

Selectmen's Meeting -- March 5, 2007

Mr. Manzone and Mr. Silvia were present. Mr. Eckenreiter was absent.

Also in attendance was Jeffrey Osuch.

Mr. Silvia called the meeting to order at 6:30 p.m.

Mr. Manzone motioned to approve the minutes of February 20, 2007. Mr. Silvia seconded. It was so voted.

Mr. Manzone motioned to approve the minutes of the February 20, 2007 executive session. Mr. Silvia seconded. It was so voted.

TREASURER/DIRECTOR OF FINANCE

I, the Clerk of the Board of Selectmen of the Town of Fairhaven, Massachusetts, certify that at a meeting of the board held March 5, 2007, of which meeting all members of the board were duly notified and at which a quorum was present, the following votes were unanimously passed, all of which appears upon the official record of the board in my custody:

Mr. Manzone motioned that the sale of the \$4,000,000 School Bonds of the Town dated March 15, 2007, to Piper Jaffray & Co. at the price of \$4,040,474 and accrued interest, if any, is hereby confirmed. The bonds shall be payable on March 15 of the years and in the principal amounts or mandatory redemption payment amounts and bear interest at the respective rates, as follows, subject to earlier redemption at the option of the Town as provided in the Preliminary Official Statement dated February 13, 2007:

Year	Amount	Interest Rate	Year	Amount	Interest Rate
2008	\$200,000	4.00%	2018	\$200,000	4.00%
2009	200,000	5.00	2019	200,000	3.80
2010	200,000	5.00	2020	200,000	3.80
2011	200,000	5.00	2021	200,000	3.80
2012	200,000	4.00	2022	200,000	4.00
2013	200,000	4.00	2023	200,000	4.00
2014	200,000	5.00	2024	200,000	4.00
2015	200,000	4.00	2025	200,000	4.00
2016	200,000	4.00	2026	200,000	4.00
2017	200,000	4.00	2027	200,000	4.00

Mr. Silvia seconded. It was so voted.

Selectmen's Meeting – March 5, 2007

Mr. Manzone further certified that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that notice stating the place, date and time of the meeting was filed with the Town Clerk and a copy thereof posted in the office of the Town Clerk or on the principal official bulletin board of the town at least 48 hours, including Saturdays but not Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the sale of the bonds were taken in executive session, and that the official record of the meeting was made available to the public promptly and remains available to the public, all in accordance with G.L. c.39, s.23B as amended.

LIQUOR LICENSE HEARING
OLD OXFORD PUB

Liquor License Hearing for Old Oxford Pub, 346 Main Street, continued from February 20, 2007, was scheduled for 7:15 p.m. Dawn Bourgeois, Manager, apologized for missing the last hearing. Discussion followed on parking issues, storage area, handicapped bathroom and seating capacity. Ms. Bourgeois said seating capacity will not change. No new seat will be added. Mr. Manzone stated this is a non-conforming use and there are parking problems. Ms. Bourgeois was instructed to speak with the Building Commissioner regarding the space for the handicap bathroom and the storage wall. Hearing was continued.

EMERGENCY MANAGEMENT AGENCY

Marc Jodoin was in attendance and discussion ensued on a permanent building for EMA and places to store EMA equipment. Mr. Jodoin was instructed to contact the Fire Chief regarding equipment storage and to address the issue of EMA phone and fax lines.

EMA declared a 1999 Ford bus surplus. The vehicle was obtained from SRTA and was never registered. The bus will remain in the garage on Bridge Street.

SCHOOL COMMITTEE & SUPERINTENDENT

School Superintendent and members of the School Committee were present. FY 08 School Budget request of \$16,984,260. was discussed.

WIND TURBINE PROPOSAL

Brief discussion ensued with Jim Sweeney from CCI Energy on the proposed wind turbine project. The Board agreed they want to meet with the Town's Consultants before continuing any discussions with Mr. Sweeney.

Selectmen's Meeting – March 5, 2007

EXECUTIVE SECRETARY'S REPORT

Fire Union Contract negotiations are scheduled for March 6, 2007 at 4:00 p.m. at the Town Hall

Meeting will be held at MA Highway in Taunton on March 8, 2007 at 10:00 a.m. to discuss the traffic lights for the new East Fairhaven School

East Fairhaven School Job Meeting is scheduled for March 8, 2007 at 1:00 p.m. at the School

Finance Committee will meet at 7:00 p.m. on March 8, 2007 at the Board of Public Works

Board of Selectmen will attend the Finance Committee Meeting on March 15, 2007 at 7:00 p.m. at the Board of Public Works

Town Departments will meet with representatives from VADAR on March 9, 2007 to discuss creating a web page. Meeting will be at the Town Hall at 10:00 a.m.

Bids for the restoration of Fort Phoenix will be opened at 2:00 p.m. on March 9, 2007

Council on Aging will meet on March 12, 2007 at 9:30 a.m.

Mattapoissett Water District Meeting is scheduled for March 13, 2007 at 4:30 p.m.

Jeffrey Osuch will attend the SEMASS meeting on March 14, 2007

Community Preservation Committee will meet on March 14, 2007 at 6:30 p.m.

Mr. Silvia read the list of Poll Workers for the April 2, 2007 Town Election. Mr. Manzone motioned to approve the list. Mr. Silvia seconded. It was so voted.

