

BRATTLEBORO TOWN ARTS COMMITTEE
TUESDAY, SEPTEMBER 18TH, 2012
4:00 PM
HANNA COSMAN MEETING ROOM
MUNICIPLE CENTER 230 MAIN STREET, 2ND FLOOR
AGENDA

1. Convene Meeting (assign recording duties)
 - a. Confirm meeting was warned
2. Approve Minutes from 8/21/12 meeting (Minutes from 6/5/12 & 6/19/12)
3. Public Participation
4. Unfinished Business
 - a. By Laws: Public Arts Policy
 - i. Report from Dybas on how the PAP currently addresses issues of maintenance and removal of a finished project
 - ii. Partial Re-Write of PAP using Paint the Pavement (attached) as guidance
 - b. TAC Press Statement
 - c. Transportation Center
 - i. Clarify Process (i.e. Develop a Sub-Committee)
 - d. AIDS Project Update
5. New Business
 - a. By Laws: Meeting Times
 - b. Contact information not currently listed on TAC forms or on Town site
 - c. Vice-Chair Election

Paint the Pavement Projects Program Outline

Step 1: When considering a project

Paint the Pavement Projects may be located at intersections or street section. All streets must be classified as Local Service Streets and carry less than a combined 1,250 vehicles on an average day. Approval of the site must be granted by the Director of Public Works and the Police Chief. Determination of the suitability of a site will be at the discretion of the Director of Public Works and the Police Chief.

Step 2: Prior to the Event

The primary contact, who will serve as applicant, must submit the following forms:

. **Paint the Pavement Installation Agreement:**

This agreement authorizes construction and maintenance of the project, as described and shown in submitted diagrams, with associated conditions. The agreement will be reviewed and approved by the Director of Public Works, Police Chief and the Town Manager. Final approval must be granted by the Selectboard.

Applicants must provide a written description of the proposed design and a diagram depicting how the intersection will look when complete. Applications must be accompanied by a petition of support for the proposed street modifications. The support petition must have signatures of support from 100% of the adjacent residents and at least 60% of the residents on the project street frontage within two standard blocks of the proposed project.

. **Street Blocking Permit**

The applicant must complete a street blocking permit to the Town Managers Office for the day of the painting event. Street Blocking Permits are reviewed by the Director of Public Works, Police Chief, Fire Chief and final approval is granted by the Town Manager. Approved Street Blocking Permits will contain any requirements regarding the blocking of the streets.

Step 3: Day of Event

Please take photos before and after the event and submit copies to the Town Manager's Office. Insure that traffic control devices are in place well before any activities begin. Make sure that the area is clean following the event.

Important things to know about Paint the Pavement Projects

Choosing a location: Quiet residential streets are the best candidates. In general, if the proposed project location is at an intersection, the two streets should be classified as local streets and carry less than a combined 1,500 vehicles on an average day. If the project is in a mid - block location, the segment should be classified as a local street and carry less than 1,250 vehicles on an average day. This information may be obtained from the Department of Public Works Highway Division.

Appropriate Designs: The applicant must provide the Town with a written description of the project and a diagram depicting how the intersection will look when completed. The diagram should include dimensions and orientation on the street. Community identity logos are acceptable but no advertising of any sort will be allowed as part of the project. Designs should not replicate or mimic traffic control devices (such as stop signs or crosswalks).

Design Approval: The Director of Public Works, Police Chief, and Town Manager must approve the Paint the Pavement mural design and retains the right to require changes to any and all elements of the project design in order to insure public safety and operation of the transportation system. Approval is indicated by the signatures on the Paint the Pavement Installation Agreement.

Scope of Agreement: The agreement covers use of the public right - of - way only, and does not exempt the applicant from obtaining any license or permit required by the Town Ordinances for any act to be performed under this permit. The agreement will not exempt any party from complying with all applicable traffic laws, including laws regarding pedestrians, except as allowed by the *Street Blocking Permit*

Authorization: The applicant is not authorized to do any excavation. The applicant will be responsible for protecting all public and private facilities placed in the public right - of - way, including underground utilities.

Closing the Street: While painting the design, the street or intersection must be closed in an appropriate fashion to ensure safety of all participants. The applicant must apply for a Street Blocking Permit through the Town Manager's Office. This permit will require the use of traffic blocking devices and may require re-routing of traffic.

Appropriate Paint: Paint must be low - toxicity and lead - free. Other leadfree exterior latex or enamel paints will be acceptable. All paint must be approved by the Director of Public Works. The Town recommends using water - based paints because of easier clean - up and generally lower toxicity. The artwork may need to be retouched annually. It is important that no paint or clean - up water be disposed of in storm drains. Clean - up should be done in a sink which drains into the sewer system.

Future street disturbances: Street repair, street maintenance, street reconstruction, repair of existing utility facilities or installation of new utility facilities in the right-of-way may cause damage to the project. Any costs of repair will be borne by the applicant, with no responsibility of the city, other agencies or entities to repair or replace the project.

Mural Repair: Any future painting of the pavement mural, including touch-ups or redesign, will require the applicant to following the application procedures outlined in this packet.

