NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION
BROOKLYN-QUEENS AQUIFER FEASIBILITY STUDY

CITIZENS ADVISORY COMMITTEE MEETING: March 3, 2005

MINUTES

The 27th meeting of the Brooklyn-Queens Aquifer (BQA) Feasibility Study Citizens Advisory Committee (CAC) was held on Thursday, March 3, 2005 at the Hillside Manor Comprehensive Care Center. (See Attachment A for Attendance List.)

Noting that there were many new guests in the room tonight, Helen Neuhaus, Helen Neuhaus & Associates (HNA), opened the meeting by asking attendees to introduce themselves. She then asked for comments on the Minutes of the February 3rd meeting. There were no comments, and the Minutes were adopted unanimously. Remarking that many of the follow-up issues from that meeting have already been addressed and/or will be discussed later tonight, she focused on discussion of a few remaining items:

- The next two WSC progress meetings will be held on March 8th and March 22nd. Following a discussion among CAC members, it was decided that Yvonne Reddick and Irving Hicks will attend the March 8th meeting and Linda Hazel will attend the March 22nd meeting.

- Reiterating that the CAC is seeking new members, particularly residents living near Station 6, Ms. Neuhaus noted that interested candidates should speak with her to discuss the application process. Ms. Hazel commented that someone from the Residential People for Improvement (RPFI) organization would contribute a valuable perspective, since members of the group live in the immediate area of Station 6. Fred Simmons, RPFI, promised to provide information in support of his application for CAC membership during the following week.

- Regarding investigation of MTBE leakage in the vicinity of Station 6, Don Cohen, Malcolm Pirnie, reported that the New York State Department of Environmental Conservation's (DEC) Petroleum Spills Group representative working on this issue has resigned. Consequently, Mr. Cohen has not yet been able to determine whether investigative reports for the Citgo and Atlas gas stations were submitted. Dave Chiusano, DEC, noted that he would assist by contacting the Petroleum Spills Group to try to obtain more information.

Project Update

Station 6

Mr. Cohen noted that the project team has not yet received the Value Engineering (VE) team's formal report. However, Malcolm Pirnie has begun to draft responses to recommendations presented during the VE session. These responses will be reviewed and finalized by the New York City Department of Environmental Protection (DEP). Mr. Cohen added that the project team will not proceed with further design work until the VE issues have been resolved.

Ms. Neuhaus reported that the project team met with the New York City Department of Cultural Affairs (DCA) on February 11th to discuss the Percent for Art program. She also attended the "Presenting Colors in Blacks" art exhibit, organized by Peter Richards, at the Roy Wilkins Family

Center on February 16th. At that event, Ms. Neuhaus gave a brief presentation on Station 6 and the Percent for Art program. She noted that artists who contacted her expressing interest in the project were given information on how to apply for inclusion in the Percent for Art registry. Ms. Neuhaus then welcomed Charlotte Cohen, Director, and Catherine Behrend, Deputy Director, of the Percent for Art Program, DCA, to tonight's meeting.

Percent for Art

Providing a brief overview, Ms. Cohen explained that the Percent for Art program was established in 1983, following passage of a new city law requiring that one percent of the budget for capital construction projects be spent on public art. Since then, more than 200 projects have been completed throughout the five boroughs, in facilities such as schools, firehouses and hospitals. There are currently about 40 new projects in progress. Ms. Cohen directed CAC members and guests to the Percent for Art website (http://www.nyc.gov/html/dcla/html/panyc/panyc_main.shtml) for more information on the program, artist selection and design review processes, and past projects. (See Attachment B for a list of Frequently Asked Questions about the program.) She also cited a recent article in the *New York Times* regarding artwork in infrastructure projects, which she promised to forward to the CAC. (See Attachment C.)

Ms. Cohen remarked that the program selects artists from around the world who exhibit the talent and tenacity required by large-scale public art projects. The Percent for Art slide registry currently has more than 4,000 artists on file. She advised CAC members to inform local artists about the program, noting that application forms for the slide registry are available at the sign-in table. During the artist selection process, the panel selected for the project reviews the slides of 30-40 artists. It then selects five to seven artists, who visit the site, meet with the design team and participate in interviews with the panel. Following the meetings and site visits, the artists develop their detailed project proposals. The panel then votes to select the winning proposal. Ms. Behrend added that most Percent for Art projects take three to five years, from beginning of the artist selection process to completion of the piece.

Ms. Cohen commented that public visibility is required on all Percent for Art projects. Having toured the Station 6 site earlier today, she cited the exterior of the new building as a possible site for public artwork. Ms. Behrend then gave a slide presentation showing photos of completed Percent for Art projects. These demonstrated the range of media and types of work that are represented, as well as the importance of selecting artwork that is specific to the site and community. She concluded by emphasizing the importance of maintenance and consequently the use of durable materials.

Issues raised during the ensuing discussion included the following:

- Jeff Diggs emphasized the importance of providing the local community with a candid description of its role in the artist selection process. He requested that the project team not mislead the community regarding its level of influence in the process. Ms. Cohen responded that according to Percent for Art regulations, the voting members of the panel for Station 6 would be DEP, DCA, and 3 independent arts professionals selected by DCA (one of whom must be from Queens). Nonvoting advisory members would include Malcolm Pirnie, Community Board (CB) #12, New York City Councilman Leroy Comrie, Queens Borough President Helen Marshall and the New York City Art Commission. The CAC could also be

given an advisory role if requested. In the lengthy discussion that followed, several CAC members and guests expressed concern regarding the community's nonvoting role. Ms. Cohen promised to continue working with HNA to reach out to the community.

