

**Town of Fletcher – Select Board
Fletcher Town Clerk’s Office
November 27, 2023
Special Meeting Minutes**

Present:

Members: Rich Bidwell, Jon Bondy, Bruce Douglas, Matt Swartz

Guests: Rich Amato, Bobbi Bushey, Craig Bushey, Alan Cary, David Clark, Annie Cook, John Cross, Kelly Cummings, Adam Degree, Dean Degree, Nick Degree, Ronda Degree, Keith Donahue, Barry Doolan, Andrew Douglas, Mike Farmer, Pam Farmer, Caden Getty, Cory Getty, Jennifer Getty, David Goodman, Brody Hamel, Doug Hershberger, Veronica Hershberger, Pam Jedlicka, Chandler Juskiewicz, Annette Kalinoski, Tom Kalinoski, Hannah Leggett, Danielle Macaulay, Duncan Macaulay, Jordan Mashia, Tanner Mashia, Sandy Mayotte, Randy McLaughlin, Tom Minor, Adam Packard, Philip Pelkey, Barry Peterson, Terry Riggs, Evan Roberts, Joey Roberts, Stephanie Roberts, Joanne Sheldon, Mike Sheldon, Karrie Sweet, Tara Sweet, Aimee Tinker, Jeff Wells, Mike Wells, William Werneke

1) Call to Order

Jon Bondy called the meeting to order at 7:00pm.

2) ATV Discussion

Jon thanked everyone for coming and said that since there is no microphone, it would be very helpful for people to stand and speak loudly when called upon. He said the topic was brought to the Board by a resident at a recent meeting. The Board felt it was too big of a topic to discuss during a regular meeting, so they decided to hold this special meeting.

Before getting into the topic at hand, Jon mentioned the newsletter that had recently been sent out by the Select and School Boards. The last page contained a survey on which both Boards would love to have feedback. Surveys can be returned to the school or Town Office

Jon said each Board member will speak and then Jen Getty (the resident who brought the topic to the Board) will speak. Then the meeting will be open to the audience for questions and comments.

Jon said he doesn't feel ATVs should be permitted for use on Town roads. He does not personally own an ATV, but perhaps he would feel differently if he did. He noted that they are currently not allowed on town roads and law enforcement will not chase those that are found to be. He feels that making it legal will not deter underage operators or discourage people from driving recklessly. He had concerns about the required insurance not being as strong as a regular vehicle. He also had concerns about the safety of ATV operators and that of regular vehicles they would encounter on the roads.

Rich Bidwell said he doesn't currently own an ATV, but he grew up with them and was a member of a Milton ATV club as a youth. He used to ride in Belvidere where it was allowed at that time. He knows there are people driving them on Town roads now, but he has no strong opinion on allowing or not allowing them currently. He likes the idea of requiring them to be registered with the Town via a sticker system. This would be a good way to regulate operators.

Bruce Douglas said he really appreciates the large turnout at tonight's meeting. He read from a prepared statement (Attachment #1) which gave detailed definitions of the types of off-road vehicles, shared national and Vermont data on injuries and deaths from ATV accidents, and shared specific news reports on Vermont ATV crashes in recent years. Bruce said his biggest

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concern is about safety, not only of riders but also of other vehicles on the road. He noted the roadside memorial to a local child who died on Kinsley Road as the result of an ATV accident. Bruce also shared comments from Fred Fletcher, a fellow Kinsley Road resident. Fred shared the story of an ATV that was speeding down Kinsley Road and missed the corner by Freds house. The operator drove his ATV up the side of Fred’s milk house and flipped back onto the operator, pinning him underneath. A second operator then arrived and righted the flipped ATV, helping the first operator get back on. Then they both drove off.

