

Town of Sutton  
ATV/UTV Committee Meeting  
October 2, 2019

Attendance: Clint Gray, Danielle Fortin, Paul Brouha, Mark Hall, Jeannie Powers, Adam Carleton, Carol Brouha, Sue & Hank Parker, Garret Keizer

Clint opened the meeting at 6 PM.

Agenda modifications:

Paul questions difference between “new business” and “other business”. Clint explained that new business is something that came up before the committee met and presented at this meeting. Other business is something that is generated from the meeting that wasn’t new business or generated from correspondence. It could be something new that wasn’t brought up under new business and could be handled during the current meeting and not waiting until the next regular meeting or calling a special meeting.

Approval of minutes:

August 28<sup>th</sup> minutes- Motion to accept by Mark. Second by Jeannie. Discussion, none. Motion passed.

September 7<sup>th</sup> informational meeting- Motion to accept by Paul. Seconded by Mark. Discussion none. Motion passed.

Old Business:

Information given to Select Board- Roads recommended opening verbally and a packet. The Select Board stated they would not take any action regarding ATV’s recommendations until January.

Clint thanks committee for their hard work and time.

Paul would like the Board to get a copy of correspondences. He was informed that they are in the Town Clerk’s office in their ATV/UTV binder.

Sue has personally had interactions with an ATV. In the afternoon on September 5th. Two ATV’s headed towards town on King George Farm Rd. She had to get off the road to let them pass. She is afraid of an accident if we let them ride on the roads legally. There are a lot of farm equipment on our Sutton roads. She questions how we are going to keep them only in the designated roads/ trails? Mark- we looked at the roads we are recommending from a safety standpoint and we will have more enforcement when the roads/ trails open. Sue would like to know how to enforce the middle of the night nuisances. Clint told her to put in a complaint, they are online and at the Town Clerks office. He then went on to explain that we will have signs out and have a maximum speed limit. She then asks how much this is going to cost the town. Clint informed her that we want to find funding for this. VASA decal will be required and with this requirement, we will get help from VASA. We are also considering a Sutton decal for extra money.

Hank questioned trail cameras and wants to know if you can consider it a “legal remedy”? And whether it is acceptable to do? Clint said that it would be considered evidence and could get information of the ATV and rider as well as the time and date. Mark informed him of when law enforcement was at one of our first meetings, they said that if the owner of the ATV won't give up the guy driving the ATV, they will give warnings and tickets to the owner of the vehicle.

Sue, trail system, just for ATV's? They are town roads and legal trails. Snowmobiles are a different ordinance. This Committee did not want to anything to do with the snowmobile operation or ordinance.

Close out ATV assignments- Clint hasn't been able to meet with the people on his list. He will do this the next week. Mark said he spoke with Danny Hale and Danny had gone out with Gov. Phil Scott and rode around on ATV's showing him the trails in central Vermont. Danny and Mark are going to walk some of the recommended trails and to see how much work it entails. Jeff Norris said he would leave his trail open unless someone starts messing around on his property and then he would gate them off.

#### New Business:

Discuss Paul Brouha's written minority report- See attached.

Clint informed Paul that the Select Board wanted to know who was sent his “minority report.” Clint told them that he didn't know who it was addressed to. Paul told him that it was Town Clerk, Assistant Town Clerk and Joe Solinsky, as well as the committee and it could be seen at the top of the printed email. Clint stated he has two Bias'. Number 1: to the community. Number 2: the committee. If Paul had just sent this to the committee it would be a minority report. Paul stated as a citizen of the US he has rights to his opinions (see attached. There is an “Opinions” from the Secretary of State after Paul's email). There was much discussion between Clint and Paul.

Clint's final comment was that he would like things discussed as a committee before bringing things up to other Boards and members of the community. We are a committee made of members and not a committee of one.