- In response to a request from Michael Turner, Ms. Behrend promised to provide the CAC with information on Local Law 65, which created the Percent for Art program in 1982. (See Attachment D.)

- William West, resident and artist, inquired how indoor wall murals are protected. Ms. Cohen remarked that much consideration is given to placement of indoor wall murals. In the case of a highly trafficked area such as a school hallway, a mural might be placed on the ceiling, behind glass, or in an equally inaccessible location. In a more private space, such as the Audubon Ballroom in Manhattan, the wall mural is not protected, and guests are expected to respect the artwork accordingly.

- CAC members stressed their preference for local artists for the Station 6 project, noting that artwork from fellow community members will be appreciated far more than artwork from outsiders. Tracey Bowes specifically asked that artists under consideration be limited to persons from the community or Borough of Queens. Peter Richards echoed support for the use of local artists and promised to provide Ms. Cohen with contact information on local artists possibly interested in submitting Percent for Art slide registry applications. Ms. Cohen responded that the project panel will certainly consider local artists but that other factors including project budget and scope may necessitate consideration of outside artists as well.

- Ms. Reddick mentioned three cultural programs in the area as possible sources of artists: Black Spectra, Cultural Collaborative Jamaica, and Jamaica Center for Arts and Learning.

- Linda Hazel reiterated an idea mentioned at a previous CAC meeting regarding the possibility of holding a community-wide art competition to select a mural for the back wall of Station 6. CAC members strongly supported this approach.

- Gertrude Gonesh, resident, expressed concern that the community would be rushed through the Percent for Art process. Ms. Cohen and Ms. Neuhaus assured the group that the process is fairly long and that the community will be involved as early as possible.

- In response to a question from Ms. Hazel, Deputy Commissioner Doug Greeley, DEP, and Ms. Cohen explained that, under the Percent for Art Program, one percent of a project's budget, up to a cap of $400,000, is allocated for artwork. Ms. Hazel commented that this amount may be enough to hire two or three artists for Station 6, thereby increasing the possibility of involving at least one local artist. Ms. Cohen noted that in the past, multiple artists have shared the budget on specific projects.

- A motion was proposed to form a CAC subcommittee to work on Percent for Art issues. Nine members voted in favor of the motion, with zero opposed and one abstention. Ms. Neuhaus indicated that the subcommittee will be formed at the next regular CAC meeting.

West Side Corporation (WSC) Site Clean-Up

Mr. Chiusano began by introducing his supervisor, George Harris, DEC, as well as Stephanie Selmer and Julia Gaustella, New York State Department of Health (DOH). Mr. Chiusano noted that tonight's discussion will include: (1) a general update on the status of work at WSC, (2) the Soil Vapor Intrusion Study, and (3) comments from the Scientific Review Panel (SRP) on the Community Protection Plan (CPP) and the Health and Safety Plan (HASP).

Jon Sundquist, URS Corporation, reported that trailers are now on site and utilities being installed. Signs displaying project information and contact numbers have been ordered and will arrive in a few weeks. They will be installed facing 180th Street and residential streets. The contractor is currently working with Con Edison to set up electricity for the Electrical Resistance Heating system.

Mr. Chiusano reiterated his hope that work will begin next month but emphasized that no intrusive work will be performed until issues related to the CPP and HASP have been satisfactorily resolved.

Soil Vapor Intrusion Study

As a separate issue, Mr. Sundquist discussed plans for the soil vapor intrusion study that will be conducted in the vicinity of the WSC site at the direction of DOH. This activity is part of a statewide initiative to evaluate soil vapors at all significant State Superfund sites. The WSC location was recommended because of the presence of volatile organic compounds (VOCs). It was noted that a similar study at the WSC site three years ago did not identify any problems. The upcoming study, which will be conducted using updated technology, is to confirm earlier results.

Mr. Chiusano reported that the SRP has reviewed and commented on the work plan for the soil vapor intrusion study, and that DEC is working to address those comments.

Mr. Sundquist estimated that Phase 1 of the soil vapor intrusion study will begin by mid-March. He reminded the CAC that this phase involves the collection of subsurface soil gas samples from the front yard of approximately 20 homes in the vicinity of the groundwater plume (which represents the source of the contamination). He asked the CAC for volunteers to review the list of sampling locations for Phase 1 and to assist the project team in informing those residents about the study. After discussion among the CAC, Mr. Hicks and Debora Hunte agreed to assist with this effort. Mr. Chiusano noted that following review of Phase 1 data, DOH will determine which residences, if any, will be recommended for indoor air sampling (Phase 2).

The following issues were raised during this discussion:

- Mr. Richards expressed concern that collecting samples at a time when the ground is frozen would preclude accurate measurement of contaminant levels. In response, Mr. Sundquist explained that the frozen ground layer is actually helpful by trapping vapors underground, which creates a worst-case scenario for collecting samples for analysis. He noted that samples are usually taken at a depth of approximately eight feet below the frozen zone.

- In response to email comments provided by Len Lion, Cornell University, Mr. Sundquist noted that although soil vapor samples are taken in close proximity to the groundwater table, gas collection tubes stay within the unsaturated zone (the space between the ground surface and water table where soil particles are still dry). Mr. Chiusano added that a geologist will be in the field, adjusting measurement depths, as needed, based on groundwater conditions at each sampling site.

- Michael Turner inquired whether soil vapors are lighter or heavier than air. Mr. Sundquist replied that at high concentrations, soil vapors are heavier than air. However, at the low concentrations expected to be found around the WSC site, soil vapors are mixed into the air at approximately equal density.

- Dr. Paul Lioy, University of Medicine and Dentistry of New Jersey, commented that the soil vapor intrusion study work plan is scientifically sound.

