

Town of Sutton
ATV/UTV Committee Meeting
February 13, 2019

Attendance: Clint Gray, Jeannie Powers, Adam Carleton, Mark Hall, Paul Brouha, Shawn Waldron, Danielle Fortin, Carol Brouha, Tom Featheringham, Maurice Geurtin, Cheryl Garcia, Chris Hill, Ethan Hill, Danny Hale, John Kriebel, Katie Anderson

Meeting was called to order at 6:00 PM by Clint.

Agenda Modifications:

Paul would like a place on the agenda for public comment. We will do it after "New Business" tonight.

Clint handed out a revised version of VASA's sample ordinance.

Approval of minutes:

Paul said he would like to see where Danielle has asked about the increase of the Town of Barton insurance, when the town opened the roads to ATV/UTV use. Lenny stated the towns insurance did not increase. He further stated there is still a "Potential for nuisance lawsuits against the town or landowners". Clint said there is always potential, law suits can be brought, and people can be sued, but that the liability is on the "how reasonable is the action taken". It is no different than the US, State and Town Roads that are open to the public and if an accident, collision occurs and someone is injured or killed, the state, town doesn't get sued unless they did not correct a potential known hazard.

Motion made by Shawn. Mark Seconded. Motion passed.

Discussion:

Use of trails within the communities. VASA promote trails but not all roads open. Just roads that give the flow of ATV/UTV to connect with other trails/roads to adjoining towns that have ATV/UTV use open. Much like VASA provides resources to VAST the town for connecting roads/trails.

Danny Hale, executive director of VASA, introduced himself. The purpose of this non-profit is to manage use within communities. They do not promote trails, just provide resources (like VAST) through developing new Clubs.

VASA provides

- Signage: community "club" members or "group" will post signs
- Law Enforcement: primarily Fish and Wildlife since they are the most active. The Commissioner, Louis Porter is a big supporter. There are ATV's available for law enforcement to use to conduct law enforcement duties involving ATV's. VASA is working well with Orleans County on law enforcement issues. Caledonia Sheriff Shatney came into it late but is on board with enforcement and a strong supporter of VASA. The Vermont State Police is the least active concerning ATV/UTV enforcement. Clint asked about the Safety Certificate Program that is under the Commissioner of Public Safety and how that is handled. It was explained that the instructors of VASA give the training and the certificates are signed by the Commissioner of Public Safety.
- Education: VASA instructors certify ATV riders ages 12 – 18. VASA want to expand the certified training to ages 18-30-year-old operators since many get ATV's/UTV's

and have little to no training on how to operate the machines correctly and safely. Danny said that this is the age bracket who get the most incidents and violations because of lack of training.

Mark asked about the nuisance lawsuits. Danny answered by stating that opening roads/trails this doesn't put any additional liability on the Town. Danny said VASA carries a 2-million-dollar insurance policy that a town can request to be put on the insurance rider providing VASA has accepted and approved the roads/trails opened to ATV/UTV.

Danny tried last year to pass laws through the legislature to make structure in the statutes for ATV/UTV's. Like helmets and insurance.

Clint asked about teaching certifications. Danny said it runs through ASI. It is about getting people to understand kids need to be certified. The State of Vermont has a hybrid online course for \$30, that VASA doesn't accept due to VASA not knowing who actually took the course online. VASA conducts a hands-on course in Barre. VASA will also come to the towns to run a course.

Clint also asked about helmets. They do want them to be DOT certified but climbers helmets would also be accepted as they are durable.

Clint asked about ordinance penalties. If the Game Warden or an Officer pull over an ATV driver and they have been drinking, the motorist gets penalized through the State Statute and not through the ordinance (they receive the same fine as defined in Title 23 Chapter 31). Our ordinance would be more for whether we require insurance, age limits, loud exhaust, etc.. A town ordinance will never supersede the State Statute. Town ordinances are a guiding document to educate the people of our rules.