Garret announces he is feeling guilty. After attending the first meeting he saw some potential problems and was going to write a letter to the committee but decided not to. He wished he had now. With respect, on this issue he believes Clint is wrong. First, committee has to speak as one. Individuals can't lose their right to speak. Second, he disagrees when it was stated at the first meeting that “everyone has to leave their biases at the door.” No human can leave their biases at the door. He pointed out that Mark stated at many meetings that he doesn't want his kids to see him get arrested because he isn't riding legally... BIAS. Garrett feels the word “BIAS” means BROUHA. Respectfully suggest, Paul was not acting against the committee by writing a minority report.

He wants the committee to keep two things to keep in mind,

1. These meetings are not secret. This is a public meeting. If he had sent an email for the committee based on how “the committee feels,” then it would be out of line.

2. Paul was not acting in secret. He feels the email is to keep all the committee involved. Which may include the Clerk of the Select Board. If Clint challenges those rights, he is going to defend how he feels.

Sympathetic to Clint and committee. His last thought was for Paul, "Paul when you drive home tonight, think of the person who has moved forward the farthest." When he wrote the minority report, it was as an odd man out.

Hank: He has had great pleasure working with both Paul and Clint. He hasn't kept up as closely as he should have been. He feels proud as a member/ resident of the town of Sutton. Respects and appreciate the people who ride snowmobiles and ATV's. He is at the meeting to provide support for Paul. He agrees with Garrett and he put it out well. Hank mentions that Paul does have a strong personality but because of this we have achieved so much in this town. He dislikes the sign "IMPEACH BROUHA" on Calendar Brook Rd.

Paul makes a motion to append the minority report to the ATV minutes. All voted in favor. Motion passed.

Written majority summary report to include that we looked over other towns' ordinances. Met with law enforcement. Got input from other towns, good and bad. Paul would like all this summarized. Also including the extended process of talking to members of the community and a summarization of this process in the report. Paul would like this sent out in a mailing and would be willing to pay for this expense. He would like to also see another vote. Paul would like to make a motion to have another vote. Adam seconds. Discussion: Jeannie says that we have our minutes. And 2 or 3 Town Informational Meetings. Paul thinks that this would be very helpful to community members to understand what we have done. We did not vote on this. But we did discuss a petition going around about a Town wide Vote for ATV's put out by another community member.

Garrett's offer stands as to assist in whatever report we want but he will not sit down with all the papers and compose the report. He will review and edit.

Sue came to the meeting not knowing what we have done. Just listening to our discussion tonight, she feels that the town needs to have a summary of all the research the committee has done. She would like everyone educated.

Clint discusses a conversation with Paul where Paul mentions he feels we are doing too much, too far, too fast. He supports the networks. He is for working towards the trails open but would like it done slower. Clint appreciates that he isn't against it. Paul states that he is willing to have a corridor system to get ATV's out of town and residents to get back home.

Clint recognized that Paul did leave his biases at the door and he has been open to ATV's. Paul doesn't feel intimidated by the committee but does have differences in opinion and will voice his. Clint said no one has been told that they could not voice their opinions either on the committee or from the public that has attended the committee and informational meetings.

Adding Sheffield Road to Sheffield Line- There is two houses, one camp on the road. Not the Union House Rd. This would then leave 3 egresses and eliminate some volume of traffic on the other two roads. Paul's take is that we have made recommendations and presented them to the Select Board. Let's first see how it plays out. – The committee agreed.

Other Business:

Close out 2019 ATV Season- All the complaints were collected were put into a folder and given to the Select Board at their regular scheduled meeting, without any immediate actions taken for almost a month. This is completely unacceptable. Clint will handle this area since he created the complaint form.

Clint called the State Police, asked about how complaints were handled, there was no record of these complaints. Sheriff dept. had nothing in their files either. The complaints should have been sent to one of these departments so they can address them. There was an accident on Wheelock Road. Police went to Clint and Mary Gray's house and asked if she knew anything about the accident, she did not. Neither department had any record of this accident on file either.

Clint went to a meeting in Westmore. Gave a copy of our complaint form and told people what we have accomplished.

Written 2019 ATV/UTV critique by Clint for the Select Board- Paul would like to help Clint write a report for January. Clint welcomes Paul's assistance with the majority report. Clint will write a critique report for the October Select Board meeting.

