



# Fairhaven Board of Selectmen

## Meeting Minutes

### June 17, 2019

Present: Chairman Charles Murphy, Vice Chairman Robert Espindola, Clerk Daniel Freitas, Town Administrator Mark Rees and Administrative Assistant Vicki Paquette.

Chairman Murphy called the meeting to order in the West Island Improvement Association Hall at 6:36 p.m. The meeting was recorded by Cable Access.

With the Board's permission, Mr. Rees added one agenda item (D6) due to this being a time sensitive issue.

### MINUTES

Mr. Espindola made a motion to approve the minutes of May 6, 2019 Open Session. Mr. Freitas seconded. Vote was unanimous. (3-0)

Mr. Espindola made a motion to amend the minutes of April 8, 2019 changing the words \$40,000 to \$25,000. Mr. Freitas seconded. Vote was unanimous. (3-0)

### TOWN ADMINISTRATORS REPORT

- Mr. Rees told the Board that The Governor's Capital Budget was released this past week and it including funding for the Phase V dredging project for the Fairhaven-New Bedford Harbor. The Town will now have to wait for the state to send Fairhaven information as to how to access these funds. The May 4, 2019 Town Meeting approved the expenditure of \$179,000 from the Waterway Funds to provide for the required 20% match
- On Monday, June 17, 2019, HR Director Anne O'Brien and will be meeting with municipal and union leadership to discuss the potential for restarting the employee Insurance Advisory Committee. This is the first step necessary to consider changing the plan design of the Town's health insurance program to try to rein in costs
- Mr. Rees said there was only one bid for the handicap access ramp and front door restoration project at the academy building and that bid was higher than the funds that were allocated. Mr. Rees told the Board that he has rejected that bid and he and the Architect will be meeting with the Historical Commission in the near future to discuss the next steps
- Mr. Rees told the Board that since the Town has recently installed automatic openers on all doors along the handicap accessibility "path" from the handicap access ramp to the mezzanine level of town hall making access to the Board of Selectmen/Town Administrator, Assessors, Veterans, and Building offices ADA compliant, the pathway goes directly through the Veterans office space which has resulted in the work of that office being disrupted when the path is used. Mr. Rees told the Board he is looking into engaging the services of Architect Joe Booth to look at ways we can reconfigure town

hall offices to address this problem while still maintaining maximum accessibility to those who are mobility impaired

- Mr. Rees said that at the last election, the Town Clerk was informed that the entrance to the voting location at the Fire Station may not be in compliance with ADA requirements. Building Commissioner Kris White has looked at the entrance and has determined that some changes will need to be made, such as adding hand rails, marking a handicap accessibility parking space and adding an automatic door opener to come into compliance. Once the Fire Chief gets an estimate for making these improvements Mr. Rees will try to find a source of funds to pay for them

### **COMMITTEE REPORTS**

- Mr. Espindola said the Economic Development Committee will meet on Thursday
- Mr. Espindola will meet with Town Planner Paul Foley and Harbormaster Tim Cox to discuss potential grants for Union Wharf
- Mr. Espindola took part in a workshop last Thursday offered by SPREDD. Cable Access filmed the workshop for anyone interested in watching
- Mr. Freitas met last week with the School naming/renaming committee regarding naming the football field at FHS
- Mr. Murphy stated that the Sister City Committee is looking to rebuild the carriage house at the Manjiro museum on Cherry Street
- Mr. Murphy said at the latest Commission on Disability meeting they discussed the Town Hall accessibility. Mark Briar was also the guest speaker who gave a speech about people with autism.

### **CABLE T.V. SERVICES**

Mr. Rees told the Board that the public has expressed interest in why the Town doesn't offer any other cable service other than Comcast. He would like to begin the process of discussing if the Town can get another provider.

Robert Hobson told the Board that in New Bedford the nursing homes all have one price for the whole building and he wanted to know why Fairhaven does not have that. Mr. Espindola explained that the Cable Advisory Committee has looked into that but it is up to the individual nursing home to negotiate with Comcast.

Mr. Espindola made a motion to authorize the Town Administrator to request Cable T.V. applications. Mr. Freitas seconded. Vote was unanimous. (3-0)

### **FY19 BUDGET ADJUSTMENTS**

Mr. Rees explained to the Board that the State Law has changed for interdepartmental transfers and since the budget was closed the Town needs to find money within its budget.

Mr. Espindola made a motion to increase the cap from \$160,000 to \$ 175,000 for Social Day Special Revenue Fund, to transfer \$60, 000 to Wind Turbines budget from General Fund Debt Appropriations and transfer \$600 to EMA Utilities from general fund Debt Appropriations. Mr. Freitas seconded. Vote was unanimous. (3-0)

## **SUSTAINABILITY COMMITTEE CHARGE**

Mr. Rees explained that this was tabled from a previous meeting and the charge was re-written. (Attachment A). The Charge was revised to have alternate members become voting members in the event there is not a quorum of full time members based on the order of appointment. Mr. Espindola made a motion to approve the Sustainability Charge. Mr. Freitas seconded. Vote was unanimous. (3-0)

## **FINE ARTS DEPARTMENT GIFT ACCOUNT**

Mr. Rees told the Board the Fine Arts Department has received a donation but currently there is no gift account. Art Curator Mark Badwey has asked the Board to set up a gift account to receive donations. He and the assistant art Curator, Kelly Smith, are currently working on a program to expose youth to art. The Board thanked the Fairhaven Historical Society for their donation.

Mr. Espindola made a motion to accept the \$100.00 donation from the Fairhaven Historical Society and to open the gift account. Mr. Freitas seconded. Vote was unanimous. (3-0)

## **33 WILLIAM STREET- TREE ISSUE**

Resident Don Collasius read a letter to the Board expressing his concerns about two trees that he feels are a dangerous and hazardous near 33 William Street. (Attachment B) He feels if one of these trees falls down this is negligence because the town has now been put on record of their poor condition. He would like to have his arborist assess the trees and their conditions. Mr. Rees explained that under state law these are the decisions of the tree warden. Mr. Espindola made a motion to have Mr. Rees, on behalf of the Board, reach out to the Tree Warden to find a resolution in this matter. Mr. Freitas seconded. Vote was unanimous. (3-0)

## **WATERMELON ALLIGATOR THEATRE COMPANY**

Mr. Murphy read a letter from the Watermelon Alligator Theatre Company asking for permission to use the front of Town Hall on August 3, 2019 to put on a free production of Shakespeare's *Much Ado about Nothing*. (Attachment C). Part Time Custodian Frank Fostin has volunteered his time to open and close the building during this production. Mr. Espindola made a motion to approve the request for the use of Town Hall steps condition upon the signing of the standard indemnification agreement. Mr. Freitas seconded. Vote was unanimous. (3-0)

## **NFIA- OXFORD SCHOOL**

North Fairhaven Improvement Association member Mr. John Medeiros met with the Board of Selectmen asking for the lettering on the former Oxford School and the two recess bells be removed before the sale of the building. Mr. Rees will contact the new owners, The Stratford Group with the inquiry. Mr. Espindola made a motion to support the request and have Mr. Rees contact Stratford Group. Mr. Freitas seconded. Vote was unanimous. (3-0)

Mr. Medeiros also inquired on the status of the cupola on the top of the Oxford School. Mr. Rees said he has met with a volunteer who is working on the cupola but there are some permits and paperwork that still need to be issued. The Board will make a request to the Bell Committee to provide an update.

## **CARRICORP**

At 7:00 p.m. Chairman Murphy opened the hearing for Carricorp and read the public hearing notice. Attorney Michael Resnick presented information to the Selectmen updating them on the process they took to obtain the proper permits. Attorney Resnick said this project has received approval from the Conservation Commission, Zoning Board of Appeals, Environmental Protection Agency, SPREDD, and the Fire Chief and on April 26, 2019 The Planning Board issued a special zoning permit.

