

Town of Craftsbury Selectboard Minutes

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March 12, 2019

Agenda

- Approve Minutes
- ATV Discussion
- VMERS Retirement Plans
- Road & Bridge Standards
- Municipal Road General Permit to Complete by April 1st
- Consumer Waste Project
- Committee Reports and Appointees
- Road Foreman's report
- Clerk Report
- Weight Permits
- Walk-ins That Have Business to Come Before the Selectboard

The Selectboard met at the Craftsbury Town Hall Tuesday, March 12, 2019 at 7 PM. Selectboard present were Bruce Urie, Susan Houston and Jim Jones. Officer Walter Smith (Vermont State Police), Charlie Waterhouse, Valerie Smith, Tony Jones, Steven Smith, Frank Halden, Stephen Waterhouse, Jason Waterhouse, Ethan Morrison, Carol Maroni, Penelope Doherty, Elinor Osborn, Steve Wright, Levi Dolan, Kisiah Waterhouse, Heather Waterhouse, Gordon Waterhouse, Rudy Chase, Jim Flint, Amelia Fritz, Joe LaMare, Tucker Williams, Phil Lovely, Heather Masse, Jason Masse, Cathryn Prentice, Farley Brown, John Zaber, June Cook (Hardwick Gazette), Yvette Brown and Michelle Warren (Selectboard Clerk) were also present.

Approve Minutes Last Meeting:

Susan a motion to approve the February 19, 2019 minutes with one correction, seconded and approved.

ATV Discussion:

Officer Smith, says the State Police responds to fatal accidents or serious bodily accidents. If some one is speeding by, or is a noise nuisance, the State Police doesn't respond. If some one calls for those types of minimal offenses, they will be referred to the Selectboard or sheriff departments, if the town has a contract. The State Police doesn't have the resources for town ordinances. If non ATV property damage over \$100, the police will investigate.

Jim F. asked, does ATVS need to be registered, licensed and insured?

Officer Smith referred to State requirements title 23, chapter 31 for registration. Towns don't have jurisdiction over state highways. Insurance is also under Title 23. The statues also indicate how far off the road ATVs can go.

Bruce had questions about required ATV courses for students.

Gordon mentioned his daughter took the ATV course to be legal.

Officer Smith stated that those under age 16 have to be with someone over age 18 when crossing the road.

Gordon had concerns of the section of Route 14 for ATVs from the Branch to the Post Road.

Officer Smith said he would have to contact AOT.

Bruce said he would be speaking to AOT on Monday.

Officer Smith mentioned the cemetery section in the ordinance is redundant, because the Vermont State statutes already says that ATVs can't operate through cemeteries, public or private.

Penelope said that at the previous meeting, there were concerns about the State Police not being able to enforce nuisance complaints. At the meeting, self-policing by other ATV members was discussed, so they could talk to any bad actors. Does Officer Smith have any language suggestions for the ordinance, so it could have some teeth, for self-policing bad actors?

Officer Smith said it isn't something he has information on.

Bruce mentioned Lowell.

Rudy asked if, based on experience, was there any cautionary items the town should be aware of?

Officer Smith said every town is different. Danville did an ATV ordinance a few years ago. The Selectboard may want to check with them.

Amelia had questions on the speed limit.

Bruce said 35 miles per hour.

Penelope questioned what was behind manufacturers of ATVS discouraging use on paved roads.

Officer Smith said safety.

Gordon asked if plus or minus to join VASA.

Officer Smith said whatever works for Craftsbury. Their concern is keeping children safe. If it's an issue with child safety, they want to be part of that conversation. Since 2016, there has been just 28 ATV complains, 1 DUI ATV and 1 collision with fatality. After 2014, there were 2 fatalities, one on private road and 1 on town land.

Jim Flint asked if any town roads posted speed limits.

Officer Smith thought Danville did.

Gordon said Albany had some too.

Officer Smith said Newport City was looking in an ATV ordinance a few years ago, may want to reach out and ask what kind of issues they dealt with.

John Zaber wondered if ATVs was more visible, would it make it less risk.

Officer Smith was not aware of any studies on that.

Yvette asked ATV riders, if they have had any issues. Consensus from riders no problems.

