

**Town of Royalton
Selectboard Meeting Minutes DRAFT
12/27/2022 6:30 PM
Virtual / In-person Meeting**

Royalton Selectboard: John Dumville, Tim Murphy, Jerry Barcelow, David Barker, Chris Noble

Town Staff & Committee Members: Victoria Paquin (Town Administrator), Rita Hull (Treasurer), Stuart Levasseur (Planning Commission), Peter Anderson (Planning Commission), Brad Salzmann (Emergency Management Director), John Dettwiler (Conservation Commission), Loretta Stalnaker (Police Chief), Jim Hewitt (Recreation Committee Chair)

Public: Jo Levasseur, Kathy Hassey, Hoyt Bingham, Pamela Vesilind, Gene Paige, Ian Mackenzie, Cathy Lawson

Meeting called to order @ 6:30PM

Approve the Agenda: John moved to approve the agenda and David seconded. Jerry requests to add discussion on adding discussion of Town Manager and adding a executive session for a personnel issue. John notes a need to discuss Old Home Days. The motion carried to approve the agenda with additions.

Public Comments: Public comments were offered regarding the ATV Ordinance. Comments included that the ordinance does not align with the original question asked at town meeting, that ATV's should not be used on full sections of roads, and that the use of ATV's will negatively impact quality of life.

A resident noted difficulty in accessing the selectboard meeting minutes. Victoria will look into the issue.

ATV Ordinance: Jerry moves to adopt the draft ATV ordinance with the list of roads as presented. Chris seconds. Chris noted that he feels this is a great opportunity for the town to increase the availability of wholesome fun, and appreciates the work that has been put into the ordinance. He noted that the ATV club has a responsibility to manage the users and behave responsibly. David commented that the challenge of creating an ordinance is the utilization of foresight and that the goal is to do right by the town. He recognized that the authority to adopt an ordinance lies solely with the selectboard, and that the townspeople have the opportunity to bring forward a petition to vote on the ordinance if they think the ordinance should not be in place. He feels that the fair thing to do is adopt the ordinance and let the people decide. John stated that he will not vote in favor of this ordinance. He feels that the ATV club should work to have more private trails, and that roadways should only be utilized similar to VAST who uses only small segments of road to connect when necessary. Tim commented that the ordinance gives something for the ATV's to go by and notes that the onus is on the ATV club to operate responsibly. He noted that there have been strong emotions surrounding the topic which may have limited people's willingness to participate in the process. The vote carried with 4 in favor and 1 opposed. Complete Ordinance included below.

Police Department: Loretta presented an updated body camera policy to the board. There are a few differences between this policy and the previous version. The policy is required by the state if we would like to continue utilizing the police academy. John moved to adopt the policy as presented. Chris seconded and the motion carried.

Loretta notes the need for a generator at the town office. Discussion continued regarding take aways from the last couple of weekends of severe storms with extended power outages. Dovid moved to proceed with getting a generator for the town office, with expected costs being in the range of \$30,000. John seconded and the motion carried.

Loretta requests permission to bring on a couple of officers as standby help for large town events such as parades and old home days when additional coverage may be needed. Jerry moved to allow Loretta to hire standby staff. Chris seconded and the motion carried.

Budget Review: Victoria has sent an updated budget to the board. Discussion was held regarding the recreation department budget which had two replace / repair items added. One item involves amending the ball fields at Carpenter field due to a regulatory change in base line distance. A second item is the cost of replacing one basketball hoop in the school gym, with the SU covering the cost of replacing the other hoop. The board discussed both requests and determined to strike the cost of hoop replacement from the general fund budget with the understanding that Jim will ask the SU to cover the full cost and that the board may consider utilizing community betterment funds towards the project if necessary.

The budget will be reviewed again at the next meeting. Jerry requested that hard copies be available.

Warrants: The warrants were reviewed and approved as presented.

Minutes: John moved to approve the minutes of December 13th as presented. Jerry seconded and the motion carried.

Other Business: Tim shared that the repairs to the tipping building are complete. We are waiting on a few last invoices for the project.