At 7:02 p.m. Selectman Espindola recused himself because his employer, Acushnet Company, is one of the abutters.

William Baird from WEB Engineering presented a map of the fuel tanks and discussed the safety measures that are put in place to accommodate for spills. (Attachment D) He further explained that the nozzle to dispense the fuel has the most up to date safety features. He stated all measures meet current State and Federal regulations.

Resident Joseph Borelli asked if there are safety measures for older cars. Attorney Resnick explained that if there were to be a leak the power would shut off.

Mr. Freitas made a motion to permit the underground storage tank on Route 240 and Bridge Street. Mr. Murphy seconded. Vote passed. (2-0-1)

At 7:16 p.m. Chairman Murphy closed the hearing.

#### **ACUSHNET RIVER SAFE BOATING CLUB**

Manager, Robert Parker from the Acushnet River Safe Boating Club (ARSBC) met with the Board asking for an altered premise license at 80 Middle Street. ARSBC is looking to put a temporary 3X6 mini bar on wheels in the first floor function room. Mr. Rees suggested the license should include the entire first floor of the building. Mr. Espindola made a motion to approve the change of altered premise for the Acushnet River Safe Boating Club, 80 Middle Street and to include the entire first floor. Mr. Freitas seconded. Vote was unanimous. (3-0)

#### **RASPUTINS TAVERN HEARING CONTINUED**

At 7:22 p.m. Mr. Rees read a memo with two options to consider regarding possible actions stating that Rasputin's Tavern, 122 Main Street, have hired a new attorney, John P. Connell and may be looking to appeal the decision made by the Board on June 3, 2019. (Attachment E). Town Counsel Tom Crotty and Police Chief Myers were in attendance to answer any questions. There was no representation from Rasputin's Tavern. Town Counsel stated that in a previous conversation Attorney Connell feels the suspension is too long because it is a rolling suspension and not just for a day. Upon Town Counsels advice it may make sense to re-open the hearing. The Board and Mr. Rees discussed with Attorney Crotty all the possibilities with each option. Mr. Freitas is upset because if Rasputin's came up with the proposal and now they want to change what they said and he would like to see a harsher penalty. There was a recent incident but the bar never called the police. Chief Myers stated that the owner was present at the incident

Mr. Murphy said that he would like to disclose that his daughter does not work at Rasputin's

Mr. Espindola made a motion to reconsider the decision of June 3, 2019 and to re-open the hearing at the next meeting of July 22, 2019 for the purpose of revisiting the decision. Mr. Freitas seconded. Vote was unanimous. (3-0)

## **EMERGENCY PREPAREDNESS PLAN**

In attendance were Fire Chief Tim Francis and Deputy Fire Chief Todd Correia to update the Board on the Emergency Preparedness Plan (formerly Hurricane Preparedness Plan). Mr. Rees thanked Chief Francis and Deputy Francis along with Town Department heads for all their hard work in updating the plan.

Deputy Correia explained that the plan has been update this year to include other emergency situations other than just natural disasters. Some of the Departments are still working on updating their plans, therefore there are currently a few blank pages. The Fire Department have been conducting drills to prepare for different types of situations that may occur. Deputy Chief Correia told the Board he is working on a program that will keep residents better informed in the event of an emergency. The RAVE MOBILE SAFETY/CODE RED program will allow residents to sign up and control what information they would like to receive. The Fire Department will also be utilizing the resources of Cable Access and the IT Department to help keep residents informed.

West Island resident Robert Hobson inquired why the Fire Department cannot have a fire truck or an emergency piece of apparatus on West Island in the event of a hurricane. He stated that 65 % of the island residents are year round and with all these people here and the value of their properties there should be some fire apparatus even though the residents may have evacuated, if one house catches fire then all of them will. Chief Francis addressed his concerns stating that “no one belongs on the island during a hurricane. He cannot put one of his personnel in danger just to save a house. Houses can be replaced, people cannot.

## **DISPLAY OF FLAGS/BANNERS ON TOWN PROPERTY**

Mr. Rees told the Board that a request has come in from resident Kyle Bueno to fly the Pride flag at Town Hall in observance of “pride month.” Mr. Rees explained under federal law the only flag that can fly on the pole on Town Hall property is the American flag, State flag, or the POW flag. Currently the Town does not have any policies regarding flags and banners on Town property. Mr. Bueno presented some documentation regarding the statistics on the suicide rate among members of the LGBTQ community and the statistics on gays in the military. Mr. Bueno feels this is an important issue to show our future leaders and military of tomorrow support. (Attachment F)

All Selectmen feel this is an important issue but are worried about starting a precedence about flying banners and flags for specific groups. The Board is worried that if they allow to fly the Pride Flag on town property and another group with an offensive flag puts in a request then they will have to honor that request.

Mr. Espindola suggested that Mr. Bueno could fly the flag for one hour at town hall in the archway and have a short presentation on the Town Hall steps similar to the National Day of Prayer in May. Town Counsel Tom Crotty told the Board they can't make exceptions for one group and not another therefore the Board needs to be careful what is allowed because they can't get involved in content, unless it is offensive. By doing so, they will informally set a policy by allowing the first person/group to fly the flag. Once the Board does this, they've essentially set the policy. The Board discussed the idea of setting a formal policy on flags and banners. Mr. Bueno will work with Mr. Rees to organize a public assembly at Town Hall. Mr. Espindola made a motion to authorize a public assembly on the Town Hall steps including the pride flag to be

displayed with Mr. Bueno working with the Town Administrator. Mr. Freitas seconded. Vote was unanimous. (3-0)

### **FOURTH OF JULY PARADE**

Mr. Murphy read an invitation from Veteran's Agent Brad Fish who is leading a working group of volunteers for the Fourth of July parade. Selectmen are invited to participate.

### **OTHER BUSINESS**

- Mr. Espindola and Mr. Murphy thanked the organizers of the Father's Day Road race for putting on a great event
- Mr. Murphy reminded residents that Saturday, July 20, 2019 will be Outdoor Movie Night at Livesey Park.
- Mr. Murphy, on behalf of the Board, offered condolences to the family of Ed Cabral.

At 8:30 p.m. Mr. Espindola made a motion to adjourn. Mr. Freitas seconded. Vote was unanimous. (3-0)

Respectfully submitted,

*Vicki L. Paquette*

Vicki Paquette  
Administrative Assistant  
(Approved 7/22/2019)

### **Documents appended:**

- A: 33 William Street tree letter**
- B: Sustainability Charge**
- C: Watermelon Alligator request letter**
- D: Carricorp maps**
- E: Rasputin's letter**
- F: Mr. Bueno's letter/ handouts**

# Attachment A

4 JUN-2019

To: Fairhaven Board of Selectman

From: Don Carlos Collasius 33 William st

Re: 3<sup>rd</sup> Party Tree Assessment of 2 town owned trees

Dear Board

Myself and my neighbor Dana Collyer would like to have at our expense two trees surveyed on William st. One located between the town hall and 33 William st and the other directly in front of 34 William st.

The assessment will be conducted by Bartlett Tree Experts and I am seeking permission from the town to have this done.