The critique is about how the complaint form be handled. Internally the Select Board members should look at them when they come in to sign checks. Suggest sending to ATV committee, Board, enforcement and Danny Hale. One of our biggest things is going to be enforcement in the beginning. Second; is about the sign package from Doug, NVDA. Until the signs are erected, we are in a holding pattern.

Correspondence:

Paul's emails added to the correspondence file.

Next meeting:

In January to go over the Majority (annual) Report before handing it over the Select Board at their meeting on January 15, 2020 at 6 pm.

Adjournment: Paul makes motion. Jeannie seconds. So moved!  
Meeting closed at 8:25PM.

Submitted,  
Danielle Fortin  
Secretary

paul.brouha@gmail.com

---

From: paul.brouha@gmaii.com  
Sent: Wednesday, October 2, 2019 12:12 PM  
To: tfeather@kingcon.com; crgarcia  
Subject: FW: Wednesday agenda  
Attachments: ATV UTV Agenda Meeting ,October 2, 2019.docx; Draft Selectboard Meeting Minutes 8\_24\_19.pdf; Paul's 8\_8\_19 email to ATV Committee and Selectboard Chair.pdf; Minutes  
ATV Committee 7\_24\_19-pdf

A quick message to let you know the ATV Committee is meeting this evening. The agenda has a discussion of my <sup>u</sup>written minority report" under New Business. I have included that emailed report (see 8\_8\_19 email) which I encourage you to read. That email was discussed at the 8\_24\_19 Selectboard meeting by Clint Gray in his ATV update (page 1) and by Tim Simpson (page 2).

Clint's update states that he handed out the map and documentation detailing the ATV Committee recommendations.

He apparently presented one copy of the map (which was subsequently left on the table). The minutes then state that Joe wants the minutes to reflect that I "confronted" him about receiving the map (during our conversation I politely asked him if Clint had provided a map or report and he said that he had not received one). After our conversation Joe apparently queried Dianna and learned that the map in question had been left on the table and subsequently put in a folder for him. When I asked Dianna what had become of the map Gail informed me that Clint had presented the map to the Selectboard. As reflected in the Selectboard minutes, Clint continued his update noting the Committee vote concerning the recommendations had been five "in the affirmative; 1 voted against it; 1 absent." As reflected in the ATV Committee Minutes of 7\_24\_19 (page 3) the vote was "5 1's; 0 Nay; 1 abstention. Paul would like it noted that he disagrees with Calendar Brook Rd. being opened so he abstained." When Clint came to visit me to give me my assignment for the September 7<sup>th</sup> information meeting I noted the discrepancy and he said he would correct it at the next Selectboard meeting (minutes September 26<sup>th</sup> Selectboard meeting have not been posted on the Sutton website as of this morning).

Tim's concern initially focused on whether my 8\_8\_19 email was to the ATV Committee or to the Selectboard (as can be seen by the addresses it was to members of the committee with a copy to Joe). Tim seems concerned about the propriety of my email and that I should take up any issues I have with the ATV Committee (I did) and accept whatever the ATV Committee decides (I didn't). The minutes then reflect Tim stated if "he wants to get off that committee that is his purgative." The minutes further state the Selectboard "was not for" my sending a personal proposal and it is the committee that should be reporting to the Selectboard and not individuals. Tim then stated "why the committee was formed was to avoid everyone sending them letters." That section of the minutes concludes: "If Paul has any concerns the committee will deal with it. Reports and recommendations will be made by from the committee to the Select Board.

Denis said when votes are taken it is as any other vote, majority rules."

While I realize it is important to keep a sense of humor about this (considering the U.S. Constitution's First Amendment provisions about free speech and the right to petition one's government and the Vermont Constitution, Articles 13 & 20) here is a Vermont Secretary of State's Opinion that seems on point:

Opinions, Vermont Secretary of State Volume 10, #5, May 2008:

22. Dissenting members may add written opinion or explanation. Whenever a written opinion is required, the minority is free to write a dissenting opinion to explain their vote. Every once in awhile a dissenting member of a board feels so strongly about a matter that he or she wishes to attach to the written decision an opinion explaining why he or she did not vote with the majority. There is no law prohibiting this, and indeed, it may give the public a better understanding of the complexity of the situation, and the different viewpoints of the board.