* Bruce read an email from Jeremy Frederick, a Fletcher resident on Kinsley Road. (Attachment #2)

* Bruce read an email from Cathy Broderick, a Fletcher resident on Pond Road. (Attachment #3)

Matt Swartz said he was in favor of responsible use of ATVs on Fletcher roads. He shared he was passed by a regular vehicle on School Road recently, so he wants to emphasize responsible use. He said it would be nice if there was a trail network on private lands in Town which could be accessed via Fletcher roads. There could also be potential access to trail networks in neighboring towns. He has a side-by-side for personal use and would like to be able to use it to drive to the Fletcher store. He said he doesn’t want to “run the roads” himself necessarily but would like to be able to access trail networks more easily in other towns. He said the State leaves it up to towns to allow them on their own roads. He agrees with Jon that a public forum such as we’re holding is the correct way to discuss the issue. If ATVs end up being allowed on Fletcher roads, the operators would be governed by State Statute regarding safety (speed limits, harness, signals, helmets, etc.) It could be possible to contract with game wardens or other law enforcement to assist with policing, though he pointed out that law enforcement officials won’t chase as that leads to dangerous high-speed chases. He doesn’t feel ATVs would use our roads as a trail system as that is not responsible operation.

Jen Getty said she is a North Road resident who has been attending Select Board meetings for quite some time. She recently approached the Board with this issue and this meeting was scheduled. She has two ATVs and would like to be able to access trail systems in neighboring towns. She noted that Bakersfield used to have town trails listed on Vermont ATV Sportsman’s Association (VASA) maps when they first allowed them on their town roads, but that led to a large increase in traffic. Bakersfield no longer lists their roads on the VASA maps and traffic is not as much of a problem. They have a registration sticker program, requiring \$10 permits for all operators. Operators need to provide proof of insurance and registration. The revenue generated goes into their road maintenance budget. They contract with game wardens for enforcement, who set up roadblocks to check for safety and proper permits.

Jen feels there is already a lot of ATV traffic on her road, and many are more respectful than actual vehicles. She proposes a season of May 1st – November 1st only. A permit would be required as well as a \$10 fee. Operators would need to show proof of insurance and registration. She offered to work with the town at no charge in facilitating the permitting process. In response to Bruce’s statistics on crashes/deaths, she feels it’s important to look at data for regular vehicles as well. She also stated that if the Select Board allowed ATVs on town road, it would be considered a privilege that could be revoked due to poor behavior.

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Barry Doolan said that he was there as Town Moderator to facilitate the meeting on behalf of the Select Board, who were gathering information and opinions on the topic from the audience. It is important that everyone who wishes to have a chance to speak. He asked that people give their name before speaking so it may be added to the minutes.

Annette Kalinoski asked if the time of day for operation could be limited. She also wondered if noise levels could be regulated. Rich Bidwell said that Bakersfield requires original equipment mufflers and does set hours for legal operation. Jen said Vermont statutes govern this as well.

Terry Riggs said he lives on Pond Road, and he doesn't own an ATV, but he does live close to the road. He feels ATVs are respectful for the most part. He said he can't seem to find a listing of what towns allow/don't allow road operation. He said Vermont statute does say that unless prohibited, they are allowed for agricultural or forestry use so long as they are within 3 feet of the roadway and make 90° turns to cross roadways. He is in favor of allowing them on town roads. He said bicycles are allowed and they hold up traffic, don't seem to follow rules and are not regulated.

David Goodman said he's been a River Road resident for 30 years. He said ATVs fly by his house and often gun the sharp corner. Some wear helmets and some don't. He's not in favor of allowing them as he feels drivers are not responsible.

Craig Bushey said adolescents are already speeding by his home and this ordinance won't make things better or worse. He feels it may be good to allow it and be able to set a speed limit which could be addressed with violations. It's now a free-for-all because it cannot be regulated in this way. Referring to what Bruce stated earlier, he would also be interested in the number of incidents compared to the number of operators.

Ronda Degree asked if it was a Vermont law that you need a driver's license to operate an ATV. Jen Getty said no, you must be 12 or older. If younger, you can only operate the ATV on your family's land or have written permission of the landowner or be under the direct supervision of 18+ licensed operator.

Jen Getty also wanted to add on to what Terry Riggs said earlier regarding agricultural/forestry use - the ATV must be registered for that specific purpose and only be operated within the confines of the farm/forest land.

Philip Pelkey said he agrees with Craig Bushey. He noted that game wardens can stop you when riding on trails as he himself has been stopped three times. He feels the Town should create a contract with wardens to be able to have them enforce the rules. In New Hampshire, there are rules surrounding hours of operation, confining it to half an hour before sunrise through half an hour after sunset.

Duncan Macaulay asked if we already had a rule which stated that they are not allowed. Jon Bondy said yes, but that law is not enforced.

