

Bakersfield Regular Select Board Meeting
Monday, July 27, 2020

Meeting was called to order by Lance at 7:00pm.

Members present: Lance Lawyer (chair), Josh Goss, Sam Cribb, Gary Denton

Members absent: none

Residents/Guests present: Tim Joyal (Northwest VT Wheelers), Matt Cote (Northwest VT Wheelers, president), Ruth Malone, Judith deRancourt, Brenda Churchill, Janet Machia, Daniel Goss, Steven Maynard, Lisa Maynard, Robert Tanner Sr., Gary Rounds, Heather Tanner, David Westcom, Kathy Westcom, Mac Newitt, Tami Brennan

Motion to accept July 13th Select Board minutes, made by Sam, seconded by Gary and passed by a vote of 4-0.

Warrants signed:

Selectman's Order# 18-2020	\$8,797.01
Road Commissioners Order# 9&10-2020	\$10,896.98

Finance: Abby to send the Select board a financial report on the second Monday of every month.

ATV's: Matt Cote and Tim Joyal attended this meeting by Select Board invitation, in response to multiple complaints and safety concerns regarding ATV road use and conduct. Various residents present expressed their concerns and experiences. The main reason for the invitation was that the club had assured the Select Board that they were paying for the Sheriff to patrol the roads and trails and had even provided them an ATV to aid them in this task, and to discuss with residents and the ATV club, the next steps to regulate and enforce the issue. Someone observed that if patrolling had indeed increased, it was having little effect.

Matt Cote said that he did contact the Sherriff's dept and told them about this meeting. The Sherriff reported being actively out there all last weekend and they are aware of our issues and that the whole state was having issues, especially because of the limited recreation opportunities since the COVID shut down. Matt said there are more than 20 ATV clubs across the State and Basswood trail is advertised on the ATV trail app as an accessible trail. He noted that Vermont is kind of haphazard in their set up for ATV use, compared to NH, who welcome ATVs for bringing an increase in revenue to their towns. NH police use radar guns to enforce speed and towns have an abundance of signs alerting ATV riders that they are coming into a populated zone with low speed limits and restrictions for ATVs. They allow ATVs to go through their cities, park at hotels, visit MacDonald's, etc.

Residents in attendance, as well the letters received by the Select Board, report mostly the change in attitude of ATV riders to that of entitlement, in addition to the unsafe, disrespectful and destructive conduct of the ATV riders coming through Bakersfield, disregarding signs posted regarding speed and prohibited roads and areas.

Ruth Malone reported that groups of 15-20 ATV's drive fast down her road, really loud, throwing trash and beer cans. They show no curtesy and park in front of the house, driving right up onto the lawn. She also said that it was unsafe to walk on their road on Saturday or Sunday for fear of begin run over. Josh shared that multiple homeowners and landowners in town were upset and the Select Board has received complaints in multiple letters as well as residents attending previous Select Board Meetings. He also said that he knew that lots of residents also own and ride ATV's themselves. He said that he didn't believe the locals to be the problem and had no intent of taking away the rights of Bakersfield residents regarding ATV use. There have been multiple reports of out of town trucks bringing in loads of ATV's and riders into Bakersfield to ride our roads and trails and that it is possible that the Select Board needs to change the ATV ordinances. There have also been reports of people taking the posted signs down.

Janet Machia, on the Avenue, reported ATV riders trying to access Town land that's not supposed to be open for ATV use by the town reservoir. She went out to tell them that they were not allowed to ride there and met with a very negative response which included name calling profanity. She said that it was not people from our town. She counted 18 ATVs ride by her house yesterday, even at 10:30 at night and The Avenue is a closed road to ATVs.

David Westcom said that if roads are closed by the ordinances and posted that at least those that obey the laws will stay off and it would be clearly illegal when someone breaks the law and can be ticketed by authorities. He also spoke of local young riders, as young as 8-10, driving ATVs at high speed on the roads, which is clearly illegal since they are under the legal age of 16. Dave also asked if Skinner Hill Rd was on the map as allowing ATVs and was told it was not. The club never received permission to ride on that road. Dave noted that a third of that road is also private property.