- Dr. Lion recommended that the work plan include a description of remediation measures to be taken by DEC if vapor contamination is detected in a residence during Phase 2 of the study (indoor sampling). He emphasized that this description should include the fact that DEC will pay for all remediation measures recommended by DOH. SRP and CAC members concurred with Dr. Lion. Although Phase 1 results may not indicate the need to proceed to Phase 2, the project team agreed to revise the work plan to include the requested text on remediation activities.

- In response to a question from Mr. Turner, Mr. Sundquist noted that Phase 1 samples will be taken from the center of the lawn, halfway between the house and the street.

- Mr. Richards expressed concern about the safety of neighborhood children playing on their front lawns. Mr. Sundquist explained that air samples are taken both above and below ground for comparison. He added that in nearly every case where elevated soil vapor levels are detected underground, above-ground vapor levels remain normal. Ms. Selmer remarked that when VOCs are detected above ground, they often originate from sources such as automobiles or garments that have been dry-cleaned.

- CAC members remarked that many homeowners might be skeptical about volunteering for sampling because of their concern about decreased real estate values associated with indoor air problems.

- SRP and CAC members inquired about the Phase 1 vapor level thresholds that will be used to determine whether Phase 2 sampling is recommended for a residence. The project team replied that recommendations for Phase 2 sampling are made on a case-by-case basis, factoring in data received from Phase 1 sampling, as well as other characteristics recorded by the field representative.

  SRP and CAC members agreed that, in the absence of federal guidelines regarding soil vapor for perchloroethylene (PCE), a range of numbers would be helpful to serve as points of reference. The project team noted that typical background levels for PCE range from 1-10

micrograms per cubic meter (mcg/m^3), while levels above 100 mcg/m^3 are considered high. However, these are guidelines for PCE levels in the air, not soil vapors. Therefore, DOH may recommend indoor sampling for homes with Phase 1 sampling levels lower than 100 mcg/m^3, depending on other factors present at the home.

- Commissioner Greeley suggested that DEC take initial samples on DEP's Station 24 property, which is adjacent to the WSC site, in order to obtain a general idea of maximum soil vapor levels that might be expected. Mr. Chiusano agreed to do this prior to sampling other sites in the neighborhood. In a related comment, Mr. Cohen observed that no vapors were detected near the surface when the first recovery well was installed at Station 24.

- Referencing the soil vapor study conducted in this neighborhood several years ago, Ms. Hunte requested that the soil under recently built homes near the WSC site be tested again. The project team agreed to add this area to the list of Phase 1 sampling sites. Ms. Hunte also suggested that results from the previous study be compared with the new results.

- Mr. Cohen suggested that, at each site, multiple samples be taken in order to develop a "vertical profile" of the soil vapor levels. Mr. Chiusano remarked that because vapors do not always travel upwards, a vertical profile might not be the most accurate representation of soil vapor levels. He added that this is why DEC is sampling relatively close to the groundwater table. Ms. Selmer added that DOH needs data from areas near the groundwater table.

At the end of the discussion, it was agreed that DEC could begin Phase 1 sampling provided that: (1) the work plan is revised to include a description of remediation measures to be taken if elevated vapor levels are found during Phase 2 sampling; and (2) Station 24, the previously-tested residential community (along 106th Road), and possibly the Sayres Avenue triangle are added to the list of Phase 1 sampling locations.

CPP and HASP

Ms. Neuhaus announced that the latest version of the CPP was given to the CAC tonight. SRP members have already reviewed and provided comments on this version, as well as the HASP. Mr. Chiusano mentioned that a conference call will be held with SRP members to address their comments.

Due to time constraints, further discussion of the CPP was postponed. Mr. Sundquist noted that CAC approval of the CPP is required within the next couple of weeks for the project to remain on schedule. It was decided that **a special CAC meeting will be held on Thursday, March 17th. Following the meeting, it was confirmed that the special session will be held at 7:00 p.m. at the DEP Training Room, 106-22A 180th Street, Jamaica**.

<u>New Business</u>

- Commissioner Greeley announced that the BQA project has won a national award, the Grand Prize for Planning from the American Academy of Environmental Engineers.

The next regular CAC meeting is scheduled for **Thursday, April 7, 2005 at 7:00 p.m.** at the Hillside Manor Comprehensive Care Center, 188-11 Hillside Avenue, Jamaica Estates.

Follow-Up List

1. Collect soil gas samples at Station 24 and possibly Sayres Avenue triangle. Include previously-tested residential sites (along 106th Road) in list of remaining sampling locations. Responsibility: DEC, URS, DOH.
2. Coordinate CAC review of proposed sampling sites for Phase 1 of Vapor Intrusion Study. Coordinate CAC assistance regarding resident notification. Responsibility: DEC, URS, Irving Hicks, Debora Hunte.
3. Revise Vapor Intrusion Study Work Plan to include detailed information (in plain language) on remediation measures to be taken in the event that soil vapor contamination is detected. Responsibility: Jon Sundquist, URS.
4. Forward recent *New York Times* article regarding artwork in infrastructure projects for inclusion in March CAC Minutes. Responsibility: Charlotte Cohen, DCA; HNA.
5. Provide CAC with information on Local Law 65 that established Percent for Art program. Responsibility: Catherine Behrend, DCA; HNA.
6. Include Percent for Art website address and Frequently Asked Questions regarding the program in March CAC Minutes. Responsibility: Charlotte Cohen, DCA; HNA.
7. Provide DCA with contact information on local artists possibly interested in submitting Percent for Art slide registry applications. Responsibility: Peter Richards.
8. Form CAC subcommittee to address Percent for Art issues at Station 6. Responsibility: CAC, HNA.
9. Schedule special CAC meeting on March 17th to discuss CPP. Responsibility: HNA.
10. Schedule conference call with SRP, as appropriate, to discuss comments on CPP. Responsibility: HNA, Malcolm Pirnie, DEC, DEP, URS, Clayton Group Services.
11. Contact Dave Chiusano, DEC, with any questions or comments regarding CPP, or email comments to HNA for forwarding to SRP. Responsibility: CAC.
12. Coordinate CAC representation at March 8th (Yvonne Reddick and Irving Hicks) and March 22nd (Linda Hazel) WSC progress meetings. Responsibility: HNA.
13. Contact DEC Petroleum Spills Group regarding status of Citgo and Atlas gas station investigative reports. Responsibility: Dave Chiusano, DEC.
14. Provide information in support of consideration for CAC membership. Responsibility: Fred Simmons, Residential People for Improvement.

