

Waterford Board of Selectmen Meeting  
Monday, June 8, 2020  
Waterford Elementary School  
7:30PM  
Meeting Minutes

- Members in Attendance: William Piper, Fred Saar, and Gary Allard
- Others in Attendance: Steve Eddy, Jessy Pelow, Dave Morrison, Lou Brach, Bill Willis, Mike Keach, Mike Barrett
- Meeting Called to Order: Gary called the meeting to order at 7:30pm.
- Modification of Agenda: Gary moved "Festival Permit Application- Northeastern Speedway Reunion" to the top of the agenda under citizens concerns.
- Approval of Minutes: Fred motioned to approve the May 11<sup>th</sup> & 27<sup>th</sup>, 2020 minutes. Bill seconded the motion; all were in favor.
- Budget Report: The Transfer Station remains to break even.
- Citizens' Concerns:
  - Northeastern Speedway Reunion Festival Application: Bill Piper motioned to approve the Northeastern Speedway festival application for July 18<sup>th</sup>, 2020, with the conditions that the permit holder comply with the COVID-19 CDC recommendations and the State of Vermont requirements. Fred seconded the motion; all were in favor.
  - Barber Follow Up Letter: Ross Barber submitted a follow up letter to the Selectboard asking what will be done at the bottom of Hudson Road that meets Rte. 18. Selectboard responded that the Highway Department has been regrading that section of road as well as culvert repair. Approximately 600 feet of road that meets Rte. 18 will be paved.
  - Lou Brach expressed his concerns with the lack of internet services available within the Town of Waterford and how that has had a negative impact on education for children. He encouraged the Selectboard to reach out to the Legislators in Vermont and demand quality broadband. Bill Piper responded to Mr. Brach and informed him of the Town of Waterford's recent joining of the CUD and what the CUD is doing.
  - Dave Morrison wondered when the cemetery sexton and ordinance discussion will be revisited. Selectboard will discuss within the next couple months. Dave also expressed his continued concerns with the crumbling underneath the interstate bridges on rte. 18, closest to Shadow Lake Road. Gary responded that the interstate bridges are maintained by the State of Vermont. Fred will email Shauna at VT Agency of Transportation to discuss the issue.
  - Bill Willis thanked Pike Industries for their efficient work with paving rte. 18. The Selectboard extends their thanks.
- Town Board Representative: Mike Keach stated that the 2020 Grand List Abstract has been filed and grievance notices have been mailed. Notice to Taxpayers Grievance day is June 24<sup>th</sup> and will be held remotely from 12-5:00pm. Grievance must be in writing and received at the Town Clerk's Office by June 23<sup>rd</sup>. Gary asked Mike when the town wide re-appraisal will begin this year and how it will be handled. Mike said that the head appraiser from NEMRC will begin field work within the next month or two. The Lister's expect to mail postcard notices to all property owners within the month explaining how the process will work.

- Highway:
  - Martel & Guidosh Driveway Permits: Fred motioned to approve the Martel & Guidosh Driveway Permits based on any conditions set by Lisle Houghton. Bill Piper seconded the motion; all were in favor.
  - Replacement Truck Update: Lisle was not present at the meeting to discuss replacement truck options. Fred will sit down with Lisle to discuss options and determine when the Highway Department needs it.
  - Overweight Permits: Fred wondered if the Selectboard can designate the Town Clerk to approve Overweight Truck Permits. He will reach out to VLCT to determine if this is possible.
- Old Business:
  - Broadband Update: Bill Piper reported that moving forward there will be monthly updates from the CUD regarding what the board is doing. He will forward the updates to all Selectboard members as well as the Town Clerk.
  - Black River Design: Fred stated that Black River Design will be at the Lower Waterford Church on June 18<sup>th</sup> to gather data and he hopes he will have a better update next month.
  - Heating Oil: Steve reported that Fred's Heating Oil quoted him a rate of 1.449 a gallon for the upcoming heating season. Fred motioned to accept Fred's Heating Oil quote of 1.449 a gallon for the Waterford Offices. Bill Piper seconded the motion; all were in favor.
  - Cushman's Bridge Update: Bill Piper said, after speaking with a VT Game Warden, that the Town is not allowed to restrict fishing from the bridge but can restrict if obstructing the roadway. The Selectboard will have Lisle install a "No Pedestrians in Right of Way" sign.
  - Cemetery Mapping Update: Jessy reported that she spoke with Kristen Weaver who has not been able to work on the project due to COVID-19. Kristen hopes to be able to begin further work soon.
  - Weaver Construction Contract Update: Fred motioned to approve the Weaver Construction Contract for mowing. Bill Piper seconded the motion; all were in favor.
  - Working Session on Personnel Policies: Selectboard will meet on June 16<sup>th</sup> at 6:30PM at the Davies Memorial Library.
- New Business:
  - ATV/Snowmobile Ordinance: Bill Piper motioned to approve the Waterford ATV/Snowmobile ordinance. Fred seconded the motion; all were in favor. See attached ordinance.
  - Temporary Tax Rate Revisions: The State of Vermont issued a temporary municipal tax rate provisions in response to COVID-19, known as S.344. Waterford Selectboard are taking no action at this time.
  - Sign Dog Warrant: Selectmen signed the 2020 Dog Warrant. It will be forwarded to the Animal Control Officer.
  - Other: Fred stated that the Zoning Administrators contract is due in July. Selectboard agreed that they want to renew his contract. Gary reported that the Kidder Road sign is