Lisa Maynard suggested that a letter be drawn up and sent to all the clubs in Vermont stating the hours that trails are open, the trails that are legal to travel, and to warn their members to stay off trails that are not legal.

Jerry Rounds reported noticing a large increase of ATV use on his road, already more this year than in the last two years combined, but even though he doesn't have an answer, he hates to see the 98% that are obeying the rules punished because of the 2% that aren't.

Danny Goss said that ATV use is booming. He sat in a line of ATV's for 20 minutes waiting to get across a bridge. He said closing the roads won't help. The thing would be to try to get more courteous riders on the road.

Steven Maynard also mentioned that snowmobilers were known to ride where they shouldn't as well. He reported machines riding right outside his bedroom. Signs would be good.

The Select Board asked for the cooperation of the ATV club in putting up an abundance of signage; 'Road Closed to ATV' signs on paved roads, 'No ATV Parking' signs on the Village Green, the Historical Society and the Church. And a sign directing ATVs to park only on the driveway of the common next to the Town Green. No parking on the lawns. Also, to make members aware that all

the roads on the western side of 108 are closed to ATVs, as well as Boston Post Rd, The Avenue, and the paved part of East Bakersfield Rd. Also, any roads that are plowed in the winter are off limits to ATVs. Matt told Lance that he would draw up a letter and send it to them to see if it covers everything. He also suggested that the ATV club admin arrange to have a monthly meeting with the Sherriff's Dept regarding this area.

All agreed that this issue needs to be addressed at the State level with enforcement and support from State authorities. Discussion took place about the benefit of having a trained Bakersfield Town Constable who could issue tickets and fines. The state requirement for such a position requires 160 hours of training and a six-month period of working under supervision prior to assuming the office. The funding required for such a position would be far more than contracting with the State Police for enforcement of Town ordinances. The Select Board and the ATV club both encouraged residents to flood the State police with reports of illegal, unsafe, aggravating and destructive ATV use, and to keep reporting until they actually show up and address this issue for us in Bakersfield. ATV users need to know that our town ordinances and right use of trails will be enforced.

The Select Board agreed to revisit the town ordinances and clearly incorporate the State ordinances. Josh noted that a new State law was that the ATV had to be legally registered and the driver needed to be a VASSA member. The Select Board would also change the maps that show ATV riders what roads were legal for ATV travel. The Town would also put up signs alerting ATV drivers of roads prohibiting ATVs, as well as possibly posting an enlarged, laminated copy of the ordinances themselves on certain roads and trails in town. The Select board estimated the cost of around \$200.00 a sign. Josh wrote up some proposed changes to the Town ordinances and discussed the potential changes with board members. One idea was, possibly requiring a Town decal for ATV road access in Bakersfield, provided to locals who register, free of charge, but which requires a fee and registration from out of town ATVs to access Bakersfield roads and trails. This would also give data as to where the riders are coming from by requiring names, addresses and contact info. These fees could also help the town pay for the needed signs.

The proposed ordinance changes will be posted with these meeting minutes on the town website to be reviewed by residents and will be voted on regarding adoption at the next Regular Select Board meeting on August 10, 2020 at 7:00pm.

Kathy Westcom reported that a representative from the Cares Act, a program established to help municipalities digitalize their Town Documents to make them available online, is sending a questionnaire regarding our needs and the projected cost of transfer. Kathy intends to apply for a grant through the Cares Act to see if we can get funds for the project.

The 2020 Hazard Mitigation plan was formally signed and adopted by the Select board. This signed copy will be forwarded to Shaun Coleman, who will

forward it to FEMA. From this point, it is projected to take up to a year for any reimbursement for repairs needed due to the Oct 31, 2019 flood.

Road Report from Mac: There is to be a delay in receiving our new Town truck due to a factory shutting down in Canada for a while. He also reported that Jordon Rd is now fixed and open for travel. The decision was made by the Select Board to go with Tyler Billingsley, from East Engineering to work with the town as their private engineer on FEMA projects. The town has received no response from the other two engineering firms to which they have sent inquiries.