The Finance Committee did not support a transfer from the Reserve Fund for a feasibility study for MacLean's Seafood Building/Union Wharf. An article will be placed on the May 5, 2007 Special Town Meeting Warrant.

Mr. Manzone motioned to sign Change Order #7 to the contract with Agostini Construction Co., Inc., 243 Narragansett Park Drive, East Providence, RI in the amount of \$43,072.00. Mr. Silvia seconded. It was so voted. (East Fairhaven School)

Mr. Manzone motioned to authorize payment in the amount of \$344,711.60 to Agostini Construction Co., Inc., 243 Narragansett Park Drive, East Providence, RI for the period ending February 28, 2007. Mr. Silvia seconded. It was so voted. (East Fairhaven School)

Selectmen's Meeting – March 5, 2007

Mr. Osuch read portions of the March 5, 2007 letter from Town Counsel regarding Comcast Renewal License. (See attached.)

Mr. Silvia read "Motion of Town of Fairhaven to Extend the Time to Respond to First Set of Discovery requests of Comcast of Massachusetts/New Hampshire, LLC" that was requested by Attorney William Solomon. (See attached.) Mr. Manzone motioned to extend the time as stated. Mr. Silvia seconded. It was so voted.

Mr. Manzone motioned to sign letters to be mailed to Verizon of New England, Inc. regarding the "Initiation of the Cable Licensing – 207 CMR 3.02(1) (a)". Mr. Silvia seconded. It was so voted. (See attached.)

Mr. Manzone motioned to approve the Treasurer's request to schedule an auction for May 14, 2007 for land and building at 23 Kane Street. Mr. Silvia seconded. It was so voted.

ANIMAL SHELTER GIFT ACCOUNT

\$50.00 donation to the gift account was accepted.

BLUE CROSS/BLUE SHIELD

Mr. Manzone motioned to acknowledge the Amendment for administrative services for Retiree Drug Subsidy Fees. Mr. Silvia seconded. It was so voted.

BUILDING DEPARTMENT

Construction report for February 2007 will be placed on file.

POLICE DEPARTMENT

Mr. Silvia read the letter from the Taunton Police Department commending Fairhaven Officers who assisted the U.S. Coast Guard in the search for the missing Lady of Grace. (See attached.)

Mr. Silvia read the letter from the Police Chief requesting a 2000 Ford Crown Victoria sedan be declared surplus and transferred to the Board of Public Works. Mr. Manzone motioned to declare the vehicle surplus. Mr. Silvia seconded. It was so voted. Mr. Manzone motioned to transfer the vehicle to the Board of Public Works. Mr. Silvia seconded. It was so voted.

Selectmen's Meeting – March 5, 2007

NEW BEDFORD ECONOMIC DEVELOPMENT COUNCIL

A meeting to discuss the future of the upper New Bedford Harbor is scheduled for March 8, 2007 from 12:00 noon to 2:00 p.m. at the Quest Center Building, 1213 Purchase Street. Mr. Manzone motioned that William Roth attend. Mr. Silvia seconded. It was so voted.

SOUTHEAST HOMELAND SECURITY REGIONAL ADVISORY COUNCIL

Fairhaven will receive a \$10,000. 00 for training. SRPEDD requests a training schedule be submitted as soon as possible. Mr. Manzone motioned to have the Fire Chief prepare a schedule. Mr. Silvia seconded. It was so voted.

2007 LICENSE RENEWALS

Mr. Manzone motioned to approve renewal of the Repair Licenses for Jiffy Lube and Hanrahan's. Mr. Silvia seconded. It was so voted.

Scramblers and Blimpies are still unlicensed for 2007. Hearings will be scheduled.

HARBOR PLANNING COMMITTEE

Mr. Manzone motioned to appoint Brian Bowcock to the Harbor Planning Committee. Mr. Silvia seconded. It was so voted. Dr. Bowcock will be the Selectmen's representative.

Mr. Manzone motioned to appoint Theodore Lorentzen to the Harbor Planning Committee. Mr. Silvia seconded. It was so voted.

Mr. Manzone motioned to appoint Kevin M. McLaughlin to the Harbor Planning Committee. Mr. Silvia seconded. It was so voted.

Mr. Manzone motioned to appoint Robert B. Mitchell to the Harbor Planning Committee. Mr. Silvia seconded. It was so voted.

Mr. Manzone motioned to appoint David W. Hebert to the Harbor Planning Committee. Mr. Silvia seconded. It was so voted.

FAIRHAVEN COMMUNITY POOL COMMITTEE

Mr. Silvia motioned to appoint Paul Merrill, James Kalife, Gail Isaksen, Brian Foster, Brian Bowcock, Bryan Wood, Nicholas Comeau, Dawn Nicolson, Al Borges, Linda Meredith, Ken Pottel, Elaine O'Neill, Peg Cook, Joe Borelli and Martha Berg to the Fairhaven Community Pool Committee. Mr. Silvia seconded. It was so voted. Terms to expire May 31, 2007.

Selectmen's Meeting – March 5, 2007

POTTER STREET

Mr. Silvia motioned to sign the Land Surveying Services Proposal from G.A.F. Engineering, Inc., 266 Main Street, Wareham, MA for Potter Street Layout. Mr. Silvia seconded. It was so voted.

OTHER MATTERS

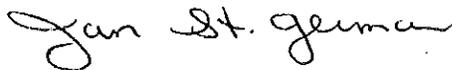
Mr. Manzone motioned to provide Jeffrey Osuch with a NXTEL phone. Mr. Silvia seconded. It was so voted.

