

Existing Conditions

- Existing open space area approximately 86,500 square feet
- Distance from weir structure building to shore of reservoir approximately 90 feet
- Existing weir structure building dimensions approximately 36' in length and 18' wide with a building height between 15-20 feet
- Lawn area averages ten percent slopes
- Pathway in Poor condition with major drainage problem's year round

Public Art Elements

- 10'-6" high granite arch (main element)
- 24' x 24' patio with pathway access
- 2' granite sitting wall around patio
- 8' long stainless steel basket/overlook for one person
- 12' wide x 3' deep rip rap channel with granite edging
- Natural plantings around art work, along proposed fenceline to be integrated with the overall planting improvements for the Weir Area and Reservation.

Comparison of Original and New Concept for the Weir Structure Area and Public Art

DESCRIPTION	ORIGINAL CONCEPT	NEW CONCEPT
existing open space around weir structure	86,500 sf	86,500 sf
patio elevation above pond (exist. pond elevation 16.5)	18' above pond	14' above pond
tree removal	yes	no
art area within open space	4,000 sf	2,200 sf
water quality area	39,200 sf	18,300 sf
open space maintained	43,300 sf	66,000 sf

PUBLIC MEETING

FRESH POND OPEN SPACE/PUBLIC ART PROJECT

Cambridge Senior Center, 806 Massachusetts Avenue, Cambridge, MA
December 9, 1997 at 6:00-9:00 p.m.

Deputy City Manager, Richard Rossi opened the meeting and acknowledged Vice Mayor Kathleen L. Born; City Councillors Henrietta Davis and Katherine Triantafillou; Dr. Joseph Harrington, President, CWB; Michael Nicoloro, Managing Director, CWD; Pallas Lombardi, Director, CAC; Mags Harries, Artist; John Kissida, CDM; and Alex Stryski, Director, Cambridge Conservation Commission.

Mr. Rossi started his presentation with a background about the City's Public Art Program. Cambridge has had the Percent for Art Ordinance since 1979. The City's art collection includes more than 120 artworks in public places. The Ordinance mandates implementation of the Ordinance by the Cambridge Arts Council. Projects are announced through an Artplan, published and distributed annually, and at public meetings. The Fresh Pond project was announced at the Water Department's public meetings, where people interested in art were asked to contact CAC.

A different art committee is established for each public art project. The committee is composed of 10-15 individuals with a vested interest in the project and 3-5 art professionals. The Art Committee for Fresh Pond includes community representatives (7), the Water Board (4), CWD staff (2), Cambridge Arts Council (2), Historical Commission (1), architectural firm/engineers (2), and art jury (3). Four artists were selected by the jury from a pool of 300 artists who submitted slides; the four artists were interviewed by the Art Committee. Mags Harries was recommended to receive the commission and to collaborate with the architects and CWD.

After showing examples of public art that had been placed in open spaces in Cambridge since the program was initiated, Mr. Rossi reviewed existing conditions at Fresh Pond. The open lawn area where the art will be integrated is 86,500 sqft; the current weir building is 15'-20'h x 36'l x 18'w; the slope to the shore is 10%; poor drainage is a cause of problems for the path.

A rendering of the art project was shown and Mr. Rossi introduced Mags Harries and asked her to explain the art concept. Ms. Harries said that although she has lived in West Cambridge and used Fresh Pond for 27 years, she had been unaware of how the reservoir is connected to the rest of the watershed and what it means to the whole of Cambridge. 18 million gallons of water flow into Fresh Pond from the Hobbsbrook and Stonybrook Reservoirs each day. Through the art the water is made visible; the source of the water is revealed along with the volume of water used. When you stand in the "basket," the water you see and hear represents the actual amount of water used by the people of Cambridge. The art is intended to be a place for the community to celebrate water.

Mr. Rossi reviewed the technical art elements: a granite arch measuring 10'6"; a patio measuring 24'x 24' with the 12' wide path running through it; an 8' long stainless-steel basket; a 12' wide, 3' deep channel to the shore; natural plantings selected in consultation with the Public Planting Committee; and a fence.

The public concerns about the project were reviewed: security and safety, potential for vandalism, loss of open space, protection of water quality, and preservation of the natural character of the site.

Plans of the original proposal were shown and compared to a revised proposal. Mr. Rossi explained that the art will be moved closer to the pond, from 165' to 80'; the elevation will be reduced from 18' to 14'; the art area will be reduced from 4,000 sqft to 2,200 sqft and will be mostly within the water quality area; the water quality area will be reduced from 39,300 sqft to 18,300 sqft; open space maintained will be increased from 43,000 sqft to 66,000 sqft; no tree removal will be necessary.

Renderings of the art in context of the lawn area were shown.

Mr. Rossi reminded people that if they did not sign up to speak and would like to that it would facilitate the process if they did sign up. He asked that people be concise in their responses to the changes made and that they respect each other's opinions and comments.

PUBLIC COMMENTS

Each of the speakers identified themselves as Cambridge residents and users of Fresh Pond. A copy of the sign-in sheet is attached.

1. *Richard Currier* **Opposed** It is not the art but the choice of the Weir Meadow to build the design that is at issue. It is a natural space, which should be preserved from development. All the current structures will be removed. According to a draft for a Growth Policy for Cambridge (p. 145 and Policy #68), green space should be preserved. Educational purposes could take place in the lobby of the Treatment Facility.

2. *Harold Tovish* **Support** 76 year old sculptor. Stunned that this project has raised such furor. Design unintrusive; not an alien presence. Seeing and hearing the water rushing will be beautiful. This is a superb work of art; hope it will go forward.

3. *Jonathan Aaron* **Opposed** Appreciate the effort to adjust the design but the art is not the point; the unbuilt character of FP is what counts.

4. *Sterling Mulbry* **Support** 14 year resident; runs regularly at FP. The art will provide access to the water and enhance the area. The art will make the place more beautiful and attract people.

5. *David Perry* **Support** Resident, user, and Chair, Cambridge Public Art Committee. This is a sensible design, sensitive solution, and a discrete part of the open space. The artist, CWD, and designers have listened to the public's concerns and made significant changes. There is not a loss of open space to the art project; an obsolete building is replaced with usable space.

6. *Gailen Morgan* passed

Ruth Hubbard Wald **Opposed** Like the idea of seeing the water come in, it is a nice idea, but want as little disruption as possible. Can it be in the new plant? Don't want construction to go on for a long time.

7. *Nancy Hausman* **Opposed** There is a difference between literal space and visual space. The issue is not how much space the art takes but rather how visible it will be. It would be sensible to look for another space.

