

Selectmen's Meeting – September 11, 2006

Mr. Eckenreiter, Mr. Manzone and Mr. Silvia were present.

Also in attendance was Jeffrey Osuch.

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

A moment of silence was observed to reflect on the fifth anniversary of September 11, 2001.

Mr. Manzone motioned to strike the words "with an eviction notice" from the minutes of August 14, 2006. Mr. Silvia seconded. Vote was unanimous.

Mr. Manzone motioned to approve the minutes of August 14, 2006 as amended. Mr. Silvia seconded. Vote was unanimous.

Mr. Manzone motioned to approve the minutes of the August 14, 2006 executive session. Mr. Silvia seconded. Vote was unanimous.

Mr. Manzone motioned to approve the minutes of August 28, 2006. Mr. Silvia seconded. Vote was unanimous.

UNION WHARF

Gary Golas was in attendance and rules and regulations for dockage at Union Wharf were discussed. Mr. Manzone motioned to allow Gary Golas to contact Town Counsel and have Town Counsel create contracts for dockage at Union Wharf. Mr. Silvia seconded. Vote was unanimous.

DOUGLAS WINE & SPIRITS

Joe Zekus, Manager of Douglas Wine and Spirits, explained Question #1 that will appear on the November ballot. If passed, it will allow grocery stores to apply for a locally approved license to sell wine. Fairhaven would be entitled to 8 additional licenses. Mr. Zekus submitted an information packet on the question. Discussion followed. The Board will review the information presented.

DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT

Mr. Manzone motioned to approve a change in status for Marie Ripley, Planning and Economic Development Secretary, to a full time employee for 18 months, for the duration of the Community Development Block Grant, subject to written approval from the Clerical Union and from Ms. Ripley that full time employment is for 18 months only. Mr. Silvia seconded. Vote was unanimous.

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VETERANS' DAY PARADE

John Medeiros and Ralph Tate were in attendance to request permission to hold a Veterans' Day Parade in Fairhaven on Saturday, November 11th. Mr. Eckenreiter read the letter from the VFW Commander. (See attached.) Discussion ensued. Mr. Manzone motioned to approve the request. Mr. Silvia seconded. Vote was unanimous. Copy of the VFW letter will be sent to the Police Chief and Fire Chief.

EXECUTIVE SECRETARY REPORT

East Fairhaven School Job meeting is scheduled for September 13, 2006 at 10:00 a.m. at the site.

Mattapoissett River Valley Water District will meet on September 12, 2006 at 4:30 p.m. at the Board of Public Works.

South Coast Emergency Planning Committee will meet at 9:00 a.m. on September 15, 2006 at Camp Kennedy in New Bedford.

Mr. Manzone motioned to sign Change Order #4 in the amount of \$22,000.00 to the contract with Agostini Construction Company, Inc., 243 Narragansett Park Drive, East Providence, RI. Mr. Silvia seconded. Vote was unanimous.

Mr. Manzone motioned to authorize payment in the amount of \$1,096,525.90 to Agostini Construction Company, Inc., 243 Narragansett Park Drive, East Providence, RI. Mr. Silvia seconded. Vote was unanimous.

The Selectmen declared the Shellfish Warden's old truck surplus equipment.

Mr. Manzone motioned to renew the telephone service contract with Centrex for an additional five years. Mr. Silvia seconded. Vote was unanimous.

Howland Road Reconstruction "right of entry form" notices must be returned. Residents were reminded to return the forms to the Town.

Matthew Brodeur submitted a letter of resignation from the Community Preservation Committee. A notice of the vacancy will be placed on the cable television bulletin board. Deadline to submit an application to the Selectmen's Office is October 2, 2006.

The Building Commissioner submitted a request for legal services for Southeastern Housing Court trial for violation of the Town's Zoning By-Laws 198-16 Junk Yard within an RR District. Mr. Eckenreiter motioned to approve the use of Town Counsel. Mr. Silvia seconded. It was so voted. Mr. Manzone abstained.

