

Jennifer Tabakin
Town Manager

E-mail: jtabakin@townofgb.org
www.townofgb.org



Town Hall, 334 Main Street
Great Barrington, MA 01230

Telephone: (413) 528-1619 x2
Fax: (413) 528-2290

TOWN OF GREAT BARRINGTON MASSACHUSETTS

OFFICE OF THE TOWN MANAGER

SELECTBOARD'S MEETING

MONDAY, MARCH 9, 2015

7:00 PM – REGULAR SESSION

TOWN HALL, 334 MAIN STREET

ORDER OF AGENDA

7:00 PM - OPEN MEETING

1. CALL TO ORDER.

2. APPROVAL OF MINUTES:

February 23, 2015 Regular Meeting.

3. SELECTBOARD'S ANNOUNCEMENTS/STATEMENTS:

A. GENERAL COMMENTS BY THE BOARD.

4. TOWN MANAGER'S REPORT:

5. LICENSES OR PERMITS:

A. RENEWAL OF 2015 WYANTENUCK COUNTRY CLUB SEASONAL ALL ALCOHOLIC CLUB LIQUOR LICENSE. (DISCUSSION/VOTE)

B. DAVID P. RYEL/I.E. INC. (BUTTERNUT BASIN INC.) FOR ONE DAY BEER AND WINE LIQUOR LICENSE FOR MARCH 21, 2015 FROM 3:00 PM – 8:00 PM AT 380 STATE ROAD (SKI BUTTERNUT TUBING CENTER). (DISCUSSION/VOTE)

C. MARY R. WHITE/ST. PETER'S CHURCH FOR ONE DAY BEER AND WINE LIQUOR LICENSE FOR MARCH 14, 2015 FROM 5:15 PM – 8:00 PM AT ST. PETER'S PARISH CENTER (CORNER OF COTTAGE AND EAST STREETS). (DISCUSSION/VOTE)

6. OLD BUSINESS:

A. CONTINUATION - GARY STOLLER/350MA GROUP – REQUEST FOR SB TO PASS A RESOLUTION FOR THE STATE PENSION FUND TO DIVEST ITS HOLDINGS IN FOSSIL FUELS. (DISCUSSION/VOTE)

B. CONTINUATION OF SB RECOMMENDATION TO ZBA ON THE SPECIAL PERMIT APPLICATION OF PAUL GREENE ON BEHALF OF NICKI WILSON TO CONSTRUCT A SCREENED PORCH ON THE REAR OF A PRE-EXISTING, NON-CONFORMING

DWELLING AT 80 CASTLE HILL AVENUE. (DISCUSSION/VOTE)

7. NEW BUSINESS:

- A. INTENT TO PARTICIPATE IN FY 2016 HOUSEHOLD HAZARDOUS WASTE COLLECTION PROGRAM. (DISCUSSION/VOTE)
- B. CHRISTINE WARD/LAKE MANSFIELD IMPROVEMENT TASK FORCE (LMITF) – REQUEST FOR FUNDING FOR PLANNING SUPPORT IN FY 2016 BUDGET. (DISCUSSION/VOTE)
- C. VIVIAN ORLOWSKI/AGRICULTURAL COMMISSION - REQUEST SB TO VOTE AGAINST TRANS-PACIFIC PARTNERSHIP (TPP) FREE TRADE AGREEMENT (FTA). (DISCUSSION/VOTE)

8. CITIZEN SPEAK TIME:

9. SELECTBOARD'S TIME:

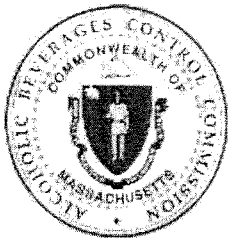
10. MEDIA TIME:

11. ADJOURNMENT:

NEXT SELECTBOARD'S REGULAR MEETING: MONDAY, MARCH 23, 2015 AT 7:00 P.M.


Jennifer Tabakin, Town Manager

THIS MEETING MAY BE RECORDED BY MEMBERS OF THE MEDIA. THE LISTING OF AGENDA ITEMS ARE THOSE REASONABLY ANTICIPATED BY THE CHAIR WHICH MAY BE DISCUSSED AT THE MEETING. NOT ALL ITEMS LISTED MAY IN FACT BE DISCUSSED AND OTHER ITEMS NOT LISTED MAY ALSO BE BROUGHT UP FOR DISCUSSION TO THE EXTENT PERMITTED BY LAW.



The Commonwealth of Massachusetts
 Alcoholic Beverages Control Commission
 239 Causeway Street
 Boston, MA 02114
 www.mass.gov/abcc

6600.

ON PREMISES LICENSE RENEWAL APPLICATION

LICENSE NUMBER: 046400032 CITY OR TOWN GREAT BARRINGTON

APPLICATION FOR RENEWAL: Seasonal CLASS LICENSED FOR 2015 YEAR

LICENSEE NAME: WYANTENUCK COUNTRY CLUB

DOING BUSINESS A

ADDRESS ^{HC} WEST SHEFFIELD RD.

CITY/TOWN: GREAT BARRINGTON STATE: MA ZIP CODE: 01230

MANAGER: Van Deusen, Jennie TYPE OF LICENSE: Club CATEGORY: All Alcohol

EMAIL ADDRESS: JENWCC@VERIZON.NET

YOUR EMAIL ADDRESS IS REQUIRED. PLEASE PRINT CLEARLY.

DESCRIPTION OF LICENSED PREMISES:

TWO FLOORS, TWO BARS, PORCHES AND SERVICE ON LAWNS.

I hereby certify and swear under penalties of perjury that:

1. the renewed license will be of the same type for the same premises now licensed;
2. the licensee has complied with all laws of the Commonwealth relating to taxes; and
3. the premises are now open for business (If not explain below)

SIGNED BY [Signature] President
 Individual, Partner or Authorized Corporate Officer

DATE: 03/04/2015 TELEPHONE NUMBER: 413-528-0350



EMPLOYER IDENTIFICATION NUMBER:
 (Note: NOT Individual Social Security Number)

We the undersigned, attest that we are in possession (1) the certificate required by Chapter 304 of the Acts of 2004, signed by the building inspector and the head of the fire department for the above named license and (2) the certificate of liquor liability insurance required by Chapter 116 of the Acts of 2010.

Please Check Below:
 APPROVED:
 DISAPPROVED:
 (If disapproved explain)

LOCAL LICENSING AUTHORITY
 By: _____

DATE:

Fee: \$25.00 (per day) (pd)



APPLICATION FOR ONE DAY LIQUOR LICENSE

TO THE LICENSING AUTHORITY:

The undersigned hereby applies for a License in accordance with the provisions relating thereto:

Applicant's Name: DAVID P. RTEL

Organization Name: I.E. INC.
(BUTERNUT BASIN INC.)

Applicant's Address: 380 STATE RD, G.B., MA 01230

Telephone Number: 413-528-2000 x154

Type of License: ONE DAY BEER & WINE ONE DAY ALL ALCOHOLIC
(Circle one)

Event: SPRING FLINK RAIL JAM (SNOWBOARD EVENT)

Date: 3/21/15 Start Time: 3 PM End Time: 8 PM

Event Address: SKI-BUTERNUT TUBING CENTER

Is the Event on Town property? YES (NO)

PLEASE ATTACH THE FOLLOWING TO YOUR APPLICATION:

1. TIPS or ServSafe Alcohol certification for anyone serving alcohol.
2. Certificate of Insurance showing proof of Liquor Liability coverage.
(If the event is on Town property, the certificate must name the Town of Great Barrington as additional insured.)
3. If the event is not on applicant's property, a letter of permission from the owner is required.

Liability: The below individual agrees to take responsibility for the above-noted event and further agrees to indemnify, save harmless, and defend the Town of Great Barrington, its officers, employees and agents, from and against any and all liabilities, claims, penalties, forfeitures, suits, and the costs and expenses incident thereto, which may occur in connection with this event.