Attachment A

Brooklyn-Queens Aquifer Feasibility Study
Citizens Advisory Committee
Thursday, March 3, 2005

Attendance List

CAC Members/Alternates

Tracey Bowes
Community Board #12

Jeff Diggs
Office of New York City Councilman
Leroy Comrie

Linda Caleb Hazel
A Better Day Inc./St. Benedict The Moor/
St. Bonaventure

Irving Hicks
Brinkerhoff Action Association

Sarah Hicks
Brinkerhoff Action Association

Debora Hunte
Brinkerhoff Action Association

Yvonne Reddick
Community Board #12

Peter Richards
Community Board #13

Earl Roberts
113th Precinct Council

Michael Turner
Addisleigh Park Civic Association

SRP Members

Jack Caravanos
Hunter College

Gilbert Hanson
State University of New York
at Stony Brook

Len Lion
Cornell University

Paul Lioy
University of Medicine and Dentistry
of New Jersey

Alan Rabideau
State University of New York
at Buffalo

Guests

Catherine Behrend
New York City Department
of Cultural Affairs

Marguerite Brown
Resident/York College Student

Charlotte Cohen
New York City Department
of Cultural Affairs

Julia Gaustella
New York State Department
of Health

Gertrude Gonesh
Resident

Bianca Harris
Residential People for Improvement

George Harris
New York State Department
of Environmental Conservation

Edwin E. Mills
South Queens Park Association

Andy Rousseau
Resident/New York City Department of
Environmental Protection

Stephanie Selmer
New York State Department
of Health

Florence Simmons
Residential People for Improvement

Fred Simmons
Office of State Senator
Malcolm A. Smith

Tarshema Simmons
Residential People for Improvement

William West
Resident - Artist

Project Team

Nicole Brown
Malcolm Pirnie, Inc.

David Chiusano
New York State Department of
Environmental Conservation

Don Cohen
Malcolm Pirnie, Inc.

Doug Greeley
New York City Department
of Environmental Protection

Rick McCurdy
Helen Neuhaus & Associates Inc.

Helen Neuhaus
Helen Neuhaus & Associates Inc.

Jon Sundquist
URS Corporation

Andrea Wong
Helen Neuhaus & Associates Inc.

Anita Wright
Helen Neuhaus & Associates Inc.

Attachment B

PERCENT FOR ART IN NYC : FREQUENTLY ASKED QUESTIONS

September 1983 marked the inception of New York City's Percent for Art Program which is administered by the New York City Department of Cultural Affairs. This fact sheet responds to the most frequently asked questions and invites you to consult us with additional concerns or ideas.

What is the purpose of the New York City Percent for Art Program?
What is the history of the Percent for Art Program in New York City?
What kind of construction projects are considered by the Program?
How much money is spent and how is it allocated?
What kind of art work is considered?
At what stage of the project is the artist selected?
How are artists selected for the process?
How is the community involved?
How long does a project take from the selection of the artist to the installation of the art work?
How are the artists paid?
Does the Program sponsor competitions?
How do artists apply?

What is the purpose of the New York City Percent for Art Program?

The Percent for Art Program offers City agencies the opportunity to acquire or commission works of art specifically for City-owned buildings throughout the five boroughs. The purpose being to bring artists into the design process and enrich the City's civic and community buildings.

What is the history of the Percent for Art Program in New York City?

In 1965 Mayor Wagner established the Executive Order that allowed City agencies to allocate a portion of a building's construction budget to art work. Although several agencies took advantage of this opportunity, the Order did not provide for consistent implementation procedures.

In 1982 the "Percent for Art" law was passed by the New York City Council requiring that 1% of the budget for eligible City-wide construction projects be spent on art work for those facilities. Implementation of the Program began September 15, 1983 and established a procedure for determining eligible projects and an equitable artist selection process.

From 1983 to 1986, the Percent for Art Program was administered by the Public Art Fund, Inc., a private non-profit arts organization, under the auspices of the Department of Cultural Affairs. Now the Department of Cultural Affairs has responsibility for administration of the program.

What kind of construction projects are considered by the Program?

The "Percent for Art" law applies to City-owned capital construction projects that provide public services and accessibility. New construction or existing facilities undergoing substantial reconstruction are considered. These include firehouses, schools, shelters, police precincts, courthouses, hospitals, clinics, passenger terminals, prisons, detention centers, parks and sanitation facilities.

How much money is spent and how is it allocated?

The money for "Percent for Art" projects is allocated from the actual construction budget for each building.

The law requires that no less than 1% of the first twenty million dollars ($20,000,000), plus no less than one half of 1% of the amount exceeding twenty million dollars be allocated for the art work. The art allocation ceiling for a single site is $400,000. The annual spending cap for the Program is 1.5 million dollars.

What kind of art work is Considered?

The art work must be allocated in an area of the facility that is accessible to the public.

