



**Public Arts Commission
North Adams, Massachusetts**

Meeting Minutes

July 11, 2018

The North Adams Public Arts Commission held a public meeting on July 11, 2018 at the Eclipse Mill Gallery at the Eclipse Mill Artist Lofts, 243 Union Street #102, North Adams.

Members Present: Julia Dixon, Chairperson
 William Blackmer, Secretary
 Cynthia Quiñones
 Gail Kolis Sellers

Absent: Eric Kerns, Vice Chairperson

Also Present: Michelle Daly
 Tammy Daniels

CALL TO ORDER

Chairperson Dixon called the meeting to order at 5:33 p.m.

APPROVAL OF THE MINUTES

Sellers moved to accept the Public Arts Commission minutes from its June 28, 2018 public meeting. Blackmer seconded. All voted in favor. None opposed.

OLD BUSINESS: FINAL CONTRACT REVIEW DISCUSSION

Moving ahead to Old Business on the agenda, while waiting for presenter(s) for the MCLA BCRC proposal. Dixon presented two contracts from KP Law based on the changes the commission requested; one that applies to an "Individual Artist," and one that applies to an "Organization Commissioning Artwork." Language changes reviewed. Under Section **II. Term**, the language now reflects the requested change of wording to "commence" and "removed" on the Organization contract. Sellers noted the language did not change on the Individual Artist contract. So, removal date will still need to be added to the Individual Artist contract. Section **III. Compensation** language was revised in the Organization contract, but still refers to the artist donating the Artwork to the City in the Individual Artist contact. Sellers noted that we wouldn't want the artist thinking that they need to donate the art.

Blackmer noted that the donate language was also originally in the Organization contract, but has been removed. Dixon advised that the language should be the same in both. Will be forwarding that recommended change be made to the Artist contract. Discussion regarding Section **V. Licenses and Permits**. Sellers noted that the contract states, "Artist is responsible for obtaining all licenses and permits, as may be required, in connection with the performance under this Agreement." Sellers questioned who an artist would approach and how they know what permits they are responsible for. Discussion regarding past proposals, and that some direction and recommendations have been made by the commission to assist with clarifying what steps were needed, but it is still up to the artist contractually to meet required city approvals. Sellers noted that in the past, she found that departments in city hall were not aware of what she might need for an art project. Some input engendered from Michele Daly regarding past stenciling projects and steps taken for approval. Dixon noted that discussion is somewhat off topic. That an artist wanting to place artwork on public property would have to approach the city for permission to do so. So that provides an opportunity to find out what the process is. Then they have to come before the Public Arts Commission for approval of their design, which is another opportunity to understand the processes they need to go through. Dixon advises that each proposal is going to be different, so you cannot really formalize what is explicitly needed ahead of time. Each project's path with vary to some extent.

Regarding Section **XX. Maintenance and Repair**. One of Quiñones' previous concerns was that there was not clear language to minimize misunderstanding of the parties regarding the maintenance of the work and that the artist should submit maintenance guidelines. The language for the submission of a maintenance plan for the artwork has been added. Dixon noted that there is now at the end of the contract an "EXHIBIT A (Maintenance Plan)" page. Sellers had further questions regarding some wording. For instance, what is meant by "... installation of the Artwork will be performed in a professional manner." (**IX. Warranty of Quality and Condition of the Artwork**) What does "in a professional manner" mean? Dixon suggested we postpone discussion of the contracts until the next meeting if we need more time to review the documents and the changes made, since we just received it today. Quiñones agreed with that. Sellers said that her biggest question is under section **XI. Insurance**. Dixon explained that the law firm put that section in there with a note inquiring if the city required it. And this is the contract we got back. So, the city is requiring a general liability insurance certificate. Regarding past projects through MCLA, Michelle Daly said that MCLA is self-insured and carries a legally binding waiver for the projects they have proposed in the past. In questioning how those agreements functioned, Sellers mentioned what was involved in past projects that she was part of. Dixon does not believe the insurance should deter artists wanting to install a piece of public art in the city. It is likely that they will need insurance for other public art projects they may be involved with. Dixon further discussed the updates to Section **XIII. Copyright**, re removal of language that limited the ability to show artwork that had been shown somewhere else. For the most part, the language changes from the last Public Arts Commission meeting have been incorporated in these revised contract drafts. Blackmer noted that on the Individual Artist contract, section **XVIII. Title**, it references, "Title to the Artwork shall pass to the City upon Final Acceptance by the City." It has the artist waiving all rights to the artwork. The Organization contract does not have this section. Just clarifying if we are back to language that has all public artwork being owned by the city. Sellers questioned that the city would want to be owning the artwork. The Organization contract appears ready for use. The Individual artist contract will need to be clarified regarding the donation language and removal language aspects, possibly at our next meeting.