Shawn asked if VASA kept statistics on accidents and tickets issued. Danny stated that if there are accidents, people hear about them. VASA is working with Vermont DMV, so VASA can receive the data/information for better tracking.

Clint asked about corridors between towns. Danny said that in our town he would just like to see a trail (and/or Class 4 Rd) open to connect Sutton to Wheelock and Sheffield and not open ALL town roads.

Mark asked about putting trails on their VASA map. Danny informed us that the first year a town opens trails, they don't put them on the map. But if we opened all our roads, they only put on connector roads not the whole town roads.

Paul asked about law enforcement. Danny said last year they spent about \$50,000 on law enforcement. They get money from VASA trail passes (approximately \$27,000), fines (approximately \$13,000) and grants. VASA get 85% of ATV/UTV registration fees that is also used for law enforcement. The grant money goes towards working on Class 4 roads, "Trail maintenance program," that are open corridors between towns. Danny said funds would be available to our town if trails/roads were open.

Katie Anderson asked about roads/ trails that lead to towns that don't welcome ATV's. His response was they will not make trails that lead to dead ends.

Clint brought up the annual review that a few towns have. What is VASA outlook on this and how things are going? Danny said he really likes when towns do this. He said it is critical that towns have that interaction and contact with the community and landowners.

Ethan Hill brought up that in Sheffield they have complaint forms at the Town Clerks office for community members to fill out. They give them to the Select Board and to Club members. It's a good way for the town and club to track violators and helps them stay accountable with the Select Board and club.

Danny stated if you have complaints and want to contact law enforcement, contact Vermont Fish and Wildlife first. The sheriff second and state police last.

Draft plan – Danny said he would work with some of the committee members and help create a draft plan for Sutton to see what a connecting trail(s) would look like and try to have it done by the committee meeting on February 20, 2019 or at least by the public informational meeting. Mark Hall volunteered, and Jeannie Powers and Adam Carleton said they would help.

Danny stated the towns that don't have any of their roads/trails open have the largest amount of complaints. This is mostly due to the citizens of the town riding on closed roads because they have an ATV but can't ride them anywhere, so they take a chance and ride on the closed roads. Towns that have all roads open have "unnecessary issues."

John Kriebel wrote and read the letter to the committee explaining why he feels his road, "Wheeler Mountain Rd.", should not be open. Mark told him that he lived on one of our town's dead-end roads as the Westmore end is not opened, we wouldn't consider it anyway. Clint stated we could make a note recommending the committee doesn't want that road open.

Katie Anderson wanted to know if out of towners could complain. Clint told her to send in letters to her Select Board and that town Select Board can work with the Sutton Select Board through good communications.

If Sutton Select Board agrees to opening roads/ trails, Sutton should make a club to help with trails and signage as well as placing peer pressure on the riders who aren't abiding to our town ordinance.

Peer pressure was mentioned a lot too. They want people to let riders who aren't following rules know they are going to ruin it for everyone else if they don't smarten up.

Old Business:

Original copies of ordinances from Barton, Barton Village and Orleans Village were handed out by Paul that he picked up this past week.

Cheryl gave the group an update on her findings from Kingdom Trails. They are volunteer based. They also apply peer pressure to keep the trails safe and clean. Volunteers ride on trails to assist other bikers with directions.

Reviewed forecast for future meetings and public informational meeting. Clint suggested we have a short meeting after the public informational meeting to see if we want to update and upgrade the current ordinance or leave it the way it is.

New Business:

Paul would like us to start discussing what we would like to see in a new ordinance. Clint would like us to wait until we are done hearing from law enforcement next week and the public informational meeting to see what the community has to say.

Public Comment:

Tom Fetheringham wrote a letter to the Select Board in June 2018 and gave it to Clint to pass out for next week's meeting for discussion. Clint said it would be at the 2-20-19 meeting. Copy will be put in the correspondence file for the Select Board members and submitted with the committee's recommendations.

Paul made a motion to adjourn. Shawn seconded the motion. Motion passed. Meeting adjourned at 9:04 PM.

Minutes by
Danielle Fortin

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