This past weekend, the North Fairhaven Improvement Association honored Blanche Pepin, Earl Faunce, Roger's School Principal Richard Brodeur and the entire Fairhaven Police Force.

At the last Candidates Night, Mr. Manzone feels the Selectmen's integrity was challenged when a candidate stated "the Selectmen are not approachable". Mr. Manzone said he has received 1,103 phone calls in the last two years and has answered each call. He cares about the people in Fairhaven and feels he is "the most approachable elected person in this Town." Mr. Silvia was also offended. He said "We are approachable and we are approachable at the meetings. We let people speak even if they are not scheduled on the agenda. We are open and approachable."

EXECUTIVE SESSION

At 9:22 p.m., Mr. Manzone motioned to go into executive session to discuss Earl's Marina DEP Fine, Town Hall personnel issues and not to reconvene in open session. Ms. Silvia seconded. It was so voted. Roll call vote 2-0.



Jan St. Germain
Secretary

PERRY, HICKS, CROTTY AND DESHAIES, LLP

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(1965-1999)
EDWARD D. HICKS
(1985-2002)

SHELLEY D. COELHO
ELLYN H. HURD
MICHAEL J. KENNEDY
AMY S. MELLO
*ALSO ADMITTED IN R.I.

E-MAIL: info@perryhicks.net
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March 5, 2007

Board of Selectmen
Town of Fairhaven
40 Centre Street
Fairhaven, MA 02719

Re: Comcast Renewal License

Dear Members of the Board:

You have asked for my comment on the authority of the Board to extend the time for the Town to answer Comcast's requests for answers to interrogatories and production of documents. I have reviewed Attorney Bill Solomon's request, on behalf of the Town, to extend the time to respond from January 29, 2007 to March 19, 2007. I have also reviewed Attorney Adam Caldwell's response, on behalf of Comcast, objecting to the extension.

The Town of Fairhaven Administrative Hearing Process Rules of Procedure and Schedule, dated December 7, 2006, provides that "Responses [to discovery] ... must be forwarded to the other party within thirty (30) days of service of the discovery requests(s). The Board of Selectmen may extend the time for a response for good cause." See Rules ¶5 attached hereto. Thus, the issue before the Board is whether Attorney Solomon has provided "good cause" for seeking an extension.

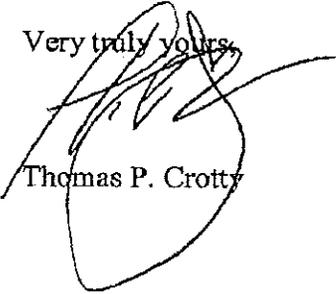
Attorney Solomon states that the work and time required to respond to the discovery requests is extensive, and that certain town officials and committee members, many of whom provide their services to the Town on a part time or voluntary basis, need to be consulted. Attorney Solomon also states that he has to attend to unanticipated work matters. He further states that he is on a scheduled vacation from the end of February to March 9, 2007, and therefore will not be able to attend to the discovery until the period of March 9, 2007 through March 19, 2007. This is the first extension that Attorney Solomon has requested, and he states in his motion that he will not seek any further time extensions to respond to the interrogatories and request for production of documents.

Other than citing that Comcast, by statute, has an expectation that the license will be renewed, Attorney Caldwell has not set forth any actual harm that will be suffered by Comcast as a result of this 7 week extension. Indeed, the Cable Act (47 U.S.C. 546) provides no time frame for the administration of the Administrative Proceedings, and it is my understanding that the Town is still performing under the terms of the original license.

In light of the fact that this will be Attorney Solomon's only request for an extension with respect to the interrogatories and document production, and the fact that the Cable Act provides no time frame for the administration of the Administrative Proceedings, and the fact that Attorney Caldwell has not provided the Board with any actual threat of prejudice or harm, it is my opinion that the Board will not commit error if it finds that Attorney Solomon has established good cause for the Board to grant an extension of time.

Please do not hesitate to call if you have any further questions in this regard.

Very truly yours,


Thomas P. Crotty

Enclosures

Final Rules
Adopted 11/20/06

Town of Fairhaven, Massachusetts

Administrative Hearing Process
Rules of Procedure and Schedule
Pursuant to Section 626(c) of the Cable Act
Regarding
Preliminary Assessment of Denial
Cable License of Comcast of Massachusetts/New Hampshire/Ohio, Inc.
(December 7, 2006)

1. Determinations Regarding Discovery Disputes To Be Made By The Board of Selectmen or its Designee

- All determinations regarding discovery, including requests for waivers and discovery disputes shall be made by the Board of Selectmen or its designee. The designee, if any, for purposes of the hearing process, including discovery, will be the Fairhaven Town Counsel, Thomas Crotty of Perry, Hicks, Crotty & Deshaies, LLP, New Bedford, Massachusetts. It is currently anticipated that the Board of Selectmen will not use a designee for procedural, nor for any other purposes. All determinations regarding discovery requests or disputes shall be made within fourteen (14) days of the Board's receipt of the written request or objection. In addition to the written objection, the objecting party may request to be heard on the objection(s) by the Board of Selectmen, however it shall be up to the Board of Selectmen as to whether to allow oral argument. The Board may require oral argument on its own volition with respect to any discovery matter.

