou Freer: We provide a sharp, crisp signal impervious to noise. Jim Davis: Verizon offers a single bandwidth from their office to

your house. Comcast Cable customers share bandwidth, so quality can degrade if many are accessing the source at once. With Verizon's fiber optic cable, picture quality will be same regardless of distance or number of users.

Beverly Barnett: Has Verizon looked at what trees might need to be trimmed? Will we see one more line hanging from poles? Marylou Freer: Verizon will have a walk through with a Village representative prior to work to address tree-trimming and other issues. Asplundth is Verizon's subcontractor for tree trimming. We review ahead of time and a Verizon inspector is on-site during trimming. Yes, there will be another cable on the poles, usually on the back-side of pole. Delmarva Power owns these poles and Verizon adheres to their guidelines. Fiber optic cable is smaller than Comcast's cable.

Ron Ozer: Informs audience that they can receive high-definition TV with an antenna locally, without using either Verizon or Comcast. Anyone with questions is welcome to call him, since he has extensive knowledge on this issue.

Lynda Kolski: Am I right that, physically, there will be minimal tree trimming, perhaps another wire, and no digging? That the Village gets a \$3,240 one time fee? That the Village will collect a monthly 5% fee? That Verizon will compete with Comcast? Steven: Yes. The other advantage are the three video drops in the Village.

Question called.

Resolution accepted unanimously.

The meeting adjourned at 8:42 p.m.

Faithfully submitted,  
Danny Schweers, Secretary