[Signature]
Signature of Applicant

3/3/15
Date

FOR TOWN USE:

Approved _____

Denied _____

Postponed _____

SKI BUTTERNUT

1800' elevation

STATS

- 22 Trails
- 100% Snowmaking
- 1000' Vertical
- 11 Lifts
- 3 Outlets / 1 Triple
- 1 Double / 1 Poma
- 4 Carpets / 1 Tubing Lift
- Uphill Cap: 1.4k+ /hr

golf
Hiking permitted on trails in the summer and fall. Gates close at 4pm daily.

MAPKEY

- Lift Tickets
- Rentals/Repair
- Lessons
- Reservations
- Group Sales
- Guest Services
- WiFi
- Coin Lockers
- Children's Center
- Tubing Tickets
- Easiest (20%)
- More Difficult (60%)
- Most Difficult (20%)
- Ski Patrol
- Terrain Park
- Co. fast, loose pass!
- Longest Run (1.5mi)



SINGLE DAY
WINE
BEER &
LICENSED
LOCATION

RECEIVED
TOWN MANAGER

FEB 27 2015

BOARD OF SELECTMEN
GREAT BARRINGTON, MA

Fee: \$25.00 (per day)



APPLICATION FOR ONE DAY LIQUOR LICENSE

TO THE LICENSING AUTHORITY:

The undersigned hereby applies for a License in accordance with the provisions relating thereto:

Applicant's Name: Mary R White

Organization Name: St. Peter's Church

Applicant's Address: 271 Main St. Gt Barrington

Telephone Number: 413-329-6342

Type of License: ONE DAY BEER & WINE ONE DAY ALL ALCOHOLIC
(Circle one)

Event: St Patrick's Day Celebration

Date: 3/14/15 Start Time: 5:15 PM End Time: 8:00 PM

Event Address: Corner Cottage and East St. (Parish Center)

Is the Event on Town property? YES NO

PLEASE ATTACH THE FOLLOWING TO YOUR APPLICATION:

1. TIPS or ServSafe Alcohol certification for anyone serving alcohol.
2. Certificate of Insurance showing proof of Liquor Liability coverage.
(If the event is on Town property, the certificate must name the Town of Great Barrington as additional insured.)
3. If the event is not on applicant's property, a letter of permission from the owner is required.

Liability: The below individual agrees to take responsibility for the above-noted event and further agrees to indemnify, save harmless, and defend the Town of Great Barrington, its officers, employees and agents, from and against any and all liabilities, claims, penalties, forfeitures, suits, and the costs and expenses incident thereto, which may occur in connection with this event.

Mary R White
Signature of Applicant

2/27/15
Date

FOR TOWN USE:

Approved _____

Denied _____

Postponed _____

DEBORAH PHILLIPS
CHAIR

SEAN A. STANTON
STEPHEN C. BANNON
DANIEL BAILLY
EDWARD ABRAHAMS



Town Hall, 334 Main Street
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website: www.townofgb.org

TOWN OF GREAT BARRINGTON MASSACHUSETTS

SELECTBOARD

Resolution in Support of Fossil Fuel Divestment and to Address the Climate Crisis

To see if the Great Barrington Selectboard will vote to approve the following resolution on the Climate Crisis:

WHEREAS, man-made greenhouse gases in the atmosphere have contributed significantly to global warming, glacial melt, sea level rise and climate changes, and all over the globe extremes in weather are being experienced with increased frequency in the form of droughts, heavy rainfall, record high temperatures, and dangerous storms, resulting in wildfires, floods, crop failures, destruction of homes and communities, and loss of life; and

WHEREAS, there is a limit to the amount of carbon and other greenhouse gases the atmosphere can contain beyond which life on the planet as we know it will be severely impacted and ultimately unsustainable; and

WHEREAS, the fossil fuel industry is reaping enormous profits and exercising great power over policymakers and legislators by means of large contributions to the campaign chests of friendly politicians in exchange for favorable legislation and massive government subsidies--at the expense of support for clean, renewable, and sustainable energy; and

WHEREAS, investments in fossil fuel companies could prove highly risky and volatile given that 80% of their proven reserves could become "stranded" and unusable assets if governments act to protect a habitable climate;

WHEREAS, divestment has proven to be an effective strategy for stigmatizing unethical industries and institutions throughout our state's history. Massachusetts was the first state to divest from South Africa in 1982 and the first state to divest all state pension funds from tobacco companies in 1997. Massachusetts should continue this legacy of socially conscious investing;

WHEREAS, every household in Great Barrington, motivated by a sense of responsibility to protect the planet and guarantee a future for the next generation and beyond, has the ability to decrease its contribution of greenhouse gases (its "carbon footprint") by taking relatively simple steps to decrease its use of fossil fuel; and

WHEREAS, the Town of Great Barrington has chosen to become a GREEN COMMUNITY and under our own Energy Committee, tasked by the Selectboard, significant progress has been achieved in making our municipal buildings more energy efficient;

THEREFORE, be it resolved that the Great Barrington Selectboard commit themselves to meeting our individual and collective responsibility in the face of the increasing climate crisis by adopting energy efficiency and conservation practices; and

FURTHER, we urge our elected state officials to direct the managers of the State Pension Funds to divest the Funds of holdings in fossil fuel industries and to invest, instead, in alternative sustainable energy companies, a step consistent with the Commonwealth's commitment to clean, renewable, green energy that does not further burden our fragile atmosphere and threaten our planet; and

The Town Clerk is requested to send copies of this Resolution to Governor Charlie Baker, State Treasurer Deborah B. Goldberg, State Senator Benjamin B. Downing, and State Representative William Smitty Pignatelli; or to take any other action relative thereto.

PASSED AND APPROVED BY the Great Barrington Selectboard this 9th day of March, 2015.

Deborah Phillips, Chair

Sean Stanton

Stephen C. Bannon

Daniel Bailly

Edward Abrahams

(Highlighted changes made to the original)

Resolution in Support of Fossil Fuel Divestment and to Address the Climate Crisis

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WHEREAS, there is a limit to the amount of carbon and other greenhouse gases the atmosphere can contain beyond which life on the planet as we know it will be severely impacted and ultimately unsustainable; and

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Deborah Phillips, Chair

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**Zoning Board of Appeals
Town of Great Barrington**

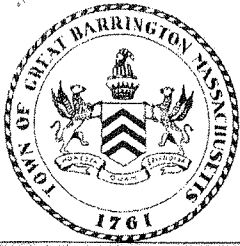
NOTICE OF PUBLIC HEARINGS

The Great Barrington Zoning Board of Appeals will hold a public hearing on Tuesday, March 10, 2015, at 7:30 p.m. at Town Hall, 334 Main St., Great Barrington, to act on the special permit application of Paul Greene on behalf of Nicki Wilson to construct a screened porch on the rear of a pre-existing, non-conforming dwelling at 80 Castle Hill Ave., in the R1A zone. A copy of the petition is on file at the Town Clerk's office, Town Hall. Zoning Board of Appeals members will make a site visit at approximately 5:30 p.m. that same date.

Ron Majdalany, Chairman

dlb

Publish ~~January 10, 2015~~ February 6, 2015



Town of Great Barrington Massachusetts

ZBA 837-15

ZBA-1 Rev. July 2013

Application to the Zoning Board of Appeals

JAN 26 PM 2:08

INSTRUCTIONS

You may download this form and fill it in on your computer. Fill out all applicable information. Save and print the form, and sign it where required. When you are ready with your form and all supporting plans and materials, call the Town Planner to set up a time to file the application. You will need to submit the original and 14 full copies of the entire package. It may not be submitted electronically, but submissions made by mail are acceptable. Incomplete applications and those not accompanied by the required fee or copies may be rejected. The Town Planner can be reached at (413) 528-1619, x.7 (Note, for Comprehensive Permit applications, please call the Town Planner.)