8. *Edwin Goode* **Opposed** Have lived in Cambridge whole life. Love Fresh Pond. We have nothing against the art. You cannot improve what we have at the Pond. Please leave it alone.

9. *Judith Rosen* **Opposed** Fresh Pond is the second largest natural park in U.S. I believe in public art but this has been a misguided project from the start.

10. *Rebecca Folkman* **Opposed** There is very little open space in Cambridge. Want to preserve the uninterrupted natural views.

11. *Jennifer Riddell* **Support** Hope, now that the issues of open space have been addressed, that people can appreciate the art for what it is. Mags Harries is an artist who works with great sensitivity to her public and site.

12. *Stella McGregor* passed

Sabrina Detmar **Support** Fresh Pond is not a natural space comparable to N.E. natural space. It is designed by landscape architects and surrounded by busy streets. Mags's art will allow us to enjoy the view over the water that is now obstructed by the fence.

13. *Ellen Stutman* passed

14. *Sam Bass Warner* **Support** Resident and a historian. There are two schools of thought on preservation. One is to keep things as they are. The other is to work sensitively with our heritage and allow each generation express itself. Cambridge was not built in one day. To choose not to change things privileges one taste. Urge you to take the second path. This is part of something larger: the Charles River Watershed and it is important to view it in context.

15. *Daniel Dugger* **Opposed** Loves the woods and opens spaces. Appreciate the effort to meet the concerns raised. When faced with the choice between public art and open space, I choose open space.

16. *Anne Wyman* - gone

17. *Kendra Ferguson* **Support** Resident for 20 years. Very intelligent and beautiful project. It would add visual interest to the lawn area.

18. *Nancy Webb* **Support** Resident for 40 years. This is a wonderful piece. It should be built.

19. *Priscilla Fales* **Support** Resident for 15 years. This open space is under utilized. The wetlands would have to be created and the pathway moved anyway.

20. *William Schreiber* Retired MIT engineer. The art project is strictly aesthetic, not for water improvement. Don't want it to present a negative impact on water quality. Great concerns about the fence. There is nothing wrong with the art, it is very nice, but specifications should have been given to the artist before the project started the project.

21. *Rebecca Cheng* **Support** Completely support the project. Intervention is not an easy thing to do. The artist has successfully used the distinction between literal and visual space. She has opened a beautiful, uninterrupted view over the pond, accessed the water, while taking up very little actual space.

22. *Jeffrey McIntyre* - gone

23. *Bob Ziegler* **Support** Resident for 25 years. Loves Fresh Pond but dislikes being cut off from the water. This project is a way of making peace with the darn fence. Teach disadvantaged kids and have often brought them to Fresh Pond. The art will provide an opportunity to teach kids about water and why they should turn off the faucet.

24. *Malcolm Peyton* **Support** A musician, would love to hear the water going into Fresh Pond.

25. *Amy Nadel* **Opposed** Different places have different uses. Passive areas should be protected. The art is not the problem, just the site. This is not a park; it is a reservation. The opponents will meet the supporters at every turn. We will attend the meeting of the Conservation Commission. The City should set up a citizen design review committee and try mediation with this project. She asked if this could be done and what is the process.

A. *Richard Rossi*: There is a review process for public art. The City has commissioned over 100 artworks for public places and we have a long standing process. This is the first time we find ourselves in this situation regarding open space. The City Manager will get the information from this meeting and he will render a decision.

Q. *Amy Nadel*: will trees be removed?

A. *Richard Rossi*: No trees will be removed for this project.

26. *Sabrina Detmar* passed

Stella Aguirre McGregor **Support** Fully support this project. Mags Harries art is a gentle intervention into the landscape and a great gift to the City.

27. *Joan Brigham* **Support** Resident for 35 to 40 years. The art connects us to the workings of nature by opening up the pipe that hides the flowing water. There are too many things in modern life that disconnect us from experience of how water works. The world is getting more and more invisible.

Q (no name given): What is the consequence of the remarks made tonight -- the discussion seems one sided; preaching to the converted.

A. *Richard Rossi* The intention for the meeting is to hear and record what people have to say. The public has concerns; the artist and designer have responded with changes to those concerns. We have presented the solutions to those concerns. We support public art, open space and water quality.

28. *Wendy Prellwitz* **Support** In this area of dwindling opportunities, the percent for art is very important to artists. It has been suggested that Mags Harries' project should have taken place inside the treatment facility; Mags Harries did explore several ideas for the building but they turned out not to be feasible. As an artist, architect, member of CAC, and a user of FP, I am heartened by the changes that have been made without compromising the art.

29. *Gail Boyajian* **Support** Was ambivalent about the project before the changes. Mags Harries and the designer have responded very appropriately to the concerns raised.

Q. What is the City's position? This is a 1% for art project.

A. *Richard Rossi* This is a City project and it adheres to the requirements of the Ordinance.

30. *Ruth Hubbard Wald* - passed

Gaylen Morgan **Opposed** Want this natural site uninterrupted; against any construction. It is a our arcadia -- our tiny wilderness. We don't need to be shown the water. Irreconcilable differences: love of art love of nature. We don't need to be shown how to appreciate the park.

31. *Margaret McLallen* - declined

32. *Lillian Hsu-Flanders* **Support** Mags Harries has acute sensitivity for the environment. There is an eternal paradox between natural space and the city. Love naturalness but we also have to be able to use it.

33. *Karen Phillips* **Opposed** Resident for 25 years. Fresh Pond is a refuge. Nature is art, not created by people. We don't need to construct anything.

34. *Gerry Bergstein* **Support** Resent being told he cannot both love Fresh Pond and the art.

35. *Jeffrey Kopman* **Opposed** Moved to Cambridge 6 months ago from western New York because of the open space at Fresh Pond. It is a beautiful place; let it stay that way.

36. *Ben Wilson* **Opposed** I am from New Mexico; my family owns a 900 acre ranch in New Mexico, in a beautiful pristine countryside. The family has given up rights to develop the land. Would like to protect something in this place as well. There is an opportunity to reduce development in this place. The space can be brought back in line with nature. To see the water, we should ask the Water Board to make the fence lower.

37. *Karen Ogden* **Opposed** The noise from the flowing water will drown out the birds. This is a precious spot that needs protection.

38. *Washington Taylor* **Support** Totally for this lady's project. Considering the pros and cons of this project, I am checking all the positives. Ultimate user of FP, made jelly from the berries and apples, enjoy the birds, bring my dog, swam in the pond, peed in the pond, made love on the meadow -- done it all! A user for 22 years. I'd like to bus kids and people to FP; everyone should enjoy it.

