

## Special Selectboard Meeting Concerning Waterford ATV Ordinance

January 27, 2025 @ 5:30 PM, Waterford School

### AGENDA

- 5:30 PM Call to Order
- 5:30 PM Approve meeting minutes January 13, 2025
- 5:35 PM Zoning Administrator Contract (Discussion/Action)
- 5:50 PM Executive Session 1 V.S.A. § 313(a)(1)(B) - Personnel
- 6:00 PM Discuss Possible Revisions to Town ATV Ordinance
- 7:15 PM Selectboard Action
- 7:45 PM Adjourn

### BACKGROUND

The Waterford Selectboard will hold a special meeting to discuss the possible revision of the Town's current ATV Ordinance that only allows ATVs to operate on Class 4 roads in Waterford, instead of bringing it as an Article to the 2025 Town Meeting. The issue will be decided by the Selectboard, and WILL NOT be included in the 2025 Town Meeting.

A petition asked that an Article be voted on at the 2023 Town Meeting. The Article stated "Shall the Town establish an ordinance in accordance with 23 V.S.A. 3506 to allow all-terrain vehicles and/or any wheeled vehicle that are registered with the State of Vermont to operate on any town highway or town property/land with restrictions regarding the time and manner set forth by the VLCT Model ATV Ordinance and Guidance." After much discussion, the Article was tabled until the 2024 Town Meeting, to enable a more informed decision. In 2023, the Selectboard sent a survey to Waterford taxpayers. The survey had mixed results and showed strong support for both sides of the issue. Out of 221 survey responses, nearly half (107) did not want the current ATV ordinance to be revised. Of the 114 that wanted a revision to the ordinance, 28 wanted the ordinance to be more restrictive, while 82 wanted the ordinance to be less restrictive (4 gave no reason for revision.)

Some Reasons For Expansion of ATV roads:

- Increased opportunity for motorized recreation
- Ability to access areas already open to ATV usage
- Means of transportation

Some Reasons Against Expansion of ATV roads:

- Enforcement of the existing ordinance does not exist. Unregistered ATVs, with underage and/or un-helmeted riders are seen on Class 3 roads and trespassing on private property.
- Noise, increased traffic
- Physical damage to town roads

The Article was revised for the 2024 Town Meeting. It stated "Shall the town revise its current ATV ordinance to include comprehensive State and local regulations, increase enforcement, and identification of all costs and funding requirements? After much discussion and many amendments to the Article, the item was tabled again, until the 2025 Town Meeting.

To prevent the problems of the previous years, the Selectboard decided that the issue should be decided by Australian Ballot for the 2025 Town Meeting. However, it was brought to the attention of the Board that voters must approve a switch from floor vote to Australian Ballot. Ron Gray, Chairman of the current Selectboard, contacted Vermont League of Cities and Towns to find out how best to proceed with this issue and learned that according to 23 V.S.A. 3506 "An ATV shall not be operated: (1) Along a public highway except if one or more of the following applies: (A) **the highway has been opened to ATV travel by the legislative body of the municipality where the town highway is located** or, for State highways, the Secretary of Transportation and is so posted." The responsibility for this decision lies directly with the Selectboard.