FOR OFFICE USE ONLY

Filing Date: 1/26/15
Received and checked for completeness by: CR
Number Assigned: 837-15
Date filed with the Town Clerk
FOR ZBA USE:
Advertising dates: &
Public hearing date:

TIMELINE: The Zoning Board of Appeals (ZBA) will set a public hearing date that is at least 45 days but no more than 65 days from the date of your filing. The hearing date will be posted at Town Hall and in accordance with the Open Meetings Law, and notice of the hearing will be sent to the Applicant and/or Applicant's agent and abutting property owners by mail, and advertised for two consecutive weeks in the local newspaper.

A. WHAT ARE YOU SEEKING?

Check all that apply. If you are unsure, please consult with the Town Planner, Building Inspector, or ZBA Secretary (413-528-4953)

- VARIANCE (exempts a property from some Zoning requirements)
SPECIAL PERMIT (for changes to nonconforming uses, structures)
APPEAL (to overturn a decision of Building Inspector or a Board)

B. SITE / PROPERTY INFORMATION

Address of Subject Property 80 Castle Hill Ave
Assessor's Map No. 13 Lot No. 67
Registry of Deeds Book No: 1530 Page: 261
Zoning District(s) R1A
Overlay Districts (if any)

C. APPLICANT AND OWNER INFORMATION

Applicant's Information: Name (please print) Paul Greene, Phone (area code first) 413 446-0964, Street Address 11 Blue Hill Rd, City, State, Zip Code Great Barrington MA 01230, Email Address paulgreene@sec@gmail.com, Signature [Handwritten]

- Check here if Applicant and Property Owner are the same, and skip to the next section.
Check here if Applicant is different than the Property Owner, and to verify that you have the Property Owner's permission to file this Application. Note that the Property Owner must sign below to indicate permission to file this Application.

Enter Property Owner's information EXACTLY as it appears on the most recent tax bill.

Property Owner's Information: Name (please print) Nicki Wilson, Phone (area code first) 413 528 2728, Street Address 80 Castle Hill Ave, City, State, Zip Code Great Barrington MA 01230, Email Address nickiwil@gmail.com, Signature [Handwritten]

D. VARIANCES If you are requesting a variance, please answer all of the following. Attach additional sheets if necessary.

1) From which Section(s) of the Zoning Bylaw do you request a variance?

2) What will the requested variance(s) enable you to do?

3) If the variance(s) is not granted, what hardship will that cause you?

4) What special circumstances relating to soil condition, shape or topography of land or structures, affect your property but not other properties in the same zone?

5) Explain why your special circumstances are not a result of your own actions.

6) If the variance(s) is not granted, what rights will you be deprived of that other properties in the same zone enjoy?

7) Explain why a variance will not give you any special privileges that other properties in the same zoning district don't have.

E. SPECIAL PERMITS If you are requesting a special permit, please answer all of the following. Attach additional sheets if necessary.

1) A special permit is being requested in order to (please describe project):

To Build a 22' x 14' screen porch

2) This application is made under the following Sections of the Zoning Bylaw (check all that apply)

Section 5.2 Section 5.3 Section 5.5
 Section 5.6 Section 5.7 Section 10.4

3) Reason(s) that this property is not in conformance with the Zoning Bylaw

The new porch will be 8' from the side property line
Note: The existing house is closer to the line

4) Are there any previous Special Permits or Variances for this property?

No Yes
If yes, provide date(s), and name of issuing Board _____

F. APPEALS If you are seeking an appeal, please answer all of the following. Attach additional sheets if necessary.

1) This application is to appeal the decision of

Building Inspector Planning Board Board of Selectmen

2) Date of decision

3) Nature of the decision

4) Applicable Section(s) of the Zoning Bylaw

5) Describe your interpretation of the nature of the decision and the remedy you seek. Attach additional sheets if needed.

G. REQUIREMENTS FOR ALL APPLICATIONS

By checking the items below, applicant acknowledges that each application is accompanied by each of the items listed below.

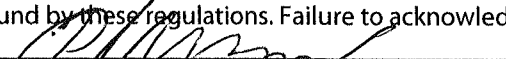
- Plot Plan of the entire property or tract. The Board may require the plan to be signed by a licensed surveyor or engineer, particularly if the matter involves dimensional issues. The plan should include those items listed in Section 10.5.3 of the Zoning Bylaw, including two locus maps--one USGS survey map and one current zoning map-- illustrating property location.
- A current list of all abutters within 300 feet of the property, including address of owner, map and lot number. The list must be obtained from the Assessor's office and certified by the Assessor's office. Call 413-528-1619, x. 5.
- At least one copy of the application and plans / specifications shall be no larger than 11 x 17 inches.

H. APPLICATION FEE

Application fees are calculated at \$150 per request. (For example, if one box in A. is checked, the fee is \$150. For two boxes, the fee is \$300.)

- Check here to confirm that your check in the appropriate amount is enclosed. Make checks payable to Town of Great Barrington.

I. TECHNICAL REVIEW FEES

- The Zoning Board of Appeals may hire independent consultants whose services shall be paid for by the applicant(s) under the terms of the Rules and Regulations of the Zoning Board of Appeals, and in accordance with Chapter 44, Section 53G of the Massachusetts General Laws. Check here to acknowledge and be bound by these regulations. Failure to acknowledge shall cause this application to be rejected as incomplete. Please also sign here: 

J. ADDITIONAL INFORMATION

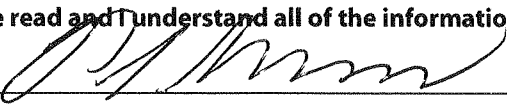
Recommending Boards: All applications to the Zoning Board of Appeals are referred to the Planning Board, Conservation Commission, Board of Health, and Board of Selectmen for comments and recommendations. Applicants should be prepared to attend those meetings in order to brief those boards of their project and answer any questions.

Site Visits: The ZBA and recommending Boards may contact the Applicant to request a site visit. Applicants agree to facilitate access to the site at a mutually convenient date and time.

Timeline/ Procedures: The ZBA conducts its business in accordance with Massachusetts General Laws. Accordingly, the ZBA will hold its Public Hearing not later than 65 days after the filing of the application. A decision for a variance or appeal will be rendered not later than 100 days from the filing date. A decision for a special permit will be made not later than 90 days after the close of the Public Hearing. The decision will be filed with the Town Clerk within 20 days of the date of the decision. The appeal period lasts for 20 days after the filing with the Town Clerk. On the 21st day, if no appeals are filed, or once all appeals are resolved, the applicant shall have the decision certified by the Town Clerk. The Applicant is responsible for then filing the decision with the Registry of Deeds, at which time the decision becomes effective.

Guidance and Counsel: In preparing this application and when presenting the case to the ZBA, applicants are advised to be fully familiar with, or seek counsel from a qualified person who is familiar with, the Zoning Bylaw and other rules, regulations, and laws as may be appropriate. If you wish to discuss the completeness of this application, or have any questions about this application, please contact the ZBA's Secretary, Bernard Drew, at 413-528-4953, or the Town Planner at 413-528-1619, x. 7. However, we will not discuss the merits or strategy of your case.

Applicant's Signature: "I have read and understand all of the information on this application."

 (signed) July 19/15 (date)

Print Form

Need Help? Just call us.