Art work has been broadly defined in the Regulations as "all forms of visual arts conceived in any medium, material or combination thereof." It may be commissioned or purchased, or an existing City-owned art work may be restored and re-sited.

This depends on the art allocation, the nature of the project, and the recommendations of the artist selection panel, the City agency and the architect.

At what stage of the project is the artist selected?

The artist selection panel is convened at the design stage so that the artist(s) can be involved from the beginning. In this way the art work becomes an integral part of the project, rather than an addition at the project's completion.

How are artists selected for the process?

A new artist selection panel is convened by the Commissioner of Cultural Affairs to review each project. The architect presents the project to the panel and may recommend specific artists or concepts.

The panel then recommends sites for the art work and an artist to be commissioned or an art work to be purchased. This recommendation is based on the architect's proposal, the nature of the community and the building's functions.

The panel reviews artists from the slide registry and artists recommended by the participants. The panel bases its recommendation on the artist's most current work and any previous commissions. In some cases the panel asks several artists to submit proposals or interview for a specific project.

The voting members of the panel include:

- the Commissioner of Cultural Affairs' designee,
- a representative from the sponsoring City agency,
- a representative from the Design agency (in some cases), and
- three public art professionals (critics, curators, artists, architects, historians, etc.) appointed by the Commissioner, one of whom must live or work in the borough (and when possible, the community) where the project is located.

In addition, a member of the Art Commission and the Mayor's Office of Construction serve as ex-officio, non-voting panelists.

How is the community involved?

When a construction project has been identified, the Percent for Art Program notifies the appropriate Borough President and Community Board inviting them to attend the artist selection panel meetings. Both the Borough President and the Community Board are informed of the project's progress.

The site requirements and the nature of the community are of great importance to the panel as it makes its recommendation. In preparation for the panel meeting the Percent for Art staff prepares a community profile.

How long does a project take from the selection of the artist to the installation of the art work?

City construction projects generally take from three to five years to design and build. The artist joining the project at its inception will follow the project schedule. Artists who have been commissioned should be prepared to present their design to the agency, the architect, the community, and the Art Commission for approval.

The Percent Program acts as a liaison between the artist and the agencies. Procedures have been streamlined to avoid interfering with the construction schedule, but delays in the building's construction are often unavoidable. The artist works closely with the architect in order to remain informed of the building's progress.

How are the artists paid?

The selected artist has a contract with the architect that addresses the artist's responsibilities and payment schedule for the project. The art allocation must cover the artist's budget including design fee, fabrication, installation, transportation and insurance costs.

Does the Program sponsor competitions?

For some projects, the Percent for Art Program sponsors competitions. Each artist in the slide registry is notified of these special opportunities.

How do artists apply?

The Percent for Art artist slide registry is an up-to-date and important component of the Program.

The registry is consulted by the architects, panelists, and City agencies for each project. The Percent for Art staff prepares a slide presentation from the registry for each panel meeting.

Artists who are interested in submitting their work for review may print out the application located on Slide Registry page, call (212) 643-7770, or write for an application to:

Percent for Art
Department of Cultural Affairs
330 West 42nd Street, 14th Floor
New York, NY 10036

The registry is open to any professional visual artist. There is no residency requirement for a Percent for Art Commission. If you are interested in consulting the registry, please call the Program office to make an appointment.

The New York Times

Arts

In My Backyard, Please: The Infrastructure Beautiful Movement

Steven Holl and Associates

The pipe-shaped water treatment plant near New Haven is clad in stainless steel.

By FRED A. BERNSTEIN

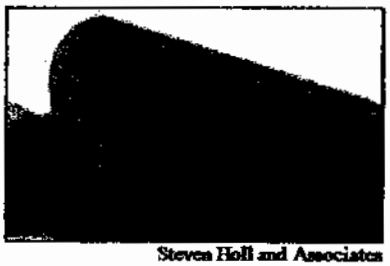
Published: February 27, 2005

STEVEN HOLL'S latest building, a water filtration plant shaped like a pipe, covered in stainless steel shingles and set in a field on the outskirts of New Haven, is hard to miss - as long as you know where to look.

Concerned that it could attract terrorists, the South Central Connecticut Regional Water Authority is trying to keep the plant's location secret. Which is more than a little surprising. Mr. Holl - the architect of a sponge-inspired dormitory at the Massachusetts Institute of Technology and a museum in Kansas City, Mo., that resembles giant shards of glass - was hired by the water authority to ensure that the plant looked like no other building in the world. He complied, enclosing acres of equipment in the pipelike structure, which is so big and so shiny that it might be visible from Mars. The authority is not alone in teaming innovative architecture with a terribly prosaic purpose. From New Haven to Hiroshima, architects best known for signature museums and concert halls are now designing buildings filled with tanks and filters.

"We're not back to the W.P.A. yet," said Alan Plattus, a professor of architecture at Yale, referring to the Works Progress Administration, the federal agency that commissioned architecturally significant public works during the Great Depression. "But we seem to be moving in that direction."

It is the Nimby phenomenon that seems to be driving the desire for something beyond concrete fortresses or tin sheds rimmed by chain-link fences. Why shout "Not in my backyard!" if your backyard can be made to resemble a sculpture garden?



Steven Holl and Associates

The water treatment plant near New Haven.

"In an increasingly crowded world, there are more and more infrastructure buildings, and they're going to occupy increasingly sensitive locations," said the Boston architect Jane Weinzapfel. And often, she said, the buildings are far larger than anything around them. It takes architecture to tame giants.

Three years ago, Ms. Weinzapfel and her partner, Andrea Leers, began racking up awards for their "chilled water plant" at the University of Pennsylvania. The building is the first structure visitors see as they approach the campus from the south. So the partners situated the cooling equipment behind a skin of folded, perforated metal. More or less opaque depending on lighting conditions, the skin resembles a shimmering veil.