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DAVLAU CORP.
56 GOULART MEMORIAL DRIVE

Davlau Corp., 56 Goulart Memorial Drive, submitted an application for a change of d/b/a name and a change of manager. New d/b/a is Down the Hatch and the new manager is Matthew Hebert. Matthew Hebert was present. Mr. Manzone motioned to approve the application. Mr. Silvia seconded. Vote was unanimous. Application will be forwarded to the Alcoholic Beverage Control Commission for approval.

Down the Hatch submitted an application for a restricted music license for weekdays only. Mr. Manzone motioned to approve the application. Mr. Silvia seconded. Vote was unanimous.

BUILDING DEPARTMENT

Construction Report for August 2006 will be placed on file.

CABLE TELEVISION

Mary O'Keefe, Manager of Government and Community Relations for Comcast Cable, submitted a letter stating the final edition of Fall River News aired on August 24, 2006.

The Board received a copy of the letter the Acushnet Board of Selectmen sent to Ms. O'Keefe opposing Comcast's decision to eliminate the Fall River News Station. Acushnet asked Fairhaven to join them in their opposition and send a similar letter. Mr. Manzone motioned to send a letter to Mary O'Keefe voicing Fairhaven's opposition. Mr. Silvia seconded. Vote was unanimous.

An article was received from Massachusetts Municipal Association requesting cities and towns contact the Department of Telecommunications and Energy to register opposition to the Verizon Petition to change local cable franchise powers. (See attached.) Mr. Manzone motioned to send a letter stating the Town's opposition. Mr. Silvia seconded. Vote was unanimous.

COUNCIL ON AGING

The Council on Aging declared 9 octagon folding tables plus 60 orange and 60 yellow chrome plate stack chairs as surplus equipment. The Recreation Center expressed interest in acquiring the chairs. If the Recreation Center doesn't take them, they will be offered to other department.

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COMMONWEALTH OF MASSACHUSETTS

Letters were received from the Commonwealth of Massachusetts searching to lease 18,200 square feet of office space and 16,000 square feet of office and records storage space. The Board agreed there is no space available in Fairhaven.

DEPARTMENT OF FINANCE

Mr. Manzone motioned to sign the Sewer Rate Relief Fund application for fiscal year 2007. Mr. Silvia seconded. Vote was unanimous.

STATE OWNED LAND

The Town of Princeton wrote to cities/towns having state owned land in their community. Cities and Towns are only receiving 63% of a fully funded PILOT (payment in lieu of taxes) program. Princeton requests Fairhaven join STAR (Stand Together Act Responsibly), an organization representing over 100 municipalities and dedicated to full funding of the PILOT program in FY 08. Mr. Manzone motioned to join the organization and pay the annual dues of \$25.00 Mr. Silvia seconded. Vote was unanimous.

CAPTAIN WHITFIELD HOUSE

A request was received from Daniel Green, new owner of the property at 11 Cherry Street (Captain Whitfield House), to meet with Town officials to discuss the use of the property. The Historical Commission and the Tourism Director will be notified and asked to schedule a meeting on a Saturday with Mr. Green, a member of the Board of Selectmen, Tourism Director and a representative from the Historical Commission.

DICKINSON DEVELOPMENT

Mr. Osuch summarized the letter from Dickinson Development expressing an interest in developing the landfill property into a commercial site. (See attached.) Police Chief, Fire Chief, Board of Health and Planning Board will be asked for their opinion on the proposal.

NATIONWIDE RISK CONSULTING, INC.

Mr. Manzone motioned to sign the agreement for the recovery of workers' compensation overpayments with Nationwide Risk Consulting, Inc. Mr. Silvia seconded. Vote was unanimous.

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COMMITTEES AND BOARDS

Francis J. Cox, Jr. and Rene Fleurent, Jr. request appointment to the Board of Appeals. The Board passed over the requests.

The Community Preservation Committee requests an administrative support person and recommends William Roth. Mr. Manzone motioned to approve the request. Mr. Silvia seconded. Vote was unanimous.

Kristine Daniels requests appointment to the Cultural Council. Mr. Manzone motioned to appoint Ms. Daniels to the Council. Mr. Silvia seconded. Vote was unanimous. (Term to expire May 31, 2009.)

