

Town of Fletcher – ATV Committee
Fletcher Town Clerk's Office
February 13, 2024
Regular Meeting Minutes

Present:

Members: Rich Amato, Larry Cota, Pam Farmer, Jen Getty, Sandy Mayotte, Mike Wells

Guests: Clovis Arel, Shawn Bishop, Theresa Blake, Kelly Cummings, Keith Donahue, Bruce Douglas (SB Member and Committee Facilitator), Jeremy Frederick, David Goodman, Pam Jedlicka, Aimee Tinker (Ass't Town Clerk/Treasurer; Select Board Administrator)

1) Call to Order

Mike Wells called the meeting to order at 6:36pm. He reviewed the agenda and reminded everyone that public comment would be limited to 15 minutes at the start of the meeting.

2) Approve 01/30/2024 Minutes

The minutes were unanimously approved with two minor changes: (1) Aimee Tinker would be taking minutes going forward and (2) all correspondence sent to the Select Board regarding ATVs would be forwarded to the committee.

3) Public Comment

David Goodman said if ATVs are allowed on town roads, his main concern is enforcement. Recently, during the day, an ATV drove into the field across from his home and tore it up. This is not his land but he looks after it for the landowner.

Pam Jedlicka asked about the mission of committee. She thought it was to gather pros/cons and present them to the Select Board. She's heard people speaking about a proposal to vote on and feels that should be written by the Select Board and not the committee. She feels the process needs clarity.

Jen Getty said the Select Board has asked the committee to create a proposal for the them to review. Other committee members commented that they were not aware that was the goal of the committee. They understood it to be gathering info to bring to the Board who would then create a proposal which could be voted on. After much discussion, the committee agreed they needed clear direction from the Select Board on what their task was and the process forward.

Kelly Cummings has noticed comments on social media regarding this issue, made by committee members as well as Select Board members. She feels a policy should be established as to whether or not committee members and Select Board members should comment on this issue on social media. She feels it is irresponsible and, as town representatives, these individuals should be neutral on social media when it comes to this topic.

Theresa Blake felt similarly to Kelly's comments. She heard that a Board member had answered questions that were directed to the committee. Jen Getty explained that an individual sent an email to the committee and also copied the Select Board. One Board member responded to that email, not knowing that the committee had decided they would not answer these emails directly (an automatic reply is sent to all emails sent to the ATV committee stating this). Rather, they would compile all the questions and answer them collectively. Mike Wells felt the committee needed to put a stop to that as inaccurate information could be shared and would undermine the work of the committee. Jen agreed and will reach out to the Board at their next meeting to let them know. Rich said that just because someone is cc'd on an email doesn't mean they need to reply. He feels its important for the committee and Select Board to stay neutral.

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4. Review Existing State & Local Laws

The committee reviewed the existing Vermont State Statutes regarding ATVs, with Mike reading them line by line and pausing for discussion.

The following questions were drafted. (Aimee will first reach out to VLCT for answers and then to the Town attorney, if needed.)

Q's about 10 VSA Chapter 31: All-Terrain Vehicles

1. Re §3502 (a)(1)(B): If ATV's are allowed on Town roads, will operators need a TAD even if Fletcher is not part of VASA?
2. Re §3505: Do all of these items apply when operating on your own land?
3. Re §3506 (b)(3)(C): Is a TAD from VASA needed for operation on privately owned land? (Perhaps yes if that private land is part of VASA trail system? Similar to)
4. Re §3507: If you violate a provision of this chapter, are civil penalties and registration suspension/revocation the only enforcement actions? Can the operator's license be suspended/revoked? What if the operator doesn't have a driver's license due to their youth?
5. Re §3510: What are the parameters that a municipality can address in their local ordinance? Anything so long as it doesn't controvert Statute? (Ex: Can we allow ATV's on roads for agricultural use only?)
6. Re §3515: Who is required to take a safety education course?
7. Liability questions:
 - a. Ex: ATV is operating on Town road, tire blows and ATV goes out of control, entering Mrs. Smith's property and injuring her and/or damaging her property. What is liability of (1) ATV operator and (2) landowner and (3) Town?
 - b. If operator of regular vehicle on road has to swerve to avoid an ATV and an accident results, what liability of both parties?
8. ATV's have warning labels from manufacturer stating they are not to be operated on roadways. If a Town enacts an ordinance to allow them on roads, does Town take on any liability?

5. Submitted Q's and Concerns

Mike feels it's important for the committee to get clarity on the questions above before addressing any questions/concerns submitted to the committee. It was also noted that there was only 15 minutes left in the meeting tonight which would not be adequate time to address all of the questions/concerns on the list. The committee agreed to table this item to the next meeting, pending a response from VLCT and/or the Town attorney.

Jen noted that the spreadsheet listed the questions/concerns in the order in which they came.

6. Tasks

- Aimee will reach out to VLCT and/or the Town attorney with the listing of questions regarding State Statutes and send the responses to the committee upon receipt.
- The committee will review the spreadsheet with questions/concerns and be prepared to go through it at next meeting.

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7. Other Business

Sandy Mayotte reiterated that she feels it's very important for the committee members to keep their personal opinions on this issue off of social media, as we committed to stay neutral. She feels this should be asked of the Select Board as well. Mike agrees. Jen will bring this to the Select Board and suggest they agree to it at their next meeting.

Mike said he's noticed lots of questions being posted to social media. He asked if the committee thought it would be a good idea to attempt to collect them to be added to the spreadsheet. Sandy agrees. Mike will complete this task.

8. Next Meeting

The next meeting will be Tuesday, March 19th at 6:30pm at the Fletcher Town Office.

9. Adjourn

As there was no ore discussion, the meeting was adjourned at 8:40pm.