Tony Cenicola/The New York Times

Tanks at the Greenpoint, Brooklyn, wastewater plant resemble giant eggs.

In the Greenpoint section of Brooklyn, Richard Olcott of Polshek Partnership Architects needed more than a veil to make visual sense of the 54-acre Newtown Creek Wastewater Treatment Plant. Mr. Olcott, whose best-known projects include the Clinton presidential library in Little Rock, Ark., said, "You can't redesign the equipment, but you can try to create an overall ordering system for the site."

The plant's most prominent feature is a cluster of 100-foot-high tanks shaped - unexpectedly - like eggs. Into this surreal nest Mr. Olcott inserted a series of even taller stair towers, which he covered not in the expected dull concrete but in glazed parrot-green brick. The clustering of the towers recalls the Tuscan hill town of San Gimignano, a striking achievement given the facility's numbing scale and mundane purpose.

Greenpoint is a mostly industrial neighborhood. But in Connecticut, Mr. Holl's building is surrounded by stately homes. When the Regional Water Authority first proposed the plant, in the 1990's, it feared the kind of community opposition that can stall a big project for decades.

So it invited more than 1,000 neighborhood residents to a meeting. (Meter readers hand-delivered the invitations, according to Patricia Sweet, the company's spokeswoman.) At the meeting, the company essentially told residents: "If you let us build the plant here, we'll let you pick the architect." A committee composed almost entirely of community members interviewed several prominent architects before settling on Mr. Holl. Ms. Sweet noted: "It is more typical to let the engineering firm design the building."

LOCAL LAWS

OF

THE CITY OF NEW YORK

FOR THE YEAR 1982

No. 65

Introduced by Council Member Sadowsky (by request of the Mayor) and Council Members Dryfoos, Greitzer and Stern; also Council Members Messinger, Michels and Wallace—

A LOCAL LAW

To amend the New York City Charter, in relation to providing for works of art in public buildings.

Be it enacted by the Council as follows:

Section 1. Chapter nine of the New York city charter is amended by adding a new section two hundred thirty-four, to read as follows:

§ 234. Works of art. a. As used in this section the term "works of art" includes all forms of the visual arts conceived in any medium, material or combination thereof.

b. Works of art shall be provided for each capital project which involves the construction or the substantial reconstruction of a city-owned public building or structure the intended use of which requires that it be accessible to the public generally or to members of the public participating in, requiring or receiving programs, services or benefits provided thereat. For the purposes of this section a police precinct house and a firehouse shall be deemed to be such buildings.

c. An amount not less than one per cent of the first twenty million dollars and one-half of one per cent of any amount in excess of twenty million dollars of capital funds appropriated by the city for each such capital project, other than funds appropriated for the acquisition of real property, shall be allocated for works of art provided, however, that this section shall in no case require the expenditure of more than four hundred thousand dollars for works of art for any capital project; nor more than the sum of one and one-half million dollars for works of art in any fiscal year. The mayor

may exempt a capital project from the provisions of this section if in his sole judgment the inclusion of works of art as provided hereby would be inappropriate.

d. Reasonable advance notification of the intention to include works of art in a project shall be provided to the appropriate district council member, council-members-at-large, borough president and chairperson of the community board of the district in which the project is located. All such works of art shall be subject to the approval of the art commission pursuant to section eight hundred fifty-four of this charter.

e. The mayor shall adopt rules and regulations to implement the provisions of this section.

§ 2. This local law shall take effect immediately and shall apply to any capital project for which the scope of project is submitted for approval on or after January first, nineteen hundred eighty-two.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, S. S.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on October 14, 1982, and approved by the Mayor on October 29, 1982.

DAVID N. DINKINS, City Clerk, Clerk of the Council.

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE LAW SECTION 27

Pursuant to the provisions of Municipal Home Rule Law Section 27, I hereby certify that the enclosed local law (Local Law 65 of 1982, Council Int. 1093-A) contains the correct text and:

Received the following vote at the meeting of the New York City Council on October 14, 1982:

29 FOR 7 AGAINST 1 NOT VOTING

Was approved by the Mayor on October 29, 1982.

Was returned to the City Clerk on October 29, 1982.

FREDERICK A. O. SCHWARZ, JR., Corporation Counsel.

OFFICE OF THE MAYOR

Notice of Adoption of Regulations
for the Implementation of Chapter 9, Section 234
of the Charter -- Percent for Art Law

NOTICE IS HEREBY GIVEN THAT, due and proper publication in the City Record having been made pursuant to Section 1105 of the New York City Charter and an opportunity for comment having been duly afforded, and exercising the authority vested in me as Mayor of the City of New York, Regulations for the implementation of Chapter 9, Section 234 of said Charter are hereby adopted, and read in full as follows:

REGULATIONS FOR THE IMPLEMENTATION OF
CHAPTER 9, SECTION 234 OF THE NEW YORK CITY CHARTER --
PERCENT FOR ART LAW

Section 234.10 Purpose

A. The purpose of chapter 9, section 234 of the charter, commonly referred to as the Percent for Art Law, and these regulations, is to ensure that a percentage of the capital budget appropriated for the construction or substantial reconstruction of certain city-owned public buildings or structures shall be allocated for the inclusion of works of art on or around the exterior of such buildings or structures, or in the interior areas where the public has general access. Further, it is the intention of this legislation to assure that public works are undertaken with the full recognition of the aesthetic impact they have on the surrounding community, that they are designed to enhance the neighborhood in which they are located, that they bring pride to our citizens, and that they celebrate and encourage the arts, the creative talent of living artists and the existing art treasures that make New York City the world's cultural capital.

