

Telecommunications Commission Meeting Minutes
March 4, 2009 Meeting

Members Present

Cory Scott, chair
Jim Downing
Julianne Nery
Timothy O'Brien

Others present

David Powers, Village staff liaison

Chairman Cory Scott called the meeting to order at approximately 7 p.m.

Chairman Scott asked Commission members to take a few moments to review the minutes from the Feb. 4, 2008 meeting. He then asked for a motion to approve the minutes. Commissioner Timothy Obrien made a motion to approve the minutes. Commissioner Julianne Nery seconded the motion. The motion to approve the minutes was approved 4 – 0.

Chairman Scott updated the commission on his communications with the chair of the Transportation Commission, which had been directed by the Village Board to review the installation of a list of AT&T video ready access devices (VRADs) identified by the Telecommunications Commission as posing possible safety issues. Chairman Scott said the Transportation Chair said every effort would be made to get the item on the agenda as soon as possible, given the current workload.

Chairman Scott said he had learned that a letter had been sent to AT&T on Feb. 28 from the Village Manager concerning the issue with the VRAD location at 1046 S. Harvey Ave. The commission had not been provided a copy of the letter. He asked Liaison David Powers if he was aware of the letter or of any subsequent response. Liaison Powers said he was not aware of the letter or any response, but would inquire.

Commissioner Nery informed the Commission of a *stop the box* website in Evanston, where AT&T VRAD locations had created community concern. She said she would investigate how the organizers had gotten their board to act.

Chairman Scott said the situation in Evanston was similar to Oak Park – the Evanston city attorney had determined that municipal restrictions were superseded by state law and that city engineers had determined VRAD locations. Evanston engineers apparently had not done as good a job as had Oak Park engineers, he said, and more citizens there had voiced concerns.

Discussion moved to the Illinois Attorney General's consideration of an investigation of how AT&T had placed public access, education access and government access (PEG) channels in the station line up for its Uverse service. AT&T has relegated all PEG channels for the region to single channel that requires greater effort by viewers to find and use and that does not offer the same features as regular channels, including closed captioning and the ability to

record. This decision by AT&T could be in violation of state law that requires PEG channels to be treating the same as regular broadcast channels.

Chairman Scott made a motion to prepare a resolution for the Village Board to adopt that would be in support of an AG investigation.

Commissioner Dowling seconded the motion. The motion was approved 4 – 0.

Discussion of the language of the resolution and the process of getting it before the board was discussed.

Chairman Scott moved to amend his original resolution to include forwarding a resolution to the Village Clerk with a request to have it go before the Village Board at the earliest time possible.

Commissioner O'Brien seconded the motion and it was approved 4 – 0.

Discussion moved to the ordinance to govern the installation, maintenance and decommission of above ground service facilities the Village Board had directed the Village attorney to prepare.

Commissioners O'Brien and Nery distributed samples of ordinance from several sources, including California, which addressed topics such as using existing infrastructure, sharing equipment, impact on parks, historic preservation, noise, size and removal. They recommended making a wish list of options for the Village attorney to consider as he drafts the local ordinance.

Commissioner O'Brien noted that of all of the ordinances gathered by the commissioners from other jurisdictions, the Wheaton ordinance appeared to be the best model for the Village attorney to follow in drafting the new ordinance for Oak Park.

Chairman Scott said he would invite Village Attorney Ray Heise to the next meeting and provide him with information from the best of the other ordinances.

Chairman Scott opened the floor to public comment. Steven Endres, 1150 S. Elmwood Ave., returned to provide an update on his issues with Comcast. He had appeared before the Commission in December to discuss technical issues with his internet connection. He told the Commission the issue had been traced to a water-filled "tap box" in the alley that would freeze at night, creating problems, then thaw in the daytime and the system would work. He said he now was pursuing credit for lost service.

Chairman Scott called for a motion to adjourn.

Commissioner Julianne Nery made a motion to adjourn. The motion passed 4 – 0.

Meeting adjourned at approximately 8:30 p.m.

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