Pam Jedlicka wanted clarification, and asked if Fletcher had an ordinance currently. Jon Bondy said no, in absence of an ordinance allowing them, Vermont law prohibits the operation on town roads.

Kelly Cummings asked Philip Pelkey for clarification of his comment that he had been stopped by a warden three times. She wondered why the first occurrence didn't deter him from continuing to operate on the roads. Philip said these were regular checkpoint stops and were not in Fletcher. Kelly recalled that at the 2019 meeting on this same topic, wardens in attendance

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said they cannot actively enforce the law (or local ordinance) without contract. She posited if we don’t have a contract in place, and therefore cannot enforce the law, why would we consider allowing them?

Philip Pelkey suggested that if we had responsible people in town following the rules, that would set an example for the younger people.

Andrew Douglas said it seems that the people who drive irresponsibly are not at this meeting so it’s not a relevant comment. He said that towns enact ordinances, and the number of illegal activities increase. Allowing an activity doesn’t prevent the bad behavior but rather causes it to increase. He feels this is not a good thing for the town.

Nick Degree asked the audience “How many people in town have almost been hit by car?” Andrew countered with “How many had same thing happen with an ATV?”

Mike Wells asked about the potential of opening a trail system in Fletcher. Would that bring out-of-town people to Fletcher? Would we be able to regulate that and, if so, how?

Dean Degree said that just because a car speedometer can go 100+ mph, does that mean you go that fast?

Barry Doolan stopped the meeting to say that the commenting and arguing back and forth is not helpful. He asked that people make a statement and move on.

Rich Amato said Warden Snyder was at the 2019 meeting on this same subject. Warden Snyder had said wardens would only provide enforcement services if the Town paid for a contract. Rich said fatalities and injuries occur more often on paved roads which is why wardens won’t chase due to the potential high speeds. He feels allowing ATVs on Town roads would lead to many people coming in from out of town and would lead to unintended consequences. He feels we cannot enforce the current law as it is.

Stephanie Roberts asked if there was any data from Bakersfield on local operators versus those from out of town/state. Jen Getty didn’t know as that information wasn’t provided to her. Stephanie said that she and her family currently travel to Bakersfield, Lowell, and Waterville to access trails. She would like to be able to do that here. Jen said that Fletcher doesn’t currently have any town trail system in place, so she doesn’t feel it will attract out-of-town/state riders.

Karrie Sweet said: regarding the issue of people getting hurt – there are no high-speed chases for ANY vehicle, and this is not limited to ATVs. Regarding noise, she said that many trucks have loud mufflers and she’s never heard ATVs that loud. She has seen cars blow through stop signs by the Town Office, where ATVs usually stop. She feels many people would be using them for agricultural purposes. She said we can’t control people from making bad decisions - we must hope for the best that people will make good choices. She doesn’t feel people will come to Fletcher just to ride the roads, as they would prefer to access a trail system.

Tom Kalinoski said he is not in favor of allowing ATVs on Town roads for many of the reasons already mentioned. He said ATVs come up his dead-end road, go to top of the road, turn around and come back. This gets repeated several times. He feels allowing them will increase ATV traffic from additional riders and feels it will disturb peace.

Pam Jedlicka feels we are dealing with the “law of unintended consequences”. She feels if people know it’s legal here, then more people will come here just to ride. She feels the statement “they will do it anyway” is simply not a good reason to allow them. She asked if the potential benefits outweigh the potential risk. She doesn’t think the \$10 fee would affect the road budget all that much. She inquired as to who/how the regulation will be managed. Would there be

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signage? How would we handle enforcement? She understood the law to be that a violation must be witnessed in order for an officer to enforce any rule violation. She is opposed to allowing them, but thinks if it does become allowed, there should be a specific ordinance. Pam said that on her road (Rugg Road), she has witnessed young people on ATVs and motorcycles, speeding and riding dangerously. She feels they are excessively noisy. She would like this to be a decision that is voted on at Town Meeting.

Mike Wells asked where the trail networks were in neighboring towns. He wondered how people would use Fletcher roads to access these networks. He would like to see a map of the networks in order to ascertain which roads might be utilized more than others.

Philip Pelkey said he currently has to haul his ATV to other towns for riding and he would like to use our roads.