39. *Joseph Barbieri* **Support** Have lived in Cambridge for 300 years. After seeing the pictures, this project is beautiful.

40. *Aileen Erikson* **Opposed** The art does not belong there. The bench upsets me enormously. It should not be there.

41. *Douglas Kornfeld* **Support** The issue is change and change is hard. Hope the city continues to change for good. The City Council should not be afraid of change or give-in to pressure.

42. *Peter Baptiste* **Opposed** Against development. There is enough asphalt in U.S. to pave over Pennsylvania. We don't want this weird thing in this area.

43. *Charles Mayer* **Opposed** Resident for 41 years. Hope the Arts Council will not build this just because artists want it. Fountains in Rome are in dense urban areas, not open spaces. The meadow is a micro-wilderness; don't want a donut of water.

44. *Ellen Stutman* **Support** Resident for 27 years. Landscape painter, committed to open space. The opponents are disingenuous when they say they are not against Mags Harries' art; this project is site-specific. Mags Harries has been extraordinary in her willingness to make changes.

45. *Helen Shlien* **Support** Fresh Pond is a wilderness landscaped by human hands. Mags' art is in character with the natural surroundings. In few years, it will be a favorite spot -- a place of nature.

46. *John Moot* There may be a better place for the art. There must be a way to soften the impact. It is premature for the City to make a decision at this time. Wants to know why the landscaping around FP is not a part of the presentation.

Richard Rossi There have been several presentations. The Public Planting Committee is looking at landscaping. There is a master plan. It was not feasible to place this art inside the building.

47. *Karen Norberg* **Support** Cambridge resident for 20 years. Public art can be used as a vehicle of understanding. Mags Harries art does, in its modest way, gives us an understanding of how the world functions, particularly water. It is not just a nice piece of plop art placed in the field. It deepens our environmental awareness by making water visible, information about the water supply, water treatment, and water as a resource.

48. *Nancy Messom* **Opposed** Resident 36 years. There is a hunger for open space. Fresh Pond is accessible. Ask the City to leave one place undeveloped.

49. *Ross Miller* **Support** Resident since 1971. Would like to have the opportunity to go to Fresh Pond and use the art to teach my children about water and the cycles of nature. This will be a unique place to do that.

50. *Jan Forte* **Opposed** Use to live near FP. Think this piece of art is just awful. It is a waste of money. There are tons of other places for art.

51. *Charles Norris* **Support** Have lived for 30 years on Huron Avenue. Professionally, as an architect and waterfront planner, I consider this a great enhancement to the space. Personally, I have an infant daughter and I think this is something she would enjoy tremendously over the years.

52. *Elenor Tynan* **Opposed** For 78 years lived near the FP. This piece will deteriorate very quickly. It will get trashed; it will be a monster! We should not add a bit of garbage.

53. *Kip Cainian* **Opposed** Love Mags Harries' work but do not think we need it. Prefers to get rid of building.

54. *Robert Winters* **Support** There was a troublesome miscommunication early in the project that the channel had to be of certain length. I had reservations about the fence and other matters but supportive of how the project looks now.

55. *Jenny Kastner* gone

56. *Gaylen Morgan* past speaker

57. *Ted Clausen* **Support** What public art can do is to make us aware of our environment. The sculpture in Winthrop Park (a stone remnant of the Newtown marketplace) brings awareness of the history of this place. Mags Harries art makes us aware of the environment at Fresh Pond.

58. *Rick Levy* **Opposed** FP a great place to escape because it is not civilized. The art would command attention. Lets air on the side of underdevelopment.

59. *Cinthya Livingstone* **Support** It is a minimal project. The ducks will still come to FP. Don't think graffiti will be tolerated; people are not going to throw trash here.

60. *Pauline Mayer* **Opposed** FP is not wilderness; it is a very human interventionist environment. It can be improved but I prefer the illusion of the naturalness and the joy of walking out of the woods into the openness.

Richard Rossi announced that people had left and provided their written comments:

61. *Anne Wyman* **Opposed** "against any man made distraction"

62. *Sephronia Camp* **Support** "Regular user of Fresh Pond for many yrs -- SUPPORT THIS PROJECT!! I'm 48 yrs old -- have a photo of me 44 yrs ago. I'm a long time user of the pond area.

63. *Mindy Menchell* **Support** "I support this art project and Mags Harries' vision for the weir area."

64. *Margaret Holmes* **Support** "I think it's a fine project and hope it gets ahead NOW."

65. *Sarah Wentworth* **Support** "I would love to see Mags Harries' project go ahead without further delay."

66. *Margaret Lindsey* **Support** "Support and very much admire the project."

A QUESTION AND ANSWER PERIOD FOLLOWED THE PUBLIC COMMENTS

Q. How often is the weir building painted?

A. *Michael Nicoloro* It has been painted 6-8 times in my 3 1/2 years at the Water Department.

A. *Richard Rossi* The City has a maintenance program for public art that would handle graffiti removal from the art.

Comment: There are clearly two sides; don't see any mitigation. Can we consider another art project.

Response: *Richard Rossi* The art has been moved closer to the pond to respond to the concerns. There is a process for the selection of artists and that process was followed.

Comment: *Amy Nadel* I question the approach. The public was not involved until June 3, when the site had been chosen.

Response: *Richard Rossi* There is a process that was followed. It is a process that has been used over and over again. There was a 21 person art committee that discussed the art. There were public meetings where the community was informed of the project. You don't always reach every one. When the concerns were raised, we stopped and tried to address the issues.

Comment: *Amy Nadel* Thanks for stopping the process, giving us the chance to speak. Please remember that Fresh Pond is a reservation -- not a park.

Response: *Richard Rossi* The primary goal of the improvements is to protect the watershed. Many issues have come up and been discussed.

Comment: *Richard Currier* I have the impression that we have the art community on one side versus the users. The users represent all walks of life.

Response: *Charles Norris* I want to correct the impression that the art community does not use Fresh Pond. We are all users and we use it in many different ways.

The meeting was adjourned at 9:00 p.m.



Cambridge Arts Council

57 Inman Street Cambridge, MA 02139 (617) 349-4380

MEMO TO: Robert W. Healy, City Manager
Richard Rossi, Deputy City Manager

FROM: Pallas C. Lombardi, Director

DATE: December 17, 1997

RE: Communication Order #30 - December 15, 1997

On behalf of the Arts Council, I request you make the following report to the City Manager and the City Council. If the Fresh Pond public art project is put on hold by the City Manager until completion of the masterplan the result will be termination of the project.