B. These regulations implement section 234 of the charter as part of the project initiation and implementation process contained in chapter 9 of the charter.

Section 234.11 Applicability

These regulations apply to projects listed in the city's capital budget and include each line project and each project of a multi-project effort generally described in a lump sum budget line. Individual projects including multi-year projects, which are part of a major improvement program or betterment at a specific site may be subject to these rules as set forth below.

Section 234.12 Definitions

A. "Art Allocation": The dollar amount of the budget of an Eligible Project available for expenditure for Works of Art, calculated as follows:

a) Not less than 1% of the first twenty million dollars ($20,000,000) of capital funds appropriated in the city capital budget for an Eligible Project, not including funds appropriated for the acquisition of real property; plus,

b) Not less than 1/2 of 1% of the capital funds in excess of the first twenty million dollars ($20,000,000) appropriated in the city capital budget for such Eligible Project, not including funds appropriated for the acquisition of real property;

provided, however, that such allocation will be recalculated if changes in the project scope prior to the selection of Works of Arts result in a change of 15% or more of the capital funds originally appropriated in the city capital budget for such Eligible Project; and provided further, however, that in no case shall section 234 of the charter require the expenditure of more than four hundred thousand dollars ($400,000) for Works of Art for any one Eligible Project, nor more than one and one-half million dollars ($1,500,000) for Works of Art in any one fiscal year. This allocation may be used for, but is not limited to, the acquisition of existing Works of Art, the commissioning and acquisition of new Works of Art, the restoring or refurbishing of existing Works of Art, the removal of Works of Art to an Eligible Project from another site, and/or the installation of Works of Art at the site of an Eligible Project.

B. "Art Commission": The body created pursuant to chapter 37 of the charter.

C. "Architect": The professional, whether a city employee, or a consultant, responsible for the design of an Eligible Project.

D. "Agency": A city, county, borough, or other office, position, administration, department, division, bureau, board or commission, or a corporation, institution or agency of government, the expenses of which are paid in whole or in part from the city treasury.

E. "Commissioner": The Commissioner of the Department of Cultural Affairs.

F. "Design Agency": The city Agency responsible for the preparation of the design of a project.

G. "Director": The Director of the Mayor's Office of Construction or its successor.

H. "Eligible Project": A capital project for which capital funds are appropriated by the city, and which involves the construction or Substantial Reconstruction of a city-owned building or structure, the intended use of which requires that it be accessible to the public generally or to members of the public participating in, requiring or receiving programs, services or benefits provided thereat. Buildings or structures within this category include, but shall not be limited to, office buildings, buildings designed for recreational purposes, police precinct houses, fire houses, schools, prisons and detention centers, hospitals and clinics, passenger terminals, shelters, libraries, community centers and court buildings.

I. "Panel": An advisory panel as provided in Section 234.13 hereof.

J. "Substantial Reconstruction": A capital project in which at least two of the major systems [electrical, HVAC (heating, ventilating and air conditioning), or plumbing] of a building are replaced and general construction work, including but not limited to new flooring, ceilings, partitions, windows, affects at least 80% of the building's floor area.

K. "Work(s) of Art": All forms of visual arts conceived in any medium, material or combination thereof.

Section 234.13 Panel

A. Membership and Organization

1. For each Eligible Project, the Commissioner will convene a panel consisting of:

a. the Commissioner or his/her designee;

b. one representative of the city Agency having jurisdiction over the Eligible Project upon its completion, if other than the Department of Cultural Affairs (such representative shall not be the Architect);

c. one representative of the Design Agency, if other than (b) above (such representative shall not be the Architect); and,

d. three representatives of the public, generally recognized as knowledgeable in the field of public art, and selected by the Commissioner, at least one of whom shall reside in or maintain a place of business in the borough in which the project is located. If the Department of Cultural Affairs is the Agency referred to in both (b) and (c) above, then four such representatives of the public, selected by the Commissioner.

2. Each member shall have one vote; except, in the event of a tie vote by the members, the Chairperson shall have two votes.

3. A majority of the votes eligible to be cast shall constitute a quorum to do business. Any action taken by the Panel shall require the assent of a majority of the votes present.

4. One representative of the Art Commission and one representative of the Director will be non-voting ex officio members of each Panel and will not be counted as part of the quorum.

5. The Commissioner or his/her designee shall serve as Chairperson of the Panel.

6. The Chairperson may invite other knowledgeable persons to address the Panel but they shall not have a vote.

B. Duties of the Panel

1. Upon reviewing the scope of each Eligible Project and any reports, comments or recommendations of the Architect and the Agencies involved in its construction, after due deliberation, and following full consultation with the Architect, the Panel shall inform the Design Agency in writing of its recommendations as follows:

   a. the nature of Work(s) of Art to be considered for the Eligible Project;

   b. if new Work(s) of Art are to be commissioned, then the names of artists to be considered to create the Work(s) of Art or the manner to be used to select an artist, as through a competition, for example;

   c. if Work(s) of Art already in existence are to be used, then specific art works or works of suggested artists shall be recommended;

   d. other suggestions for the use of the Art Allocation, such as refurbishing or restoring existing Work(s) of Art located at the site or to be relocated to the site.

Section 234.14 Procedures

A. Upon the initiation of design of an Eligible Project in accordance with section 228(b) of the charter, the Design Agency shall notify the Commissioner in writing of the following:

a) scope of the project;

b) budget for the project;

c) time schedule for the project; and,

d) the Architect's name and address.

B. The duties of the Panel shall be performed as part of the Eligible Project's design phase but, in no event shall they interfere with the project's schedule.

C. Panels shall be convened by the Commissioner in consultation with the Design Agency, so as to expeditiously process Eligible Projects.

