



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