Town Planner: (413) 528-1619, x.7

Building Inspector / Zoning Enforcement Officer:
(413) 528-3206

ZBA Secretary: (413) 528-4953

For bylaws, regulations, maps, and other useful information, visit us online at www.townofgb.org

S
P

S 00°26'49" W
128.90'

R1A

0.572 - ACRES

133.01'
N 07°15'00" E

STUMP

20"
STUMP

24"
STUMP

24"
STUMP

28"
STUMP

14'

12'

Change
Porch
Porch

8' to property
line

36"
STUMP

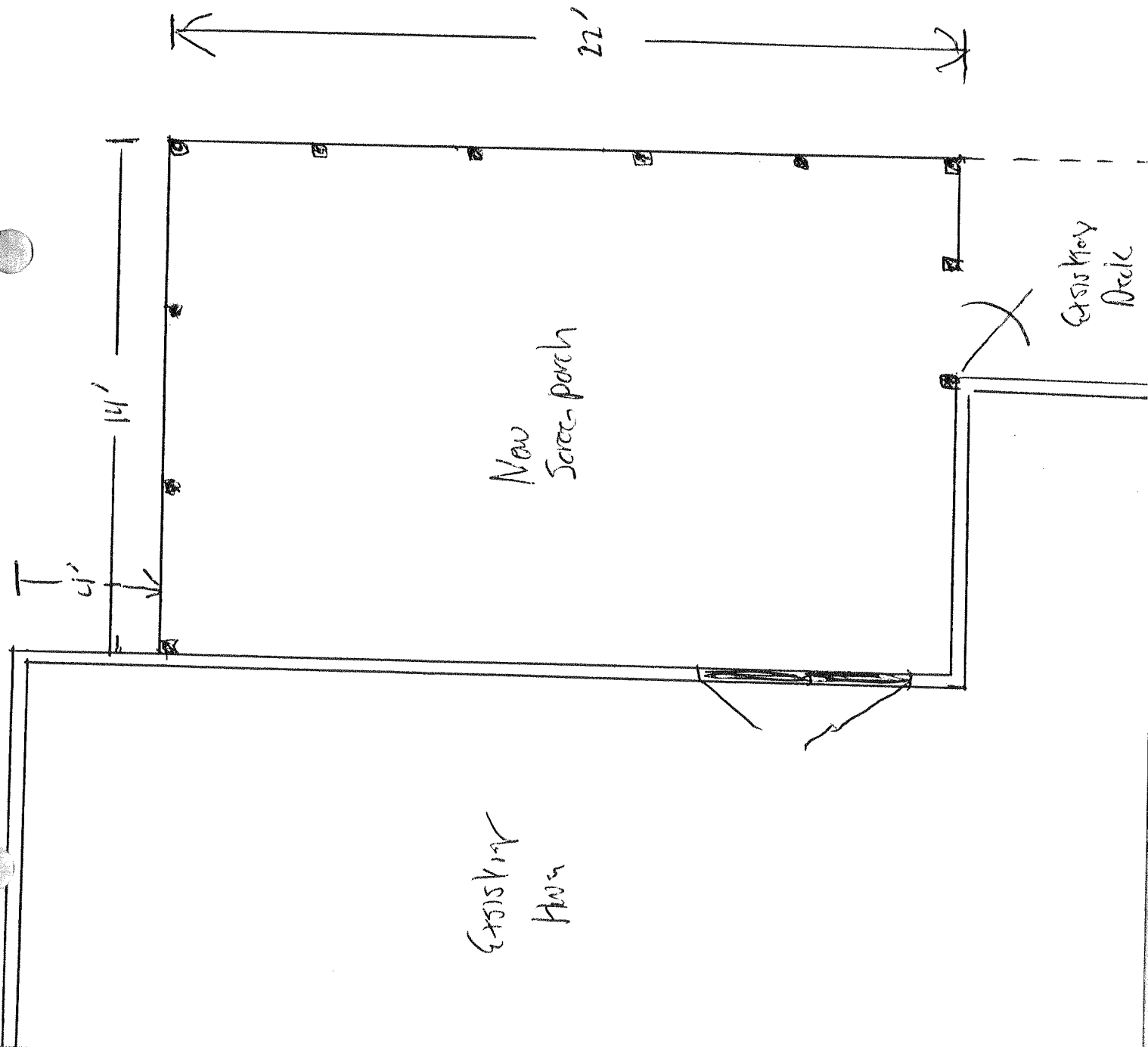
128.55'
N 69°00'50" W

15.05,50" E
0.31'

10.9'

Mick Wilson

Porch floor plans



Existing Area

New Screen porch

Existing Deck

22'

14'

4'

M-69 dt
75.00

80 Castle Hill Avenue
Plot plan referenced in boundary line
agreement dated May 26, 2004

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ATTORNEY'S ABSTRACT OF TITLE AND/OR TITLE REPORT AND IS SUBJECT TO ANY SURVEY DEFECTS THAT MAY BE REVEALED. THIS PROPERTY WAS SURVEYED BY THE POSSESSION LINES RULE AT THE TIME THE SURVEY WAS MADE.

THIS PARCEL IS SUBJECT TO AND WITH THE BENEFIT OF THE SURVEY OF THE ADJACENT PARCELS, LEASES, EASEMENTS AND ADVERTISEMENTS OF RECORD.

UNLESS OTHERWISE NOTED HEREON, THIS SURVEY PLAN SHALL NOT BE CONSTRUED AS DEFTING THE PRESENCE, ABSENCE, OR LOCATION OF ANY UTILITIES OR STRUCTURES. ANY SURFACE WATER FEATURES SHOWN, SUCH AS STREAMS OR PONDS, ARE NOT REPRESENTED AS INDICATING LIMITS OF WETLAND RESOURCE AREAS.

SOUTHERN REGISTERED RECORDS
BOOK 274, PAGE 24
FILED IN M-69
75.00 dk
S. M. J. Register



FOR REGISTRY USE ONLY

LOCUS DEED: BK - 1127 PG - 119

LAND OF LARAVA
BK - 319 PG - 148

LAND OF KETCHEN
BK - 434 PG - 56

0.572 - ACRES

APPROX. SIDELINE

POLE EXPOSED

CASTLE HILL AVENUE

SIDEWALK

30" STUMP

18" STUMP

24" STUMP

24" STUMP

24" STUMP

24" STUMP

24" STUMP

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24" STUMP

24" STUMP

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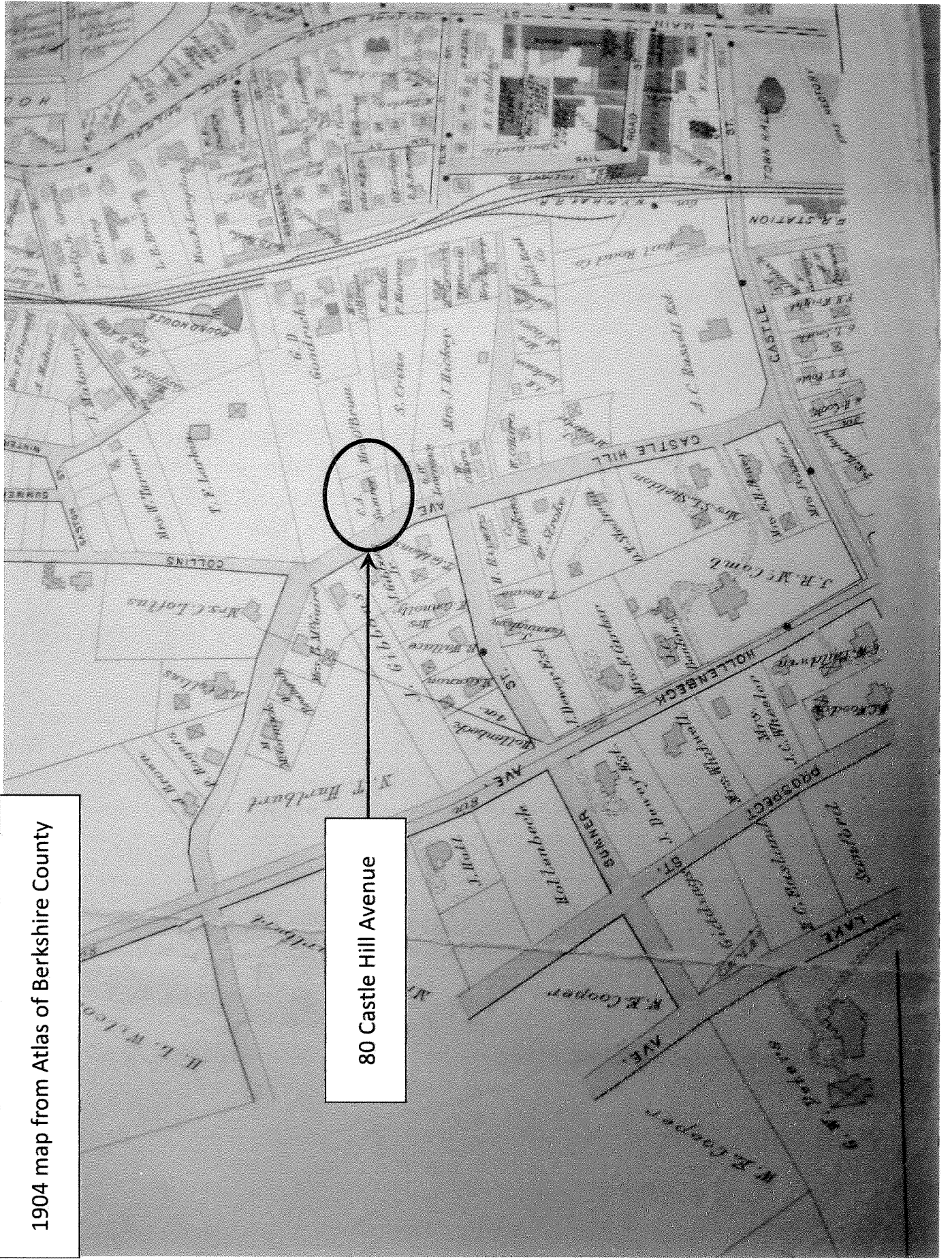
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1904 map from Atlas of Berkshire County