The art is integral to the building construction and the water system. The logical time to build this art/water feature, because of the fact it is part of the water delivery system to the pond, is while the treatment plant is shut down for construction. The art is on the main (pipe) transmission system from the upper reservoirs to Fresh Pond which provides almost 100% of the City's water.

The treatment building and the art materials are deliberately consistent and in order to ensure consistency of materials (granite, etc.) and reduce cost, the materials should not be bid separately nor the structures built under different construction contracts.

The existing weir structure requires replacement. To even consider disrupting the site (meadow) with two separate construction efforts is not logical, not to mention more costly and disruptive to the users of the reservation. Without the art, a pipe would need to be constructed to bring the water to the Pond. Additional construction required later for the art to bring the water above ground will not happen. It increases costs and is disruptive; it is unlikely that anyone would support additional construction at the site.

Finally, it is extremely difficult and more costly for the engineers/architects to try to bid the project with and without the art. A second construction phase adversely impacts the Pond, requires additional staging at the meadow, redesign and assessment of the impact on the swales, fence removal and replacement, etc., water diversion, and additional pipe to bring the water above ground. It simply will not happen because it is costly, disruptive, and impractical.

Bidding for separate construction efforts is problematic. Federal, State and Local permits are

required for each of the two alternatives. Presuming it is feasible, it increases cost and is problematic if both alternatives are to be bid.

Possibly the art can be bid as an alternate but it is critical that it be part of this construction package. It cannot be built a year from now when the masterplan is complete. It is unclear how any further public debate could benefit the public or the art proposed for the weir meadow. The public concerns have been addressed and the information presented to a responsive, positive public on Tuesday, December 9. Most people support the building of this project. We understand that the City Manager's report on that meeting has yet to be presented to the City Council. That is unfortunate, because our board and the public art committee believe that the City Council acted without important information when they requested the Manager place this project on hold.

There has been criticism about the Arts Council's lack of public process for this project. Attached is a list of public meetings where the art was raised or presented. We take this criticism seriously and we are confident that we can improve upon our process and outreach in the future. We have succeeded with reaching the community in other recent projects e.g. Central Square. We have had to respond to the Fresh Pond public after the fact. Nevertheless, we believe that the changes made to project demonstrate our willingness and ability to be responsive. The community has been involved and had its say in this project. We will continue to be responsive.

We presume the City Council and the City Manager do not want to cancel the project. However, if the project is placed on hold that will be the result.

FRESH POND PUBLIC ART

The following is a list of public meetings where the public art project at Fresh Pond was discussed:

Cambridge Water Board	CWD	7/10/96
Art Committee Meeting	CWD	7/17/97
Cambridge Water Board	CWD	8/7/96
Cambridge Water Board	CWD	11/2/96
Presentation on Water Treatment System Improvement Program	Tobin School	1/3/96
Presentation on WTSIP to East Cambridge Planning Team		3/14/96
Fresh Pond Parkway Advisory Committee	CWD	10/16/96
CWD Watershed Maintenance and Improvements	CWD	11/7/97
Cambridge Water Board	CDM	4/7/97
Public Art Committee	CAC	4/24/97
Waterworks Symposium	Sackler Museum	4/5/97
Public Meeting on Fresh Pond Master Plan	CWD	6/3/97
Public Meeting on WTSIP Construction	Tobin School	6/18/97
Conservation Commission Hearing	City Hall Annex	7/16/97
Meeting with on FP Public Art	CWD	8/6/97
Public Meeting on FP Open Space and Public Art	Senior Center	12/9/97



CITY OF CAMBRIDGE

57 INMAN STREET, CAMBRIDGE, MA 02139 - TEL (617) 349-4680

CONSERVATION COMMISSION

December 8, 1997

To: Richard Rossi, Deputy City Manager

From: Alex Strycky, Conservation Commission *A.S.*

Re: Fresh Pond Art Project

A number of people have recently asked me whether the Conservation Commission must permit the proposed art structure at Fresh Pond. While I will attend the public hearing on this matter tomorrow night, I wanted to provide some information to you beforehand concerning the Conservation Commission's role in this.

The Conservation Commission obviously has no authority over the content of the art. However, any structure proposed within 100 feet of Fresh Pond is subject to review and permitting by the Commission to ensure that the structure does not impact wetlands. The site of the art work as presented to the Commission was beyond 100 feet, and therefore was not under the Commission's jurisdiction (although the channel proposed to carry water from the art structure to Fresh Pond was reviewed and permitted).

At the time of the public hearing, however, a number of uncertainties remained about the final plan for the area around the weir structure, including the pathway realignment and specific details regarding shoreline improvements. Therefore, the Commission required that the Water Department allow the Fresh Pond Advisory Committee to review these aspects of the project, before presenting these details to the Commission for its final approval. It is appropriate to state that the Commission approved these project elements in concept, subject to its review of construction details. Attached is a copy of the relevant requirement included in the Order of Conditions for this project.

Should the art structure, or any other new activity, be proposed to be located within 100 feet of Fresh Pond, the Commission can require that the Water Department seek an Amended Order of Conditions from the Conservation Commission.

Please contact me at x4680 if I may be of assistance.

**Order of Conditions, DEP File No. 123-125
Cambridge Water Department
Water Purification Plant**

Attachment B

Additional Special Conditions:

37. All disturbed areas shall be stabilized immediately upon completion of construction to prevent erosion.
38. All structures and equipment used for temporary construction stormwater management, such as sedimentation traps, silt curtain/haybales fences, cleansing swales, and catch basins, shall be maintained in a good working condition at all times. These structures shall be inspected weekly on a regular basis, daily while they are used during dewatering activities, and immediately after rainstorms or snow melt events, and repaired and/or cleaned if necessary.
39. During construction, no water shall be routed directly into Fresh Pond or the combined sewer along Fresh Pond Parkway. Runoff from construction areas shall be routed to sedimentation/erosion control structures at all times during construction.
40. All refueling and maintenance activities shall occur within a defined area outside of the watershed of Fresh Pond Reservoir. This area shall be surrounded by a silt fence to prevent transport of sediment to wetlands resource areas. Spill containment equipment, such as containment booms and oil absorbent materials, shall be kept in this area at all times.
41. No sodium deicing agents shall be used at the site. This condition shall remain in effect in perpetuity and shall not expire with the issuance of a Certificate of Compliance for this project.
42. The applicant shall take appropriate steps to control dust at the project site, and prevent its spread by trucks leaving the site.
43. The applicant shall not commence the following activities falling under the Phase I Shoreline Maintenance and Improvement Program until the work is reviewed by the Fresh Pond Advisory Committee: riprap repair; vegetation management; pathway realignment except as necessary for the construction of the water quality swale and detention pond near the weir structure; and replacement of the weir structure and outlet. Prior to commencement of these activities, the applicant shall submit, for the Commission's review and approval, a final Phase I Shoreline Maintenance and Improvement plan. The Commission may require that the applicant present this plan at a public meeting. Upon its review of this plan, the Commission may determine that additional mitigation measures to protect wetlands resource areas are required. Subsequent phases of the Shoreline Maintenance and Improvement Program involving activities within the Commission's jurisdiction shall be submitted to the Commission, for its review and approval, as either requests for an Amended Order of Conditions or as a new Notice of Intent.



