

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
BROWNFIELD CLEANUP PROGRAM  
ECL §27-1401 *et seq.*

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In the Matter of a Remedial Program for

**AMENDMENT TO BROWNFIELD SITE  
CLEANUP AGREEMENT  
Index No. C623028-06-12**

**Former Ogilvie Foods Company**

DEC Site No: C623028

Located at: 148 North Pleasant Street, Watertown, Jefferson County, NY 13601  
Hereinafter referred to as "Site"

by:

City of Watertown  
245 Washington Street, Watertown, NY 13601  
Hereinafter referred to as "Applicant"

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**WHEREAS**, the Department of Environmental Conservation ("Department") is authorized to administer the Brownfield Cleanup Program ("BCP") set forth in Article 27, Title 14 of the Environmental Conservation Law ("ECL"); and

**WHEREAS**, the Department and the Applicant seek to amend the existing BCP Agreement for the Site, based on the 2015 changes to the BCP.

**NOW, THEREFORE**, IN CONSIDERATION OF AND IN EXCHANGE FOR THE MUTUAL COVENANTS AND PROMISES, THE PARTIES AGREE TO THE FOLLOWING:

**I. Tax Credit Status & Deadline for receipt of Certificate of Completion (COC)**

Based on the fact that the Site did not receive a COC by December 31, 2019, it is hereby subject to the terms of the BCP in effect as of July 1, 2015, including, but not limited to, the tax credit structure and the deadline of March 31, 2026.

With respect to eligible costs incurred under the BCP, this Amendment shall not change the effective date of the Agreement, and otherwise eligible costs incurred from the original effective date of the agreement will still be eligible costs for tax credit purposes.

**II. Miscellaneous**

A. Except for the modifications set forth herein, the original Agreement shall

remain in full force and effect and the terms thereof and the obligations therein are incorporated herein and shall apply with the same force and effect to the provisions of this Amendment. The terms of the original Agreement, including all exhibits, appendices and subsequent modifications, are not otherwise modified or expanded in any way.

B. The terms herein shall constitute this complete and entire Amendment of the Agreement. No term, condition, understanding or agreement purporting to modify the terms of the Agreement shall be binding unless subscribed to by both parties in accordance with the terms of the Agreement.

C. The effective date of this Amendment is the date it is signed by the Commissioner or the Commissioner's designee.

D. This Amendment may be signed in counterparts.

DATED:

September 1, 2020

THIS BROWNFIELD CLEANUP AGREEMENT  
AMENDMENT IS HEREBY APPROVED, Acting by and  
Through the Department of Environmental Conservation as  
Designee of the Commissioner,

By:



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Michael J. Ryan, P.E., Director  
Division of Environmental Remediation

## CONSENT BY APPLICANT

Applicant hereby consents to the issuing and entering of this Agreement Amendment, waives Applicant's right to a hearing herein as provided by law, and agrees to be bound by this Amendment.

City of Watertown

By: [Signature]

Title: CITY MANAGER

Date: 3/17/20

STATE OF NEW YORK )  
 ) ss:  
COUNTY OF )

On the 17<sup>th</sup> day of March in the year 2020, before me, the undersigned, personally appeared Kenneth A. Mix, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

[Signature: Dale Morrow]  
Signature and Office of individual  
taking acknowledgment

DALE MORROW  
Notary Public, State of New York  
Reg. No. 01MO5065265  
Qualified in Jefferson County  
Commission Expires 09/03/ 2022

**RESOLUTION**

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Authorizing an Application to the NYS DEC to Enter the Ogilvie Brownfield Site into the Brownfield Cleanup Program, and Authorizing the Subsequent Brownfield Site Cleanup Agreement

Council Member BURNS, Roxanne M.  
 Council Member BUTLER, Joseph M. Jr.  
 Council Member MACALUSO, Teresa R.  
 Council Member SMITH, Jeffrey M.  
 Mayor GRAHAM, Jeffrey E.

Total .....

YEA	NAY
X	
X	
X	
X	
X	
5	0

***Introduced by***

\_\_\_\_\_ Council Member Joseph M. Butler Jr.

WHEREAS the City of Watertown entered into a Cooperative Agreement with the United States Environmental Protection Agency on March 23, 2011 for financial assistance with the remediation of environmental contamination at the former Ogilvie Foods property at 148 North Pleasant Street ("Ogilvie Site"), and

WHEREAS the City desires to enter into the Brownfield Cleanup Program administered by the State of New York Department of Environmental Conservation, and

WHEREAS the City must therefore make an application to that Department, and subsequently enter into a Brownfield Site Cleanup Agreement in order to enjoy the benefits of the Program,

NOW THEREFORE BE IT RESOLVED that the City of Watertown hereby authorizes the City Manager to submit an application to the New York State Department of Environmental Conservation for entry of the Ogilvie Site into the Brownfield Cleanup Program, and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to enter into a Brownfield Site Cleanup Agreement with the New York State Department of Environmental Conservation related to the remediation of environmental contamination on said Ogilvie Site.

**Seconded by** Council Member Jeffrey M. Smith