



City of Cambridge

2.

IN CITY COUNCIL

September 30, 1974

Councillor Russell

ORDERED:

That the City Manager be and hereby is requested to form a Task Force to be known as "The Fresh Pond Commission" comprised of members of the Water Board, the Superintendent of the Water Department, representatives of the Recreation Board, the Superintendent of the Recreation Department, a representative of the Conservation Commission and the head of the Forestry Division of the Public Works Department for the following purposes:

1. To conduct a comprehensive plan of action to clear all areas of the Fresh Pond Reservation for recreation wherever possible.
2. To engage the services of qualified professional personnel to eliminate the present uncontrolled vegetation along the Huron Avenue perimeter of the reservation from the Golf Course Club House to the Aberdeen Avenue bridge.
3. To eliminate the uncontrolled growth of shrubbery and trees inside the fence around the perimeter of the Pond and in the areas immediately adjacent to the Golf Course which growth has reached jungle proportions.
4. To provide the personnel charged with the maintenance of the reservation with the proper equipment to control and beautify the reservation.
5. To develop new areas for picnics and other forms of recreation.
6. To arrange for a round-the-clock security patrol for the safety of the citizens of Cambridge who use this facility for hiking, biking and running.



CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • (617) 876-6800

LAW DEPARTMENT

EDWARD D. MCCARTHY
CITY SOLICITOR

ROWENA E. TAYLOR
ASSISTANT CITY SOLICITOR

RUSSELL B. HIGLEY
SPECIAL COUNSEL

CHARLES A. WATSON
LEGISLATIVE AGENT

November 4, 1974

To The Honorable City Council
City Hall
Cambridge, Massachusetts

Dear Councillors:

You have requested my opinion relative to the formation of a Task Force to be known as "The Fresh Pond Commission" for the accomplishment of various recreational purposes.

Chapter 137 of the Acts of 1888, entitled "An Act to provide a reservoir for the City of Cambridge and to better preserve the purity of its water supply," provides in pertinent part:

The City of Cambridge...may, for the purpose of providing a reservoir and storage basin for the said City, and preserving the purity of the waters to be held in said Fresh Pond and distributed therefrom, and protecting and improving the shores and vicinity thereof, at any time within five years after the passage of this act take and hold by purchase, or otherwise any part or whole of the land and buildings thereon which lie within the following described boundaries...(Emphasis supplied).

The Act further states, in Section 3:

So long as Fresh Pond shall be used by the City of Cambridge as a reservoir, storage basin and water supply, or until otherwise provided by statute, and in order that the said City of Cambridge may better guard and protect the waters...from pollution and intrusion, all the right and control which the Commonwealth has in...Fresh Pond...is hereby granted...unto said city...

To The Honorable City Council
City Hall

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November 4, 1974

The order of taking by the City of Cambridge is recorded in Book 1893 at page 443 in the Middlesex South Registry of Deeds. On page 444 of said order of taking it is provided, by incorporation, that:

...Said city shall have exclusive right in
and control over the said pond...

It is my opinion, that, in light of the above language of the Act and order of taking, it was the intention of the legislature and the City, to provide a reservoir and to preserve the purity of the water supply. Since the City "...shall have exclusive right in and control over the said pond..." it is my opinion that the land may be used for recreational purposes, so long as the land is used as a reservoir.

However, before the recreational activities may begin, the plans must be submitted to the Health Department of the Commonwealth of Massachusetts for their approval relative to toilet facilities, sewerage, etc. The Health Department must be satisfied that the purity of the water in the reservoir will be protected.

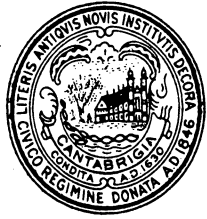
It is my further opinion, that before "The Fresh Pond Commission" could be formed, the budgetary requirements and any needed appropriations should be fully investigated.

Very truly yours,

A handwritten signature in black ink, appearing to read "Ed. McCarthy", written over a circular notary seal.

Edward D. McCarthy
City Solicitor

EDMcC:jm



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
Tel. 876-6800

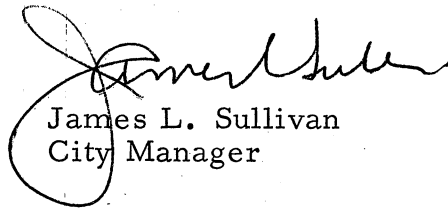
EXECUTIVE DEPARTMENT
JAMES L. SULLIVAN
City Manager

November 4, 1974

To the Honorable, the City Council:

I transmit herewith a communication from Edward D. McCarthy, City Solicitor, relative to the formation of a Task Force to be known as "The Fresh Pond Commission".

Very truly yours,



James L. Sullivan
City Manager

JLS/mbf

Agenda # 12 391

Report from the City Solicitor on the
formation of a Task Force to be known as
"The Fresh Pond Commission."

In City Council,

November 4, 1974

*Referred to Public
Safety & Service Committee*

*Copy sent to Chairman
of Public Safety & Service
Committee 11/5/74 dl.
(along with a copy of
the order)*