

Town of Charleston
Selectboard Meeting 6/25/2020

MINUTES

Attending: Selectpersons Peter Moskovites, Larry Young, and Pat Austin; Road Foreman Bernie Pepin; and Selectboard Clerk Colleen Kellogg. Residents Sarah Jenness and Sherman Allen joined by telephone.

THESE MINUTES ARE UNOFFICIAL UNTIL APPROVED AT THE NEXT MEETING

The meeting was called to order at 6:00 pm by Peter Moskovites, Chair. Motion by Mr. Austin to approve the minutes of the June 11, 2020 meeting as written, seconded by Mr. Young and unanimously approved.

PUBLIC COMMENT

Ms. Jenness participated in the Wednesday ATV info meeting and wanted to underscore her support. She hoped it would be approved for this season and feels it is better for the town to regulate use. Mr. Moskovites said the board would make a decision that night, but any decision would end on October 1st and be revisited. Sherm Allen said he doesn't want ATVs or side-by-sides on Charleston roads; asked for details about club enforcement and ticketing process; asked about townspeople who don't live on trails but want to access them; and if tonight was a binding vote or would be discussed again at Town Meeting. Mr. Moskovites reviewed the proposal, specific roads involved, and noted that it would be temporary through October 1st. Mr. Austin said the Sheriff's department patrols club trails which are open certain hours (8a-9p) and require vehicle registration, insurance, and helmet if no seat belts/roll cage. He said a decision by the Selectboard would mean that the Selectboard maintains control. Written public comment by email was received from Jeannine Bennett, Consumer Federation of America, and Robb Boudreau.

ROAD REPORT

Mr. Pepin said that chloride is nearly done. They've hauled gravel to Calhoun Rd which really needed it. The 2017 Mack is in for transmission service, which should be covered by extended warranty. He would like to purchase a used hay wagon from Larry Young for \$200, which will carry hay and a mulcher to effectively seed ditches as required. Mr. Austin moved to purchase the hay wagon from Mr. Young, seconded by Mr. Moskovites. The purchase was approved by both, with Mr. Young recusing himself to avoid potential conflict. Mr. Young said the Marsh's on Bowen Hill have agreed to purchase a driveway culvert for the town to install as part of a scheduled ditching job. A letter was sent to Mr. Roussell on Hudson Road, and in conversation, Mr. Young informed him that the town supports Mr. Pepin's management of maintenance on that road.

NEW BUSINESS

- Motion by Mr. Moskovites to place a \$3,000 appropriation request for Orleans/Essex VNA & Hospice on the 2021 Town Meeting Warning, seconded by Mr. Austin and unanimously approved.
- Motion by Mr. Austin to accept and sign a Financial Management Questionnaire from the Town Treasurer, seconded by Mr. Moskovites and unanimously approved.

- Newport Ambulance Service has notified E911 dispatch that Charleston calls will be dispatched from the Morgan station, called “Morgan Rescue.” This was accepted with no action needed.
- Echo Lake Protective Association was awarded a state Aquatic Nuisance grant for milfoil prevention programs, and the town must submit a request to the state to have ELPA approved as a subcontractor. Motion by Mr. Moskovites to subcontract to ELPA and sign the request, seconded by Mr. Austin, and approved unanimously.

OLD BUSINESS: ATV PROPOSAL

Mr. Austin made a motion to:

I: Open the following roads for ATV use: Fontaine Road, Dane Hill Road, Gay Hill Road, and Chilafoux Road from Dane Hill Road to Gay Hill Road from 8:00 am to 9:00 pm effective June 29, 2020 and until October 1, 2020, with all vehicles/operators subject to the following requirements:

II: “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.

III: All ATVs must be registered, equipped and operated according to the requirements of 23 V.S.A. Chapter 31, and must have VT state registration, liability insurance, and VASA membership and carry proof of the same.

ATV operators must have a valid driver’s license in order to operate an ATV on Town Highways. ATV operators and passengers must wear a US Department of Transportation (DOT) approved helmet (unless operating an ATV/UTV equipped with seat belts.)

ATVs must be equipped with: (1) At least one headlight and rear light in working order, brakes in good mechanical condition, and any windshield free from sharp or jagged edges. (23 V.S.A § 3505(a) and 23 V.S.A. § 3506(d)). In addition, lights shall be on during vehicle operation from 30 minutes after sunset to 30 minutes before sunrise; and (2) An efficient muffler and exhaust system—an exhaust system with a cut-out, bypass, or similar device, or with the spark arrestor removed or modified is NOT permitted. The maximum machine operating noise shall not be more than 82 decibels on the A scale at 50 feet, in a normal operating environment (23 V.S.A. § 3505(b)).

ATVs must operate in single file, as far to the right as possible, with headlights on and adhere to a 35-mph speed limit. ATVs are not permitted on any legal trail per the town’s legal trail policy.

Operators of ATVs shall yield the right of way to all other motor vehicles, pedestrians and other users of Town Highways and shall stay on posted trails.

Operators of ATVs shall be liable for damages to Town Highways or other town property caused by the operation of an ATV in violation of this resolution.

Nothing contained in this resolution shall authorize or create any cause of action to accrue or to be maintained against the town of Charleston, and the town accepts no liability for the operation of ATVs on town highways

The motion was seconded by Mr. Moskovites and approved by majority, with Mr. Moskovites and Mr. Austin in favor and Mr. Young opposed.

Board members agreed that concerns or complaints regarding the matter can be directed to the Town Clerk's Office. Mr. Austin will volunteer his time to post signs on off-limits roads near the trail. Mr. Young asked for more information about coverage and schedule for patrolling trails. In addition to minutes, Ms. Kellogg will prepare a separate document containing the ATV resolution which can be shared for public information.

Mr. Austin made a motion to approve the VASA state highway access application asking the VT Agency of Transportation for approval of ATV/UTV use on Route 105 from Dane Hill Rd to Durgin Rd, seconded by Mr. Moskovites. The application was approved with Moskovites and Austin in favor and Mr. Young opposed. Mr. Austin noted that Route 105 is not open until the state grants approval, which takes at least 30 days.

OTHER OLD BUSINESS

Regarding noise concerns about ATVs, and a specific complaint from the June 11th meeting, board members agreed to revisit the town Noise Ordinance at the July 9th meeting. Ms. Kellogg said the town has not heard back from ANR about an environmental violation report, and Mr. Austin agreed to follow up with ANR.

Highway and Selectboard orders totaling \$19,249.44 were approved unanimously and signed by all board members.

The Chair called for Executive Session at 7:22 pm to discuss attorney advice on the matter of Bly Farm Rd. Executive Session ended at 7:37 pm with no action taken.

Seeing no other business, the Chair adjourned the meeting at 7:40 pm. The next meeting will be held Thursday, July 9, 2020 at 6:00 pm, with public participation by telephone.

Approved this 9th day of July, 2020:

Selectboard, Town of Charleston