2. Confidentiality

- If Comcast claims that a document and/or information should be treated as confidential by the Board of Selectmen and not subject to public disclosure, it shall, if requested by the Board, provide the legal basis for its position. The Town shall protect from public disclosure any such confidential document and/or information to the fullest extent allowed under applicable law. If a request is made by any third party for a document and/or information that Comcast has claimed is or should be confidential and protected from public disclosure, the Town shall notify Comcast of the request by the third party, and shall provide Comcast with a reasonable period of time, consistent with applicable state law regarding public records requests, to seek further protection from such public disclosure in a court of law.

3. Waiver of Discovery Rule or Requirement

- Any discovery rule or requirement, including a time requirement, may be waived by written agreement between counsel for the respective parties without seeking approval from the Board of Selectmen.

- The Board of Selectmen may waive any discovery rule or requirement for good cause shown, regardless of whether such waiver provision is specifically referenced or described below.

4. Comcast's Response To Town's Preliminary Denial

- Comcast files a response to the Town's Written Statement of Preliminary Assessment of Denial, which shall provide a factual basis for its disagreement with the Town's reasons for said preliminary denial..... 12/20/06

5. Discovery - Initial

- Methods allowed for initial discovery:
 - Requests for documents; and
 - Written interrogatories - limited to forty (40) interrogatories;
- Initial discovery requests must be submitted to the other party by..... 1/22/07;
- Responses, including objections (if any), must be forwarded to the other party within thirty (30) days of service of the discovery request(s). The Board of Selectmen may extend the time for a response for good cause;
- Follow-up discovery may be submitted for good cause provided to the Board of Selectmen. The Board of Selectmen shall not unreasonably deny such request for follow-up discovery. Said request for further discovery must be submitted to the Board of Selectmen for its review within twenty-one (21) days of receipt of the service of the final initial discovery response(s) by the parties. If said follow-up discovery is approved, the other party must answer and/or object to said follow-up discovery within thirty (30) days of service of said request.
- No discovery shall be allowed except as expressly authorized by these Rules of Procedures or otherwise authorized by the Board of Selectmen.
- The following discovery is prohibited:
 - Discovery that is unreasonably cumulative, duplicative, harassing or is obtainable from some other source that is more convenient, less burdensome, or less expensive;
 - Discovery where the burden or expense of the proposed discovery clearly outweighs its likely benefit, taking into account the needs of the proceeding, the costs, and the importance of the proposed discovery to the decision; and

- Discovery that will unreasonably interfere with the hearing process.
- All questions of procedure, including discovery disputes and requests for waivers, shall be decided by the Board of Selectmen, within fourteen (14) days of the receipt of a written objection, absent good cause for the Board to take additional time. In the event the Board determines additional time is required to decide a question of procedure or a discovery dispute, the Board shall notify both parties of the need for such additional time and the specific additional time required prior to the expiration of said fourteen (14) day period. In addition to the written objection(s), the objecting party may request to be heard on the objection(s) by the Board of Selectmen, however it shall be up to the Board of Selectmen as to whether to allow oral argument.
- The Board of Selectmen shall provide each party with a written determination that all initial discovery is completed.
- **Supplementation of Disclosure and Responses:**
 - Each party is under a duty to timely supplement its disclosures if the party learns that in some material respect the information previously disclosed is incomplete or incorrect and if the additional or corrective information has not otherwise been provided in response to a request;
 - Each party is under a duty to timely amend a prior response to an interrogatory or request for production of documents, if the party learns that the response is in some material respect incomplete or incorrect and if the additional or corrective information has not otherwise been specifically made known to the other party in writing during the discovery process; and
 - Each party serving Interrogatory Answers and Documents in Response to Requests for Documents on the party making posing said Interrogatories and Document Request shall, at the same time, send three (3) copies of such Answers and Documents to the Board of Selectmen.

6. Witness List - Preliminary

Comcast and the Town shall each submit their respective preliminary witness lists to the Board of Selectmen within fourteen (14) days of the date of the Board of Selectmen's written determination that all initial discovery is completed.

7. Depositions

- Each party may begin noticing depositions after the Board of Selectmen provides a written determination that all initial discovery is completed.
- Depositions shall be limited to: (i) persons listed on the parties' respective preliminary witness lists, and (ii) persons other than those listed on the opposing party's preliminary witness list who have knowledge or information relevant to an issue which may be considered at the hearing, however the opposing party may file a motion with the Board of Selectmen seeking to prevent or limit the scope of a deposition of any such person for good cause, including, but not limited to, a claim that the deposition of such person will unreasonably interfere with the hearing process. The Board of Selectmen shall not deny or limit the scope of a deposition except for good cause, consistent with due process.
- Deposition notices shall provide a minimum of ten (10) days written notice, unless otherwise agreed to by the parties and the deponent. The parties shall cooperate with the other party and the deponent with respect to the date and time of depositions.
- The parties shall provide all requested deponents who are employees or otherwise under the control of the respective party, including any person expected to be a witness at the hearing (both lay and expert witnesses) for deposition, without the need of subpoenas, subject to any objection(s) upheld by the Board of Selectmen. In the case of former employees or other third-party witnesses each party shall use its best efforts to arrange for such persons to appear for the deposition. To the extent that the parties "best efforts" cannot produce such witnesses, the Board of Selectmen are hereby authorized to compel such attendance to the extent with the Board's authority under law.
- All depositions shall be completed within seventy-five (75) days from the date of the written notification of the completion of the end of the first stage of discovery (referenced above), unless otherwise approved by the Board of Selectmen.
- All depositions shall be conducted in the Town of Fairhaven, unless otherwise allowed by the Board of Selectmen for good cause.
- Depositions of non-expert witnesses shall be limited to six (6) hours and depositions of expert witnesses shall be limited to eight (8) hours. The Board of Selectmen may allow for waivers of these time limitations for good cause. Each party is encouraged, but not required, to seek such waiver prior to the time of the subject deposition.
- All objections, except as to form, shall be waived until the hearing at which time if raised by a party, said objection shall be decided by the Board of Selectmen. Objections as to form may be raised at the time of the deposition, but such objections shall not stop the deponent from answering the question posed.

