

Conservation Board report

Hon. Town Board Members & Supervisor Keem:

I am writing in response to Supervisor Keem's December 11, 2018 letter to me asking that the Conservation Board review the ECRT initiative and make recommendations as to how the initiative relates to certain aspects of the Orchard Park Town Code.

Although the Conservation Board didn't have a meeting in January, I was able to speak and meet with some of the board members to solicit their opinions. The consensus opinion of the board members with whom I spoke seem to overall support the ECRT initiative and strongly believe that it is consistent with the "Legislative Intent" section of the Orchard Park Town Code. *See Town Code sections 7.1 & 7.6 (D).*

Your letter asked the board to consider data-driven research and information, but we don't have access to such material. Even if we did, such information wouldn't seem to apply since the ECRT initiative is new to the Town.

I understand that opponents of the plan have concerns about safety, liability and privacy; however, I respectfully suggest that the Town Board could promulgate reasonable rules and regulations governing the hours during which the trail could be utilized, limiting and/or prohibiting the use of motorized vehicles, or such, on the trail and regulating the point or points at which ingress and egress on the trail can be made so as not to allow trail users to trespass on private property. Perhaps the rules and regulations could even mandate that a visual buffer be required on the trail within a certain minimum distance to a contiguous property owner's house. I am assuming that the railroad-owner will require that the not-for-profit organization leasing the trail obtain liability insurance. If so, possibly the Town in the rules and regulations could also require the not-for-profit operator of the trail have the insurance company name the Town, and the contiguous neighbors of the trail, as additional insureds assuming there's a legitimate insurable interest and that it's not overly burdensome to do so.

Please let me know if you have any further questions.

Thanks.

Richard J. Schechter
Chairman-Orchard Park Conservation Board