

**Town of Fletcher – Select Board
Fletcher Town Clerk’s Office
December 18, 2023
Regular Meeting Minutes**

Present:

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

Guests: Theresa Blake, Craig Bushey (Ass’t Road Commissioner), Alan Cary, John Cross, Kelly Cummings, Keith Donahue, Pam Farmer, Jeremy Frederick, Cory Getty (Zoning Administrator), Jen Getty, Doug Hall, Jody Massa, Randy McLaughlin, Toby Quick, Tara Sweet, Aimee Tinker (Ass’t Town Clerk/Treasurer, Select Board Clerk), Jeff Wells, Mike Wells

1) Call to Order

Jon called the meeting to order at 7:05pm.

2) Regular Board Business

ATVs

Jon gave an introduction, noting that only the first hour of this meeting will be devoted to this topic.

Jon said it is not the intention of the Board to decide this issue themselves, and it should be brought to the voters for a vote. He feels people should be voting on a fleshed-out proposal and not a simple allow/not allowed question. He feels a committee needs to be formed and hold meetings of their own to craft a proposal that takes many opinions into consideration. It is an issue which requires careful thought and should not be a rushed process.

The Board is aware that no matter what happens, some people will be upset. Therefore, we need to find a way forward which considers the views of as many residents as possible.

Jon said he thinks many residents will want to have an Australian ballot vote. Jen Getty asked for clarification on the Australian ballot process. Jon and Aimee Tinker outlined the following process for potential voting via Australian ballot: since we are a town that votes all of our budgets and articles from the floor at Town Meeting, there would need to be a floor vote *first* at Town Meeting that would authorize the Board to hold a future Australian ballot vote on a given issue. This could happen in one of the following ways:

- 1) The Board could choose to bring forth an article (Ex. “Shall the voters of the Town of Fletcher vote on allowing ATVs on Town roads by Australian ballot?) at Town Meeting to be voted on from the floor. **OR**
- 2) Residents could bring a petition to the Board to force them to bring forth the above article at Town Meeting to be voted on from the floor.

If the article passed through either method 1 or 2 above, the Board would have to schedule a special meeting to vote by Australian ballot, following all statutory guidelines regarding dates and warnings.

Tara Sweet said that it should be stated that the initial floor vote on whether to hold an Australian ballot vote *could* fail. Then we would be back at square one. Jon concurred. He also said any of these votes would still be considered non-binding and advisory only. Per State Statute, the Board has ultimate jurisdiction on this issue, but they want to defer to the voters.

Keith Donahue asked if there should be a study group rather than a committee. He handed a document to the Board entitled “Outline of a Proposal for Town of Fletcher to Explore Off-Road All-Terrain Vehicles Policy” which was crafted by a group of Kinsley Road residents. Jon said he

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feels that the Board (and the public) need time to read this and react to it, so it will be added to the minutes as correspondence. The Town Clerk can also make copies for people if requested.

Kelly Cummings said it sounded like the committee was being tasked with creating a draft Ordinance and might be a biased group. She feels a study group would investigate the issue thoroughly BEFORE the committee could create a draft ordinance. She thinks this process would be fairer. Jon said he felt the proposed task of the committee was to present something to vote on which represented what was best for the town as a whole and not just one group of people. The Board does not want a committee that “rubber stamps” a particular thought.

Rich said it's clear we have a group of people in town that don't want ATVs on roads, but we also have a resident (Jen) and others who brought forth the issue to bring to the voters. He doesn't think the committee should do any fact-finding – they need to come up with a proposal.

Jen Getty said there will be a vote one way or the other and it's very important that it's an informed vote.

Pam Farmer said she would like to see what an ordinance might look like, keeping in mind the concerns of those who oppose it and considering those who use ATVs for agricultural purposes. She feels an ordinance should reflect the needs and opinions of the whole town, not just a small (or big) group that approached the board.

Jody Massa said it's not as simple as a blanket yes or no - there are many parameters to consider.

Jon said someone had suggested enacting an ordinance for a trial period of one year. This may be a good compromise for opposing parties.