10. Administrative Hearing

- The hearing shall be held by the Board of Selectmen. All questions of procedure, including any waivers from the Rules of Procedure, shall be decided by the Board of Selectmen in a timely manner.
- Any hearing rule or requirement, including a time requirement, may be waived by written agreement between counsel for the respective parties without seeking approval from the Board of Selectmen.
- The Board of Selectmen may waive any hearing rule or requirement for good cause shown, regardless of whether such waiver provision is further referenced or described below.
- The first day of the hearing will be no later than thirty (30) days after the Board of Selectmen provides a written determination that the deposition stage of discovery is completed.
- Notice of Hearing - The Town will provide notice of the Board of Selectmen's meetings at which the hearing shall take place in accordance with the provisions of the Open Meeting Law, M.G.L. c. 39, section 23B.
- The hearing process will include the following:
 - Pre-hearing briefs - The parties shall submit pre-hearing briefs. Pre-hearing briefs shall be limited to 30 pages. Pre-hearing briefs shall be submitted to the Board of Selectman a minimum of seven (7) days prior to the first day of the hearing.
 - Opening statements - Comcast shall make the first opening statement, followed by the Town. Each opening statement shall be approximately 45 minutes.
 - Witness examinations - Under oath administered by a member of the Board of Selectmen.
 - Comcast Witnesses
 - Direct examination by Comcast
 - Cross examination by the Town
 - Re-Direct by Comcast, if any
 - Re-Cross by the Town, if any
 - Town's witnesses
 - Direct examination by the Town
 - Cross examination by Comcast
 - Re-Direct by the Town, if any
 - Re-Cross by Comcast, if any
 - Rebuttal witnesses, if any - in the same order.

- Each party taking a deposition shall send one copy of the deposition transcript to the Board of Selectmen within ten (10) days of receipt of the deposition by said party or if the deposition is to be signed by the deponent, within ten (10) days of the time of signing of the deposition by the deponent.
- The Board of Selectmen shall, upon the completion of the last scheduled deposition, provide each party with a written determination that the deposition stage of discovery is completed.

8. Witness List - Pre-Hearing

- Comcast and the Town shall present their respective pre-hearing witness list to the other party within fourteen (14) days of the Board of Selectmen providing a written determination that the deposition stage of discovery is completed.
- Comcast and the Town may add to their respective pre-hearing witness lists after receipt of the other party's pre-hearing witness list, but shall do so by sending notice thereof to the other party within twenty-one (21) days of the Board of Selectmen providing its written determination that the deposition stage of discovery is completed.
- Witnesses not listed on a party's witness list, as may be supplemented as described above, may be added at a later date or otherwise called as a witness for good cause as determined by the Board of Selectmen. If a witness is allowed to be added and called for good cause shown, the other party may for good cause shown, depose the additional witness, but shall do so in a timely manner so as not to unreasonably delay the hearing. The Board of Selectmen may, consistent with due process, limit the scope of such deposition(s).

9. Exhibits

- Comcast and the Town shall provide each other with their respective lists of exhibits for the hearing within fourteen (14) days of the Board of Selectmen providing a written determination that the deposition stage of discovery is completed.
- The parties shall, prior to the first day of the hearing stipulate, as to the authenticity of any true copy of any documents used as hearing exhibits (original will not need to be submitted, unless required by the Board of Selectmen for good cause.)
- Exhibits not listed on a party's exhibit list may be added at a later date for good cause as determined by the Board of Selectmen.

- The Board of Selectmen shall issue its written decision granting or denying the proposal for renewal based upon the record of the proceeding, stating the reasons therefor, within forty-five (45) days after submission of the post-hearing briefs.

