Present: Donna Damon, David Hill, Herb Maine & Scott Seaver.
Absent: Mark Dyer & Chris Rich.

Meeting called to order at 7:05PM.

Herb Maine: Explained that this a public hearing for a Citizen Initiative proposal requesting that a warrant article be put on the Town Meeting Warrant to allow off-highway vehicles on Town roads.
Herb Maine asked Aaron Rugh if he would make a presentation.
Aaron Rugh: Yes I would be glad to.
Herb Maine: Explained that public hearing is to allow the public to speak. The next step would be Town Meeting. It is the Selectmen’s decision if it goes to Town Meeting as written or modified and it may need legal review. If the Selectmen decide not to send the initiative to Town Meeting the recourse would be a petition.
Herb Maine: direct all questions to the Board and wait to be recognized by the Chair.
Scott Seaver: The Town of Cumberland did have an All-Terrain No Trespass Ordinance basically it was to operate an ATV on private property without written permission. They also had an ordinance for Golf Carts. He explained that ATV's are governed under Inland, Fisheries & Wildlife.
Herb Maine: The State requires you to identify yourself to the land owner before you go onto their property. The ordinance the Town of Cumberland had required you to have written permission before you go onto someone’s property.
Scott Seaver: Yes and State law says you cannot go onto someone else’s property after you have been told not to.

Aaron Rugh: Everyone should have a copy of the purposed ordinance. It does include golf carts, but that wasn’t my intention but just to cover vehicles like this. I would first like to say that this is not an ATV ordinance proposal this is an inclusive vehicles in other words off highway vehicles ordinance proposal. There are all kinds of vehicles out there including mini trucks and vehicles that do not meet DOT standards to be driven on public ways. This proposal is to open up the field. This will open up things to utility vehicles that have safety equipment such as roll bars, seat belts, dump beds, etc. and good gas mileage. ATV’s are included in this, but I’m afraid that it will bring along baggage in regard to ATV’s that should not be misconstrued, this ordinance is to allow other forms of transportation to be used on the island. In regard to ATV’s specifically you will find the rules especially in the Inland, Fisheries & Wildlife regulations do pertain to driving on other people’s property. The specific use of this ordinance is for use to go to the Stone Pier, Store and maybe help with parking problems. This is not to open up trail heads on the island. We have to remember that there are rules governed by the State in regard to travel on an ATV’s.
In regard to golf carts reference in the ordinance is what Cumberland had. Golf Carts and electric cars are continuing to expand in their own right and are now used in small communities. They are now equipped with turn signals, lights and safety equipment. They are not really golf carts they are off highway vehicles. Most golf carts are not equipped with the extras such as light, signals, seat belts, etc.. Most off highway vehicles do have the extra equipment with the exception of ATV’s.

Donna Damon: It should be in the ordinance that you have to have written permission from the property owner.
Aaron Rugh: the purpose of the ordinance is to open up public ways not private property. This is not designed to connect trail systems. Again, I think the focus is on ATV’s and that not what I am trying to do.
Donna Damon: Is there something in here that states that operators of these vehicles hold a valid drivers license?

Aaron Rugh: It does not, but I feel that it is not unreasonable. Long Island’s ordinance specifies that.

Herb Maine: Read (page 10, Title 12, Section 13157-A) out of the State rule book from Inland, Fisheries and Wildlife. We can designate but we will have to have signage put up, such as the ones that Long Island has. Do you agree Aaron that that is the enabling part?

Aaron Rugh: Yes.

David Hill: Is there an age restriction for these vehicles?

Aaron Rugh: Yes, there are when you get into the mini trucks and that type of thing. They are classified as ATV’s. There are also small mini ATV’s for kids that are not on the trail systems. I will have to look at the reference again, but believe that anyone under the age sixteen (16) can not operate these vehicles. If we put in the ordinance that you must hold a valid drivers license it precludes this.

Herb Maine: Does Long Island ordinance have that?

Aaron Rugh: Yes, it’s license and insured on Long Island.

PUBLIC COMMENT SECTION:

Mary Holt: My concerns are for the private property owners. Many large parcel owners are not here all year and are not supervised by the owner.

Pat St. Cyr: We only ride where it is marked. I would like to see marked trails in the woods. We need to respect the property owners and only ride on marked trails.

John Wilson: Would a non-plowed, non-town maintained be considered private property? Anyone that rides down Spruce Point View Road would need written permission from me. That does not apply to motor vehicles or cars?

Bruce Riddle: If you post your road as a private way no one can use it. It’s done in other towns. Also, under Title 29 it says that the lights on a golf cart have to be factory installed.

Scott Seaver: Some of the golf carts do come through with factory installed lights.

Leon Hamilton: I support this ordinance. The Commercial Fisherman can take their traps back and forth as well as other fishing gear. There’s to much worry about if someone will drive across someone’s lawn, if you have the right to drive on the public ways they won’t have any reason to be on someone’s property. I believe it will help down at the Stone Pier. People doing things they shouldn’t it’s a law enforcement issue. It’s going to be a learning curve, once people understand it will all work.

Mark Olsen: There’s a stigma of destruction of private property. The language of ATV the State uses is behind the times and the use of ATV to define all these vehicles is not accurate. These vehicles have come along way. They are an efficient way of transportation.

Cheryl Stevens: The concern I had has already been addressed and that was the operator of these vehicles have valid driver’s licenses. I support this ordinance. We need to address private road verses private property. Do all the rules apply?

Donna Damon: There are some private roads that are posted pedestrian’s only.

Ken Pelton: I have scooter on the island. It was the best thing I did. It’s economical and easy to get around on.
David Hill: Does public way’s include beaches. I think beaches should be forbidden. What I think Leon is saying is that is a use for these vehicles.
Leon Hamilton: No what I am saying is that you would drive down to the bank and not on the beach.

Leon Hamilton: When I was researching this I found that some Town’s opened up specific roads within the Town to ATV’s not all roads were open to this use.

Donna Damon: I think this would be helpful like getting to the wharf and parking. My concerns are at night. The condition of the road and people on these ATV’s and not in something and there is no protection. I think we should restrict these to just day time.

Leon Hamilton: If the ATV is outfitted with lights and all safety standards there is no reason not to let people use them at night.

David Hill: I would like to suggest a couple of things. One is to retire and rewrite some things. These are the points I have heard.
   1. Private Road and Property
   2. Headlights for golf carts
   3. Valid driver’s licenses
   4. Not on beaches
   5. Subject to safety requirements

Donna Damon: other concerns are speed and use at night.

Herb Maine: anything further from the Board?
David Hill: Aaron will you volunteer to do the rewrite with me?
Aaron Rugh: Yes.
Donna Damon: We need to circulate the rewrite it at the hearing, do a mailing. People are missing things.

Herb Maine: Motion to adjourn.
Donna Damon: Motion to adjourn meeting at 8:43PM.
David Hill: Second.
Vote: Unanimous.
Meeting adjourned at 8:43PM
Respectfully submitted by Susan Campbell, Town Clerk.