CITY OF CAMBRIDGE

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December 3, 1997

Robert W. Healy
City Manager
City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

Re: Council Order #028 (10-6-97) - Proposed public art for
the Fresh Pond Reservation

Dear Mr. Healy:

The above-referenced Council Order (copy enclosed) relates to an installation of public art proposed for the water intake area of the Fresh Pond Reservation, and asks for an explanation of the role and authority of the City Council, the Arts Council and the Water Board in the development and approval of this project.

Role of the Arts Council

The Cambridge Arts Council was established in 1974 by order of the City Council. The Public Development Arts Fund Ordinance was passed by the City Council on June 25, 1979, and is now codified as Chapter 2.114 of the Cambridge Municipal Code, entitled "Public Development Arts Projects." (copy enclosed)

This Ordinance states that, "The City should expand the access of its residents to the benefits of the arts by designating a portion of appropriations for capital expenditures for the

acquisition, creation, design and/or development of art which shall be utilized in and about City buildings and public facilities." §2.114.020(C).

To carry out this objective, the Arts Council annually establishes "a plan for the development and creation of arts in public buildings and spaces in the various neighborhoods and sections of the City." Sec. 2.114.050(A).

The Arts Council selects "public development arts projects" and determines

the geographic location of such works of art and architecture, and the location within individual sites and buildings where such works shall be placed or created; provided that to the maximum feasible extent each such ... project shall be placed ... in and about the construction project from which funds were derived for payment of that ... project.

Sec. 2.114.050(C).

The Arts Council is also empowered to establish rules and regulations with the approval of the City Manager (§2.114.050(F)) and "guidelines for the selection of artists." Sec. 2.114.050(A).

I enclose the following documents:

1. Guidelines and Procedures for the Implementation of Percent for Art Program

These guidelines were prepared in 1988.

2. Art Plan for fiscal 1996

This document gives some background for this project.

3. Procedures for Selection of Artists

I am informed that this document accurately describes the artist selection process which was followed for this project. A

different Art Committee is established for each public art project, and the Art Committee selects the artist.

I am informed that for this project the Art Committee was made up of representatives of the following agencies:

Fresh Pond Parkway Advisory Committee
Public Planting Committee
Water Board
Water Department
Historical Commission
Camp, Dresser & McKee
(consultant to Water Department)

I am also informed that the artist here, Mags Harries, in selecting the location of the art work, consulted with representatives of the Water Board and the Water Department, including the Department's consultant, Camp, Dresser & McKee.

Role of Water Board and Water Department

As noted above, the Public Development Arts Projects ordinance provides, in § 2.114.050 (C) that

... to the maximum feasible extent each such public development arts project shall be placed ... in and about the construction project from which funds were derived for payment of that public development arts project.

In this case, the construction project is a new water treatment plant. To meet increasing quality standards, the City is replacing its aging water treatment plant at Fresh Pond Reservation. It is planned to install the art work in the water intake area near the edge of the Pond.

The Water Department operates as an agency of City government under the general direction of the City Manager, who then delegates the overall responsibility for water operations to the Managing

Director.

The Water Board is comprised of five members appointed by the City Manager. It serves in an advisory capacity to the Managing Director and the City Manager.

In summary, the role of the Water board and Water Department in this project is threefold:

1. The Department (advised by the Board) initiated and developed the construction project (Water Treatment Plant) which provides the funds for the art project.

2. Representatives of the Department and the Board served on the Art Committee, which selected the artist.

3. Representatives of the Department and the Board (including the Board's consultant, Camp, Dresser & McKee) consulted with the artist regarding the location of the project.


Given the Arts Council's responsibility to site art projects "... in and about the construction project ...," it may be reasonably inferred that the Council should confer with the department responsible for the site, and the Council's Guidelines expressly refer to the need to seek agreement with the department which controls the site. The Arts Council followed its Guidelines in this matter and appropriately sought the advice of the Water Board and the Water Department regarding the proposed location for the art work.

Role of the City Council

The City Council, of course, passed the Public Development Arts Projects Ordinance in 1979, Cambridge Municipal Code, Chap.

2.114. The Arts Projects Ordinance does not reserve any role to the City Council regarding the siting of arts projects, and we have found no other ordinance or statute which does so.

Very truly yours,



Russell B. Higley

RBH/jb
Enclosures

CORR#4\Public.Art

**Chapter 2.114 PUBLIC
DEVELOPMENT ARTS
PROJECTS**

2.114.010 Short title.

2.114.020 Findings.

2.114.030 Purpose.

2.114.040 Definitions.

2.114.050 Cambridge Arts Council—Powers and duties.

2.114.060 Public Development Arts Fund—Allocation and designation.

2.114.070 Public Development Arts Fund—Created—Purpose.

2.114.080 Public Development Arts Fund—Expenditure time limitations.

2.114.010 Short title.

The ordinance codified in this chapter shall be known as the "Public Development Arts Ordinance of 1979." (Ord. 923 (part), 1979: prior code Ch. 2 Art. 29 § 1(A))

2.114.020 Findings.

The City Council finds that:

A. The City recognizes that it has a responsibility to make the advantages of the arts available to its residents; that construction projects financed with public funds normally include expenditures for finishing and adornment which, if effectively planned and executed will help the City to fulfill this responsibility;

B. The City wishes to increase the benefits which its citizens will derive from the creative efforts of artists;

C. The City should expand the access of its residents to the benefits of the arts by designating a portion of appropriations for capital expenditures for the acquisition, creation, design and/or development of art which shall be utilized in and about City buildings and public facilities. (Ord. 923 (part), 1979: prior code Ch. 2 Art. 29 § 1(B))