D. The Commissioner will keep a list of the Eligible Projects submitted, will establish a schedule for their consideration by a Panel, will appoint the three (or four, if required hereby) Panel members to each Panel representing the public, will notify all members of the time and place of each Panel meeting, and prior to each such meeting will distribute materials for consideration. If necessary, a Panel may be scheduled to convene more than once during its review of an Eligible Project, as for example, to visit the site of the Eligible Project, or to have additional opportunities to confer with the Architect and/or Design Agency.

E. The Commissioner will give reasonable advance notification of the intention to include Works of Art in an Eligible Project to the appropriate district council members, borough president and chairperson of the community board of the district in which the project is located, in writing, at the time the Panel to consider such project is appointed. The notification shall include the time and place of such Panel meeting(s).

F. Submissions to a Panel shall be made through the Commissioner by the Design Agency. The contract or agreement with the Architect (if the Architect is a consultant to the Design Agency) will provide that the Architect will consult with, and cooperate with, the Panel, in carrying out the requirements of section 234 of the charter, and will prepare all other necessary data, drawings and plans to be presented to and considered by the Panel.

G. Not later that ten (10) business days prior to the first date a Panel is scheduled to convene to consider an Eligible Project, the Design Agency, in consultation with the Architect, shall submit a statement, in writing, to the Commissioner, which shall include:

1. description and scope of the Eligible Project;

2. the amount of the Art Allocation;

3. suggestions as to the nature and types of Works of Art to be included in the Eligible Project and to be paid out of the Art Allocation; and,

4. suggested Works of Art already existing to be acquired and/or suggested artists to execute the Works of Art.

H. The Commissioner shall distribute the statement to the members of the Panel prior to the meeting.

I. At the Panel meeting(s), the Architect will be present to discuss the Eligible Project with the Panel members and respond to questions and comments. Following full discussion and upon a majority vote, the Panel will render its recommendations, including specific recommendations regarding Work(s) of Art and artists. For any Eligible Project the Architect may request and the Panel may recommend that the Art Allocation be spent on restoring or refurbishing existing Work(s) of Art for the site; or the removal of Works of Art to the Eligible Project from another site; or any other alternative recommendations for the use of the Art Allocation.

J. Within two weeks after the Panel's final meeting, the Commissioner will forward the Panel's written recommendations, in accordance with subsection 234.13(B)(1) above, to the Design Agency to be used in the Architect's preparation of initial designs for the Eligible Project, with copies to the members of the Panel and to those persons referred to in subsection 234.14(E) above.

Section 234.15 Eligibility; Exemptions

A. In the scope of each capital project, the Design Agency shall specifically state, either, that:

1. the project is an Eligible Project as defined in section 234 of the charter; or

2. the project is not an Eligible Project.

B. The Mayor may exempt capital projects from the provisions of section 234 of the charter if in his sole judgement the inclusion of Works of Art as provided thereby would be inappropriate.

C. If any city Agency takes issue with the finding that a project is or is not an Eligible Project, the matter shall be referred to the Director, whose decision will be final.

Section 234.16 Project Eligibility Monitoring

A. Each capital budget request form ("CB Form III") submitted to the Office of Management and Budget ("OMB") shall have indicated thereon that such project either is or is not an Eligible Project, or that at such stage of planning, eligibility cannot yet be determined.

B. OMB shall submit a set of all CB Form III's received by it to the Commissioner for the purpose of monitoring and determining capital projects that come within section 234 of the charter.

Section 234.17 Art Commission; Removal or Alteration of Works of Art

A. The procedures set forth herein are in addition to and not in lieu of the procedures of the Art Commission pursuant to section 854 of the charter.

B. Works of Art acquired pursuant to section 234 of the charter shall not be, without the prior written approval of the Art Commission,

(i) sold or otherwise alienated or disposed of; or

(ii) altered, modified in any way or relocated.

Section 234.18 Implementation

A. Following receipt of the Panel's recommendations, the Design Agency shall make its final decision concerning the Work(s) of Art to be included in the Eligible Project. If the Design Agency's decision differs from the Panel's recommendations, the Design Agency shall promptly, and within the design phase, provide a written explanation for its decision to the Commissioner, who shall forward copies of such explanation to members of the Panel and to the persons referred to in subsection 234.14(E) above.

B. It is the intent of section 234 of the charter that the Works of Art be an integral part of and compatible with the project being constructed. Hence, the procedures called for in these regulations are meant to commence at the earliest stages of project design to assure that the project construction schedule has incorporated into it the schedule to be followed for the creation, acquisition or restoration of the Works of Art to be included therein.

C. The Commissioner shall administer the implementation of section 234 of the charter and shall offer guidance, assistance and advice, throughout the pre- and post- Panel process, to the Agencies involved with Eligible Projects, the Architect, the artist(s) and/or the community.

EXPLANATION OF REGULATIONS

These regulations will implement chapter 9, section 234 of the charter, commonly referred to as the Percent for Art Law, passed by the City Council on October 14, 1982, and approved by the Mayor on October 29, 1982. They establish a procedure whereby city capital projects that come within the purview of section 234 of the charter will be reviewed, in consultation with the project's architect, by a panel composed of representatives of the public generally recognized as knowledgeable in the field of public art, and the city agencies involved with the project. The purpose of the panel's review is to make recommendations to the city agency responsible for the design of such project as to the type and nature of works of art to be included in the project. These regulations are in addition to and not in lieu of the procedures of the Art Commission pursuant to section 854 of the charter.

FILED WITH CITY CLERK: August 10, 1983

EFFECTIVE DATE: September 15, 1983

EDWARD I. KOCH
Mayor