- Attendance of Witnesses - The parties shall produce any employee or person otherwise under the control of the respective party, including any expert witness, as a witness at the hearing without the need of a subpoena. With respect to persons who are not employees of or under the control of the respective party, said party will fully cooperate, to the fullest extent within their authority, to provide and allow for the attendance of said person(s) as a witness at the hearing, subject to any objection(s) upheld by the Board of Selectmen. Both parties recognize the authority of the Board of Selectmen to issue subpoenas pursuant to M.G.L. c. 233, sec. 8, and shall cooperate with the Board of Selectmen with respect to any such subpoenas.
- Handling of Witness Examinations & Objections - The hearing will be governed by relaxed evidentiary standards typically used in administrative hearings. Counsel will conduct witness examinations, and the Selectmen will have the opportunity to ask follow-up questions at the conclusion of counsel's questions. The Board of Selectmen will rule on evidentiary objections. The Board will attempt to make evidentiary rulings as objections are made, however the Board reserves the right to make conditional rulings (allowing the introduction of testimony or evidence subject to further consideration by the Board or, when necessary, to make its ruling at such later time it reasonably deems necessary) or to accept such evidence and give it the weight the Board determines.
- Closing Statements - Comcast and then the Town. Limited to approximately 1 hour each.
- A transcript shall be made of the hearing. The hearing will be transcribed live by a court reporter who shall be selected by agreement by the parties. To the extent reasonable financial arrangements can be made with a qualified stenographer, the parties will split the cost of the reporter's fees to attend and transcribe the hearing, however, neither party shall be required to purchase a copy of the transcript or any portion thereof or to make a determination as to whether to make such purchase(s) at any particular time. If such reasonable financial arrangements cannot be made with a qualified stenographer, the parties will split the cost of the stenographer's fees to obtain one copy each of the transcript.
- Videotaping and Cablecasting - The hearing will be videotaped by a person or persons selected by the Town, subject to the approval of Comcast, which approval shall not be unreasonably denied. The parties shall split the cost of the videotaping. The Town shall cablecast the hearing on an Access Channel, both live and by tape, unless otherwise determined by the Board of Selectmen upon a request by Comcast not to cablecast a specific portion of the hearing for good cause.
- Post-Hearing Brief - Each party shall submit a post-hearing brief, which may include a proposed decision, within forty-five (45) days of the completion of closing statements. Additionally, the Board of Selectmen may, in its reasonable discretion, call for the briefing of any issue(s), and a party may petition the Board, for good cause, for the right to provide additional briefing.

WILLIAM H. SOLOMON
ATTORNEY AT LAW
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STONEHAM, MASSACHUSETTS 02180

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TELECOPIER (781) 438-4999

February 10, 2007

RECEIVED
2007 FEB 14 A 10:46
BOARD OF SELECTMEN
FAIRHAVEN MASS

Adam S. Caldwell, Esq.
Davis Wright Tremaine LLP
1919 Pennsylvania Avenue, N.W. , Suite 200
Washington D.C. 20006-3458
BY EXPRESS MAIL AND TELECOPIER: (202) 452-0067

Re: Town of Fairhaven - Comcast of Massachusetts/New Hampshire/Ohio, Inc.
Administrative Hearing Pursuant to Section 626(c) of the Cable Act

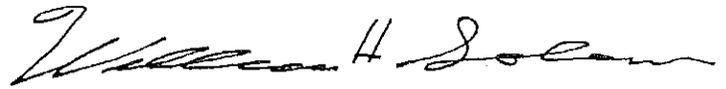
Dear Mr. Caldwell:

Thank you for forwarding your letter of February 7, 2007 to me personally. I had discussed with a representative of the Town of Fairhaven earlier this month filing a motion to extend the time for responding to Comcast's First Set of Discovery Requests, and for a number of reasons, including some time spent on helping to preserve local cable franchising in the Commonwealth, I was delayed in forwarding the motion. I apologize for the gap in time.

I have enclosed herewith the "Motion of Town of Fairhaven to Extend the Time to Respond to First Set of Discovery Requests of Comcast of Massachusetts/New Hampshire, LLC" which I am also forwarding to the Board of Selectmen at this time by fax and mail. The Board is scheduled to meet this Monday, February 12th for a special meeting. If I have your concurrence as to the Board considering this motion on such short notice, I will ask the Board to do so. If not, the next regularly scheduled meeting of the Board is on Tuesday evening, February 20th, at which time I would expect the Board to consider this motion, and you would, of course, have time to oppose or otherwise respond to the motion.

Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "William H. Solomon". The signature is fluid and cursive, with a large initial "W" and a long, sweeping underline.

William H. Solomon
Special Cable Counsel

**TOWN OF FAIRHAVEN
BOARD OF SELECTMEN**

Re: Preliminary Denial of the Cable Television)
Renewal License held by Comcast of)
Massachusetts/New Hampshire/Ohio, Inc.)
By The Board of Selectmen (Acting as "Issuing)
Authority") of the Town of Fairhaven)

**MOTION OF TOWN OF FAIRHAVEN TO EXTEND THE TIME TO RESPOND
TO FIRST SET OF DISCOVERY REQUESTS OF COMCAST OF
MASSACHUSETTS/NEW HAMPSHIRE, LLC.**

The Town of Fairhaven, through its Special Cable Counsel, hereby requests that the time for the Town of Fairhaven to respond to the First Set of Discovery Requests of Comcast of Massachusetts/New Hampshire, L.L.C. (First Set of Interrogatories and Document Requests). Said First Set of Discovery Requests was served on this office by counsel for Comcast of Massachusetts/New Hampshire by fax and U.S. Mail sent on December 29, 2006. The Town respectfully requests that the time to respond to said First Set of Discovery requests be extended to March 19, 2007. In support of this Motion, the Town, through Special Cable Counsel, states as follows:

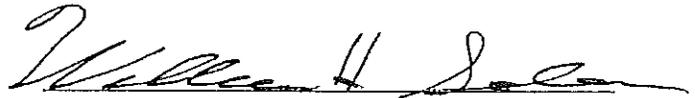
1. The work and time required to respond to the Discovery Requests is extensive.
2. The Town officials and committee members, including the Chairman of the Cable Advisory Committee, needed to be consulted in order to respond to the Discovery Requests, provide their services to the Town of Fairhaven and its residents on a volunteer and part-time basis.