Danielle Macaulay spoke to Philip’s point, saying if she wants to go skiing, she would have to truck her skis to the mountain. She said she lives on dead-end road by the Town Garage and sees kids and adults - with no helmets- racing on her road and School Road. She acknowledges that this will happen regardless, but if officially allowed on Town roads, it will certainly increase.

Tara Sweet asked Jen Getty about the lowered registrations in Bakersfield, wondering why it dropped from 300 to 100. Jen did not have that information.

Nick Degree asked if we limit it to Fletcher residents only as a potential compromise.

Annette Kalinoski said everyone keeps referring to a trail network and asked what trails these were – snowmobile trails? Other system? Jen Getty said these were VASA trails, but there aren’t any in Fletcher currently.

Annette asked if there were any roads they could use currently. Barry Peterson said only on unmaintained Class 4 roads, of which there are hardly any in Fletcher.

Sandy Mayotte said she likes Nick Degree’s suggestion of only Fletcher residents being allowed to use Town roads. She lives on Mayotte Road and can see ATVs coming from a distance, and feels they are typically safe drivers. She acknowledged some local kids do drive too fast, but feels that by and large it’s not a negative activity. She supports a structured ordinance which promotes responsible use. She suggests a committee be formed to discuss and suggest parameters.

Terry Riggs said heard lots of the same issues many years back regarding snowmobiles. Once the VAST system was enacted, speeding lessened and rules were better adhered to. He said there needs to be guidelines for responsible use, rather than attempting to stop the activity completely.

David Clark is a Fairfield Road resident who said he sees all sorts of vehicles on his road and many drive way too fast. He doesn’t see too many ATVs, but those he does see are travelling at reasonable speeds. He is not in favor of an ordinance only because an enforcement model is not present. If we did have such a model, he would support it. He feels most complaints shared tonight have been about people who are irresponsible and he wonders if we will ever see responsible driving habits by everyone.

Jon Bondy said the Town could fund enforcement if the voters chose to do so. We don’t currently, but we could. David concurred.

Karrie Sweet said the current law is not always not enforced but her husband had witnessed two ATVs pulled over near the Town Garage. She feels the issue is that officers aren’t here often enough TO enforce.

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Sandy Mayotte said she is hearing an openness to establishing parameters to find a path forward. Barry asked what would be the charge of the committee?

Bobbi Bushey said many people who are against allowing them don't have ATVs themselves. She feels the Select Board should listen to the taxpayers who are responsible operators.

Rich Bidwell said there is a misconception that ATVs are good on the paved roads when they're really not. They are meant for dirt and most drivers don't want to use them on paved roads.

Matt Swartz wanted to reiterate Karrie's point about farmers needing to use them to access their lands and that an ordinance could allow for this necessary use.

Tom Minor said that no matter what the Select Board or the voters decide, there will be issues. He asked for a straw poll. It appeared the majority of those in attendance were in favor of allowing ATVs, but not everyone present voted.

Tom Kalinoski feels this should be brought up at Town Meeting in March so more voters could be reached and could share their opinions.

Kelly Cummings agrees it's important to allow further discussion at Town Meeting. In 2019, a nearby ATV club only wanted to utilize Kinsley Road. Like the gentleman who spoke earlier, she would like to know what roads would be used to access the trail networks in other towns. She thought that there might be some people in those towns that are now regretting their town's decision to allow them. She acknowledges that some people have said they moved to the country to be able to ride freely but feels they need to acknowledge that others moved to town for the peace and quiet. She's not sure what the solution is to all of the issue brought up so far, but she is not in favor of ATVs on her road.

Joey Roberts suggested a compromise of allowing ATV use on only certain roads, which may appease Kinsley Road residents. Stephanie Roberts suggested perhaps not allowing them on dead-end roads.

Keith Donahue reiterated the need to know where the trail networks are in other towns so we can determine what Fletcher roads would potentially see the most traffic.

Alan Cary said he supports it. He already sees lots of ATV traffic on his road (Pond Road) and feels that 90% of the drivers are fine - it's the other 10% that are a problem.

Pam Jedlicka agreed that it would be really helpful to see a map. She agrees it should be brought up at Town Meeting and should not be a unilateral decision of the Select Board.