Penelope concerned if opened up to anybody, how to get help with bad actors.

Gordon said they just want to get from point A to point B, connect with Irasburg, Lowell & Albany, just like a snowmobile.

Farley said there has been discussion on ATVS going on private property and going in the river in Collinsville.

Officer Smith said having a permitting process with the ordinance could be beneficial way to manage, to help regulate, to check insurance, registration, safety course, way to manage it.

Frank said people like to, roller-ski 3 abreast, ride bikes without paying attention, ride horses. This is just one more activity that people should be tolerate of.

Amelia asked about the noise level.

Officer Smith said section 3505 of State Law said 82 decibels, a scale at 50 feet. He said the police had no way to verify noise levels.

June commented that it was a useless law, if it can't be enforced.

Charlie commented that cars were much louder than 4 wheelers.

Officer Smith said right now they haven't gotten calls from Craftsbury about ATVs.

Bruce commented that once there was an issue with a student, Eric talked to the family, and the problem disappeared.

Officer Smith mentioned that State Police will not pursue an ATV, it is unsafe to do so.

Carol mentioned an article in Yankee magazine, where community members were suing the town and state because of ATVs, because they had made it an ATV destination. She commented that she thinks her neighbors are just going to use ATVs for enjoyment.

Bruce said he didn't see that happening here.

Penelope liked the idea of what Danville does, with permitting. She questioned if it was for all the roads.

Gordon said not the Common.

Phil asked since Collinsville and Hatchbrook was opened up to ATVS in 2000, would it be new or amended.

Bruce said it would be a new ordinance.

Officer Smith had safety concern about teenagers, among friends after school, he was a teenager once too.

Jim J. said the town was considering a trial ordinance for the summer.

Frank said snowmobiles were on the Common after school, and there weren't problems.

Susan had trouble wrapping her head around the ATV manufacturers not recommending ATVs on paved road and why we were promoting that.

Ernie said the manufacturers didn't want to be liable for that.

Rudy helped explain that the ATV's manufactured tires were designed to handle better on dirt roads than paved roads, and the tires probably could get squirrely.

Joey said they weren't planning on riding on paved roads, just trying to cross paved roads.

Heather said whenever they had to go on a paved road to connect to dirt road, it was for a short time and they went slower. Going the speed limit, hope children would be responsible. It comes down to responsible parenting.

Someone mentioned same as responsible bicycling.

Frank said the manufacturing recommendation is to cover their liability.

Bruce said people have to be responsible for using roads.

Carol said she did a little investigation about ATV insurance, asking if the insurance companies restrict the type of roads. When she called and asked, they had no road type restrictions. The cost to insure was minimal.

Ethan mentioned not all vehicles are designed to be on the roads, like skidders or tractors.

Gordon mentioned the bigger safety issue is idiot people driving around these vehicles, they do the same thing with ATVs.

Officer Smith said with the 3 ATV fatalities, 2 were on private property 1 was on the road, other vehicles were not involved with any of them.

Farley said that she appreciated Officer Smith being here and also hearing about Danville's permitting. It's so much more of complex issue, would like to look into the other ordinances.

Bruce said he has been talking to other town Selectboard members for the past year or two.

Officer Smith said the phone isn't ringing off the hook about ATVs. If I see an ATV on a State road, probably will put on the blue lights, he's not going to turn a blind eye.

Gordon added make sure registered and not impaired.

Bruce thanked Officer Smith for coming down.

Farley questioned what the next steps would be, after they town reviews the concerns the committees have sent in.

Bruce said they are taking in all the suggestions from the previous ATV meeting such as no ATV access in East Craftsbury, the Common.

Jim J. said the ATVs could go to the Common by Dustan field to watch games.

Frank asked when would the ATV would be in effect.

Bruce said once the temporary ordinance was signed by Selectboard, there would be 44 days to get signatures. Bruce said they would like to have the trial ordinance go thru the summer.

Jim F. mentioned closing the end of Cemetery Road to Eligo Road.

Lincoln mentioned he would like that section open.

Farley said there is a list of concerns about ATVs from the Conservation Commission. She wondered if there were ways to lower speed limit on certain roads, like King Farm Road, since it is very tight in sections for walkers. Not sure if same process for ATVs and other vehicles.