80 Castle Hill Avenue



Joseph W. Sokul
DPW Superintendent

E-mail: jsokul@townofgb.org
www.townofgb.org



Town Hall, 334 Main Street
Great Barrington, MA 01230

Telephone: (413) 528-0867
Fax: (413) 528-2290

TOWN OF GREAT BARRINGTON MASSACHUSETTS

DEPARTMENT OF PUBLIC WORKS

EXECUTIVE SUMMARY

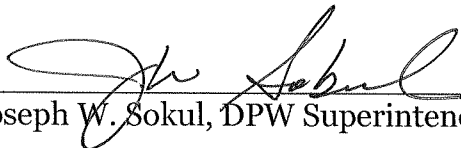
TITLE: FY 2016 - Letter of Intent - Household Hazardous Waste Collection Program

BACKGROUND: Each year the Town signs a letter of intent to continue participation in the Berkshire County Household Hazardous Waste Collection Program. The Town also carries a line in the annual budget to pay for the fees for this program. Attached is a draft of the letter of intent indicating the Town's intent to continue participation and a spread sheet of the proposed budget for area towns including the Town of Great Barrington.

FISCAL: The estimated fee based on our population and collection fees total \$3,695. The proposed FY16 budget for this program is \$6,500 which includes collection fees beyond this program.

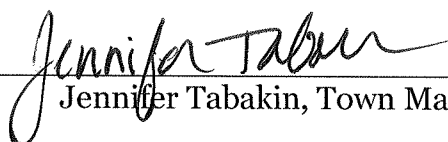
RECOMMENDATION: Great Barrington continues to be one of the leaders for this program in the County. It is recommended that the Board of Selectmen votes to approve the continued participation in the program and have the appropriate authority sign the letter.

Prepared By: _____


Joseph W. Sokul, DPW Superintendent

Date: 2/23/2015

Approved By: _____


Jennifer Tabakin, Town Manager

Date: 3/4/2015

SBHHW FY 2016 Budget

Municipal Share		Fy 2016				
Household Hazardous Waste Program						
<u>Town</u>	Population 2010 Census	Base Fee, based on Population (@\$.66/per)	Estimated Additional Disposal Fees Based on Participation Fy 2015	Estimated Total Estimated Cost of both mini and HHW events (for FY 2016) budget purposes)		
Alford	494	\$ 327	\$ 52	\$ 379		
Becket	1,779	\$ 1,178	\$ 311	\$ 1,489		
Egremont	1,225	\$ 811	\$ 544	\$ 1,355		
Great Barrington	7,104	\$ 2,401	\$ 1,294	\$ 3,695		
Lee	5,943	\$ 2,736	\$ 599	\$ 3,335		
Lenox	5,025	\$ 1,879	\$ 369	\$ 2,248		
Monterey	961	\$ 636	\$ 390	\$ 1,026		
Mount Washington	167	\$ 111	\$ 47	\$ 157		
New Marlborough	1,509	\$ 999	\$ 337	\$ 1,336		
Otis	1,612	\$ 1,067	\$ 238	\$ 1,306		
Richmond	1,475	\$ 976	\$ 166	\$ 1,142		
Sheffield	3,257	\$ 2,156	\$ 282	\$ 2,438		
Stockbridge	1,947	\$ 1,289	\$ 369	\$ 1,658		
Tyringham	327	\$ 216	\$ 47	\$ 263		
West Stockbridge	1,306	\$ 865	\$ 250	\$ 1,115		
TOTALS	34,131	\$ 17,646	\$ 5,296	\$ 22,942		

*as host communities, Gt. Barrington, Lee and Lenox are assessed at a "host community benefit rate".

Lake Mansfield Improvement Task Force
Request for Planning Support & Comprehensive Report 2015

February 9th, 2015

To the Select Board,

The Lake Mansfield Improvement Task Force requests and advises that funding be allocated to hire a multi-disciplinary team to engage the community in defining its goals for the Lake Mansfield Recreation area and to provide the town with well-developed alternative options (costs, permitting, and impacts) for future work. The Task Force urges the select board to support the \$40,000 request in this year's capital budget put forward by the DPW Superintendent. A hired consultant team will be able to provide detailed cost estimates for the different phases (design, construction, permitting) for future capital improvements for the Lake Mansfield Recreation Area.

While many accomplishments have been made, the current challenges are complex and demand that our next steps be well informed by experts in environmental engineering and community planning.

Any plan must be sure to provide for the protection and improvement of the water and natural resource areas as well as support recreational use, public safety and community access. A number of special permitting requirements, safety issues and multiple use aspects must be comprehensively addressed. Best practices must be supported. Costs must be clearly defined.

In addition, this plan will ensure the Town's financial resources are carefully and skillfully utilized. Along with planning options, the consultant team will advise the Town about potential grant funds and revenue sources to support future improvements.

Proper time must be allowed for this planning. It is expected that this phase will require a year to 18 months. The timeline and outcome specifics will be developed within the Request for Qualifications. Community input meetings, presentation of improvement options and community decision making meetings will be required. In the interim, short term solutions for the repair of the degraded Lake Mansfield Road should also be addressed.

The following report provides an overview of the Lake Mansfield Recreation Area as it exists today and a description of our current challenges. Attachments to this report include a brief history of stewardship to date and a resource list of the most relevant Lake Mansfield documents including plans and reports which have informed our efforts to date and led to our current request.

This request comes from the Task Force after very careful consideration and is based upon our efforts to support the care of Lake Mansfield since 2006. The information presented here reflects the information presented at the joint meeting of the Selectboard, Planning Board, Conservation Commission, Parks and Recreation Commission, and Lake Mansfield Improvement Task Force on September 29, 2014.

It is our hope that this report makes a clear case for the need of planning funds and that the select board will act to include allocation for this funding in the upcoming Capital Improvement Plan.

Respectfully submitted on behalf of LMITF,



Christine Ward, Chairperson

Overview of the Lake Mansfield Recreation Area

The Lake Mansfield Recreation Area contains the Lake, the 1-acre beach, playground and picnic area, the beach parking lot, the boat launch, the 29-acre Conservation Forest, and a 0.5-mile section of Lake Mansfield Road that provides multi-use access to the area and the recreational activities there. The Area is enjoyed year-round by residents and visitors. Activities there include: swimming, paddling, fishing, walking, running, biking, ice-fishing, skating, x-country skiing, snowshoeing and nature watching. These experiences are enriched by a vibrant natural habitat that supports numerous plant, bird, amphibian, insect and mammal species.