Bryan Wood requests appointment to the Historical Commission. Mr. Manzone motioned to appoint Mr. Wood an Associate member. Mr. Silvia seconded. Vote was unanimous. (Term to expire May 31, 2007.)

INVITATIONS

The U.S. Coast Guard will hold a consultative meeting at 10:00 a.m. on September 13, 2006 at the Whaling Museum regarding navigational issues in Buzzards Bay.

The Board received an invitation from Tri-Town Wind Power Committee to attend a forum on Monday, September 25th from 7-9 p.m. at the Marion Music Hall. Mr. Manzone and Mr. Silvia will attend.

RECREATION DEPARTMENT

Deadline to submit an application for the position of Recreation Director is September 20, 2006 at 4:00 p.m. Mr. Osuch and Mr. Silvia will review the applications.

Mr. Manzone motioned to appoint Kevin Pickup part-time custodian for the Recreation Department. Mr. Silvia seconded. Vote was unanimous.

PAYROLL CLERK

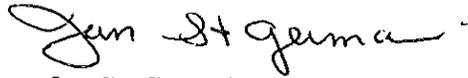
Employment advertisement will be placed in the Standard Times for the Payroll Clerk position.

EXECUTIVE SESSION

At 8:15 p.m. Mr. Manzone motioned to go into executive session to discuss the Animal Control Officer, pending litigation (Fernandes Masonry case and Union Wharf Boat

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Slips), proposed wind power project and not to reconvene in open session. Mr. Silvia seconded. Vote was unanimous. Roll call vote 3-0.

A handwritten signature in cursive script that reads "Jan St Germain".

Jan St. Germain
Secretary



VETERANS OF FOREIGN WARS OF THE U.S.
FORT PHOENIX POST NO. 2892
~~125 Main Street~~
Fairhaven, Massachusetts 02719

21

Sept. 6, 2006

Board of Selectmen
Center St.
Fairhaven, MA. 02719

RECEIVED
2006 SEP -7 P 1:48
BOARD OF SELECTMAN
FAIRHAVEN MASS

Gentlemen:

The UFW Post # 2892 and the American Legion Post # 166 both located in Fairhaven are requesting permission to have a parade on Veterans Day (11-11-06).

The parade will start at Beniot Square and finish at Fairhaven High School. We will try to get all veterans from Fairhaven to participate.

APPROVED BY THE BOARD OF SELECTMEN
SEPTEMBER 11, 2006

Richard J. Maynard
Michael Silvia

Thank you
Richard Ryle
Richard Ryle, Comm.
U.F.W. Fairhaven
OF THE UNITED STATES

cc: Police Chief, Fire Chief, BPW 9/13/06
VETERANS OF FOREIGN WARS

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BOARD
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MMA Action

DTE Seeks Final Public Comment on Changes to Local Cable Franchise Powers

Verizon petition would force local officials to complete cable franchise process in 90 days

DTE asks to hear from local officials by September 13th on specific questions

Early this year, Verizon Communications initiated an effort to amend state regulations in order to reduce the ability of cities and towns to adequately review and negotiate local video franchising agreements. Following an initial public comment period earlier this summer and a public hearing on August 16th, the Cable Division of the Massachusetts Department of Telecommunications and Energy has moved to the final phase of the public comment period on Verizon's petition to amend state cable licensing regulations. The Department is seeking reply comments by the close of business on Wednesday, September 13th.

Close to 100 communities have weighed in to date during the public comment period and at the hearing. Local opposition has been loud and united, yet must continue through this final phase if we are to stop this attack on local authority.

The proposed changes would require municipalities to hold a public hearing on an initial cable television license application within 60 days of the application filing, and would require only 30 days from the time of the public hearing for the municipality to approve or disapprove the application, and issue the actual license in case of approval. For example, as RCN's initial licensing experience shows, cable operators willing to negotiate customary and standard cable licenses enjoy reasonable and fast municipal licensing. The existing license timetables have worked well for decades and should not be changed at the behest of one company.

Under the proposed rules local officials will be boxed into an untenable 30 day post-hearing licensing process, and municipalities will lose the ability to properly review and negotiate Verizon cable proposals, and find it more difficult to ensure adequate protection of the public rights-of-way, PEG programming, full community build-out provisions, franchise fees and more. This time frame is not even close to what is reasonably needed for a fair and reasonable negotiation and licensing process.