2.114.030 Purpose.

The purposes of this chapter are:

A. To promote the enjoyment of the arts by the residents of the City by increasing the quantity and quality of such arts available in public buildings, facilities and spaces;

B. To improve and expand the value and use of public buildings and facilities through the placement in such buildings and facilities of distinguished works and creations of artistic endeavor; and

C. To create a funding program which, without substantially increasing the total cost of construction projects as defined in this chapter, will ensure that arts are acquired, created, developed and otherwise made available for the enjoyment of the residents of the City. (Ord. 923 (part), 1979: prior code Ch. 2 Art. 29 § 1(C))

2.114.040 Definitions.

For the purposes of this chapter the following words and descriptions shall have the following meanings:

A. "Cambridge Arts Council" means the Council established in 1974 by order of the City Council.

B. "Construction project" means any capital project paid for in full or in part by the City, through its own eligible funds or with eligible funds appropriated to it by other governmental units, to construct or remodel any building, decorative or commemorative structure, park, street, sidewalk, parking facility or utility or any portion thereof within the corporate limits of the City and with respect to the construction of which bidding is required under State law.

C. "Eligible funds" means a source of funding for construction projects from which arts are not excluded as an appropriate purpose for expenditure.

D. "Public Development Arts Fund" means the fund set aside by this chapter in the City treasury for the purpose of allocating moneys for the development and creation of arts in and upon public construction projects in the City.

E. "Public development arts project or projects" means art to be funded from the public development arts fund; such projects may be an integral part of a building, attached to a building, placed within or outside of a building, or in the case of performing arts performed in a public building or space; said art may include but shall not be limited to, paintings, sculpture, engravings, carvings, frescoes, mobiles, murals, collages, mosaics, bas-reliefs, tapestries, photographs, drawings, drama, instrumental or vocal music, dance and landscape items, including the artistic placement of natural materials or manmade fountains or objects or other functional art objects.

F. "Supplemental funds" means those funds appropriated by the City Council or contributed by individuals or other sources, and placed in the Public Development Arts Fund in addition to those funds made available from eligible funds, which shall be used for implementing the purposes of this chapter. (Ord. 923 (part), 1979: prior code Ch. 2 Art. 29 § 2)

2.114.050 Cambridge Arts Council—Powers and duties.

To carry out its responsibilities under this chapter, the Cambridge Arts Council shall:

A. Establish annually, after meetings held regularly with relevant City agencies, private, nonprofit organizations, neighborhood organizations and interested Cambridge citizens and artists, and after holding a public hearing publicized for a full calendar week in at least two newspapers of local general circulations a plan for the development and creation of arts in public buildings and spaces in the various neighborhoods and sections of the City; such plan shall include an itemization of the City's priorities for choosing, creating and placing works of art in public buildings within the neighborhoods of the City; preferences for the types of works to be financed and developed during the fiscal year, and guidelines for the selection of artists and locations for public development arts projects;

B. Select public development arts projects, following consultation with such of the parties referred to in subsection A of this section, and, as a usual practice, with the assistance of a professional arts jury appointed by the Cambridge Arts Council, as may be appropriate;

C. Determine the geographic location of such works of art and architecture, and the location within individual sites and buildings where such works shall be placed or created; provided, that to the maximum feasible extent each such public development arts project shall be placed, created or performed in and about the construction project from which funds were derived for payment of that public development arts project;

D. Establish budgets for all commissioned projects, including budgets for materials, fees, operating and maintenance expenses, and other reasonably contemplated items of expense in the acquisition, development, creation, implementation, and, where applicable, ongoing maintenance of such projects;

E. Establish procedures to be followed by other departments for the maintenance and preservation of such works of art;

F. Establish rules and regulations, with the approval of the City Manager, to provide for the proper administration and implementation of its responsibilities, including necessary administrative budget and such rules and regulations as may be required for the selection of artists and art works; commissioning and contracting with such artists; criteria for the allocation of works of art among the various neighborhoods of the City; criteria for choosing among various artists and recommending acquisition of various works of art or art projects, and such other rules as may be appropriate or necessary for the implementation of this chapter;

G. Make an annual report to the City Council describing its program for meeting its responsibilities under this chapter. (Ord. 923 (part), 1979: prior code Ch. 2 Art. 29 § 3)

**2.114.060 Public Development Arts
Fund—Allocation and
designation.**

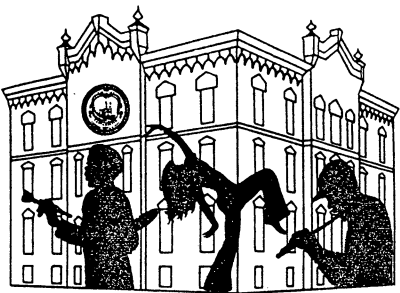
All requests by City departments for appropriations or other authorizations for construction projects from eligible funds shall include and set aside an amount equal to no less than one percent of the total estimated costs of such projects for art; copies of such requests, authorization, application, proposals or appropriations shall be delivered by the City department or agency responsible for obtaining the eligible funds to the Cambridge Arts Council as early as possible in the planning stages of the projects. (Ord. 923 (part), 1979: prior code Ch. 2 Art. 29 § 4(A))

**2.114.070 Public Development Arts
Fund—Created—Purpose.**

There is created a Public Development Arts Fund in the City Treasury, into which money collected by appropriations under Section 2.114.060 of this chapter and supplemental funds shall be placed. The fund shall be used by the Cambridge Arts Council exclusively to carry out the purposes of this chapter. (Ord. 923 (part), 1979: prior code Ch. 2 Art. 29 § 4(B))

**2.114.080 Public Development Arts
Fund—Expenditure time
limitations.**

Any moneys appropriated to the Public Development Arts Fund which have not been spent within three years of such appropriation, or, upon special approval by the City Council, within five years, shall be transferred to the City's general fund for the purposes of the general art needs of the City; provided, that funds derived from revenue or general obligation bond issues authorized by the City Council or from utility revenues or other special purpose or dedicated funds shall revert to the funds from which they derive at the expiration of the three or five-year period, whichever applies. (Ord. 923 (part), 1979: prior code Ch. 2 Art. 29 § 4(C))



Cambridge Arts Council

57 Inman Street Cambridge, MA 02139 (617) 498-9033

GUIDELINES AND PROCEDURES FOR THE IMPLEMENTATION OF PERCENT FOR ART PROGRAM

All percent for art (PA) projects are announced annually in the City's Public Art Plan developed by the Percent for Art Commission. A prospectus is developed for each project by the Public Art Commission providing details (a description of the project, budget, selection process, jury, materials to be submitted, and the deadline). The Annual Public Art Plan is widely distributed and available by calling or writing to the Cambridge Arts Council, 57 Inman Street, Cambridge, Massachusetts 02139 - 617-498-9033.

