

Town of Sutton
ATV/UTV Committee Meeting
February 20, 2019

Attendance: Clint Gray, Mark Hall, Adam Carleton, Jeannie Powers, Paul Brouha, Shawn Waldron, Danielle Fortin, Dean Shatney, Tom Featheringham, Maurice Guertin, Jim Masure, Sheldon Bunnell, Carol Brouha, Dave Gregory, Cheryl Garcia, Katie Anderson

Meeting called to order at 6:01 PM by Clint.

Agenda Modifications:

No modifications to be made.

Approval of Minutes:

Mark moved to accept minutes as printed. Paul seconded. Motion passed.

Law enforcement:

Sheriff Dean Shatney was introduced. He started by stating that he hopes that someday ATV laws are more uniform around the state. He then went on to say that when they get reports of problems he contacts Danny, VASA, and usually Danny tells him to take care of it and VASA foots the bill. Sheriff's department does sporadic ATV checks and they like to switch things up. Sometimes they can be found on the road side checking the riders speed or they can be found on the trail at an intersection, STOP sign, and checking their State and VASA registrations and insurance. The days and times depend on if they know of a "Ride in" or complaints.

Clint asked about the complaint forms that Sheffield and Wheelock have. Sheriff Shatney did like the idea of them to help lock down specifics on violators.

Paul asked about after-hours patrolling and the cost of it. Sheriff Shatney was unsure the exact amount of after-hours dispatch/ deputy cost as it differs from Automobile. He thinks it's around \$38/ hr. for dispatch to be called and around \$40/ hr. for the deputy. He would get back to us with a total.

Paul mentioned he had spoken with Deputy Rossi about liability issues and stated that Deputy Rossi said that because of the liability issues, they would NOT chase an ATV. Sheriff Shatney answered, "yes and no." They will follow an ATV with their lights on but they will not chase them in a field unless the violator was wanted for a "killing." Sometimes, depending on whether it is day or night or weather conditions, it is just too dangerous for them to pursue them.

Mark wanted to make sure that he understood a statement correct and asked about VASA footing the bills. Sheriff Shatney said yes.

Sheriff Shatney said they will go knock on a door, they will hear of complaints and whether the person reporting the complaint knows the offender. If the offender is under age, his officer will contact the offender and parents to educate them in what the law states and that the laws must be obeyed. If the violation occurs in law enforcements presence, the officer will take custody of the ATV and contact the owner and handle the incident.

Shawn asked since they are mandated reporters and if they ever report parents to the Department Child and Family Services for child endangerment. Sheriff Shatney said they do when necessary.

Sheriff Shatney discussed some of the problems with Danville and their ordinance. The town only wanted residents to ride all the roads as the roads were open to all taxpayers or landowners, but non-residents could only ride on the VASA corridors. This was too much for the Sheriff's Department personnel to do. The Sheriff's Department refused to enforce it. He mentioned if towns wanted to charge a higher fee for non-residents to ride in their town, that's ok but The Sheriff's Department couldn't watch all the ATV's and verify that the operator is a resident or not.

Adam asked if the Sheriff's Department noticed more problems in towns with roads open or closed. Sheriff Shatney said roads that were closed were more problematic.

Paul asked Sheriff Shatney what he and his department expected to see for signage. Sheriff Shatney would like topical maps for the ATV riders and law enforcement to see where the trails are and where they lead to. This would benefit everyone.

Clint asked about youth operators on the roads. If towns put age limits or state in their ordinance that they must have a driver's license, how do they handle it? Sheriff Shatney stated that they would rather do more educational stuff than slap minors and parents with tickets. He said he just wants people to be able to do what they love to do legally.

Jim had concerns about people's judgments. If they are already making poor decisions like driving around erratically on his road now when it isn't open, what are they going to do when roads are open? And what are they doing when they can't be seen, in the woods.

Sheriff Dean Shatney reiterated that he would like VASA to have universal language within the state for ATV's. You can do XYZ instead of every town having different rules or times roads are open and having a patch work of laws in each individual town.

Paul asked what we could do to be helpful to Law Enforcement. Sheriff Shatney would like towns to let them know of violations. He stated people should contact the Town Clerk's office or his office and then whomever they contact, should contact the opposite so there is a tracking system.

He gives Danny, VASA, reports of actions taken.

Sometimes after the Sheriff's Department contacts Danny to get ahold of a violator, Danny contacts a club member to go talk to the violator.

23 VSA 3506. Operation

(b) An all-terrain vehicle may not be operated:

(1) Along a public highway unless it is not being maintained during the snow season or unless the highway has been opened to all-terrain vehicle travel by the select board or trustees or local governing body and is so posted by the municipality except an all-terrain vehicle being used for agricultural purposes may be operated not closer than three feet from the traveled portion of any highway for the purpose of traveling within the confines of the farm.

Clint brought up that in section VSA 3506 in the State Statutes under "Operation," you can ride on any road/trail. He feels that this State Statute needs to be updated because it is contradictory.

Sheriff Shatney mentioned that the Sheriff's Department can't do much with violators on their own private property even when VASA has permission from the property owners to have the VASA trail on their property.