A letter was reviewed from the Northwest Regional Planning Commission regarding their interest in forming a better communication network among municipalities. The Board decided to table this discussion for a later date.

Future Agenda is to discuss and potentially adopt the new Town ATV ordinances.

The motion to adjourn was made by Sam, seconded by Gary and voted to accept by a vote of 4-0.

Meeting was adjourned at 8:50pm.

The next Regular Select board meeting will be held at 7:00pm on August 10th, 2020.

Meeting minutes recorded by Tami Brennan.

TOWN OF BAKERSFIELD ALL TERRAIN VEHICLE ORDINANCE

THIS ORDINANCE IS IN EFFECT FROM APRIL 1 TO DEC. 1ST
BETWEEN THE HOURS OF 7:00 A.M. AND 10:00 P.M.

TO PERSONS HOLDING A VALID DRIVERS LICENSE OR HAVING COMPLETED AN APPROVED ATV SAFETY TRAINING PROGRAM AND HAVE CERTIFICATION WITH THEM. The select board of the Town of Bakersfield, in the County of Franklin and the State of Vermont, in accordance with Title 23, V.S.A. 1971-1983 hereby adopt this ordinance regulating the use of All Terrain Vehicles, in the Town of Bakersfield and described as follows:

- 1) As used in this ordinance "All Terrain Vehicle or ATV" means any non-highway recreational vehicle, except snowmobiles, when used for cross country travel on trails or on any one of the following or a combination thereof; land, water, snow, ice, marsh, swampland, and natural terrain.
- 2) The use of ATV's is authorized on all town roads located East of 108 in the Town of Bakersfield except TR#1 (Boston Post Road) TR#3 from #108 to Town Garage.
- 3) An ATV may be operated only in accordance with V.S.A. Title 23 Chapter 31, Section 3501-3518 and will be enforced.
- 4) ATV signs have to be posted to notify motorists that ATV's are on the road. These are NOT Trail signs.
- 5) Travel by ATV's will be single file, to the right, with headlights on , at a rate of speed not to exceed 25 MPH.
- 6) An ATV may not be operated unless registered pursuant to this chapter 31 or any other section of this Title 3502-3504, as stated in the All Terrain Vehicle Operator's Manual, by the State of Vermont and the Vermont Statutes Annotated, Title 23, 1999 Cumulative Supplement for use in 1999-2000 except when operated:
 1. On the property of the owner of the ATV
 2. Off the Highway, in a ski area while being used for the purpose of grooming snow, maintenance or in rescue operations
 3. Solely on privately owned land when the operator is specifically invited to do so and has on his person the written consent of the owner
- 7) The registration of an ATV does not constitute a license to cross or operate an ATV on Private lands that do not have trails.
- 8) ATV's must have stock exhaust not modified in any way in order to be operated in the Town of Bakersfield
- 9) ATV's operated in the town of Bakersfield MUST have a valid Town usage sticker displayed in plain view to access trails.
- 10) Parking of any trailer or vehicle used to transport an ATV shall not be on the Town's recreation fields, on the public green in the center of town, in any burial ground, on the school playground or in the parking lot of any church, school, or municipal building in the Town.
- 11) ATVs shall not be operated on the Town's recreation fields, on the public green in the center of town, in any burial ground, on the school playground or in the parking lot of any church, school, or municipal building in the Town.
- 12) Liability Insurance is mandatory for an ATV operated in the Town of Bakersfield.

13) If any portion of the Ordinance is held unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected. A violation of this Ordinance shall be a civil matter enforced in accordance with the provisions of 24 V.S.A. Title 2974a and 1977 et seq. A civil penalty of not more than \$800 may be imposed for this violation of this civil ordinance, and the waiver fee shall be set at \$100 for the first offense, \$200 for the second offense within a six-month period, and \$300 for all subsequent offenses within a six-month period, Each day that the violation continues will constitute a separate violation of this ordinance.

14) The Town of Bakersfield accepts no liability for the operation of ATV's on these Town Highways as listed.