Revocation of Agreement: The Town may revoke an agreement for convenience. Any paint the pavement mural no longer meeting the original intent of the project may be immediately revoked by the Town. Other reasons for revocation may include, but are not limited to:

Neighborhood Conflicts: The applicant will work with all affected neighbors to resolve any concerns that may arise regarding the project. The inability to resolve such concerns may be grounds for revocation of the agreement by the Town Manager.

Nuisance conditions: If any nuisance condition is allowed to exist in the area of the project, the Town may summarily abate such nuisance. The existence of a nuisance in the area of the project may be grounds for revocation of the permit.

**Paint the Pavement
Design and Location Approval**

Person responsible for Design and Location Request:

Name: _____

Telephone: _____

E - mail: _____

Location of Paint the Pavement mural:

Roadway Segment: _____
_____ from _____ to _____

OR

Roadway intersection _____ at

Attached the design.

By:

Applicant Signature
Works

Applicant Name

Director Department of Public

Police Chief

Town Manager

**Paint the Pavement
INSTALLATION AGREEMENT**

THIS AGREEMENT is made and entered into as of this _____ day of _____, 20____ by and between _____ (hereinafter referred to as “Applicant”) representing Neighborhood Group _____ (if applicable) and Town of Brattleboro (hereinafter referred to as “Town”)

WHEREAS, the Applicant has submitted plans and a valid petition for painting the pavement at the

intersection of _____ and

_____ or

midblock location on _____ between _____ and _____

WHEREAS, The Town of Brattleboro has reviewed plans and approves installation; NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. Applicant will hold the Town of Brattleboro, its officers, agents, and employees free and harmless from any claims for damages to persons or property, including legal fees and costs of defending any actions or suits, including any appeals, which may result from painting.
2. Applicant shall be responsible for installation of the painting in accordance to the drawing submitted and as approved by the Town.
3. Applicant will work with all affected neighbors to resolve any concerns that may arise regarding the project. The inability to resolve such concerns may be grounds for revocation of the agreement by the Town.
4. Applicant will obtain a Street Blocking Permit to close all legs of the intersection for up to one block distance, in order to install the intersection painting.
5. Applicant will be responsible for following all directions for closing of the street(s) as outlined in the approved Street Blocking Permit.
6. Applicant will notify all households and businesses within four standard city blocks of the proposed project at least 30 days before the project installation date.
7. Applicant understands that if any nuisance condition is allowed to exist in the area of the project, the Town may summarily abate such nuisance. The existence of a nuisance in the area of the project may be grounds for revocation of the agreement.
8. Applicant shall repair the painting project as needed, or portions of the project, with all costs borne by the applicant, if street repair, street maintenance, street reconstruction, repair of existing utility facilities or installation of new utility facilities in the right - of - way affects the installation.

9. Applicant shall follow the standard application procedures, in place at the time of application, to obtain Town approval to complete any future repair or repainting of the pavement mural.

10. This agreement covers use of the public right - of - way only, and does not exempt the applicant from obtaining any license or permit required by Town Ordinances for any act to be performed under this permit. Nor will the agreement waive the provisions of any Town Ordinance except as stated herein. This agreement will not exempt any party from complying with all applicable traffic laws, including laws regarding pedestrians, except during the hours of street closure, as approved by the Town.

11. The Town may revoke an agreement for convenience. The Town will immediately revoke a permitted project no longer meeting the original intent of the project. Other reasons for revocation may include, but are not limited to:

○ **Neighborhood Conflicts:** The applicant will work with all affected neighbors to resolve any concerns that may arise regarding the project. The inability to resolve such concerns may be grounds for revocation of the agreement by the Traffic Engineer.

○ **Nuisance conditions:** If any nuisance condition is allowed to exist in the area of the project, the Town may summarily abate such nuisance. The existence of a nuisance in the area of the project may be grounds for revocation of the permit.

12. This agreement shall remain in effect for one (1) year from the date of this agreement.

13. Attach to this agreement the approved design.

14. IN WITNESS WHEREOF, the parties hereto have executed this agreement on the day and year above first written.

By:

Applicant Signature
Works

Director Department of Public

Applicant Name

Town Manager

Phone Number

Email

Paint the Pavement PETITION

Because the Paint the Pavement project will create a semi - permanent change to the neighborhood environment, in addition to closing the street for a day, identifying support from neighbors is especially important. The Paint the Pavement Petition must have signatures from 100 percent of the property owners directly abutting the project and at least 60 percent of the property owners and/or residents on the project street frontage(s) within the "impact area" which is defined as one standard city block (or 400 feet) of the proposed project, or within the area to be closed for the painting event, whichever is greater. Each residence within the impact area will only receive only one "vote" per address. Either a renter or property owner may sign the petition form on behalf of an address, but not both. Multi - family units require the approval of the property manager or homeowner association, or 60% of unit owners or tenants. For public properties, the site manager's approval is adequate. The Traffic Engineer may modify the petition boundaries when considered appropriate. The petition states that approval is being given both for the street closure and the painting of the street.

Person responsible for circulating this petition:

Name: _____

Telephone: _____

E - mail: _____

Location of Paint the Pavement mural:

Roadway Segment: _____ from
_____ to _____

OR

Roadway intersection _____ at

Date of painting event: _____

The "impact area" for the proposed Paint the Pavement mural treatment is defined by City staff and includes those residences listed in the petition below.