Theresa Blake suggested the committee reach out to other municipalities who allow ATVs on their roads. They would have good feedback as to their process in creating an ordinance and how it has fared thus far.

Bruce feels the committee should be appointed by the Board so it would be subject to Open Meeting Law. This would help ensure a transparent process. He said the fact that there are so many people here again tonight demonstrates there are many views and people want to be engaged. He thinks there should be two co-chairs who have opposing views, creating balance within the committee.

Rich said he feels a study group and a committee are different steps in this process. The first would study the topic and the second would draft the ordinance. Jon feels it should be one group whose task consists of two phases: an education phase and then a policy-drafting phase. It would be more efficient to have a group study the topic and have that same group draft the ordinance/proposal.

Theresa said it sounds like this is being rushed and asked why that is. Jon said the Board is not intending to rush. Jen Getty brought this issue to the Board in good faith and the Board has been acting on it in the same respect. Theresa feels those opposed to ATVs on town roads deserve that same respect as well and thus, things should be taken slowly.

Craig Bushey said it's a pretty cut and dry issue and it should be discussed at Town Meeting in March or at a special town meeting. He feels each side should get a half hour (as an example) and then questions can be answered afterwards.

Kelly feels the document which Keith gave to the Board has good information. She feels any ordinance should be based on factual information and not anyone's opinions. Jon agreed with the

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statement that we need to deal with facts. He noted that some people who've spoken at meetings shared what they thought were factual statements when they really were not.

Bruce wanted to thank Craig for his perspective, but added he feels a meeting like he described would be too much back and forth and would drag on. He feels a committee would be helpful to nail down facts that could be presented.

Toby Quick asked if the goal of tonight's meeting was to create a committee. Jon said no, it was to define the next steps in the process. Toby feels the committee should have co-chairs as Bruce suggested and its members should represent both sides of the issue. This committee would collect facts and present them as pros and cons to the Board. Jon said the committee should create a proposal to bring to the Board and not a listing of pros and cons.

Tara Sweet said there should only be one chair of the committee who would be impartial and could cast a tie-breaking vote if necessary. Jon understood that becoming deadlocked was a possibility, but he'd like to see the committee try the co-chairs model first as it would be hard to find a truly impartial person in town.

Alan Cary feels the committee should be tasked with fact-finding. Then the Board would hold an informational meeting with an Australian ballot vote afterwards. Jon said if there were an Australian ballot vote, we would be required to have an informational meeting prior. Jon stressed the need for a specific proposal to vote on and not just a vague yes or no to the question "Should ATVs be allowed on town roads?"

Jen said she reached out to Vermont Fish & Wildlife and Vermont State Police for information on pertinent laws and enforcement. Bruce added that he would like representatives from both of those agencies to attend the next public meeting.

Matt Swartz asked if anyone in the room was interested in being one of the co-chairs. Jen Getty and Mike Wells were interested, and they acknowledged they were on opposite sides of the issue. Hearing no objections from anyone on the Board or in the audience, Jon asked Jen and Mike to work together to create a committee, asking them to each choose two additional people. Bruce said they could use the sign-up sheet from the previous Special meeting but did not need to limit their selections to those names. They would then present this proposed committee to the Board.

Jon said the first task of this group would be to compile questions whose answers would need to be researched, then there would be a public meeting where the committee would present what they'd found.

Kelly asked if these committee meetings would be open to the public. Jon reiterated they would be. As a committee created by the Select Board, they would be governed by Open Meeting Law (OML) and be warned appropriately. Jon noted that Facebook and other online forums are not legal places for posting warnings, but any committee members would need to be careful to not violate OML through commenting on online forums. The Committee can reach out to Aimee/Karrie for further guidance on OML.

Kelly asked if an "all-call" type phone registry could be utilized to communicate to residents about the meeting schedule. Rich said a system capable of that (VT Alert) was only for emergencies and not town business such as this.

Personnel Policy & Job Descriptions

The Board made further revisions to the personnel policy and road crew job descriptions. The final drafts will be ready for approval at the first meeting in January.