Jerry notes that we have discussed the possibility of a Town Manager form a government a few times, but have not made any decisions and asks whether we should put the question before the voters this year. David suggests that we consider whether the Town Clerk should be appointed rather than elected. Chris suggests that coupling the question would not go over well with the people, and that we should focus on the town manager question first. Jerry moves to include the question of transitioning to a town manager on the warning for annual meeting. David seconds and the motion carries. There was some discussion about who writes the warning. Victoria generally drafts it and gives it to the board for review and finalization. The warning must be issued at least 30 but not more than 40 days before town meeting.

John shared that the Old Home Days committee had not brought in enough funds to cover the invoices for portable toilets and The Herald, but that he will turn over the funds in the Historical

Society Account to the town to reimburse what could be paid for. He noted that next year he is not willing to operate the bank account for the event and asks whether the town might be willing to manage the bookkeeping portion of the event. It was noted that the town contributes a sum of roughly \$10,000 each year for the event, and perhaps this should be done as a line item in the general fund budget.

David thanks that Alliance for Vermont Communities for their \$6,000 donation to the Conservation Fund and suggests that the board write a formal thank you.

Jerry motioned to enter executive session at 7:54 pm to discuss a personnel issue. Chris seconds and the motion carried.

Executive session concluded at 8:35 PM. No Action Taken.

Adjourned: 8:36 PM

Respectfully Submitted,

Victoria Paquin
Royalton Town Administrator

TOWN OF ROYALTON ATV ORDINANCE

TOWN OF ROYALTON

ORDINANCE REGULATING ALL-TERRAIN VEHICLES (ATVs)

SECTION 1. AUTHORITY. Under authority granted in 24 V.S.A. Chapter 59, 24 V.S.A. §§ 2291(1),(4), 23 V.S.A. § 3506, and 23 V.S.A. § 3510, the Selectboard of the Town of Royalton hereby adopts the following civil ordinance regulating the time, manner, and location of operation of all-terrain vehicles within the town.

SECTION 2. PURPOSE. The purpose of this Ordinance is to promote and protect the public health, safety, and welfare of the Town, and to preserve residents' rights to quiet enjoyment of homes and properties by regulating the time, manner, and location of operation of all-terrain vehicles ("ATVs") within the Town.

SECTION 3. DEFINITION

A. "All-terrain vehicle," or "ATV," means any non-highway recreational vehicle, except snowmobiles, having not less than two low pressure tires (10 pounds per square inch, or less), not wider than 64 inches with two-wheel ATVs having permanent, full-time power to both wheels, and having a dry weight of less than 2,500 pounds, 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. An ATV does not include an electric personal assistive mobility device, a motor-assisted bicycle, or an electric bicycle.

B. "Enforcement Officer" means any law enforcement officer certified by the Vermont criminal justice training council.

C. "Operate" includes any attempt to operate and shall be construed to cover all matters and things connected with the presence and use of all-terrain vehicles within the town whether they be in motion or at rest.

D. Other definitions found in 23 V.S.A. § 3501 are incorporated herein by reference.

SECTION 4. TOWN HIGHWAYS OPENED.

Gee Hill Rd. from Route 14 to intersection with Russ Hill Rd.

Rainbow St. from the intersection with Pluck Hill to Pleasant St.

Pleasant St. from Rainbow St. to Oxbow Rd.

Oxbow Rd. from Pleasant St. to the Oxbow Rd. Private Trailhead.

Otto Merrill Rd

Back River Rd. from Otto Merrill Rd. to Johnson Hill Rd.

Johnson Hill Rd.

Davis Rd.
Rousseau Rd. from Davis Rd. to Private Trail Intersection
Sewall Brook Rd.
Royalton Hill Rd (Royalton Turnpike) from Sewall Brook Rd. To Davis Rd.

****SEE MAP FOR SPEED LIMITS & INTERSECTION AREAS *****

SECTION 5. SPEED LIMITS AND TRAFFIC CONTROL DEVICES. All posted speed limits and traffic control devices on Town highways shall apply to the operation of ATVs. Notwithstanding the above, no person shall drive an ATV on a public right of way at a speed greater than 20 mph except where otherwise posted and is reasonable and prudent under the conditions, having regard to the actual and potential hazards there existing. In every event, speed shall be controlled as necessary to avoid collision with any person, vehicle, bicycle, ATV, or other object on or adjacent to the ATV trail. Pursuant to 23 V.S.A § 3506 (b) (2) (C).

SECTION 6. TIME AND SEASON OF OPERATION. ATVs may only be operated within the Town between 9:00 AM and 8:00 PM, 7 days/week between May 15th through September 30th unless otherwise posted.