Amelia mentioned the first meeting talked about the trial basis, with a 10 PM to 6 AM curfew.

Heather commented that was totally reasonable.

Tucker said if road was only 25 mph for automobile, same for ATV.

Jim F. commented that there are a lot of roads in town without speed limit signs, such as Cemetery Road.

Phil asked how many ATVs in town.

Tucker estimated about 50-100.

Gordon suggested there should be a pedestrians sign on King Farm road.

John Zaber asked about enforcement section.

Bruce said in statue, \$100 to \$200 for fine. It's just a waiver to be sent to civil court. They would need Eric Britton to weight in if he wants to do that.

June asked if she understood correctly, that state police won't respond, but we will be relying on peer pressure.

Bruce said the constable will do their best.

Tucker said they would respond to nuisance calls. If they see 4 wheeler acting up, they will not turn a blind eye.

Ernie said maybe it's not needed. Maybe it won't be a problem.

June said all these laws, but no one to enforce.

Penelope asked how we build on, not relying on State police.

Bruce suggested going back to trial period, that people will consider it a privilege to ride.

There was discussion of only allowing Craftsbury residents to ride ATVs in Craftsbury by permits.

Ethan said he rides with family in Danville. It would be nice if they could ride here.

Tucker said maybe the permitting process will help revoke the bad apples.

Ernie said that Hyde Park has added 8 roads for ATVs.

June asked for a straw vote.

The vote was about 50/50.

Rudy remarked that cross country skiers and bikers don't pay fees. He just road 125 miles on his snowmobile, and didn't see one person out of line. I don't know anyone who would be out of line intentionally.

Ethan said that permitting would be a lot of paperwork.

Penelope wondered what would be the alternative.

Yvette suggested a club.

Bruce mentioned VASA would know about Craftsbury ATVs roads then. It could open up a can of worms.

There was discussion on signage. Tucker mentioned lots of people willing to help donate time for the signs. Road safety was brought up, and there was a comment about skate skiers a and that everyone needs to use town roads need to use them responsibly.

Penelope asked if anyone can see the concerns (from the Conservation Commission)

Bruce said they just have to ask and he can email them.

VMERS Retirement Plans:

Bruce said to wait, concerned about price, he needs to look into.

Road and Bridge Standards:

The Selectboard will be meeting with Eric and Shane from the State on Monday, March 18th. They discussed Tyler Billingsley doing the engineer work for the bridge work in the Village so they can be eligible for the structure grant. They don't think they will have to touch the footings. They discussed lighting at the bridge and making it as wide as they can. Penelope suggested getting sponsors for the lighting.

Municipal Road General Permit to Complete by April 1, 2019:

The Selectboard will work on at the next meeting.

Consumer Waste Project

Penelope looked into and the town would have control. They could use LRSWD like they are already, picking up the stuff isn't an issue. She suggested thinking about what kind of bins and where to put it. She said there has to be some way to measure the success and offered to help with that and the organization is willing to work with us too. They suggested having Adrienne Owens involved with this project as well.

Susan made a motion to have the town working with the Product Stewardship Institute, all approved. Motion carried.

Committee Reports and Appointees:

The Selectboard will work on appointees at the next meeting.

The Conservation Commission had sent the Selectboard an email suggesting a task force on ATVs, with a member from each town committee, with a time line, to look into ATV concerns such as road safety, private property, loss of private property.

The Selectboard discussed the ATV trial ordinance further and the Conservation Commission's concerns.

Since Joe Houston term ended on the Conservation Commission, they will need some one to replace his slot.

Road Foreman's Report:

Road Foreman absent, no report given.

Clerk's Report:

Yvette said the State audit was done and all grants are okay. Just an issue with the bank, but they are clearing up.

Yvette reported that the Town didn't get the VOREK grant.

Weight Permits:

The Selectboard signed weight permits for Calkins, United National Food, Grimes, Waterbury Blue Fame and Dale Percy.

Walk-ins That Have Business to Come Before the Selectboard:

None

The Selectboard Meeting adjourned at 10:30 PM. Next meeting is scheduled 7 PM Tuesday, March 19, 2019 at Craftsbury Town Hall.

Respectfully submitted,



Michelle Warren, Clerk of the Select Board