Thank you,

Don C. Collasius

33 William st

Fairhaven, MA 02719

RECEIVED  
20 JUN-4 P 1: 4  
BOARD OF SELECTMAN  
FAIRHAVEN, MASS

## Town of Fairhaven

### Sustainability Committee

The Fairhaven Sustainability Committee is an advisory committee reporting to the Board of Selectmen involving matters relating to sustainable practices, environmental regulations, green initiatives, and the environmental health of Fairhaven. In that capacity, the Sustainability Committee (formerly Green Committee) shall be charged with the following:

- Promote outreach and volunteer efforts to support beach, ocean, and terrestrial clean-ups.
- Promote, advocate, and lobby for sustainable practices and lifestyle changes, both in Fairhaven, and our greater region, via education, green initiatives and bylaws.
- Enhance Fairhaven's reputation as a leader in sustainable enterprises.
- Work interdepartmentally to improve recycling, reducing, reusing, composting, and other sustainable practices.
- Foster a sustainable future and advocate for social and economic improvements in our community.
- Act as a resource to the Sustainability Coordinator, when requested, and provide recommendations to the Board of Selectmen and the Town Administrator on Sustainability issues.
- Membership: It is the recommendation of the Sustainability Committee that the membership be comprised of seven (7) full voting members, and up to five (5) alternate members, as appointed by the Board of Selectmen. Terms shall be one year, reappointed annually. If a newly appointed member or alternate member does not get sworn in within 3 months of appointment, they will no longer be a member of the committee. In the event that there is no quorum of the 7 full voting members, alternate members may act as voting members for the purposes of quorum for that meeting. The alternate member(s) will be chosen by seniority in service as alternate members on the committee

Accepted by vote of Board of Selectmen May 14, 2018



# Attachment C

**MIDSUMMER SHAKESPEARE**  
**196 ONSET AVE**  
**ONSET, MA 02558**

**SHAKESPEARE IN NEW BEDFORD**  
**137 UNION STREET**  
**NEW BEDFORD, MA 02740**

Charles K. Murphy, Sr.  
Robert J. Espindola  
Daniel Freitas

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

Dear Sirs,

We are writing to request permission to use the front of Town Hall on Saturday, August 3, 2019, in order to present a production of Shakespeare's *Much Ado About Nothing* free to the public.

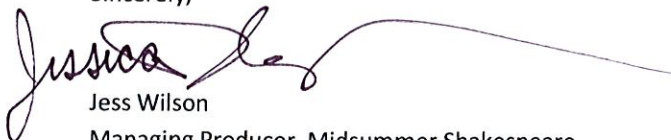
Midsummer Shakespeare is in our seventh season of producing outdoor Shakespeare that is free to the public. We began in Onset, MA, running multiple weekends every summer, and in both 2016 and 2017 we also performed in Mashpee, MA. Midsummer Shakespeare prides ourselves on providing quality theatrical performances that are accessible to all as a service to our community. Shakespeare in New Bedford is in our third season of producing free outdoor Shakespeare – our first production was held in Buttonwood Park in 2017 and our 2018 production was performed at Gallery X (our rain location) due to weather. Our two organizations have joined together for the 2019 season to produce *Much Ado About Nothing*, arguably Shakespeare's most beloved comedy, and tour it through our communities.

We are requesting permission to perform in front of Town Hall, using the steps and the concrete walkway, in a similar set-up to the concerts produced by the Fairhaven Improvement Association. We propose to perform twice on Saturday August 3<sup>rd</sup>, at 1pm and 5pm. Each performance runs approximately 90 minutes and is suitable for all ages. There is no entrance fee to attend a performance, and no cost to the town of Fairhaven for our production. Our set will utilize Town Hall as a backdrop and will consist mainly of black boxes moved into various configurations. As we perform during the day, we do not bring lights. We do bring a basic sound system, which requires access to a standard grounded household electrical outlet.

The Fairhaven Improvement Association is recommending us to the Board of Selectmen for approval of this request. Frank Fostin, President, has further volunteered to donate his time to open Town Hall for the actors and to facilitate the logistics of our performance in the space.

We respectfully request the Board of Selectmen approve our request and make the space available at no cost, in order to enable us to perform in Fairhaven on August 3<sup>rd</sup>.

Sincerely,



Jess Wilson  
Managing Producer, Midsummer Shakespeare

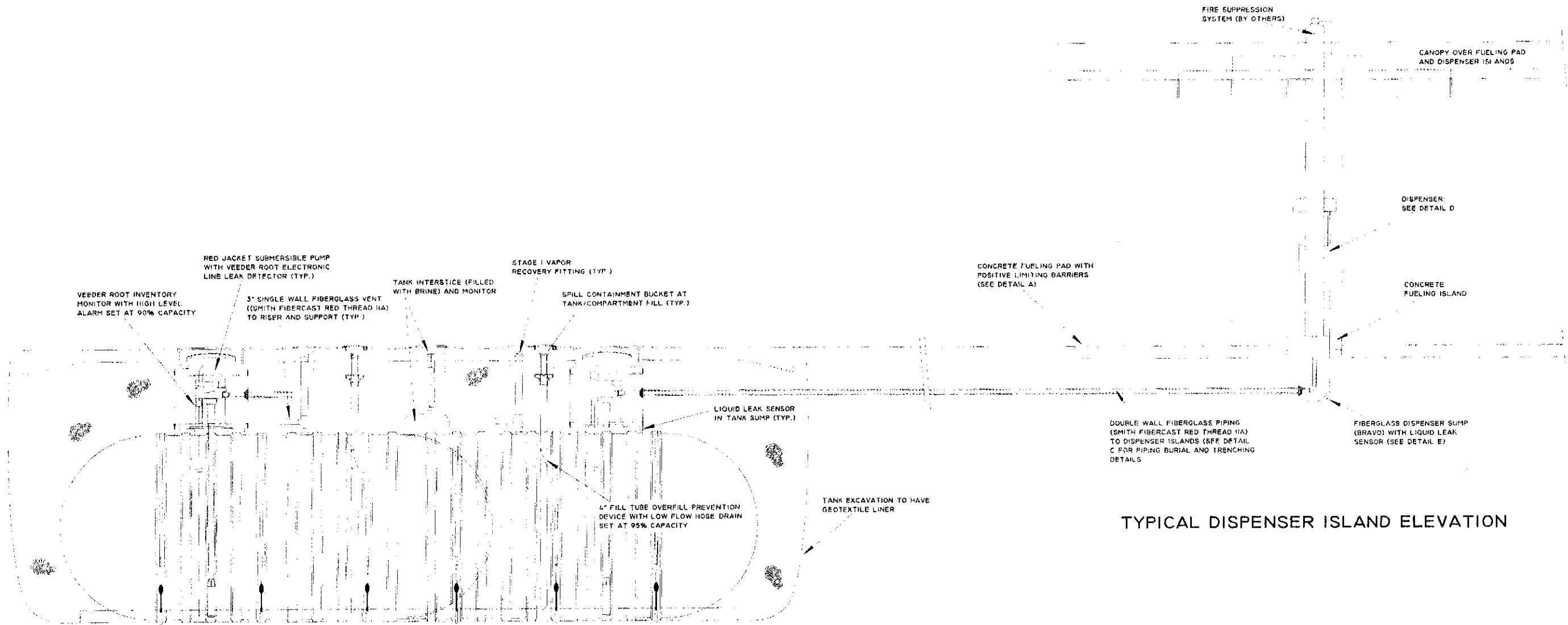
Korey Pimental  
Managing Producer, Shakespeare in New Bedford