missing as well as a few other road signs. The signs will be returned, and the individual will report to the July Selectboard meeting.

- Executive Session: The Selectmen entered executive session at 8:56 PM and exited at 9:10 PM. No decisions were made.
- Adjourn: Bill Piper motioned to adjourn the meeting at 9:11PM. Gary seconded the motion; all were in favor.

## TOWN OF WATERFORD, VT ORDINANCE REGULATING ALL TERRAIN VEHICLES (ATVs)

**SECTION 1. AUTHORITY.** Under authority granted in 24 V.S.A. Chapter 59, 24 V.S.A. §§ 2291(2),(4), and 23 V.S.A. § 3510, the Selectboard of the Town of Waterford 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. DEFINITIONS.**

- A. "All-terrain vehicle," or "ATV," means any non-highway recreational vehicle, except snowmobiles, having no 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 1,700 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 shall not include an electric personal assistive mobility device.
- 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 AND CLOSED.** Pursuant to 23 V.S.A. § 3506, all Town highways that are **not being maintained and plowed** by the Town for use by motor vehicles during the snow season are **OPEN** to ATV traffic.

All Town highways that are **being maintained and plowed** by the Town for use by motor vehicles during the snow season are **CLOSED** to ATV traffic.

**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 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.

**SECTION 6. TIME OF OPERATION.** ATVs may not be operated within the Town between sunset and sunrise.

**SECTION 7. SINGLE FILE; RACING.** Where ATV travel on Town highways 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 the following property within Waterford: Waterford Town School property and any commercial property without the written consent of the owner. Pursuant to 23 V.S.A. § 3506(10), ATVs shall not be operated in any burial ground in the Town.

**SECTION 9. PENALTIES.**

A. The Enforcement Officer is authorized to recover civil penalties for operation of an ATV in excess of the posted speed limit 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: \$50.00 fine. Waiver amount: \$25.00
  - 2nd Offense: \$65.00 fine. Waiver amount: \$32.50
  - 3rd Offense: \$75.00 fine. Waiver amount: \$37.50
- Engaging in racing:
  - 1st Offense: \$100.00 fine. Waiver amount: \$50.00
  - 2nd Offense: \$200.00 fine. Waiver amount: \$100.00
  - 3rd Offense: \$300 fine. Waiver amount: \$150.00
- Operation during hours when operation is prohibited:
  - 1st Offense: \$50.00 fine. Waiver amount: \$25.00
  - 2nd Offense: \$75.00 fine. Waiver amount: \$37.50
  - 3rd Offense: \$100.00 fine. Waiver amount: \$50.00
- Operation on public property:
  - 1st Offense: \$100.00 fine. Waiver amount: \$50.00
  - 2nd Offense: \$200.00 fine. Waiver amount: \$100.00
  - 3rd Offense: \$300 fine. Waiver amount: \$150.00

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 is maintained during the snow season but that has not been opened for use by the Selectboard. 23 V.S.A. § 3506(b)(1)
  - 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)
  - Operation on the Waterford Town School, including the Nature Trail
  - Any commercial property within Waterford without written consent by the owner of the property,

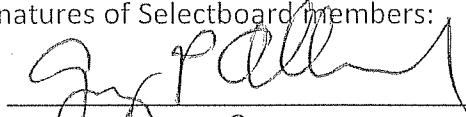


**SECTION 10. ENFORCEMENT.** The violation of this ordinance shall be a civil matter which may be enforced in the Vermont Judicial Bureau in accordance with the provisions of 24 V.S.A. §§ 1974a and 1977 et seq. For purposes of enforcement in the Judicial Bureau, any Enforcement Officer shall have authority to issue tickets and may be the appearing officer at any hearing.

**SECTION 11. 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 12. 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 13. EFFECTIVE DATE.** This ordinance shall become effective 60 days after its adoption 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: 6/8/20

Signatures of Selectboard members:  
  
  


6/8/20  
DATE