Lake Mansfield is a 28.5 acre "great pond" owned by the Town of Great Barrington. A parking area provides visitor access to the beach area and Conservation Forest. The beach area contains a sandy beach and a lawn with swings and climbing structure, changing area and porta-toilets, picnic tables and barbecue stands. In the busy summer season life guards and swimming lessons are provided through the Parks & Recreation Commission. In summer 2014 a total of 16,848 beach visits were documented.

Lake Mansfield Road is used year round by many for through travel, Recreation Area access and recreation. It is more than just a road—it is a scenic route, to and through a park, for walkers, bicyclists, and motorists.

At the south end of the Lake there is a boat launch for non-gasoline motored crafts. This space also accommodates some parking and is utilized as a place for dogs to swim and enjoy the lake. Fishing occurs at the boat launch, along Lake Mansfield Road and from boats in the lake. This area is used by many for winter lake activities including skating and ice fishing.

The Lake Mansfield Conservation Forest features an accessible trail network within a 29-acre woodland. Most of the trail is built to accessible standards, with gentle slopes and a crushed stone trail surface. The shady trails provide a complement to the open lake area which features a grassy picnic space and sandy beach. The main trail is broad and accessible and features a bridge-boardwalk crossing over the Lake Mansfield outlet brook. A natural footpath connects the bridge to the Christian Hill Road trail entry. This trailhead has a few steps that bring you to a crosswalk allowing safe access to Welcome Street. Within the forest, and connected to the main trail, is a ¼ mile forest loop trail. The trail system can be used as a portion of a 3.5 mile loop connecting the lake and forest to River Walk, downtown shops and surrounding neighborhoods. This route includes a variety of surfaces (trails and sidewalks).

Lake Mansfield Recreation Area: Current Conditions and Improvements Needed

Environmental health, multiple uses, and safety must be addressed throughout the Lake Mansfield Recreation Area. Several locations pose special challenges and require careful consideration:

1. The Boat Launch: At the south end of the Lake is a small boat launch area that is used to launch small boats and canoes without gasoline engines. A kiosk built by Lake Mansfield Alliance, provides information about the lake and certification forms to help prevent the spread of zebra mussels. Besides boat launching, this area is frequently used by people fishing and dog owners who want access to the water for their pets. In the winter the boat launch provides parking for ice skating and ice fishing. Erosion due to stormwater runoff is a major concern here. Currently unfiltered run-off is negatively impacting water quality. Improvements here could be supported in part by the MA Office of Fishing and Boating Access.
2. Knob Hill Road: This very steep roadway transports additional unfiltered run-off into the lake in the area of the boat launch. Sand and gravel wash down from driveways uphill, carrying sediment into the lake as well as distributing sediment onto Lake Mansfield Road, creating a potential safety issue. In 2010 the Task Force was instrumental in obtaining grant funding from Mass DEP under the 604b Water Quality Management Planning Program to develop a conceptual plan for solving these issues. In the future, this plan could be the basis for applying for Mass DEP Section 319 grant funding.
3. Lake Mansfield Road: The roadway is extremely degraded from the south end of the lake all the way to Christian Hill Road. Along the road the pavement surface exhibits an alligator texture caused by a compromised sub-base, poor drainage, and freeze/thaw cycles. Water from the lake is permeating under the roadway and the hydraulic effect combined with the annual freeze/thaw cycle is severely compromising the roadway. In September 2013 Tighe & Bond performed a Lake Mansfield Road Study that investigated the causes of road deterioration and provided rough magnitude cost figures for various options for road improvements. More specific information relating to the permitting requirements for proposed improvements is needed.
4. Drainage Improvements: A series of culverts run under Lake Mansfield Road transports water between wetland areas and the lake. Horizontal cracks exist across the roadway where culverts are lifted by the freeze/thaw cycle resulting in numerous large potholes that pose safety concerns for cars and other road users. Culverts will need to be upgraded to prevent this road deterioration and improve road safety.
5. Lake Buffer Zone and Adjacent Wetland Areas: The bank area and existing buffer zone and between the roadway and Lake Mansfield is severely compromised due to erosion in many sections. The vegetated buffer is a protective area between a waterbody and human activity, such as development or agriculture. They are "living filters," because they capture many of the pollutants that travel through them. Buffers filter out sediment and debris from surface runoff. Plant root systems and chemical and biological activity in the soil can capture and transform nutrients and other pollutants and transform them into less harmful forms. At Lake Mansfield little or no bank and buffer zone exist in some roadside areas. There are many challenges involved in the restoration of these areas including extensive permitting process and clarifying ownership (easements would need to be obtained for privately owned land between lake and road). One action taken by the Task Force was to implement new mowing guidelines in order to allow shoreline plants an opportunity to grow and develop a stronger root network in order to provide bank stabilization. Invasive plants are also getting a foothold in this area. Besides helping to protect the roadway, the buffer zone also provides habitat for many species and allows pedestrians a safe place to escape to in order to avoid inconsiderate drivers. The buffer

area along the eastern side of the roadway from Knob Hill Road to the pool has become a wetland over time, as evidenced by the growth of wetland vegetation. This is an important factor since it places regulatory limitations on widening the roadway to the east.

6. Private Property: As you walk down the road you might think that with the Lake being owned by the Town and the road being a Town roadway, that the buffer area between the lake and the road would also be town property. This space has been historically used for lake-side fishing. However, each of the properties that border the roadway to the east has a corresponding piece of property between the road and the lake. This complicates matters as it relates to road improvements or bank stabilization required to support the roadway. Also, there is a private residence and a private pool association that utilize Lake Mansfield Road for access to their property. This is an important consideration if the use of the roadway changes.
7. Physical Constraints: Several ledge outcroppings exist on the eastern side of Lake Mansfield Road. The most apparent of these, commonly referred to as “Whale Rock”, is located across the road from where the buffer between the lake and the roadway is almost non-existent causing the road width to be constrained on both sides. This produces a natural “choke point” that must be considered when designing a road that safely supports vehicular and pedestrian traffic. Freezing and thawing of ground water and pooled stormwater also degrades the road in this area, posing additional safety concerns.
8. Vernal Pool: Tucked in the woods on the eastern side of the road is a state-certified vernal pool. It is a protected resource providing habitat and breeding area for certain species of wildlife some of which are rare and endangered.
9. Beach Parking Area: The current gravel parking lot contributes considerable amounts of unfiltered stormwater runoff to the lake with each storm event. Soil and sand wash into the roadway and eventually into the lake as unfiltered sediment and result in additional lakeside erosion. In addition, the parking area is inadequate during the peak summer season. When full, many visitors are parking along the roadway where “no parking” signs are posted making it difficult for cars and emergency vehicles to navigate the narrow roadway. The Task Force investigated ways to improve and expand the parking area. One approach that would solve many problems would be to reroute the roadway to go around the back side of the parking lot starting just past the pool to just before the outflow culvert at the north end of the lake. This would allow for an expanded parking area where people using the beach would not have to cross a roadway, greatly improving safety in this area. There is precedence for this type of redesign—in the past, Lake Mansfield Road went along the lake shore that is now the beach area.
10. The Lake Outlet: At the north end water leaves the lake via a small pipe under the roadway. This is the only lake outlet. The road here acts like a dam, retaining the lake water. At times the water flow cannot be accommodated by the current outlet pipe resulting in seasonal flooding and icing of the road and jeopardizing safety. If the roadway were to give way in a large storm, the lake could empty, causing flooding downstream in the area around lower Christian Hill Road. Occasionally, beavers try to dam the outflow through this pipe causing water to overflow the roadway. Changes here will involve major permitting efforts to address possible impact to the lake water level, wetland habitat, and river front areas.

11. Lake Mansfield Conservation Forest: The forest and the trail system it contains are enjoyed year round. Future improvements include completing the accessible construction of the loop trail and improving the Christian Hill Trail Segment.
12. Safety and Access for All: Safety is paramount in the planning for this space. Multiple users must be accounted for simultaneously. In addition, universal accessibility should be mindfully provided for to ensure that this treasured community space is available to all community members and visitors.

In conclusion: Investment in Planning will secure this Unique Community Resource for future generations.