3. The Town employees needed to be consulted in order to respond to the Discovery Requests are busy this time of year with budget and other matters, and therefore greater time will be needed to obtain their input in order to respond to the Discovery Requests.
4. As a result of unanticipated work matters, I have been unable to devote my complete attention to responding to the subject Discovery requests.
5. I will be on a rarely scheduled or taken vacation at the end of February through early March and thus will not be able to devote my full attention to completing the responses to the Discovery Requests until the period of March 9th through March 19th.
6. The requested extension of time is reasonable in light of the significance of this matter and the issues.

For these reasons, the Town of Fairhaven, through its Special Cable Council, respectfully requests the subject extension of time be granted. No further extension of time to respond to First Set of Discovery Requests of Comcast of Massachusetts/New Hampshire, L.L.C. will be requested, however, the Town reserves the right to supplement any and all answers and responses provided at a later date.

TOWN OF FAIRHAVEN

By its Special Cable Council

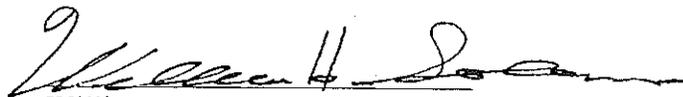


William H. Solomon
319 Main Street
Stoneham, Massachusetts 02180
(781) 438-4543

Dated: February 10, 2007

CERTIFICATE OF SERVICE

I, William H. Solomon, hereby certify that on this 10th day of February, 2007, I caused a copy of the foregoing "Motion of Town of Fairhaven to Extend the Time to Respond to First Set of Discovery Requests of Comcast of Massachusetts/New Hampshire, LLC" to be served by telecopier and express mail (Monday delivery) on counsel for Comcast of Massachusetts/New Hampshire, L.L.C., Adam S. Caldwell, Esq., Davis Wright Tremaine LLP (formerly Cole, Raywid & Braverman, L.L.P.), 1919 Pennsylvania Avenue, N.W., Suite 200, Washington, D.C. 20006-3458.


William H. Solomon



Town of Fairhaven
Massachusetts
Office of the Selectmen

40 CENTER STREET
FAIRHAVEN, MA 02719

TEL: (508) 979-4023
FAX: (508) 979-4079

March 8, 2007

Adam S. Caldwell, Esq.
Davis Wright Tremaine LLP
Suite 200
1919 Pennsylvania Avenue NW
Washington, DC 20006

Re: Town of Fairhaven -- Comcast of Massachusetts/New Hampshire/Ohio, Inc.
Administrative Hearing Pursuant to Section 626 (c) of the Cable Act

Dear Mr. Caldwell,

On Monday, March 5, 2007, the Fairhaven Board of Selectmen discussed the motion to extend the time for responding to Comcast's First Set of Discovery Requests that was requested by Attorney William Solomon.

The Board of Selectmen had forwarded both Attorney Solomon's Request for a Time Extension and your request to deny the Time Extension to Town Counsel, Thomas P. Crotty. Following review of Attorney Crotty's letter, the Board of Selectmen unanimously voted on March 5, 2007 to grant the motion filed by Attorney Solomon.

Very truly yours,
Board of Selectmen

Michael Silvia
Acting Chairman



Davis Wright Tremaine LLP

ANCHORAGE BELLINGHAM LOS ANGELES NEW YORK PORTLAND SAN FRANCISCO SEATTLE SHANGHAI WASHINGTON, D.C.

ADAM CALDWELL
adamcaldwell@dwt.comSUITE 200
1919 PENNSYLVANIA AVE NW
WASHINGTON, DC 20006TEL (202) 659-9750
FAX (202) 452-0067
www.dwt.com

March 5, 2007

VIA U.S. MAILWilliam H. Solomon, Esq.
319 Main Street
Stoneham, MA 02180

RECEIVED
 2007 MAR - 8 A 9:56
 BOARD OF SELECTMEN
 FAIRHAVEN MASS

*In re: Renewal of the Cable Television License Held by Comcast of
Massachusetts/New Hampshire, LLC in the Town of Fairhaven*

Dear Mr. Solomon:

Enclosed is the first supplemental document production of Comcast of Massachusetts / New Hampshire, LLC ("Comcast"). Bates No. CC-Fairhaven 000369 through CC-Fairhaven 000582, produced in response to the Town of Fairhaven's First Set of Document Request and subject to the responses and objections submitted by Comcast on February 28, 2007. This first supplemental document production contains documents that are proprietary to Comcast and highly confidential; accordingly, Comcast has designated them as "Confidential" and seeks appropriate treatment for them under the Board's Rules of Procedure and pursuant to federal and Massachusetts state law.

Comcast reserves the right to supplement this document production as necessary.

Sincerely,

Adam S. Caldwell

cc: Winfred A. Eckenreiter, Chairman, Board of Selectmen (three copies)
 John Haaland, Chairman, Cable Advisory Committee (without enclosure)
 Jeffrey Osuch, Executive Secretary (without enclosure)
 Thomas Crotty, Town Counsel (without enclosure)

Enclosure



Town of Fairhaven
Massachusetts
Office of the Selectmen

40 CENTER STREET
FAIRHAVEN, MA 02719

TEL: (508) 979-4023
FAX: (508) 979-4079

March 5, 2007

Ms. Alicia Matthews, Director
Cable Television Division
Department of Telecommunications and Energy
One South Station
Boston, Massachusetts 02110

Dear Ms. Matthews:

We are writing to inform you that the Fairhaven Board of Selectmen has voted to initiate the cable licensing process pursuant to 207 CMR 3.02(1)(a). The Board of Selectmen and the Town of Fairhaven welcome the opportunity of cable competition in the Town.