In addition, the United State Congress is currently reviewing the video franchise process for the nation and is close to creating a national franchise process. Therefore, it is unnecessary for the Commonwealth to take action prior to the Congress finishing its business.

PLEASE CONTACT DTE NOW TO REGISTER YOUR OPPOSITION TO THE VERIZON PETITION:

- Please contact the DTE before September 13th to record your opposition to the Verizon petition (CTV 06-1). *If your community has already recorded your opposition with the DTE, the agency has also requested that municipal officials respond to a number of specific questions, and we ask that you review these questions and respond, if possible.* For more information, please contact MMA Legislative Analyst & Federal Policy Coordinator Marc Hymovitz at 617-426-7272 ext. 121 or mhymovitz@mma.org or visit www.mma.org for talking points and to see the specific questions DTE would like municipal officials to cover in their comments. Comments to DTE should be sent to: Ms. Andrea Nixon, Clerk, Cable Television Division, One South Station, Boston, MA 02110, or via e-mail at Andrea.Nixon@state.ma.us.

PLEASE LET THE PUBLIC KNOW THAT THE VERIZON PETITION IS BAD PUBLIC POLICY:

- It is important that local leaders inform the public about the negative impact of Verizon's attempt to limit local authority and power to negotiate on behalf of consumers. Please use the sample letter to the editor printed on the back of this page as a guide for you to personalize and send to your local newspapers, so that local residents can learn of the harmful changes that Verizon is seeking. For an electronic copy, please contact Marc Hymovitz or go to the MMA website. Thank you!



Town of Fairhaven
Massachusetts
Office of the Selectmen

40 CENTER STREET
FAIRHAVEN, MA 02719

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

September 11, 2006

Dear Editor,

One of the success stories in Massachusetts is the track record that local officials have as the lead public negotiators for local cable and video services. Verizon Communications is now asking state regulators in Boston to change the rules to benefit their company, but if the telecommunications giant is successful, cities and towns will lose the power they need to promote robust competition and ensure that cable services will be available to all consumers. That's why we encourage the citizens of Town of Fairhaven to oppose this harmful proposal.

Municipal officials are responsible for ensuring that cable companies are held accountable for the use of public rights of ways as they lay their wires and infrastructure, and that they reimburse taxpayers for this private use of public ways. Equally important, local officials ensure that cable companies provide adequate local public access programming, and build out their networks to all parts of the community and all households. As Verizon enters into the cable and video services market, they are lobbying state agencies, legislators and even the U.S. Congress in an effort to limit their accountability to these local needs.

Verizon has asked the state Department of Telecommunications and Energy's Cable Division to change the rules and prevent cities and towns from having enough time and leverage to negotiate a local license. Their proposed petition would eliminate the current one-year timeframe that has worked well for decades, and require a municipality to hold a public hearing on an application within 60 days of the filing, and then allow only 30 days from the time of the hearing to approve or disapprove the application and issue the actual license in case of approval.

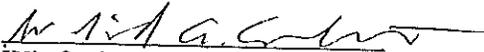
Local officials eagerly invite greater competition and expansion of video services here in Massachusetts, and we want to make sure that it will be true and fair competition that will benefit all citizens, not just one company. It is impossible to conclude a proper license application review, draft the license agreement and negotiate the terms of the agreement in this short a time, especially if the company resists pro-consumer provisions. A stringent timeline may be in Verizon's best interests, but local government officials have a duty to represent the public interest of their community and all its residents.

Massachusetts cities and towns are able to negotiate with their local cable providers on issues relating to the particular needs of the community, whether the community will have a cable TV studio for local access programming, whether the schools will be wired or whether municipal buildings will be networked. These are all issues that can only be addressed by local communities and will be seriously impacted if these rules are approved.

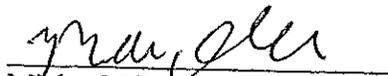
Local officials also want to ensure that there is no discrimination locally and want to guarantee that all their residents benefit from competition. Under Verizon's proposal, cities and towns will be frozen out of the process. This practice is the opposite of what needs to be done to ensure cable provider accountability to communities and citizens.