Blackmer moved to approve the Organizational contract. Dixon seconded. All voted in favor. None opposed.

PROPOSAL: MCLA BCRC'S North Adams Truth and Painted Sidewalk Project

Michelle Daly, Director of MCLA's Berkshire Cultural Resource Center, presented Tesselation, an interactive, participatory mural project for DownStreet Art which will be painted by DSA participants under the supervision of mural/lead artist Anthony Merino. A call for artists was put out, and DownStreet Art approved the proposal from Merino. It is sort of a continuation of the mural project, with the artwork being proposed on the sidewalk. Four possible locations for the project were identified and included in the public art proposal application. Merino designed an interlocking pattern of birds. Each cell in the pattern would be painted by a different community member, with the design and colors used providing a unifying structure. The group's preferred location would be the sidewalk at the Main Street and Marshall intersection. Blackmer and Dixon asked questions regarding the project, and Daly clarified that they are only looking to paint one of the four potential locations at this time. Sellers asked about the type of paint being used. Daly explained it is water-based, with a protectant layer being applied upon the finished work. Daly said that she has found examples of these types of projects using these materials in other communities that have lasted three to five years, and possibly longer, depending on the foot traffic upon the site. Dixon asked about potential touch up as time goes on, and if touch up could be done over the clear protectant coating. Daly thought that touch up will be difficult given the clear coat applied. Sellers talked about the possibility of using an acrylic road paint. It is more permanent, but colors are limited. Further general conversation regarding how the participants in the mural will be advised and involved. Dixon raised the question of security near the road. Daly explained there will be some stanchions at the area where it will be happening, and some volunteers to keep people out of the roadway, but the project is completely on the sidewalk, and there is a brick buffer zone between the road and the proposed art work on the sidewalk that provides further separation from traffic. Sellers also offered to lend Art About Town's traffic cones and vests available for use as well. Daly said that the bulk of the work would take place on Thursday, July 26, with Merino then finishing any parts that need to be done over the course of a week or so. Dixon asked about prep work. Daly said that they would clean the surface and Merino would apply the pattern on July 25 or 26. Further discussion by Dixon, Sellers, and Daly regarding language for removal as the artwork wears out. "As deemed necessary by the city" is the expected guiding language.

Quiñones made a motion to approve the proposal as presented. Seconded by Dixon. All voted in favor. None opposed.

OLD BUSINESS: NEW MEMBER UPDATE

Sellers reported that she talked with Mayor Bernard after the July 10 city council meeting, and there was a delay in meeting with candidates. In conversation with the mayor today, Dixon reported that he met with Derek Parker and will be advancing his nomination to the city council on July 24. Dixon provided some information regarding his background and experience in public art. The at-large vacancy will still need to be filled.

MONTHLY MEETING DATE DISCUSSION

Commissioners discussed the possibility of a standing meeting date and time, as requested by Quiñones at the last meeting. Dixon mentioned that our dates would then be known in advance to the public including any artist who has a proposal to prepare for the commission, as well as being a known date on our schedules. General approval for the idea. Discussion of availability. Mondays at 5:30p.m. will be looked at by Dixon for any conflicts with holidays, etc. twelve months forward, and will report back to the commission with her findings.

PUBLIC ATTENDEE CONCERNS

None

MEMBER CONCERNS/FUTURE AGENDA ITEMS

None

SET NEXT MEETING TIME AND DATE

Next meeting date to be determined.

ADJOURNMENT

With no other business to discuss, Blackmer moved to adjourn the meeting at 6:46 p.m. Quiñones seconded. All voted in favor. None opposed.

Respectfully submitted,

William Blackmer, Secretary