

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

In the Matter of a Remedial Program for

**AMENDMENT TO BROWNFIELD SITE
CLEANUP AGREEMENT
Index No. C645049-07-12**

Former Standard Shade Roller Site

DEC Site No: C645049

Located at: 541 Covington Street, Ogdensburg, St Lawrence County, NY 13669
Hereinafter referred to as "Site"

by:

City of Ogdensburg
City Hall, 330 Ford Street - Room 11, Ogdensburg, NY 13669
Hereinafter referred to as "Applicant"

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:

July 15, 2020

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

By:



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 Ogdensburg

By: Sarah Purdy

Title: City Manager

Date: 3-16-2020

STATE OF NEW YORK)
) ss:
COUNTY OF St. Lawrence)

On the 16th day of March in the year 2020, before me, the undersigned, personally appeared Sarah Purdy, 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.

Jennifer K. Ashley
Signature and Office of individual
taking acknowledgment

JENNIFER K. ASHLEY
Notary Public, State of New York
Qualified in St. Lawrence County
No. 01AS4957820
My Commission Expires October 23, 2021

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Interim City Manager Philip Cosmo explained that administrative individuals who are not Civil Service appointed are also included in the reporting requirements for the retirement system. Mayor Nelson said the City is not alone and this is affecting every city and village across the state.

The vote was:

CARRIED, AYES ALL

7. Mayor Nelson moved a resolution authorizing the City Manager to execute a Brownfield Site Cleanup agreement with NYS Dept. of Environmental Conservation for the former Standard Shade Roller site, and Councillor Morley seconded to wit:

RESOLUTION AUTHORIZING CITY MANAGER TO EXECUTE AN
AGREEMENT WITH THE NYS DEC FOR THE BROWNFIELDS
CLEANUP PROGRAM

WHEREAS, the City of Ogdensburg submitted an application to the NYS Dept. of Environmental Conservation's (NYS DEC) Brownfield Cleanup Program (BCP) for the former Standard Shade Roller property located at 541 Covington Street; and

WHEREAS, the NYS DEC has determined that the site and applicant are eligible to participate in the BCP;

NOW, THEREFORE, BE IT RESOLVED that the City Manager is hereby authorized to execute a Brownfield Site Cleanup agreement with NYS Dept. of Environmental Conservation.

Interim City Manager Philip Cosmo said this resolution is needed simply to correct a clerical error. Councillor Hosmer asked if DEC is doing the actual clean-up, and Mr. Cosmo said it is being done by the City.

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Mayor Nelson said the agreement also addresses DEC liability issues. Mr. Cosmo said there is no specific completion date yet.

The vote was:

CARRIED, AYES ALL

OLD BUSINESS

1. Councillor Stevenson asked for an update on the 2 Grove Street and 819 Knox Street sales. Interim City Manager Philip Cosmo said the purchaser of 2 Grove Street is having difficulty obtaining financial approval, and the City may need to do a lottery on that property. Mr. Cosmo said the City is ready to proceed with the sale of 819 Knox Street, but we are waiting on the buyer's attorney. Interim City Planner Andrea Smith said the proposed buyers of 2 Grove Street have until September 7th to become eligible. Ms. Smith said if these buyers cannot become eligible, the City will need new eligible applicants.

2. Councillor Stevenson asked for an update on the cleanup of the Crescent Hill. Interim City Manager Philip Cosmo said the State was unable to help and it was too late in the season to complete the project. Mr. Cosmo said he recommends it be put into the 2013 budget. Councillor Morley asked if the City can hire more recreation staff to maintain the hill. Mayor Nelson said Council previously recommended staff cuts.

3. Councillor Morley asked why the number of City boat slips was cut when the City received a grant and if the City received approval to reduce the number of boat slips from 64 to 12. Interim City Planner Andrea Smith said her office has not received a response on the \$50,000 matching funds grant application for transient docks but she will follow up on it.

4. Councillor Morley suggested the City buy wooden picnic tables instead of metal, citing recent damage to park picnic tables.