BOARD OF SELECTMEN  
FAIRHAVEN, MA

2019 JUN 13 P 12:18

RECEIVED

# Attachment D



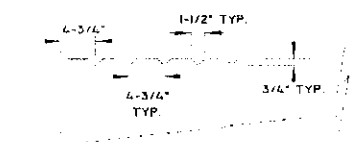
TYPICAL TANK ELEVATION

TYPICAL DISPENSER ISLAND ELEVATION

SEE DRAWING M-2 FOR ADDITIONAL DETAILS

*William F. David*  
8/1/17

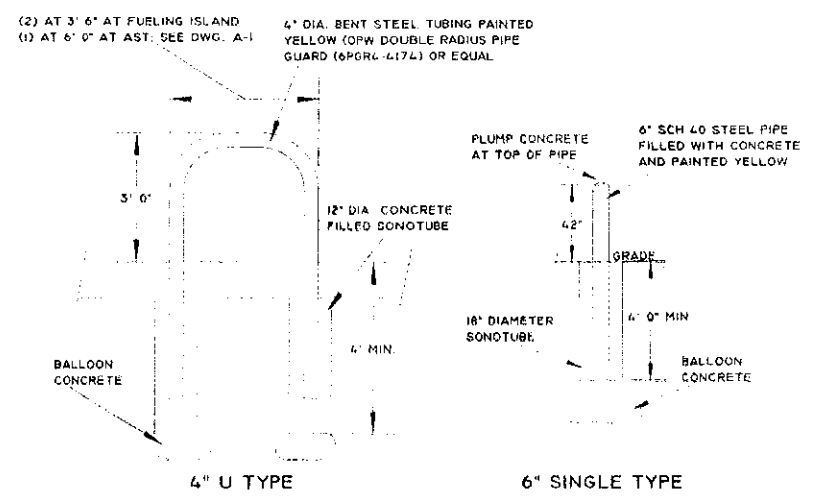
WEB ENGINEERING ASSOCIATES, INC. 111 SUMMER STREET, SCITUATE, MASSACHUSETTS 02066		DRAWN BY JAS
DATE: 7/29/17	FILE: PFD	JOB #
SCALE: 1/2" = 1'	WEB ENGINEERING DRAWING NUMBER 1747	
CARRI CORP INDUSTRIES, LTD BRIDGE STREET, FAIRHAVEN, MASSACHUSETTS		DRAWING NO M-1
PROCESS FLOW DIAGRAM		



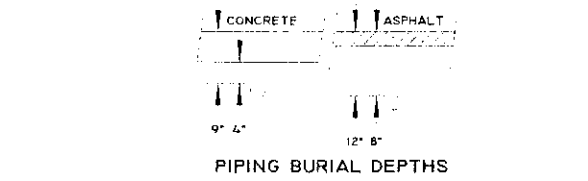
**DETAIL A**  
POSITIVE LIMITING BARRIER DETAILS  
NOT TO SCALE

**POSITIVE LIMITING BARRIER VOLUME CALCULATION**

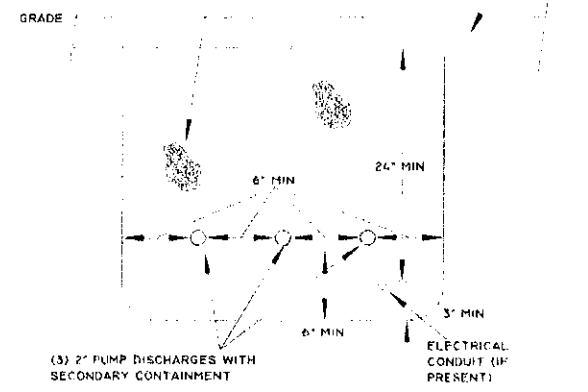
GROOVE CROSS SECTION  
 GROOVE AREA = 1/2 X WIDTH X HEIGHT =  
 5 X 1.5 X .75 = .5625 SQ IN = .0019 SQ FT.  
 TOTAL GROOVE LENGTH = 451.573 FEET  
 TOTAL GROOVE VOLUME = GROOVE AREA X TOTAL GROOVE  
 LENGTH = 1.677 CUBIC FT. = 16.04 GAL. (10 GAL. REQ.)



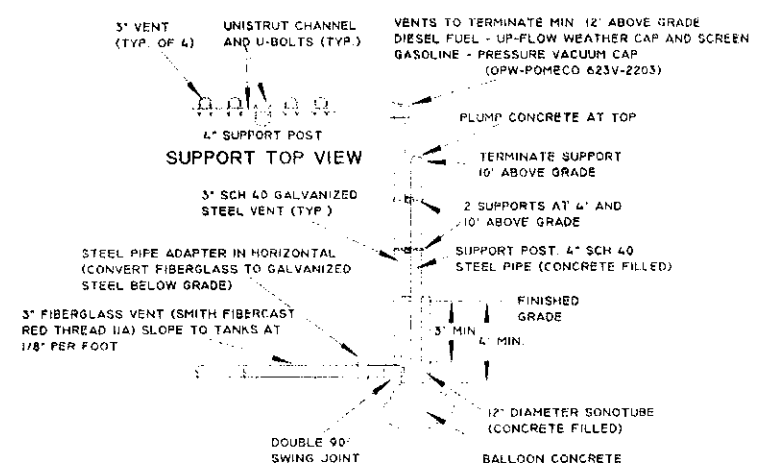
**DETAIL B**  
TRAFFIC PROTECTION  
NOT TO SCALE



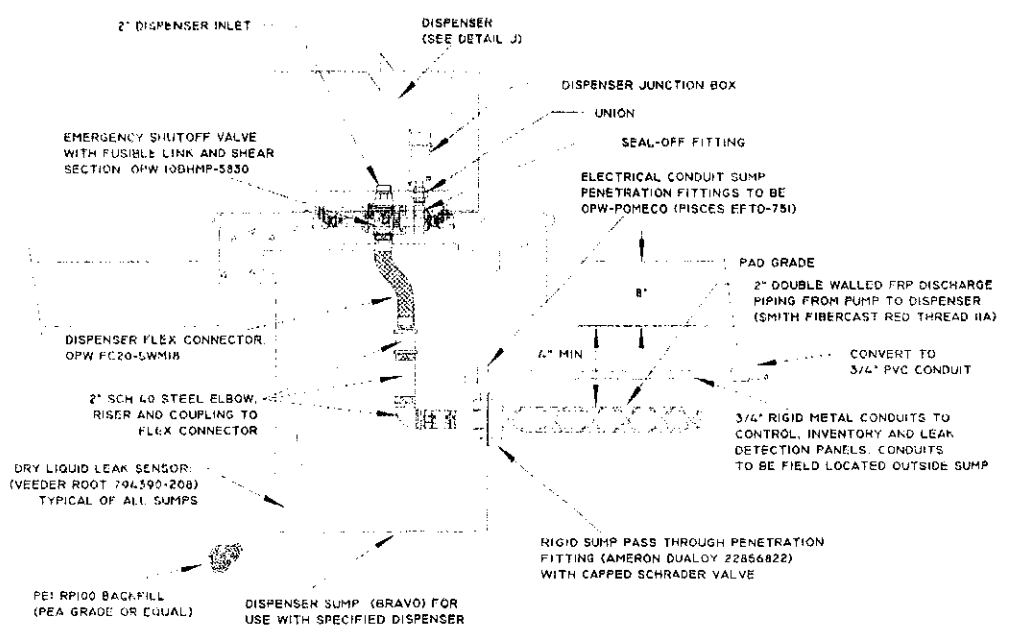
ALL BURIED PIPING TO BE IN A BED OF APPROVED  
 3/8\"/>



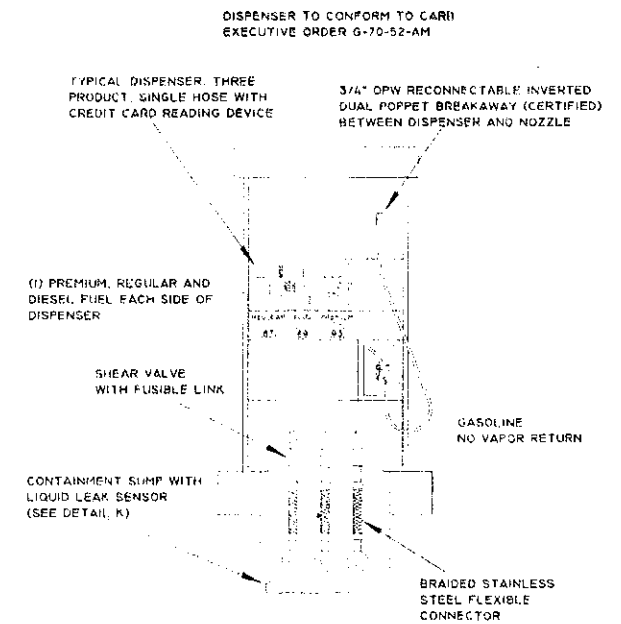
**DETAIL C**  
PIPING TRENCH CROSS SECTION  
AND PIPING BURIAL DEPTHS  
NOT TO SCALE