In response to both the City of Cambridge and the Cambridge Arts Council's interest in enhancing the physical environment of the City, the Public Development Arts Fund Ordinance was developed and passed by the City Council on June 25, 1979. This Ordinance marks an extraordinary opportunity for the citizens of Cambridge to enjoy a wide variety of artworks in their daily lives. It is the intention of the ordinance to assist in the incorporation of the art into new and existing structures in as intimate and imaginative ways as possible so as to further weave the arts into the texture of the Cambridge Community.

The following guidelines are written with the intention of providing a structure that is flexible but one that demands a high standard of excellence for all the selected art. We are fully aware that the decisions made today will reflect on our society for decades to come, and we plan to undertake that responsibility with imagination and intelligence.

The Percent for Art Program specifies that 1% of City capital improvement project funds shall be set aside for the commissioning, purchase and installation of artworks, either as an integral part of the eligible construction project, or at another City-owned site. Projects vary widely, and include commissions of new artworks, the selection of artists to work as collaborators with architects or members of design teams, the purchase of existing artworks by artists, and the selection of artists to perform at City-owned sites.

The Percent for Art Commission, a standing sub-committee of the Cambridge Arts Council, oversees the development and implementation of the Annual Art Plan. The Annual Art Plan

is a plan for the expenditure of available 1% for Art and public art funds prepared by the Public Art Commission and staff.

Project Development

In preparation for the development of the Annual Arts Plan, the Public Art staff works with City departmental representatives and the project architect/designer to identify eligible construction projects, and develop the following guidelines for artwork:

- a) Scope of work for participation of artist in design process.
- b) Recommended sites/ art locations. Siting of artwork may be determined in the Annual Art Plan, or proposed by the artist selected for the project.
In either case, location of artwork is by agreement between the Commission and the department responsible for the site.
- c) Site profile - demographic, socio-economic, use and development, and historic information about project sites.
- d) Maintenance. Potential for vandalism and/or accidental damage at the site is assessed.

The Public Art staff then assists the Public Art Commission in specific planning of artwork projects and recommending the allocation of funds, selection procedures, and guidelines for each art project.

Artist Selection

The Commission nominates panelists and reviews all art proposals to ensure that they meet the following art criteria prior to recommending to the CAC confirmation of the Commission's recommendation for panel members and artworks to be commissioned, performed or purchased.

A. Art Criteria

- 1) High Quality
- 2) Appropriate for its site
- 3) Requiring minimum maintenance
- 4) Durable

The Commission has established the following general guidelines for artist selection.

Eligibility

The overriding criterion in selection of the art for the PDAP is the selection of artwork of the highest quality. However, the Cambridge Arts Council recognizes its responsibility to

foster the arts in Cambridge and to encourage the development of Cambridge artists and craftspeople. Thus, the Public Development Art Plan will give priority first to professional artists residing or working in Cambridge, then to artists in the Greater Boston area, then to artists in the New England region and finally to those in other areas of the country.

- Commissioners suggest artists who should be added to the pool (slide registry/Artbank and performance bank) to the PA staff and staff requests materials from artists
- At least half of the money expended over a 5-year period for artists' commissions and purchase of existing work should be to artists associated with the New England region.
- Generally, artists are asked to submit slides of recent works and a resume via Calls to Artists and the Art Plan. For certain projects, a letter of intent or interest may also be required. In the commissioning of new works, an artist or artists are also asked to prepare artwork proposals, and are paid for the proposals.

For collaborations or design team projects, finalists are interviewed. In the case of purchases, artworks are selected from the submitted slides of existing artwork or studio visits to review existing work.

Methods of Selection

The Commission shall determine the method of selection for each project.

1. Direct Purchase. The panel selects the artist or a completed work after receiving advice from the advisory members of the art selection committee and reviewing the appropriate archives, files and other sources and/or by studio or gallery visits and interviews with artists.

2. Limited Competition: The panel, after a review similar to that described above, invites a limited number of artists to participate in a limited competition. Each visual artist will be paid a fee for the necessary time and materials for research, site visitation and other travel, conferences and production and delivery of sketches or maquettes in the form of a proposal. Performing and media artists will not be paid proposal fees but will be reimbursed for a fix sum for expenses for interview purposes. If in the opinion of the panel, none of the participating artists' work should be commissioned, the Commission will decide on a new selection procedure.

3. Open Competition: Any professional artist in the designated geographical area is eligible to enter. The competition may be in one or two stages, the second stage involving a limited number of finalists who will prepare more detailed sub-

4

mittals, for the specific project, will be prepared and its availability widely publicized in the media.

In all of the above methods, with rare exception, submissions are invited from all interested artists.

Project Implementation

A contract is executed between the artist and the City for the artist's services, or for purchase and installation of an artwork. The PA staff is responsible for contracting and liaison with the artist and City departments in the completion of each artwork project.

Art Juries

Artist(s)/artwork for each project is selected by a jury recommended by the Commission and approved by the Cambridge Arts Council. The Commission may not constitute itself as a jury. The jury is staffed by the PA Coordinator or Project Manager.

A different jury is convened for each project. Generally, the jury size ranges from one to five jurors. Juries of three or more include at least one artist; the remaining jurors are chosen from groups such as museum professionals, patrons, arts educators, architects, designers and critics.

Jury members are paid per day, plus food, travel and lodging expenses as set by the Commission. Anyone receiving compensation by the City does not receive compensation as a juror.

Advisors to the jury are often chosen to represent those who will be in constant contact with the artwork selected. They may be from the Commission, community representatives, City employees (i.e. project managers, architects and designers), or others, depending on the nature of the project. Advisors to the jury are not paid, and do not vote.

Jurors each have one vote, and no juror has the right to veto. If a consensus cannot be reached by the jury, then the majority vote carries the decision. The jury has the right to make no selection, if there is no proposal judged to be of sufficient merit.

The jury's selection of an art proposal or artist recommendation is presented by the staff to the Commission for its review and recommended to the Cambridge Arts Council for final approval.

A formal vote of the full Arts Council must be taken before jury selection becomes final. Before this vote is taken, the department responsible for the site reviews the proposed work for technical feasibility and maintenance costs, and any other reviews are scheduled as necessary.

