The Regular Meeting of the City of Hornell Industrial Development Agency (the " Agency") was held August 21, 2026 at 8:00 am at 40 Main Street, Hornell, NY.

PRESENT: David Parmley, Chairman
John Buckley, Vice Chairman
Ed Flaitz, Treasurer
Richard Andolina, Jr., Assistant Treasurer/Secretary

ABSENT: John Carbone, Secretary

ALSO
PRESENT: Michael Nisbet, CEO, Executive Director
Elizabeth Hughes, Attorney, via telephone
John Dagon, Agency Counsel
Michelle Burch, Administrative Assistant
Erin Ferris, Administrative Assistant

MINUTES

Chairman Dave Parmley called the meeting to order at 8:00 am. Chairman Parmley reported that there was a quorum for the meeting as required by the by-laws.

Treasurer Ed Flaitz presented the minutes of the July 24, 2026 meeting. A motion was made by Rick Andolina, Jr., seconded by John Buckley to approve the minutes of the July 24, 2026 meeting. Carried All.

Treasurer Ed Flaitz presented the financial statements for July that had been emailed to the Board prior to the meeting. A motion was made by John Buckley, seconded by Rick Andolina, Jr. to approve the financial report as presented. Carried All.

COMMITTEE REPORTS

Audit Committee – The Audit Committee paid bills in July from the operating account in the amount of $440,533.95. A motion was made by John Buckley, seconded by Rick Andolina, Jr. to approve the Audit Committee report as presented. Carried All.

Personnel Committee – No Report

Governance Committee – Rick Andolina, Jr. reported an introductory meeting was held on July 24, 2026 with Julie Marshall, Manager of Economic Development at Harris Beach Murtha, to discuss a process for future goal planning and strategic planning for the Agency.

Executive Director Nisbet requested an Executive Session to consult with legal counsel. A motion was made by Ed Flaitz, seconded by Rick Andolina, Jr. to go out of regular session and enter Executive Session under Public Officers Law, Article 7, Open Meetings Law, Section 105, paragraph D at 8:02 am. Carried All.

The Executive Session terminated at 8:49 am and a motion was made by Ed Flaitz, seconded by Rick Andolina, Jr. to reconvene the meeting at 8:49 am. Carried All.

EXECUTIVE DIRECTOR REPORT

Shawmut Park New Access Road – Executive Director Nisbet reported the City of Hornell Common Council met August 17, 2026 and after reviewing the documents provided by Erdman Anthony, determined that the Shawmut Connector Road is classified as an Unlisted Action under SEQR and would not result in any significant adverse environmental impacts and therefore issued a Negative Declaration under SEQR. Nisbet further stated that Steve Hubertus is revising the survey for the Shawmut Park Access Road Project to include an additional 5-foot strip of real property and a triangular area less than 100 square feet on the proposed parcel cut off line presently owned by RC Carwash to accommodate the road design coming off of State Route 36. RC Carwash has agreed to donate an additional 5-foot strip of land and the triangular area noted (portion of Tax ID # 151.10-01-070.000) along with the land previously discussed (Tax ID# 151.05-01-064.111). Nisbet noted obtaining bids for construction of the Shawmut Connector Road is impractical due to timing constraints and Union Concrete's familiarity with the Project and area as they are already mobilized on the adjacent NYSDOT State Route 36 project.

The following resolution was duly offered by John Buckley, and seconded by Ed Flaitz, to wit:

RESOLUTION AUTHORIZING THE CITY OF HORNELL INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING (i) WAIVING COMPETITIVE BIDDING REQUIREMENTS FOR CONSTRUCTION OF THE SHAWMUT ROAD EXTENSION PROJECT; (ii) SELECTION OF UNION CONCRETE AS THE CONSTRUCTION CONTRACTOR FOR CONSTRUCTION OF THE SHAWMUT ROAD EXTENSION PROJECT; AND (iii) NEGOTIATION, EXECUTION AND DELIVERY AN AGREEMENT BETWEEN THE AGENCY AND UNION CONCRETE AND ANY RELATED DOCUMENTS IN FURTHERANCE OF THE SAME.