The Town fully anticipates following the statutory licensing requirements throughout the process. The Town requests that the Division waive the requirement to advertise in a national trade journal (207 CMR 3.03(2)). The Town believes that this waiver will be in the public interest because the cost of such advertising is significant and clearly would not generate applications for other municipalities. We understand that this waiver has been granted to other Massachusetts communities.

Please note that the Town is not seeking a waiver of the sixty-day filing deadline pursuant to 207 CMR 3.03(2).

Thank you for your attention to this request and for your recognition of the efforts of, and assistance to, the cities and towns of Massachusetts in their longstanding work in cable and protection of the public interest.

Sincerely,


Michael Silvia
Acting Chairman
Board of Selectmen

cc: Peter Bowman, Vice President
Verizon of New England
Rick Colon, Verizon External Affairs
Special Cable Counsel



Town of Fairhaven
Massachusetts
Office of the Selectmen

40 CENTER STREET
FAIRHAVEN, MA 02719

TEL: (508) 979-4023

FAX: (508) 979-4079

March 5, 2007

Mr. Peter Bowman
Vice President – External Affairs
Verizon New England, Inc.
185 Franklin Street, Floor 17
Boston, Massachusetts 02110

Re: Initiation of the Cable Licensing - 207 CMR 3.02(1)(a)

Dear Mr. Bowman:

We are writing to inform you that the Fairhaven Board of Selectmen has voted to initiate the cable licensing process pursuant to 207 CMR 3.02(1)(a). We are aware that Verizon has reached cable license agreements and is in negotiations with a number of surrounding or nearby communities. The Board of Selectmen and the Town of Fairhaven welcome the opportunity of cable competition in the Town.

I have enclosed herewith, a copy of the Board of Selectmen's letter to the Director of the Cable Division, regarding the initiation of the licensing process, together with a request for a waiver from the requirement to advertise in a trade publication as otherwise required by 207 CMR 3.03(2). Please note, that the Town has not requested a waiver of the sixty-day filing deadline pursuant to 207 CMR 3.03(2).

The Town looks forward to working with Verizon in our mutual goal of bringing cable competition to our residents in an expeditious manner. We are truly excited about this process and look forward to our residents having cable choice as quickly possible.

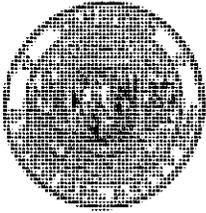
Thank you.

Sincerely,

Michael Silvia
Acting Chairman
Board of Selectmen

Enclosure

cc: Special Cable Counsel



7A

CITY OF TAUNTON POLICE DEPARTMENT

CHIEF
RAYMOND L. O'BERG

23 SUMMER STREET
TAUNTON, MA 02780
(508) 821-1471

Town of Fairhaven
40 Center Street
Fairhaven, MA 02719

I am writing this letter to recognize several Officers from the Fairhaven Police Department that were called upon to assist the U.S. Coast Guard in the search for the missing Lady of Grace; Chief Gary Souza, Ptlm. Glen Cudmore, Ptlm. Jerry Bettencourt, Ptlm. Scott Gordon, Ptlm. Marc Darmofal, and Sgt. Kevin Kobza.

Late Saturday afternoon on January 27, 2007, the Southeastern Massachusetts Law Enforcement (SEMLEC) Dive Team was activated to assist the United States Coast Guard in the search for the Lady of Grace, a 75' foot dragger which was believed to have sunk 11 miles off of Nantucket. Saturday evening five SEMLEC Divers boarded Coast Guard 47' Motor Life Boat at Woods Hole. We deployed with a drop and tow video camera and an underwater remote operated vehicle equipped with sonar and two cameras. The team worked through the night trying to locate the Lady of Grace to no avail.

Sunday Morning at 5:00 a.m. five members of the SEMLEC Marine Unit again deployed on the Coast Guard 47' and was able to visually confirm the location of a sunken vessel using the cameras. The identity of the vessel was unattainable at this time.

Upon receiving this information, SEMLEC Divers deployed aboard the U.S. Coast Guard Cutter Hammerhead and proceeded to Nantucket Sound to the vessel believed to be the Lady of Grace. Once on site, underwater communications were set up and a team of divers entered the 35 degree water and were able to confirm that the wreck lying on its port side on the sea floor was the missing Lady of Grace which hails out of New Bedford. The divers also located and recovered the Vessels Life Raft which never deployed.

The men that make up SEMLEC Marine/Dive Unit are dedicated, hard working and energetic. These guys train hard every month in order to be prepared to serve the citizens of your community, as well as the citizens of the Commonwealth. It is a pleasure to work and train with these fine individuals that have dedicated their careers to serving you.

It was also an Honor and Pleasure to work along side of the United States Coast Guard. They were professional, efficient, extremely cooperative, and they went above and beyond to assist us. These young men and women put their lives on the line in order to secure our coastlines and keep our commercial vessels and recreational boaters safe, I can't praise them enough.

I would like to take this opportunity to express my appreciation for your Town's contribution towards building a successful SEMLEC Marine/Dive Unit.

Sincerely,

Sgt. Matthew J. McCaffrey
SEMLEC Dive Team Commander

BOARD OF SELECTMAN
FAIRHAVEN MASS

2007 FEB 20 P 12: 09

RECEIVED