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COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

January 3, 2022

Erie County Legislature
92 Franklin Street, 4th floor
Buffalo, New York 14202

**RE: Temporary Use Access and Occupancy Agreement for Equipment Staging in
County Property**

Dear Honorable Members:

Enclosed please find a memorandum and proposed resolution from the Department of Real Property authorizing temporary use access and occupancy agreement for the NYS Department of Environmental Conservation to stage equipment on County property, as part of their abandoned well plugging program.

Should your Honorable Body require further information, I encourage you to contact Scott Bylewski at the Department of Real Property. Thank you for your consideration on this matter.

Sincerely yours,

A handwritten signature in blue ink that reads "Mark Poloncarz".

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/SB
Enclosures

cc: Scott Bylewski, Director of Real Property

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Real Property
Re: Temporary Use Access and Occupancy Agreement for Equipment Staging in
County Property
Date: January 3, 2022

SUMMARY

It is recommended that the Erie County Legislature authorize the County Executive to enter into an agreement for the purpose of authorizing a temporary use and occupancy agreement allowing the NYS Department of Environmental Conservation (NYSDEC) to stage equipment on County property, as part of their abandoned gas well plugging program.

FISCAL IMPLICATIONS

There are no fiscal implications associated with this agreement.

REASONS FOR RECOMMENDATION

The NYSDEC and the NYS Energy Research and Development Authority have identified numerous abandoned oil and gas wells, several of which are in Erie County. These abandoned wells have not been operated with prevailing statute and regulations and many have fallen into states of disrepair and may be emitting methane into the atmosphere. To address these threats, NYSDEC has developed a well plugging program.

BACKGROUND INFORMATION

DEC has identified three abandoned wells requiring plugging adjacent to County property in the Village of Kenmore. The NYSDEC will temporarily require use of the County property in order to access the well and will stage a portion of the equipment on the site during the plugging event.

CONSEQUENCES OF NEGATIVE ACTION

If a resolution to enter into an agreement is not approved, NYSDEC will be required to locate another staging property and the well plugging program will be delayed.

STEPS FOLLOWING APPROVAL

Upon approval of the resolution, an agreement will be executed between Erie County and the NYSDEC, authorizing temporary use access and occupancy during the well plugging operation.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF REAL PROPERTY

RE: Temporary Use Access and Occupancy Agreement for Equipment Staging in County Property

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) has identified abandoned natural gas wells throughout New York State; and,

WHEREAS, the NYSDEC developed a well plugging program to mitigate the potential threats to public safety and environment presented by these abandoned wells; and

WHEREAS, the NYSDEC has identified three abandoned wells in the Village of Kenmore; and

WHEREAS, the County of Erie is the owner an adjacent property (the "Property") identified on the Village of Kenmore Tax Map as parcel 66.71-6-19; and

WHEREAS, the Property provides access to the one of the abandoned wells and provides space for equipment staging during plugging operations; and

WHEREAS, NYSDEC has requested access to the wells utilizing the County owned parcel; and

WHEREAS, the Lands Advisory Review Committee has reviewed the action and has made the determination of a minimal impact on County land

WHEREAS, the Lands Advisory Review Committee has reviewed the action under the environmental regulations contained within the New York State Environmental Quality Review Act (SEQR) and has made the determination that the action is a Type II action under SEQR and is expected to have a minimum impact on the environment.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature concurs with the SEQR classification of a Type II action and believes that the action will have a negligible impact upon the environment

RESOLVED, that the County Executive is authorized to enter into a temporary use and occupancy agreement with the NYSDEC, for the purpose of authorizing the NYSDEC to utilize the Property to access the well and to stage equipment on; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive; the Director of Real Property; the Commissioner of the Department of Environment and Planning; and the County Attorney.