NOTE: Artists are not informed that they have been hired, commissioned or their work purchased or to be performed until the entire review process is complete and the Cambridge Arts Council has confirmed the Commission's recommendation.

Conservation

Conservation and restoration funds shall come from the PDAF upon recommendation of the Commission and approval of the Council. The artist shall be consulted about restoration work and conservation work on his/her artwork and be given the first option to repair the artwork. If the artist is unable or unwilling to perform the work, the Commission shall select a qualified person to perform the work. The Commission will decide with the assistants of a qualified art panel when a work should be deaccessioned. The Commission is mindful of the State's Preservation Law and will act in accordance with that law. Whenever possible, an artist should be in agreement with the relocation, restoration, or destruction of his/her work.

Public Education and Information

In the broadest and most expansive sense, community education may be effective in increasing public awareness about public art and may take many different formats. The Commission will identify methods to inform and educate the public about the art for which they are the benefactors and patrons. PDAF monies shall be expended to encourage a meaningful dialogue between the artists and the communities where public art is presented.

PROCEDURES FOR SELECTION OF ARTISTS

RECEIVED
CITY SOLICITOR'S
OFFICE
Nov 3 8 00 AM '97

ART COMMITTEE: A different art committee is established for each public art project. The committee is composed of 10-15 individuals with a vested interest in the project and 3-5 independent art professionals representing a variety of artistic points of view.

Members of the Art Committee are recruited from representative groups, with involvement of the sponsoring agency (e.g. the City agency responsible for the capital project which the arts project is a part of.) They may include, but are not limited to, representatives of: neighborhood, site users, businesses, the sponsoring agency, project architect or designer, Cambridge Historical Commission, and the Cambridge Community Development Department.

The art jurors are chosen by the Cambridge Arts Council from arts-related disciplines, such as museum professionals, arts educators, art historians, artists, architects, designers, and critics. Gallery owners, dealers, artist's agents and other profit-oriented intermediaries are not eligible for membership on the jury. An art juror serves only once on a jury for the Public Art Program.

The Public Art Committee recommends jurors to the Cambridge Arts Council for confirmation. (The Public Art Committee is a seven-member, standing subcommittee of the Cambridge Arts Council, made up of art professionals appointed by the City Manager to oversee the implementation of the Public Development Arts Ordinance.) The Public Art Committee may not constitute itself as a jury.

ARTIST SELECTION PROCESS

ARTS COUNCIL AND SPONSORING AGENCY

ART COMMITTEE

ART JURY

1. The project is announced in the Cambridge Arts Council's Public Art Plan.

2. Art Committee is established.

3. Reviews the physical, social, historical, and other related dimensions of the project.

4. Convenes separately to select finalists.

5. The finalists present their art and are interviewed. Artist to be commissioned is selected.

6. The selected artist(s) is presented to the Public Art Committee for review.

7. The artist(s) begins proposal development with the architect and the sponsoring agency.



CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139

TEL. 349-4300
FAX. 349-4307



24.

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

December 22, 1997

To the Honorable, the City Council:

In response to Awaiting Reports #6, #7 and #12 regarding: the proposed public art for the Fresh Pond Reservation; the security of the water source as it relates to the art project; and a legal opinion on the role and authority of the City Council, Arts Council and Water Board (attached), I am submitting the following report:

Last spring, when concerns were raised regarding the public art project at the Fresh Pond Reservation, I requested that the project planning stop and that the artist and designers respond to concerns that were raised about the design of the art project and the impact on the open space. Since that time substantial modifications have been made to the design and proposed location of the art work on the weir meadow. Where the original art project was located 165 feet from the edge of the pond and comprised a large amount of open space, the revised design is now 80 feet from the ponds edge, is better integrated into the swale area, and cuts the amount of open space used in half. By moving the art, issues around the retaining wall, tree removal, path location and fencing have been addressed. Attached are charts on the Existing Conditions, the Public Art Elements, and a Comparison of the Original and New Concept for the Weir Structure Area and Public Art.

On December 9th, a public meeting was held to discuss the art project; minutes from this meeting are attached. An estimated 120-125 people attended this meeting, at which 60 members of the public spoke about the revised meadow plan and art; 34 of the speakers supported the revisions and the art, 24 speakers opposed the project, and 2 individuals' positions were unclear.

My evaluation of this situation indicates that the Arts Council followed a process that it has successfully used with many public art projects sited in this community, including in open space areas. Although there are now concerns as to the adequacy of the Arts Council process for siting public art, the process that took place, I believe, was a valid one and met the goals of the Public Art Ordinance. In order to avoid conflicts around

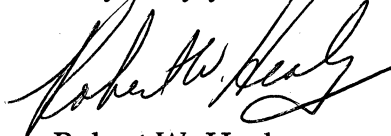
siting public art in the future, I am asking the Arts Council and its board to thoroughly review and make recommendations on the process and procedures used for future siting, based on the lessons learned during this project.

I would like to stress that the art is an important element of the water treatment plant building construction. The art is built on the main transmission system from the upper reservoirs to Fresh Pond. It was designed to replace the existing weir structure (which houses the transmission pipe into the pond), and is thus a part of the water delivery system. In the plan, the existing weir structure will be demolished and the resulting art project will replace it; the art project is, in fact, a smaller structure. Delaying the construction of the art until after the master plan is complete would require separate construction efforts which would severely compromise the art project: the costs would likely be higher to bid the project separately; the materials (i.e. granite) might not be consistent with that used during the building construction; and the disruption to the users of Fresh Pond would be compounded. Without the art project, the existing weir structure would still need to be rebuilt. Consequently, I feel that the most efficient way of pursuing the public art is to bid and construct it along with the water treatment plant. Additional information on this topic is included in the attached correspondence from Arts Council Director Pallas Lombardi.

The art project does not pose a security threat to the water source, any more than any other issue. The major improvement to the security of the water system occurred when Payson Park was covered in 1991. The design and placement of the art work, as it pertains to the safety of the water supply, has been approved by the Water Board.

Deputy City Manager Richard Rossi and I are available to answer any questions you may have about this project. Renderings of the revised art design are available for review in the City Manager's Office.

Very truly yours,



Robert W. Healy
City Manager

Attachments: Charts on Art Project
 12/17/97 Arts Council Memorandum
 Minutes from 12/9/97 Public Meeting
 12/8/97 Conservation Commission Letter
 12/3/97 Legal Opinion

Consent Agenda #24

S-795

Regarding the proposed public art for the
Fresh Pond Reservation.

In City Council December 22, 1997

PLACED ON FILE