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Cambridge Rescue

Members of CRS could not attend tonight's meeting due to local flooding, so this item will be tabled until a January meeting.

Executive Session

Pursuant to 1 V.S.A. §313 (a)(3), Jon made a motion to go into Executive Session to discuss the evaluation of public employees. They invited Craig Bushey and Aimee Tinker to stay. Rich seconded. The Board unanimously approved the motion and entered Executive Session at 9:22pm.

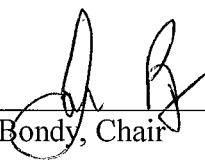
At 9:41pm, the Board exited Executive Session and resumed the regular meeting. No action taken.

January Meetings

Select Board meetings in January will be as follows: Tuesday the 2nd, Monday the 8th, Monday the 15th and Monday the 22nd. Most of these meetings will be spent on budget discussions.

3) Adjourn

The meeting was adjourned at 9:51pm.



Jon Bondy, Chair

Matt Gillilan

Rich Bidwell



Matt Swartz



Bruce Douglas

Outline of a Proposal for Town of Fletcher to Explore Off-Road All-Terrain Vehicles Policy

We, as residents of the Town of Fletcher, and stakeholders in the decision whether to open town roads to the use of off-road vehicles strongly recommend the Selectboard appoints a Study Group to research any and all potential positive and negative impacts stemming from the decision. In this document, we have outlined the Group's structure, scope of work, and deliverables by which the Selectboard will be able to make the most reasonable and well-informed decision. We propose the Study Group be created as follows:

1. Structure

- a. The Study Group shall be made up of 6 or 8 residents with an even number of proponents from each of the two positions.
- b. There shall be two co-chairs, one representing each position
- c. There shall be one selectboard member who will act as a purely neutral facilitator and liaison for the board.
- d. The Study Group shall be disbanded after reporting its findings in no less than 6 months-time.

2. Scope

- a. The Study Group shall evaluate all impacts of either maintaining the status quo or allowing off-road vehicles on town roads. Main areas of study should include;
 - i. Safety regarding all parties (operators, pedestrians, on-road vehicles, etc.)
 - ii. Enforcement
 - iii. Cost of all related operations (registration programs, enforcement, maintenance, etc.)
 - iv. Other consequences as discovered by the Group (eg. potential business income, non-compliance impacts, noise, erosion, property values, etc.)
- b. The Study Group shall seek input from the following organizations, entities, and stakeholders;
 - i. Vermont Law Enforcement, including;
 1. State Police, Game Wardens, Franklin County Sheriff, Town Constable, and Franklin County State's Attorney
 - ii. Vermont Department of Transportation
 - iii. Relevant transportation and insurance providers
 - iv. Other Vermont municipalities that have opened town roads to off-road vehicles. This shall include the following;
 1. Relevant municipal governing officials
 2. Residents of the municipalities representing both sides of the issue where possible. And;
 - v. Other Vermont municipalities that have repealed or rejected opening town roads to off-road vehicles, including;
 1. Relevant municipal governing officials,
 2. Residents of the municipalities representing both sides of the issue where possible.
- c. The Study Group shall present its findings at a Town-wide Informational Meeting, summarizing the results of the inquiries above.

3. Deliverable

- a. The Study Group shall deliver a report summarizing all positive and negative impacts of allowing off-road vehicles on town roads under the status quo and multiple levels of permission.

After delivering the report to the Selectboard, we recommend it be reviewed closely with the Town's legal counsel to discern which outcomes may be allowed under state statute and what the Town cannot directly legislate.

We hope this recommendation is adopted by the Selectboard. We see the option of a Study Group as a way to provide the best, most unbiased information possible to the Board while promoting the ideals of the democratic process through resident involvement and placing the least burden possible on the board, itself. The purpose of this proposal is simply to achieve the best outcome possible for all residents. By structuring the Study Group in this way, we intend to keep the fact-finding process as unbiased as possible, relieving some of the tension built up by this historically emotional policy.