-He is headed to a meeting with the three Counties (Orleans, Essex and Caledonia) on March 6th with law enforcement and some State Representatives to see how things are going. They were asked if they meet regularly and Sheriff Shatney said that it's very irregular, when everyone's schedules align.

-ATV's need to follow the state laws and the rules set in ordinances just as vehicles need to follow rules on the road.

Shawn asked about ATV's with tracks. Lt. Dave Gregory, VT Fish & Wildlife stated that these machines do not fit the definition of an ATV. They are too wide and do not have tires. These machines can only be considered as snow machines.

Lt. Gregory mentioned that all Class 4 Highways are open. If roads are not maintained during snow season the roads are open. It is not state legislation. Dave also stated that State roads through state property and CC Roads will never be open or eligible to be open for ATV operation.

Katie asked about how towns who don't allow ATV's, how should they go about handling them. Both F&W and Sheriff said it is up to the town to decide what they want to do OR when they see ATV's, they themselves could call law enforcement.

Dean Shatney and Dave Gregory discussed that they both have the same schedule of fines. (Same as Clint handed out.)

Lt Gregory said they do not address town ordinances. Stated that ATV's are not allowed on private property, closed roads or state lands. He said he WILL give tickets to riders for riding on private properties because he doesn't want riders to ruin it for hunters or fisherman.

Both the Sheriff's Department and Vermont Fish and Wildlife have contracts with VASA.

Both Sheriff Shatney and Lt. Gregory were asked if they caught someone riding an ATV with a loaded gun, would they do anything. They said if they were on the road, they would.

Lt. Dave Gregory stated violators do not get points on their license if they get pulled over unless they are breaking state statute laws such as DWI.

Lt. Dave Gregory was asked how they charged when called out on an ATV call. He answered by stating they charged as overtime. He was asked about snowmobiles being handled the same. He said no that is handled as regular duty and not overtime.

As a group we talked about VASA closing trails before hunting season, they close in October.

Tom asked Lt. Dave Gregory how he would handle a call on a "Pent Rd", signed for "no motor vehicles." Dave said he would treat it like private property complaint.

Garrett asked when trails would be open and closed. We looked it up as a group and they open in May and close in October.

Paul asked who we would contact if there was an emergency, do we call 911? Sheriff Shatney said that 911 is not to be used for a complaint. If there is a complaint you should call

Sheriff Department- 802-748-6666

State Police- 802-748-3111

If there is a need for an immediate response, contact the State Police telephone number.

Dave stated if there was a complaint or a problem, he should not be contacted first like VASA stated in our last meeting. He said that he felt ATV's were a nuisance.

Cheryl wanted to know how we speed up getting a "universal" rules/ laws across the state. She was told that Danny had written up a 21-page proposal and presented it the legislature that would bring the state up to date by 10 years, but it was not taken up last legislative session. Shawn mentioned how we need to all go talk to our legislatures when we see them and try to get up on the times.

Jim told a story about how he felt; someone had tried to intimidate him after the town's last Special Town Meeting. Late that evening someone was spinning around at the end of his driveway. No one on this committee would tolerate this type of action or incident.

Sheriff Shatney was asked about how many fines had been given out for modified exhausts. He could not recall any off the top of his head. Most tickets served are issued for no registration or no insurance.

Paul asked about showing proof of insurance and how there is no state requirements for insurance. He wanted to know if we should require the minimum liability insurance. Sheriff Shatney stated he was not speaking for the town. Clint told Paul that VASA requires insurance, whatever the state minimum for motor vehicles.

Sheldon mentioned that he pays \$27/ month and it would cover property damage.

Dave (F & W) stated that ATV's are not built or designed for high speed roads, especially pavement.

Old Business:

Clint handed out Danville's ordinance.

Clint passed out a letter from Tom Featheringham.

Clint spoke of a letter he received from a landowner on Long Pond Rd. Concerned for safety of people on road, and the riders and feel value of houses would depreciate. Clint wrote back stating their points were valid, but they need to bring it to their board members. (copy in the select board file)

Clint handed out AVT/ UTV violation waiver penalties. Really wanted to talk about what Cheryl had stated about Kingdom Trails, and how they handle trash on the trails since we do NOT want trash on our trails. Would like committee to think about this and how we can incorporate this in the ordinance.

At the end of the last week's meeting, Mark and Danny agreed to get together to draw up a proposed trail. Jeannie and Adam offered to help. Jeannie got a map from Town Clerk. Mark showed what they come up with on this map. Committee had discussion on proposed trails.

Clint suggested the committee get through public hearing. After meeting, figure out if we want to make changes to upgrade/update the ordinance or leave it the same. If we want to change

the ordinance, make recommendations on an ordinance. Mark is willing to keep the committee going to get what the towns people want for a trail system. VASA wants towns to keep it small. Annual review again, is very important for people to come and discuss both positive and negative on the trails.

Went over the future Forecast of meetings. VASA will be at the information meeting and hopefully the two Hill boys in the club.

February 27, 2019 Construct ordinance with recommendations from each of us with our individual ideas.

Note that March 6th was added if needed.

New Business:
None

Public Comment:
None

Correspondence:
Handed out earlier.

Paul moves to adjourn. Shawn seconds. Meeting adjourned at 8:34 PM.

Minutes by
Danielle Fortin