Barry Doolan asked if this would be a simple yes or no vote or one with specific parameters.

Richard Amato feels there should be a plan or ordinance, not a yes or no vote. If we want any chance of it working, it needs to be a well thought out plan.

Jon Bondy said the suggestion of allowing use on some roads and not others would be limiting and not fair to those who live on the non-allowed roads. Stephanie Roberts suggested those residents could use it only to access allowed roads.

*** It was noted that after the meeting, those people interested in serving on a committee could sign up at the front table.

Jen Getty said she appreciated everyone taking the time to come out tonight and feels the conversation has been pretty respectful for the most part. She admits she rides her ATV on the road to go visit her neighbors. She would like the option of riding an ATV rather than her car for these types of trips, as long as it's done in a respectful and safe way. Being able to access trails

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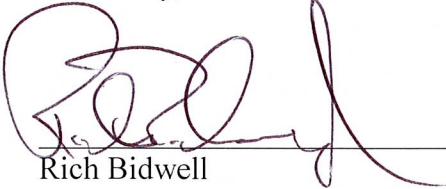
in other towns would be a bonus. She loves the idea of a committee to delve into the details of all opinions. Though she has researched a lot already, she wants to do more. She feels it’s important to consider everyone’s comments here tonight, even if they don’t align with your own thoughts and opinions. She agrees that Town Meeting would be the appropriate place to decide it, but would really prefer an Australian ballot vote.

Craig Bushey said, at the very least, not allowing ATVs on roads for agricultural use is a disservice to our sugar makers and farmers. Jon noted that the season, as proposed by Jen, would not be during sugaring time.

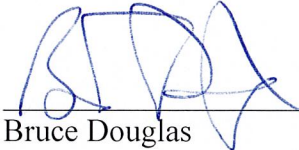
3) Adjourn.

The meeting was adjourned at 8:31pm.

Jon Bondy, Chair



Rich Bidwell



Bruce Douglas

Matt Swartz

1. Thank you all for being here and participating in this community discussion. I would like to preface my remarks with a few quick definitions, paraphrased from the following report by United States Consumer Product Safety Commission the 2022 Report of Deaths and Injuries Involving Off-Highway Vehicles with More than Two Wheels, published in May of this year
 - a. Off-Highway Vehicles or Off-Road Vehicles, that have four or more wheels
 - i. ATV – All-Terrain Vehicles with straddle seat for the operator, low pressure tires and handlebars for steering
 - ii. ROV – Recreational Off-highway Vehicles that are commonly referred to as “side-by-sides”, which have pneumatic tires designed for off-road use; with bench or bucket seats; automotive-like controls for steering, throttle and braking; and a maximum speed greater than 30 mph. They also have roll-over protective structures, seatbelts and other restraints.
 - iii. UTV – Utility Off-highway Vehicle, are similar to ROVs but they have larger cargo beds and may be equipped with seatbelts, Roll Over Protection systems or other restraints.
2. Helmets are required in Vermont and I rarely see anyone wearing a helmet, nor do I think that helmets are going to do any good when a car hits an ATV.
3. Injuries on ATVs
 - a. National Data US Consumer Product Safety Commission Division of Hazard Analysis (2023) evaluated emergency department reported over 500,000 injuries from 2017 through 2021
 - b. <https://www.cpsc.gov/s3fs-public/OHV-Annual-Report-2022.pdf>
4. Deaths on ATVs
 - i. National data 2017 – 2019
 1. 2178 deaths during that 3-year period
 2. 75% of deaths are on ATVs
 3. Vermont had 12 deaths (report did not breakdown types of deaths in VT)
 - b. On roads
 - i. June 2020 Washington VT on East Orange Road (22 year old woman “operating a 2018 Polaris Ranger 900” “According to the police, the ATV was “traveling too fast for the freshly graded dirt road” and the operator lost control. The vehicle rolled on its driver’s side, ejecting two of the passengers and pinning a third under the vehicle.<https://www.timesargus.com/news/local/barre-woman->