SECTION 7. SINGLE FILE; RACING. Where ATV travel on Town highways and sidewalks is permitted, such travel shall be single file. No racing shall be allowed.

SECTION 8. OPERATION ON PUBLIC PROPERTY AND CEMETERIES. ATVs shall not be operated on Town/public property not open to ATV operation, including: sidewalks, bike paths, hiking trails, recreation fields, on any public greens, in any burial grounds or cemetery, on any school playground, child care center, in any wastewater treatment plant, or in the parking lots of any religious worship, "Park & Ride" areas and hospital/clinic and nursing home, or as otherwise prohibited by law-unless specific permission is granted by the selectboard or authorized entity.

Pursuant to Title 23 V.S.A. Chapter 31 § 3506(10), ATVs shall not be operated in any burial ground in the Town.

SECTION 9. OPERATION OF ATV'S.

Pursuant to Title 23 Chapter 31

SECTION 10. PENALTIES.

A. The Enforcement Officer is authorized to recover civil penalties for operation of an ATV in excess of the posted speed limit as specified in *Traffic Ordinance 6-9-2020* and in the State of Vermont's Judicial Bureau Penalty Schedule.

B. The Enforcement Officer is authorized to recover civil penalties for violations of this Ordinance as set out below:

- Failure to operate in single file:
 1st Offense: \$100 fine. Waiver amount: \$90
 2nd Offense: \$250 fine. Waiver amount: \$240
 3rd Offense: \$500 fine. Waiver amount: \$490

- Engaging in racing:
 1st Offense: \$100 fine. Waiver amount: \$90
 2nd Offense: \$250 fine. Waiver amount: \$240
 3rd Offense: \$500 fine. Waiver amount: \$490
- Operation during hours when operation is prohibited:
 1st Offense: \$100 fine. Waiver amount: \$90
 2nd Offense: \$250 fine. Waiver amount: \$240
 3rd Offense: \$500 fine. Waiver amount: \$490

- Operation on public property:
 1st Offense: \$100 fine. Waiver amount: \$90
 2nd Offense: \$250 fine. Waiver amount: \$240
 3rd Offense: \$500 fine. Waiver amount: \$490

For the above offenses, the Enforcement Officer is authorized to recover a waiver fee, in lieu of a civil penalty, in the stated amount, for any person who declines to contest a municipal complaint and pays the waiver fee.

C. The Enforcement Officer is authorized to recover civil penalties for the following violations is as set by the State of Vermont:

- Operation along a highway that has not been opened for use by the Selectboard. 23 V.S.A. § 3506(b)(1)(A).
- Operation within a public cemetery. 23 V.S.A. § 3506(b)(10).
- Operation on a sidewalk that has not been opened for travel by the Selectboard. 23 V.S.A. § 3206(b)(12).

SECTION 11. ENFORCEMENT. The violation of this ordinance shall be a civil matter which may be enforced in the Vermont Judicial Bureau in accordance with the provisions of 24 V.S.A. §§ 1974a and 1977 et seq. For purposes of enforcement in the Judicial Bureau, any Enforcement Officer shall have authority to issue tickets and may be the appearing officer at any hearing.

SECTION 12. OTHER LAWS. This Ordinance is in addition to all other ordinances of the Town and all applicable laws of the State of Vermont. All ordinances or parts of ordinances, resolutions, regulations, or other documents inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 13. SEVERABILITY. If any section of this Ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this Ordinance.

SECTION 14. YEARLY REVIEW/RENEWAL. Yearly review of this ordinance to take place at the first

selectboard meeting in January after adoption. Yearly review shall include Town permission waiver to maintain Town as additional insured under VASA policy.

SECTION 15. EFFECTIVE DATE. This ordinance shall become effective 60 days after its adoption or amendment by the Selectboard. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this Ordinance.

Date of adoption by the Selectboard: December 27, 2022

Signatures of Selectboard members:

DATE

Adoption History

1. Agenda item at regular Selectboard meeting held on December 27, 2022.
2. Read and approved at regular Selectboard meeting on December 27, 2022 and entered in the minutes of that meeting which were approved on _____.
3. Posted in public places on January 3, 2023.
4. Notice of adoption published in the Herald newspaper on January 5, 2023 with a notice of the right to petition.
5. Other actions [petitions, etc.]