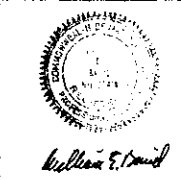
**DETAIL F**  
VENT SUPPORT AND TERMINATION  
NOT TO SCALE



**DETAIL E**  
TYP. DISPENSER SUMP  
NOT TO SCALE

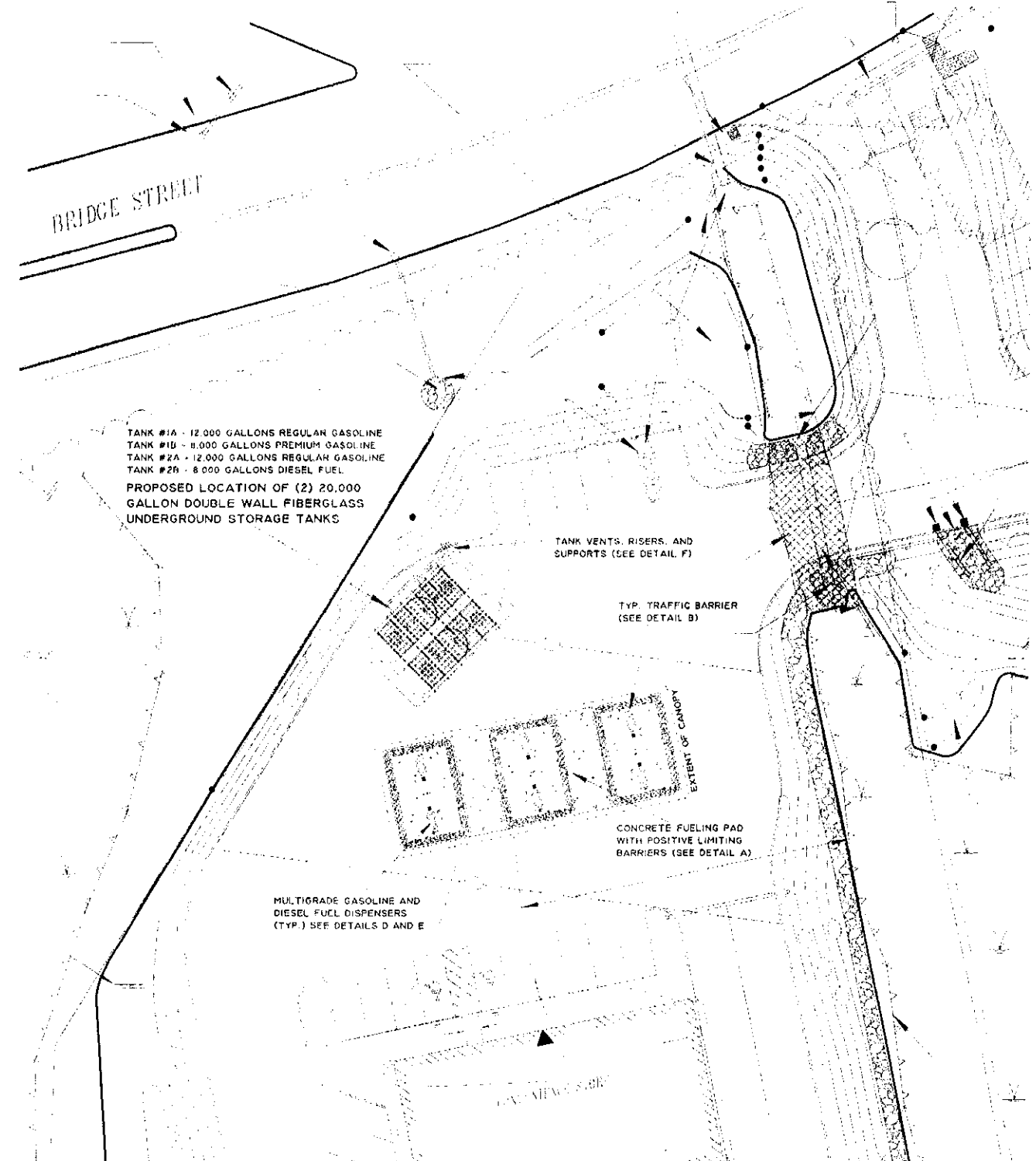


**DETAIL D**  
TYPICAL DISPENSER DETAILS  
NOT TO SCALE



**WEB ENGINEERING ASSOCIATES, INC.**  
 111 SUMMER STREET, SCITUATE, MASSACHUSETTS 02066  
 DATE: 7/29/17 FILE: DETAILS DRAWN BY: JAS  
 SCALE: 1/4\"/>

**CARRI CORP INDUSTRIES, LTD**  
 BRIDGE STREET, FAIRHAVEN, MASSACHUSETTS  
 DRAWING NO. M-2



TANK #1A - 12,000 GALLONS REGULAR GASOLINE  
 TANK #1B - 8,000 GALLONS PREMIUM GASOLINE  
 TANK #2A - 12,000 GALLONS REGULAR GASOLINE  
 TANK #2B - 8,000 GALLONS DIESEL FUEL  
 PROPOSED LOCATION OF (2) 20,000 GALLON DOUBLE WALL FIBERGLASS UNDERGROUND STORAGE TANKS

TANK VENTS, RISERS, AND SUPPORTS (SEE DETAIL F)

TYP. TRAFFIC BARRIER (SEE DETAIL B)

CONCRETE FUELING PAD WITH POSITIVE LIMITING BARRIERS (SEE DETAIL A)

MULTIGRADE GASOLINE AND DIESEL FUEL DISPENSERS (TYP.) SEE DETAILS D AND E

EXTENT OF CANOPY

**DRAWING LIST:**  
 A-1 SITE PLAN - PROPOSED MODIFICATIONS  
 M-1 PROCESS FLOW DIAGRAM  
 M-2 DETAILS

TANK #1A 12,000 GALLONS REGULAR GASOLINE MAX. FILL HEIGHT: 8.33 FT. / 100.00 IN.
TANK #1B 8,000 GALLONS PREMIUM GASOLINE MAX. FILL HEIGHT: 8.33 FT. / 100.00 IN.
TANK #2A 12,000 GALLONS REGULAR GASOLINE MAX. FILL HEIGHT: 8.33 FT. / 100.00 IN.
TANK #2B 8,000 GALLONS DIESEL FUEL MAX. FILL HEIGHT: 8.33 FT. / 100.00 IN.

**TANK LABELS**

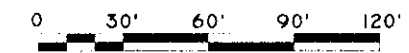
**SIGNAGE:**  
 WARNING SIGNS SHALL BE CONSPICUOUSLY POSTED ON THE FRONT AND BACK OF DISPENSERS AND SHALL INCORPORATE THE FOLLOWING LANGUAGE:

**WARNING**  
**NO SMOKING - STOP MOTOR**  
 IT IS UNLAWFUL AND DANGEROUS TO DISPENSE GASOLINE INTO UNAPPROVED CONTAINERS.  
 NO FILLING OF PORTABLE CONTAINERS IN OR ON A MOTOR VEHICLE OR TRAILER.  
 PLACE CONTAINER ON GROUND BEFORE FILLING.

THE WORDS "WARNING" AND "NO SMOKING - STOP MOTOR" SHALL CONSIST OF BLOCK LETTERS NOT LESS THAN ONE INCH IN HEIGHT. WHITE LETTERS ON A RED BACKGROUND. THE REMAINING SENTENCES SHALL CONSIST OF BLOCK LETTERS NOT LESS THAN 1/2 INCH IN HEIGHT. RED LETTERS ON A WHITE BACKGROUND.