- [dies-in-atv-crash/article_bfdc7c80-f5a8-5526-8e6d-5a521cdcfb11.html](https://www.vtcng.com/news_and_citizen/news/police_blotter/driver-in-fatal-atv-crash-appears-in-court/article_0fb2a708-251d-11eb-bcfd-ef7c1a8512fa.html)
- ii. August 2020 Eden on VT 100 (26 year old passenger died in crash at an estimated speed of 80 mph “Abare’s ATV, a Polaris RZR XP side-by-side model with a roll cage, flipped and Gleason was thrown from the vehicle and later airlifted to the UVM Medical Center. According to Knight, Gleason’s injuries included collapsed lungs, multiple broken ribs, a fractured skull, broken vertebra and numerous other broken bones.”
https://www.vtcng.com/news_and_citizen/news/police_blotter/driver-in-fatal-atv-crash-appears-in-court/article_0fb2a708-251d-11eb-bcfd-ef7c1a8512fa.html
 - iii. July 2022 Eden on VT 100 (75 year old man pulled out of driveway in front of a car)
<https://www.kalb.com/video/2022/07/20/man-killed-atv-accident-eden-vermont/>
 - iv. August 2022 Mount Holly on Gates Road South (13 year old lost control of the vehicle and left the roadway)
 - v. July 2023 Lost Mile Road Newfane (7 year old boy riding in an ATV (John Deere Gator) with six people on board)
- c. Off Road
- i. August 2023 Highgate ATV (22 year riding in a sand pit)
 - ii. September 2023 Chester ATV (25 year old riding down a hill and attempted to turn and the ATV landed on top of him)
5. Local ATV crashes
- a. Bakersfield September 18 2023 “On the above date and time Troopers with the Vermont State Police St. Albans Barracks responded to the intersection of VT Route 108 at VT Route 36 for the report of a crash involving a truck and ATV. Upon arrival, Troopers identified the operators and observed Langdell to have apparent injuries. Langdell was operating the ATV and collided with the Truck while it was attempting to turn. Langdell was transported to the Northwestern Medical Center by Enosburgh EMS. Troopers observed indicators of drug impairment while interacting with Langdell who was issued a citation for DUI-Drugs.” <http://vtstatepolice.blogspot.com/2023/09/st-albans-crash-dui-drug.html>

From: Jeremy Frederick <info@offgridmedialab.com>

Sent: Sunday, November 26, 2023 6:47:34 PM

To: Bruce Douglas <bruce-sb@fletchervt.net>

Subject: ATV's on Public Roads

You don't often get email from info@offgridmedialab.com. [Learn why this is important](#)

I am unable to attend the meeting on Monday the 27th of November concerning ATV's on public roads so I am sending along my message here with permission to read aloud.

I live on Kinsley Rd. and I strongly advise against allowing ATV's on public roads..

When I first moved to Fletcher in 2001 the ATV traffic was an almost daily occurrence. I experienced several instances of ATV operators driving too fast on the road and several years ago a young person was killed just at the border of the Fletcher/Cambridge town line on Kinsley Rd. while driving too fast on an ATV. I believe that by allowing ATV's on our roads we will not see any increased speed enforcement and unfortunately we may see more deadly accidents. One of the reasons that we chose to live here is so that we have less traffic not more of it.

The last time that this topic came up a state police officer was quoted saying that they would likely not be able to enforce any laws around ATV's on our public roads. Legalizing ATV's on public roads simply because the laws are unenforceable as suggested in the Town Newsletter is short sided at best. Dumping garbage on the side of the road is also illegal and yet it happens often on Kinsley Rd.. Should we legalize that as well?

My other major concern is for the land itself. I grew up in the Adirondacks where I witnessed the complete devastation of wooded trails that led to washouts rendering them un-usable for any form of recreation. I have little faith in any ATV group or association's ability to maintain these trails nor do I believe that they will observe the speed limit. Who will enforce that promise?

ATV's are loud and just plain bad for our environment and I feel that Fletcher could be promoting and benefiting from much cleaner and safer forms of outdoor recreation.

Respectfully,

- Jeremy Frederick

Kinsley Rd.

Fletcher Town Clerk

From: Catherine Broderick <cjb.broderick@gmail.com>
Sent: Monday, November 27, 2023 3:00 PM
To: Fletcher Town Clerk
Subject: ATV's

You don't often get email from cjb.broderick@gmail.com. [Learn why this is important](#)

Leave it the way it is and if they crash then they pay the price. Cathy B