1

I plan to request my emailed 'minority report' be appended to the ATV Committee minutes.

Paul

From: dfortin2010@gmail.com  
<dfortin2010@gmail.com> sent: Tuesday,  
October 1, 2019 8:34 AM

To: Clint and Mary Gray <clintgrayvt@yahoo.com>; Paul Brouha <paul.brouha@gmail.com>; Mark Hall  
<fr8shaker98@gmail.com>; Jeannie and Adam Powers (Mackenzie)  
<adamandjeannie@gmail.com>; Shawn Waldron (VtPI) <vtpi@charter.net> Subject: Wednesday  
agenda

Good morning everyone!

Here is our agenda for tomorrow night.

Danielle

paul.brouha@gmail.com

---

From: paul.brouha@gmail.com  
Sent: Thursday, August 81 2019 8:30 AM  
To: dfortin2010@gmail.com; 'Clint and Mary Gray'; 'Jeannie and Adam Powers (Mackenzie); 'Mark Hall'; vtpi@charter.net; 'Gail Weed'; 'Dianna Simpson'  
cc: cowsfive@gmail.com  
Subject: RE: minutes

Hi Everyone, I reviewed the Selectboard minutes from the July 25<sup>th</sup> meeting at which Clint presented a map and the ATV Committee's recommendations. The minutes state that he asked that they consider the recommendations and that they then schedule a joint public information meeting concerning the proposal. He proposed the meeting be scheduled August 24<sup>th</sup> @ 2:30 pm. The Selectboard recommended a date of September 7<sup>th</sup> to avoid conflicting with the Caledonia County Fair. No action was taken by the Selectboard.

I visited with Selectboard Chair Joe Solinski this afternoon and asked him if Clint had left copies of the map or provided a written report for them to consider—Joe said he had not. I noted that the Selectboard had taken no action to schedule a

hearing and asked whether Joe recalled what the ATV Committee recommendations were. He said he had a pretty good idea but agreed that written recommendations would help him and other members of the Board better know what was being proposed. I mentioned to him that I had abstained from the ATV Committee vote because I was concerned about opening Calendar Brook Road and Underpass Road to ATV traffic because, for some ATV riders, it would create an attractive nuisance and invite high speed use (racing). He said if complaints were received the Board would close the roads that were causing the problem. We discussed the fact that any action that might be taken by the Selectboard to open roads would not take effect until next year so there was plenty of time to develop a written ATV Committee proposal, for the Selectboard to consider it, distribute it to townspeople, take public comment on it, consider it again, and then to decide what to do.

So here's my proposal (and you can call it a 'minority report' if you wish): That, based on Danielle's minutes of the July 24<sup>th</sup> ATV Committee meeting, Clint prepare a public document, a written report summarizing our processes of collecting and considering other town ordinances, how we used that information to update the Sutton ordinance and get it adopted by the Selectboard, how we solicited input from surrounding towns and other sources (provide a summary of the input), and then detail the process the ATV Committee used of asking folks what roads and legal trails be opened to ATV traffic. The report would conclude by detailing the proposal Clint presented to the Selectboard. When we are comfortable with the report the ATV Committee would take action to submit it to the Selectboard for consideration and a public review process could begin.

paul

From: dfortjn2010@gmail.com <dfortin2010@gmail.com>

Sent: Thursday, August 1, 2019 5:59 PM

To: Clint and Mary Gray <clintgrayvt@yahoo.com>; Paul Brouha <paul.brouha@gmail-com>; Jeannie and Adam Powers

(Mackenzie) <adamandjeannie@gmail.com>; Mark Hall <fr8shaker98@gmail.com>; vtpi@charter.net; Gail Weed <suttontownclerkassist@yahoo.com> Subject: minutes

Good evening!

Here are our last meeting minutes.

See you all on the 7th for our Special Meeting at 230 pm.

I