ADDITIONAL SIGNAGE (IN 2" RED LETTERS) TO BE LOCATED AT EACH DISPENSER  
 "IN CASE OF FIRE OR SPILL: ACTIVATE E-STOP AND CALL 911"

- GENERAL ELECTRICAL NOTES:**
- 1) ALL ELECTRICAL TO CONFORM TO THE NATIONAL ELECTRICAL CODE
  - 2) ELECTRICAL CLASSIFICATION CLASSIFIED CLASS I DIV 1/2 IN ACCORDANCE WITH THE NATIONAL ELECTRIC CODE AS WELL AS PARAGRAPH 8.3.1 AND TABLE 8.3.2 OF NFPA 30A
- GENERAL NOTES:**
- 1) CONSTRUCTION TO MEET OR EXCEED NFPA 30 "FLAMMABLE AND COMBUSTIBLE LIQUID CODE"
  - 2) CONTRACTOR TO CONFORM TO EPA EMERGENCY EXCLUSIONS
  - 3) UNDERGROUND STORAGE TANKS TO BE CONTAINMENT SOLUTIONS DOUBLE WALL (UL 1316)
  - 4) TANKS TO BE EQUIPPED WITH 95% SHUTOFF DEVICES IN FILL PIPES
  - 5) ALL REINFORCING STEEL SHALL CONFORM TO OR EXCEED ASTM DESIGNATION A615 GRADE 60
  - 6) ALL STRUCTURES TO MEET OR EXCEED THE LATEST REVISION OF AISC AND A58 SPECIFICATIONS.
  - 7) CONTRACTOR TO VERIFY EXACT LOCATION OF ALL BURIED UTILITIES BEFORE COMMENCING EXCAVATION
  - 8) ALL ELECTRICAL EQUIPMENT TO COMPLY WITH 527 CMR 12.00 WITH REGARD TO CLASS I GROUP D REQUIREMENTS
  - 9) CONTRACTOR TO AIR TEST PRODUCT LINES
  - 10) CONTRACTOR TO PROVIDE ALL NECESSARY FITTINGS TO PERFORM TESTS
  - 11) CONTRACTOR TO PROVIDE SUBMITTALS TO ENGINEER FOR REVIEW AND APPROVAL



SEE DRAWINGS M-1 AND M-2 FOR REFERENCED DETAILS

THIS DRAWING TAKEN FROM A PLAN OF LAND BY SITEC, INC. OF FAIRHAVEN, MASSACHUSETTS, DATED OCTOBER 17, 2016 AND SHOULD NOT BE USED FOR THE DETERMINATION OF PROPERTY LINES, METES, BOUNDS, ETC.

NOTE: ALL TANK EQUIPMENT TO BE CARB APPROVED PER EXECUTIVE ORDER VR-401-E

EXISTING CONTOUR  
 PROPOSED CONTOUR



**WEB ENGINEERING ASSOCIATES, INC.**  
 III SUMMER STREET, SCITUATE, MA 02066  
 DATE: 7/29/17 FILE: PROPOSED A  
 SCALE: 1" = 30' WEB ENGINEERING DRAWING NUMBER 1746

**CARRI CORP INDUSTRIES, LTD**  
 BRIDGE STREET, FAIRHAVEN, MASSACHUSETTS

DRAWN BY: JAS  
 JOB #

SITE PLAN - PROPOSED MODIFICATIONS

DRAWING No  
 A-1

# Attachment E

## MEMORANDUM

TO: Board of Selectmen  
FROM: Mark Rees, Town Administrator  
DATE: June 12, 2019  
RE: Rasputin's  
CC: Tom Crotty, Town Counsel

We have been informed that Rasputin's owners have severed their relationship with their attorney, Christopher Markey, and hired a new attorney, John P. Connell. Atty. Connell has indicated to Atty. Crotty that his clients may appeal your decision of June 3<sup>rd</sup> to the Alcoholic Beverage Control Commission (ABCC).

Since the decision the Board of Selectmen made on June 3<sup>rd</sup> was based on what appeared to be a mutual agreement between the Board and Rasputin's made at the meeting, you have two options you may want to consider at your meeting to be held on June 17<sup>th</sup>.

Option 1: You may stay with your decision of June 3<sup>rd</sup> with the knowledge that Rasputin's can appeal that decision to the ABCC. In order to complete the record of Board of Selectmen action you will need to adopt the attached "Findings of Fact" prepared by Town Counsel and modify your decision (or regulatory action) to provide for the probationary period to be 90 days instead of until September 9, 2019. The reason for this change is that under ABCC regulations, if and when, an appeal is filed with the ABCC, any disciplinary action the Board has taken against Rasputin's is stayed until the ABCC hears the appeal and makes its decision.

Option 2: You may vote to reconsider<sup>1</sup> your decision of June 3<sup>rd</sup> if you feel that decision was based in part on what appeared to be a mutual agreement between the Board and Rasputin's, and would have been different in the absence of that apparent agreement. We will give notice to Rasputin's owners that this will be on the agenda for your meeting on June 17<sup>th</sup>. At that meeting you may vote to reconsider. If you vote to reconsider that would reopen the hearing, and the actual discussion on reconsideration would probably be held at a later date.

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<sup>1</sup> Per Robert's rules, a motion to reconsider has to come from a member of the Board who voted in favor of the action that is up for reconsideration, but it can be seconded by any other member of the Board. It takes a majority of the Board to pass a reconsideration motion.



# Sexual Orientation and Gender Identity Among Massachusetts High School Students

## Results of the 2015 Youth Risk Behavior Study

### LGBTQ Students: A Demographic Overview

In the 2015 MYRBS, 11.1% of students surveyed described themselves as gay, lesbian, or bisexual or not sure (questioning) about their sexual orientation and 2.9% identified themselves as transgender or questioning their gender identity. These categories overlapped, with half (50%) of transgender/questioning youth also self-identifying as LGBTQ. Altogether, 12.5% of Massachusetts high school students were LGBTQ.

More female- than male-identified adolescents were LGBTQ (15.4% vs. 9.4%). The percent of youth who said they were LGBTQ varied across racial/ethnic groups (12% of white youth, 10% of African American, 18% of Hispanic, 10% of Asian-American, and 13% of multi-ethnic youth). Gender and racial/ ethnic differences were statistically significant.

Percent of Students Who Reported Risk Behaviors and Experiences, 2015	LGBTQ Students	Heterosexual - Cisgender Students
Bullied at school during past year	28.2	13.9
Skipped school in past month because felt unsafe	14.4	3.4
Been in a physical fight at school in the past year	9.4	5.1
Carried a weapon at school in the past year	6.1	2.8
Threatened or injured with weapon at school	10.0	3.2
Hurt self on purpose in the past year (e.g., by cutting, burning self)	43.3	14.3
Seriously considered suicide in past year	40.5	11.2
Made a suicide attempt in the past year	22.0	4.8
Can talk to parents about "things that are important to you"	65.2	84.5
Smoked cigarettes in past month	14.1	6.9
Any lifetime heroin use	6.7	1.0
Had experienced sexual contact against their will	21.8	7.4

**All differences between LGBTQ and Heterosexual/Cisgender students are statistically significant,  $p < .05$ .**

The 2015 MYRBS was conducted in 75 randomly selected public high schools. In total, 3120 students in grades 9 - 12 participated in this voluntary and anonymous survey. Because of the high student and school response rates, the results of this survey can be generalized to apply to public high school students across Massachusetts.