Nestled in a neighborhood area and within easy walking distance to town, the Lake Mansfield Recreation Area is a unique open space that provides year-round opportunities to the community. It is a vital natural habitat supporting many plant and animal species. It is a place of beauty that inspires recreation, observation and contemplation. Lake Mansfield is an integral part of Great Barrington's character and is integral to community health.

The Lake Mansfield Recreation Area is greatly valued by the community. Current challenges should be met with knowledgeable and careful planning to ensure that this invaluable resource is well cared for and preserved as a unique community asset for future generations. While much work has been done to protect and improve this area the current challenges are extremely complex and future efforts will depend on the community's priorities. The task force has given much time and deliberation in considering how best to proceed. We recommend that a consultant team with expertise in landscape architecture, environmental permitting, natural resource evaluation, engineering, cost estimating, and capital improvement planning be hired to inform the next improvement choices and decisions. Investment in planning is the best way to support the community in caring for the Lake Mansfield Recreation area and to ensure continued community benefits in the most informed and economically responsible way.

See Attachments:

1. Attachment 1: **History of the Stewardship of the Lake Mansfield Recreation Area**
2. Attachment 2: **Resources, Studies, Plans, and Proposals to Date**

Attachment 1: History of the Stewardship of the Lake Mansfield Recreation Area

Lake Mansfield and the adjacent Conservation Forest are owned by the Town of Great Barrington, overseen by the Conservation Commission, and stewarded by the Lake Mansfield Alliance, a project of Great Barrington Land Conservancy. The Parks and Recreation Commission provides for beach area maintenance and programming. The Lake Mansfield Improvement Task Force (LMITF) was established by the Select board in 2006, and includes representatives of all the groups with a stake in the welfare and future of Lake Mansfield and its environs. Representative members include the Select board, Planning Commission, Parks and Recreation Commission, Conservation Commission, Department of Public Works, Lake Mansfield Alliance, citizen at large as voting members and the Town Planner (and, more recently, Town Manager) attending ex officio. LMITF is mandated to develop and implement an improvement plan for the Lake Mansfield Conservation Area. Listed below are accomplishments to date addressing water quality, natural resources, accessibility and safety.

a. Protection of Lake Waters:

1. One of the major threats to the Lake's health was eliminated through the installation of a new Castle Hill Avenue storm drain system which captures and filters runoff from upper Castle Hill Avenue before it enters Lake Mansfield. This project was coordinated by the DPW Superintendent and Town Planner and partially funded through a \$266,500 grant from Massachusetts Department of Environmental Protection (DEP). The grant was matched with a 40% match of Town funds including volunteer and staff time. New filtration catch basins were installed and the road was resurfaced to support this improvement of the drainage system. During 2014 about 30 tons of sediment was retained by the new catch basins instead of being deposited into the lake. Water protection labels were installed on the improved filtration drainage basins in partnership with the Housatonic Valley Association and Bard College at Simon's Rock.
2. Starting in the summer of 2012, new signage and a dispenser for Clean Boat Certification Forms were maintained at the beach area, providing information on ways to protect the lake from the threat of zebra mussels and other invasive species. Clean Boat Certification Forms, required to be completed by all boaters are made available at the kiosk.
3. A \$30k grant through the Massachusetts Environmental Trust in partnership with Bard College at Simon's Rock was awarded to fund a Lake Mansfield Water Quality Monitoring project which will study the water quality of Lake Mansfield over a three year period. The project will provide data to support a better understanding the health of the lake and the impact of nonpoint source runoff pollution while engaging students in the study of this key resource area.
4. Utilizing the 604b planning grant (\$10,500) from Massachusetts DEP awarded in 2010, the Town's engineer developed a storm water mitigation plan for Knob Hill Road. The necessary right-of-way and topographic survey work was conducted and conceptual plans and cost estimates were completed in 2012. The Town has

also been coordinating with the Department of Fish and Game for possible improvements to the boat launch area. Application for grant funding must await decisions about the eventual disposition of Lake Mansfield Road so as not to make costly repairs moot. Approximately 2,500 square feet of land at boat launch was donated to the Town in February 2015. Now the Town owns the entirety of the boat launch area.

b. Protection of the Buffer Zone and Sensitive Habitat

1. The mowing policy developed for the Lake Mansfield Recreation Area, aimed at supporting sensitive habitat area and encouraging plant growth to help prevent erosion, was followed in 2013 and 2014.
2. A two year program to eradicate invasive phragmites was provided through a contract with JMP Environment Consulting and funded through the Conservation Commission. The treatment program, utilizing a carefully targeted herbicide applied by syringe to cut plant stalks, was approved and funded through the Conservation Commission. Initial treatment was done in the fall of 2013; a 2nd year of treatment occurred in 2014.
3. The Conservation Commission funded a Lake Mansfield 2012 Aquatic Vegetation Survey prepared by Geosyntec that September. This report provides an updated assessment of the composition and distribution Lake Mansfield's aquatic vegetation community, in comparison to the study done five years earlier.
4. Over 10 years volunteers participating in LMA's semi-annual beach and forest clean-ups have resulted in a marked diminution of litter and invasive plants.

c. Protection for the Public

1. Water quality for swimming is tested weekly during the summer by the Board of Health. In 2014, as in all prior years since testing was initiated, water quality has been healthy for swimming, free of bacterial contamination.
2. In the busy summer season life guards and swimming lessons are provided through the Parks & Recreation Commission. In summer 2014 a total of 16,848 park visits were documented. Although the preponderance of Recreation Area use is in the summer, it is enjoyed year-round by residents and visitors.
3. The Lake Mansfield Conservation Forest features a trail network within a 29-acre woodland. The greater part of the trail is built to accessible standards, including gentle slopes and a crushed stone trail surface. Trails in the forest were developed and are maintained through the efforts of Lake Mansfield Alliance (LMA), a project of Great Barrington Land Conservancy, and with oversight of the Conservation Commission. Several granting organizations funded the trail system including LMA, the MA DCR Recreational Trails Program, The Fields Pond Foundation, the

Berkshire Environmental Endowment Fund and the Great Barrington Garden Club. The Conservation Commission also provided support funding. New Kiosks and the development of a trail brochure was accomplished in partnership with Housatonic Heritage through the grant supported GB Trails 2012 Collaborative Trail Project.

4. Chapter 90 funds were utilized for an engineering study of Lake Mansfield Road. Tighe & Bond was contracted for this work and provided an initial evaluation of alternative proposals for the road, including cost estimates for each. A traffic study was provided as well as recommendations for engineering to address road improvements, bank stabilization, roadside and outflow drainage improvements, and options for improving safety in this multi-use recreation area. The task force was provided with an initial report in September 2013, and included this information in an informational presentation to the Select Board, Parks Commission and Planning Commission. Concern over worsening road degradation and safe use of the road are of primary concern.
5. Improvement of the cross walk speed hump, for the safer crossing from the parking area to the beach area, was completed in 2013, funded by the Parks Commission, which also paid for a new porta-let enclosure and installation of a new swing set.
6. In addition to annual cleanup days since 2005, Lake Mansfield Alliance (LMA) has raised funds and provided volunteer labor for several beach improvements. These include: the installation of the split rail fence, welcome kiosk, and weed fabric signage and the planting of several trees and shrubs in the beach park area. In addition, LMA has worked with the Park's Department to co-purchase animal proof garbage/recycling bins and dog waste stations. Each year LMA provides for volunteer days engaging local students from Berkshire School and The Bard College of Simon's Rock.

In Conclusion, a great deal of care for the Lake Mansfield Area has been accomplished through strong collaboration between town organizations, staff, and community minded organizations. All these efforts are the result of hundreds of volunteers hours provided by many dedicated community members over several years and have been supported through town planning and administration. The efficacy of these efforts is clearly demonstrated in the quality of care that has been provided and speaks to the community's commitment to protecting, preserving and enhancing the Lake Mansfield Recreation Area for future generations.