The bottom line is that cities and towns strongly support greater competition because it should lead to more affordable and expanded services for all residents. We oppose the Verizon proposal because it would guarantee neither, and would reduce our ability to protect our community and all our residents.

Sincerely,
Board of Selectmen


Winfred A. Eckenreiter


Ronald J. Manzone


Michael Silvia

Dickinson
DEVELOPMENT

2

August 11, 2006

Mr. Jeffrey Osuch, Executive Secretary
Fairhaven Town Hall
40 Center St.
Fairhaven, MA 02719

RECEIVED
TOWN OF SELECTMAN
FAIRHAVEN MASS
AUG 14 P 12:08

Dear Mr. Osuch:

I am writing to introduce my company, **Dickinson Development**, and to explore our idea to transform one of your town's non-performing liabilities into a performing asset.

Specifically, I'm interested in developing the town landfill off Alden Road in Fairhaven into a revenue- and job-producing piece of property. Most recently, my company completed an award-winning \$90 million project on a landfill in Reading. The Crossing at Walkers Brook has been called innovative and exciting. The enclosed news article reprint describes the project in detail, and you may read more about it and view a brief slide show at www.dickinsondev.com.

In early 2000, we approached Reading town officials with our plan to transform their landfill into a first-class commerce center anchored by Jordan's Furniture and The Home Depot. Phase I opened in the fall of 2004. Phase II, consisting of seven retail shops, opened in 2005. Here are some aspects of the project that you will find of interest:

- We coordinated a **unique public-private arrangement**, working closely with local and state officials (DEP, MassHighway) to cap and close the landfill. We paid for appropriate capping of the site to accommodate building construction, including a gas collection system. (We saved the town \$3 million in closure costs).
- We helped win approval for a **\$1.8 million Public Works Economic Development (PWED) grant** from the state for traffic improvements.
- We bought the 33-acre site from the town (a **\$3 million windfall**).
- We restored the integrity and quality of the adjacent Walkers Brook.
- We created **1,000 construction jobs** and, upon completion, about **1,000 full and part-time jobs**. Surrounding businesses are also flourishing.
- We attracted prestigious retailers such as The Home Depot, Jordan's Furniture, Chili's, Macaroni Grill, Staples, Linens 'n Things, Starbucks, Verizon, and Bank of America
- We helped bring about **\$750,000 in new real estate taxes to the town each year!**
- All timelines and deliverables were completed on schedule.
- We have assembled a team of top-notch professionals who won high praise from local elected and town officials.
- Our engineers received the top engineering award in the state -- the American Council of Engineering Companies of Massachusetts (ACEC/MA) 2006 Grand Conceptor Award for unprecedented engineering applications in redevelopment of the former landfill.

DICKINSON DEVELOPMENT CORP. Commercial/Industrial Real Estate

Corporate Office: The Willard Building, 1266 Furnace Brook Parkway, Quincy, Massachusetts 02169

Phone: (617) 770-1955 Fax: (617) 770-1630 Email: ddcdev@aol.com

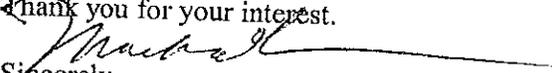
Regional Office: Orlando Executive Center, 2611 Technology Drive, Orlando, Florida, 32804, (800) 272-5164

In addition to location and economic viability, the primary prerequisite to proceed will be your **community's desire to redevelop the site**. The bottom line is that we have proven you can indeed "turn trash into cash."

Since 1980 when I founded **Dickinson Development** as a commercial real estate development company, we have successfully developed over three million square feet of retail, office and industrial space throughout New England and in Florida.

If you are interested in exploring this further, **please call me directly at 617-770-1955, or email to mark@dickinsondev.com**. I am available to make presentations to the appropriate individuals. I look forward to hearing from you. (For more about our company and capabilities, please visit www.dickinsondev.com).

Thank you for your interest.


Sincerely,

Mark Dickinson
President

P. S. References are available upon request. Please see enclosed informational materials.