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# FACTS ABOUT SUICIDE

- Suicide is the 2nd leading cause of death among young people ages 10 to 24.<sup>1</sup>
- LGB youth seriously contemplate suicide at almost three times the rate of heterosexual youth.<sup>2</sup>
- [\(/#facebook\)](#) • LGB youth are almost five times as likely to have attempted suicide compared to heterosexual youth.<sup>2</sup>
- [\(/#twitter\)](#) • Of all the suicide attempts made by youth, LGB youth suicide attempts were almost five times as likely to require medical treatment than those of heterosexual youth.<sup>2</sup>
- [\(/#email\)](#) • Suicide attempts by LGB youth and questioning youth are 4 to 6 times more likely to result in injury, poisoning, or overdose that requires treatment from a doctor or nurse, compared to their straight peers.<sup>2</sup>
- In a national study, 40% of transgender adults reported having made a suicide attempt. 92% of these individuals reported having attempted suicide before the age of 25.<sup>3</sup>
- LGB youth who come from highly rejecting families are 8.4 times as likely to have attempted suicide as LGB peers who reported no or low levels of family rejection.<sup>4</sup>
- 1 out of 6 students nationwide (grades 9–12) seriously considered suicide in the past year. [5]
- Each episode of LGBT victimization, such as physical or verbal harassment or abuse, increases the likelihood of self-harming behavior by 2.5 times on average.<sup>6</sup>

## SOURCES:

[1] CDC, NCIPC. *Web-based Injury Statistics Query and Reporting System (WISQARS)* [online]. (2010) {2013 Aug. 1}. Available from:[www.cdc.gov/ncipc/wisqars](http://www.cdc.gov/ncipc/wisqars).

[2] CDC. (2016). *Sexual Identity, Sex of Sexual Contacts, and Health-Risk Behaviors Among Students in Grades 9-12: Youth Risk Behavior Surveillance*. Atlanta, GA: U.S. Department of Health and Human Services.

[3] James, S. E., Herman, J. L., Rankin, S., Keisling, M., Mottet, L., & Anafi, M. (2016). *The Report of the 2015 U.S. Transgender Survey*. Washington, DC: National Center for Transgender Equality.

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# Lesbian, gay, and bisexual men and women in the US military: Updated estimates

by Gary J. Gates



the  
Williams  
INSTITUTE

May 2010

## Executive Summary

This research brief uses new data from the American Community Survey and the General Social Survey to provide updated estimates of how many lesbians, gay men, and bisexuals (LGB) are serving in the US military. It also updates estimates of the cost of the US military's "Don't Ask/Don't Tell" (DADT) policy.<sup>i</sup>

Estimated number of LGB men and women in the US military  
2008 American Community Survey & General Social Survey

Active Duty		All military		Guard/Reserve		
12,952		70,781		57,919		
				Ready Reserve	Standby Reserve	Retired Reserve
				35,599	636	21,684
Men	Women	Men	Women	Men	Women	
7,216	5,736	29,855	22,945	12,965	8,719	

Key findings from the analyses are as follows:

- An estimated 48,500 lesbians, gay men, and bisexuals are serving on active duty or in the ready reserve in the US military and an additional 22,000 are in the standby and retired reserve forces, accounting for approximately 2.2% of military personnel.
  - Approximately 13,000 LGB people are serving on active duty (comprising 0.9% of all active duty personnel) while nearly 58,000 are serving in the various guard and reserve forces (3.4%).
  - While women comprise only about 14% of active duty personnel, they comprise more than 43% of LGB men and women serving on active duty.
- Lifting DADT restrictions could attract an estimated 36,700 men and women to active duty service along with 8,700 more individuals to the ready reserve.
- Since its inception in 1994, the "Don't Ask/Don't Tell" policy has cost the military between \$290 million and more than a half a billion dollars.
  - The military spends an estimated \$22,000 to \$43,000 per person to replace those discharged under DADT.

## Introduction

A widely cited study published in 2004 (Gates 2004) used Census 2000 data to estimate that approximately 65,000 lesbian, gay, and bisexual men and women were serving in the US military, accounting for 2.8% of military personnel. In February 2005, the Government Accountability Office (GAO) released a report showing that the costs of discharging and replacing service members fired for homosexuality during the policy's first ten years, from fiscal year 1994 through fiscal year 2003, totaled at least \$217 million (adjusting original figures to 2009 dollars). In 2006, the Palm Center at the University of California, Santa Barbara convened a Blue Ribbon Commission which challenged those GAO estimates and suggested that the DADT policy actually cost nearly \$415 million (also adjusted to 2009 dollars). This research brief updates estimates of the number of LGB men and women serving in the military using 2008 data sources and offers new estimates for the cost of the DADT policy through 2008.

## Data and Methodology

### LGB men and women in the military

Analyses estimating the number of LGB people in the military replicate the statistical methods used in Gates (2004) and are described in the Appendix. The analyses incorporate new estimates of the size of the LGB community derived from the 2008 General Social Survey (Davis and Smith 2009). For these analyses, the percent LGB in the population is defined as the percent of men and women who either identify as gay,

lesbian or bisexual or who have had exclusively same-sex sexual partners in the last five years. Data from same-sex couples in the 2008 American Community Survey are used to estimate the fraction of LGB men and women who are on active duty or who have served in the guard or reserve. Estimates of the size and sex composition of active duty personnel come from US Department of Defense personnel and procurement statistics and are as of September, 2008.<sup>ii</sup> Data on the size and sex composition of the guard and ready reserve are reported in the US Census Bureau's 2010 *Statistical Abstract* and are also from 2008.<sup>iii</sup>

### Comparing prior and new estimates

Two key differences should be considered when comparing these estimates to those derived in Gates (2004). Gates (2004) assumed an underlying prevalence estimate of LGBs in the general population of 3% for women and 4% for men. These analyses use the most recent estimates of LGB prevalence derived from the 2008 General Social Survey and assume that 3.3% of men and 5.2% of women are LGB. Mathematically, this means that new estimates of LGB prevalence in the military will be lower for men and higher for women.

### The cost of Don't Ask/Don't Tell

Existing cost estimates for DADT come from the GAO (2005) and Palm Center Blue Ribbon Commission (2006). Both attempt to estimate costs for the first ten years of the policy (1994-2003). During that period, 9,682 individuals were



discharged under DADT. In order to estimate the costs from 2004 through 2008, this analysis derives a cost per discharge (total costs divided by number of DADT discharges) for the first decade of the policy using both GAO and Palm Center estimates. Those figures are then multiplied by the 3,279 DADT discharges from 2004-2008 to estimate the additional cost accruals. All figures are adjusted and reported in 2009 dollars.<sup>iv</sup>

## Findings

### LGB men and women in the military

Similar to estimates based on Census 2000 data showing that approximately 65,000 LGB men and women were serving in the military, updated estimates shown in Table 1 suggest that 71,000 LGB men and women are currently serving, comprising 2.2% of military personnel (a full summary of findings, including upper- and lower-bound estimates is shown in Appendix Table A). Of that 71,000, approximately 48,500 are serving either in on active duty or in the ready reserve, the portion of the guard and reserve forces who are most likely to be called into active duty.

**Table 1. LGB personnel on active duty and in the guard/reserve.**

		All	Men	Women
% LGB (among military personnel)	Active Duty	1.8%	1.6%	2.0%
	Guard/Reserve	3.4%	2.3%	8.7%
	Total Military	2.2%	1.6%	3.2%
# LGB	Active Duty	12,952	7,216	5,736
	Guard/Reserve			
	Ready Reserve	35,599	21,285	14,314
	Standby Reserve	636	380	256
	Retired Reserve	21,684	12,965	8,719
	Total Military	70,851	43,846	27,005

Several patterns persist when comparing these analyses to those using Census 2000 reported in Gates (2004). Lesbians and bisexual women are still substantially more likely to serve in the military than are gay/bisexual men or heterosexual women. An estimated 2.9% of women on active duty are lesbian/bisexual compared to only 0.6% of men. Women in same-sex couples are twice as likely as other women to report either being on active duty or serving in the guard or reserve.

Also similar to estimates from Census 2000 data, these updated figures suggest that LGB men and women are more common among those in the guard and reserve than among those on active duty, 3.4% versus 0.9% respectively.

One contrast with the estimates based on data from Census 2000 is that the updated figures show lower proportions of LGB men and women on active duty (1.8% in prior estimates versus 0.9% using 2008 data) and higher proportions in the guard and reserve (3.2% versus 3.4%).