Attachment 2: Resources, Studies, Plans, and Proposals to Date

Below is a list of all past studies, plans and proposals undertaken at the direction of the Town and a summary of the improvements made to date. These studies are available via the town website (http://www.townofgb.org/Pages/GBarringtonMA_LMITF/index).

I. The Environment: Protecting Water Quality, Resource Areas and the Natural Habitat

- Existing Resources: <http://www.lakemansfield.org/>
- Studies: Lake Plant Surveys, future Water Quality Testing from Berkshire Environmental Resource Center
- Lake Mansfield Walkabout, a Guide to Lake Mansfield Road, September 2014
- Summer Recreation Reports: 2013, 2014, 2015

II. Planning:

- The Great Barrington Master Plan and Open Space and Recreation Plan
- The Lake Mansfield Improvement Plan
- Castle Hill Avenue Stormwater Improvements Final Report, June 2014
- Lake Mansfield Road Study, Tighe & Bond September 2013
- Knob Hill Stormwater Planning Final Report, March 2012
- Okerstrom-Land Improvement Concept (2008)

III. Public Outreach:

- Lake Mansfield Alliance Website and Annual Newsletters (<http://www.lakemansfield.org/>)

The Trans-Pacific Partnership clause everyone should oppose

By Elizabeth Warren February 25 at 8:38 PM

Elizabeth Warren, a Democrat, represents Massachusetts in the Senate.

The United States is in the final stages of negotiating the Trans-Pacific Partnership (TPP), a massive free-trade agreement with Mexico, Canada, Japan, Singapore and seven other countries. Who will benefit from the TPP? American workers? Consumers? Small businesses? Taxpayers? Or the biggest multinational corporations in the world?

One strong hint is buried in the fine print of the closely guarded draft. The provision, an increasingly common feature of trade agreements, is called “Investor-State Dispute Settlement,” or ISDS. The name may sound mild, but don’t be fooled. Agreeing to ISDS in this enormous new treaty would tilt the playing field in the United States further in favor of big multinational corporations. Worse, it would undermine U.S. sovereignty.

ISDS would allow foreign companies to challenge U.S. laws — and potentially to pick up huge payouts from taxpayers — without ever stepping foot in a U.S. court. Here’s how it would work. Imagine that the United States bans a toxic chemical that is often added to gasoline because of its health and environmental consequences. If a foreign company that makes the toxic chemical opposes the law, it would normally have to challenge it in a U.S. court. But with ISDS, the company could skip the U.S. courts and go before an international panel of arbitrators. If the company won, the ruling couldn’t be challenged in U.S. courts, and the arbitration panel could require American taxpayers to cough up millions — and even billions — of dollars in damages.

If that seems shocking, buckle your seat belt. ISDS could lead to gigantic fines, but it wouldn’t employ independent judges. Instead, highly paid corporate lawyers would go back and forth between representing corporations one day and sitting in judgment the next. Maybe that makes sense in an arbitration between two corporations, but not in cases between corporations and governments. If you’re a lawyer looking to maintain or attract high-paying corporate clients, how likely are you to rule against those corporations when it’s your turn in the judge’s seat?

If the tilt toward giant corporations wasn’t clear enough, consider who would get to use this special court: only international investors, which are, by and large, big corporations. So if a Vietnamese company with U.S. operations wanted to challenge an increase in the U.S. minimum wage, it could use ISDS. But if an American labor union believed Vietnam was allowing Vietnamese companies to pay slave wages in violation of trade commitments, the union would have to make its case in the Vietnamese courts.

Why create these rigged, pseudo-courts at all? What’s so wrong with the U.S. judicial system? Nothing, actually. But after World War II, some investors worried about plunking down their money in developing countries, where the legal systems were not as dependable. They were concerned that a corporation might build a plant one day only to watch a dictator confiscate it the next. To encourage foreign investment in countries with weak legal systems, the United States and other nations began to include ISDS in trade agreements.

Those justifications don’t make sense anymore, if they ever did. Countries in the TPP are hardly emerging economies with weak legal systems. Australia and Japan have well-developed, well-respected legal systems, and multinational corporations navigate those systems every day, but ISDS

would preempt their courts too. And to the extent there are countries that are riskier politically, market competition can solve the problem. Countries that respect property rights and the rule of law — such as the United States — should be more competitive, and if a company wants to invest in a country with a weak legal system, then it should buy political-risk insurance.

The use of ISDS is on the rise around the globe. From 1959 to 2002, there were fewer than 100 ISDS claims worldwide. But in 2012 alone, there were 58 cases. Recent cases include a French company that sued Egypt because Egypt raised its minimum wage, a Swedish company that sued Germany because Germany decided to phase out nuclear power after Japan's Fukushima disaster, and a Dutch company that sued the Czech Republic because the Czechs didn't bail out a bank that the company partially owned. U.S. corporations have also gotten in on the action: Philip Morris is trying to use ISDS to stop Uruguay from implementing new tobacco regulations intended to cut smoking rates.

ISDS advocates point out that, so far, this process hasn't harmed the United States. And our negotiators, who refuse to share the text of the TPP publicly, assure us that it will include a bigger, better version of ISDS that will protect our ability to regulate in the public interest. But with the number of ISDS cases exploding and more and more multinational corporations headquartered abroad, it is only a matter of time before such a challenge does serious damage here. Replacing the U.S. legal system with a complex and unnecessary alternative — on the assumption that nothing could possibly go wrong — seems like a really bad idea

This isn't a partisan issue. Conservatives who believe in U.S. sovereignty should be outraged that ISDS would shift power from American courts, whose authority is derived from our Constitution, to unaccountable international tribunals. Libertarians should be offended that ISDS effectively would offer a free taxpayer subsidy to countries with weak legal systems. And progressives should oppose ISDS because it would allow big multinationals to weaken labor and environmental rules.

Giving foreign corporations special rights to challenge our laws outside of our legal system would be a bad deal. If a final TPP agreement includes Investor-State Dispute Settlement, the only winners will be multinational corporations.



Town Hall, 334 Main Street
Great Barrington, MA 01230

Telephone: (413)528-1619
website: www.townofgb.org

TOWN OF GREAT BARRINGTON MASSACHUSETTS

December 12, 2014
Congressman Richard Neal
2208 Rayburn House Office Building
Washington, DC 20515

Dear Congressman Neal,

On behalf of the Agricultural Commission of the Town of Great Barrington, we urge you to vote against Fast Track procedures for the Trans-Pacific Partnership (TPP) Free Trade Agreement (FTA).

As citizens who devote our volunteer time to help advance agriculture in our town, we are concerned about provisions which have come to light. The draft TPP would allow foreign corporations to demand U.S. tax-payer funded compensation when our domestic laws limit their profits in this country--thus giving foreign corporations unwarranted influence and greater rights than American firms. Unless changed, the TPP seems likely to undermine the viability of developing a strong and sustainable local economy with a healthy agricultural sector in our region.

We are also troubled by the secret process surrounding the TPP negotiations, which exceeds the Bush Administration's secrecy in their formulation of the Free Trade Area of the Americas.

Finally, we are disappointed to learn that you did not join 151 other House Democrats (including most members of the Massachusetts delegation and 18 full-committee ranking members) in signing the DeLauro-Miller Letter to President Obama. This letter defends the Constitutional powers of the Congress in Article I: "To regulate Commerce with foreign Nations..." and explains the following:

"...opportunity for input from Congress is critical as the TPP FTA will include binding obligations that touch upon a wide swath of policy matters under the authority of Congress. Beyond traditional tariff issues, these include policies related to labor, patent and copyright, land use, food, agriculture and product standards, natural resources, the environment, professional licensing, competition, state-owned enterprises and government procurement policies, as well as financial, healthcare, energy, e-commerce, telecommunications and other service sector regulations."

Given these concerns, we urge you to reconsider your position; assure us that you will vote against the Fast Track procedure and encourage Congress to fully examine/amend the TPP FTA as needed.

Sincerely,

Luke Pryjma, Chair
Great Barrington Agricultural Commission