### Additional troops if DADT restrictions are lifted

One way to assess the effect of lifting restrictions on LGB service in the military is to assume that, absent Don't Ask/Don't Tell restrictions, the percent of LGB men and women in the military would be the same as their percentage in the population.

Under this assumption, lifting DADT restrictions would attract an additional 36,700 individuals (32,000 men and 4,700 women) to active duty service. Since the estimated percentage of lesbians in the ready reserve exceeds the estimated percentage in the population, we assume no change for women among those personnel. However, there would be an additional 8,700 men among the ready reserve ranks.

### The cost of Don't Ask/Don't Tell

The Palm Center and GAO estimates imply that the government incurs costs of an estimated \$22,000 to \$43,000 per person as a result of DADT-related discharges. From 2004-2008, an additional 3,279 men and women have been discharged, suggesting additional costs of \$74-140 million in that time period (see Table 2).

**Table 2. Cost estimates of Don't Ask/Don't Tell (in 2009 dollars).**

	Palm Center Blue Ribbon Commission (2003)	Government Accountability Office (2005)
Estimate of costs, 1994-2003	\$46.7 million	\$21.2 million
Cost per DADT discharge: 9,682 discharges (1994-2003)	\$42,835	\$22,430
Additional costs, 2004-2008: 3,279 discharges (2004-2008)	\$140.5 million	\$72.6 million
<b>Total cost</b>	<b>\$555.2 million</b>	<b>\$290.7 million</b>

These figures suggest that since the inception of Don't Ask/Don't Tell, the US government has had to spend between \$290 million and more than a half billion dollars to implement the policy.

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## APPENDIX

### ***Deriving the Proportion of Lesbians, Gay Men, and Bisexuals Serving in the Military***

The ideal way to derive the number of lesbians, gay men, and bisexuals currently serving on active duty would be to conduct a random survey of active duty personnel and ask respondents to identify their sexual orientation. Clearly, the DADT policy restricts such a survey. However, applying a common statistical procedure known as Bayes Rule allows one to derive an estimate of the proportion of men and women in the military who are LGB. The procedure requires the following key estimates:

1. The proportion of all LGB individuals in the U.S. who are in the military
2. The proportion of the non-LGB population in the U.S. who are in the military
3. The proportion of the US population who are LGB.

All respondents in the 2008 American Community Survey Public Use Microdata Sample (PUMS) indicate if they are currently on active duty or serving in the guard or reserve. Estimates in these analyses use the proportion of those in same-sex couples who say they are in the military as a proxy for (1), an estimate of the fraction of LGB people in the military. Similarly, information about those not in same-sex couples is used to derive an estimate for (2). Findings from the 2008 General Social Survey suggest that 3.3% of men and 5.2% of women either identify as LGB or have had exclusively same-sex sexual partners in the last five years. Those estimates are used to derive (3).

Equation (1) shows the Bayes's rule calculation used to derive  $P(LGB|M)$ , the probability that someone is lesbian, gay, or bisexual given that he or she is in the military.

$$P(LGB|M) = \frac{P(LGB)P(M|LGB)}{P(LGB)P(M|LGB) + P(H)P(M|H)} \quad \text{Equation (1)}$$

The terms of the equation and sources for each are as follows:

- $P(LGB)$ : Probability that an adult in the population is LGB. The analyses use estimates from the 2008 General Social Survey: 3.3% for men and 5.2% for women.
- $P(M|LGB)$ : Probability that someone is in the military given that he or she is LGB. This estimate is derived from the proportion of individuals in same-sex unmarried partner couples who report military service.
- $P(H)$ : Probability that an adult in the population is heterosexual. This is calculated as one minus the fraction of LGB men and women in the adult population (96.7% for men and 94.8% for women).
- $P(M|H)$ : Probability that someone is in the military given that he or she is heterosexual. ACS figures are used to estimate the proportion of the adult population other than those in same-sex unmarried partnerships who report active military service.

Estimates are calculated separately for men and women as they differ substantially in the probability of serving in the military.

### ***Same-sex couples in the 2008 American Community Survey***

Same-sex couples in the 2008 ACS PUMS are identified when a household includes two adults of the same sex where one is designated as either a "husband/wife" or an "unmarried partner" of the other. US Census Bureau procedures recode all same-sex husbands and wives to be unmarried partners in the PUMS data. Gates and Steinberger (2009) have shown that a potentially large

portion of same-sex couples who designate one partner as a “husband/wife” may be comprised of different-sex married couples who miscode the sex of one of the spouses. While same-sex spouses cannot be directly identified in the 2008 ACS data, Gates and Steinberger (2009) show that a variable indicating that the original marital status response has been altered provides a proxy for indicating that a same-sex unmarried partner couple originally used the terms husband or wife to describe a partner. Consistent with their recommendations, the sample used in these analyses is restricted to only those couples whose marital status was not altered (meaning they called themselves “unmarried partners”) along with couples who responded via a computer-assisted interview that verifies the sex of any same-sex husband or wife. The data are further restricted to only men and women aged 18-60 since very few individuals over age 60 are serving in the military.

**Appendix Table A. Estimates of the percent and number of LGB people in the US military.**

		Estimate		95% Confidence Interval			
		Men	Women	Men	Low Women	High Men	Women
General Social Survey, 2008	LGB-identified or same-sex sexual behavior in last five years	3.3%	5.2%	1.9%	3.5%	4.6%	6.9%
	<b>Total</b>	4.3%		3.2%		5.4%	
American Community Survey, 2008	Same-sex couples						
	Active duty	0.2%	0.1%	0.04%	0.01%	0.4%	0.2%
		0.9%	0.8%	0.5%	0.5%	1.2%	1.1%
	Guard/reserve	Other adults					
		1.1%	0.2%	1.1%	0.2%	1.2%	0.2%
	Guard/reserve	1.2%	0.5%	1.2%	0.4%	1.3%	0.5%
% LGB							
Derived estimates	Active duty	0.6%	2.9%	0.1%	0.2%	1.5%	6.7%
		0.9%		0.1%		2.2%	
	Guard/reserve	2.3%	8.7%	0.8%	4.1%	4.4%	14.4%
		3.4%		1.4%		6.1%	
	All military	1.5%	6.2%	0.5%	2.4%	3.0%	11.1%
		2.2%		0.8%		4.3%	
Number of LGB							
Active duty	7,216	5,736	774	407	18,093	13,360	
	12,952		1,181		31,453		
Ready reserve	21,285	14,314	7,722	6,685	40,784	23,677	
	35,599		14,407		64,461		
Standby reserve	380	256	138	119	728	423	
	636		257		1,151		
Retired reserve	12,965	8,719	4,704	4,072	24,843	14,422	
	21,684		8,776		39,265		
All military	41,846	29,025	13,338	11,284	84,448	51,882	
	70,871		24,622		136,330		

<sup>i</sup> This brief replaces a version published in January 2010. The prior version had incomplete figures for the size of the guard and reserve. Percentages of LGB in the military have not been altered, only the number of LGB in the guard and reserve forces, which are now separated by ready, standby, and retired reserve forces.

<sup>ii</sup> See <http://siadapp.dmdc.osd.mil/personnel/MILITARY/rg0809.pdf> for statistics on all active duty personnel and <http://siadapp.dmdc.osd.mil/personnel/MILITARY/rg0809f.pdf> for statistics on women.

<sup>iii</sup> See <http://www.census.gov/compendia/statab/2010/tables/10s0501.pdf> for data on the Guard and Reserve and <http://www.census.gov/compendia/statab/2010/tables/10s0503.pdf> for data on the sex ratio in the Army and Air Force National Guard. This sex ratio is applied to all Guard and Reserve estimates.

<sup>iv</sup> Adjustments use the US Bureau of Labor Statistics Consumer Price Index inflation calculator found at [http://www.bls.gov/data/inflation\\_calculator.htm](http://www.bls.gov/data/inflation_calculator.htm).