WHEREAS, the City of Hornell Industrial Development Agency (the "Agency") desires to retain Union Concrete (the "Contractor") to construct a new access road connecting State Route 36 to Hornell Street Extension and Shawmut Drive (the "Project") to provide access to the Agency owned industrial park located off Shawmut Drive; and

WHEREAS, pursuant to the Agency's Procurement Policy, the Agency generally seeks quotations or proposals for the procurement of goods and services unless such process is deemed impractical by the Board; and

WHEREAS, the Contractor is currently mobilized and engaged in construction activities relating to the adjacent New York State Department of Transportation State Route 36 project and, as a result, possesses extensive familiarity with the Project site, existing conditions, operational constraints, and other local factors affecting the Project, providing substantial efficiencies, reducing mobilization time and costs, avoiding unnecessary duplication of effort, and enhancing the Agency's ability to commence and complete the Project within the timeframe established by the Agency; and

WHEREAS, the Board has considered the requirements of the Agency's Procurement Policy and has determined that the solicitation of alternative proposals or quotations for construction services relating to the Project would result in unnecessary delay, increased administrative burden, the duplication of effort and expense, and a potential disruption to the timeline of the Project, without a corresponding benefit to the Agency; and

WHEREAS, based upon the foregoing, the Board hereby determines that the solicitation of alternative proposals or quotations for construction of the Project is impractical under the circumstances and that engagement of the Contractor is in the best interests of the Agency and will promote the efficient and economical administration of Agency affairs;

WHEREAS, the Agency desires to adopt a resolution waiving competitive bidding in accordance with the Agency's Procurement Policy and select Union Concrete for construction of the Project; and

WHEREAS, pursuant to Article 8 of the New York State Environmental Conservation Law, and the regulations promulgated therein at 6 N.Y.C.R.R. Part 617 (collectively referred to as "SEQR"), the Common Council of the City of Hornell by Resolution dated August 17, 2026, a copy of which is attached as **Exhibit A**, designed itself as Lead Agency for the Project, and issued a Negative Declaration in connection with the Project.

NOW THEREFORE, BE IT RESOLVED, competitive bidding for construction of the Project is hereby waived as the same would be impractical.

BE IT FURTHER RESOLVED, based on the foregoing, and in compliance with the Agency's Procurement Policy, the Agency hereby selects Union Concrete to undertake construction of the Contract, and hereby authorizes the Executive Director to negotiate and execute a construction contract and related documents with Union Concrete, in consultation with the Agency's general counsel, to undertake the construction services related to the Project and any appropriate change orders or scope additions as approved by the Executive Director, in consultation with Agency's Board Chair.

BE IT FURTHER RESOLVED, the officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to negotiate, execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency as related thereto and hereto.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	Yea	***Nay***	***Absent***	***Abstain***
David Parmley	[X]	[ ]	[ ]	[ ]
John Carbone	[ ]	[ ]	[X]	[ ]
Ed Flaitz	[X]	[ ]	[ ]	[ ]
John Buckley	[X]	[ ]	[ ]	[ ]
Richard Andolina Jr.	[X]	[ ]	[ ]	[ ]

The Resolutions were thereupon duly adopted.

West Street Project – Executive Director Nisbet informed the Board that the Agency was awarded the Empire State Development County Infrastructure Grant in the amount of $1 million on August

20, 2026. The grant requires a 50/50 match from the Agency and the eventual construction of 10 single family homes. The Agency intends to utilize the grant funds to undertake various infrastructure improvements, including a new road and utilities to advance the site readiness and attract potential developers to the West Street properties (Tax ID# 150.00-01-057.000, 151.17-01-068.110, 151.17-01-068.200). Lu Engineers has submitted a Preliminary Design for the infrastructure improvements, which will be reviewed by the Governance Committee and the Board prior to finalizing and preparing the Request for Proposal (RFP) by Lu Engineers. The Empire State Development County Infrastructure Grant Program contract for the West Street Subdivision Project grant award must be fully executed prior to posting the RFP. The Agency expressed its appreciation to Steuben County, specifically Jack Wheeler; Steuben County Legislature Chair Kelly Fitzpatrick, City of Hornell Legislators Dan Warriner and Paul Van Caeseele, and Jamie Johnson and the Steuben County IDA, for their assistance and continued support of the West Street Subdivision Project.

Old Business – No Report

New Business – No Report

There being no further business, the meeting was adjourned at 8:56 am upon motion from Ed Flaitz, seconded by Rick Andolina, Jr. Carried All.

Respectfully Submitted,
Richard Andolina, Jr., Assistant Secretary

Exhibit A

Common Council of the City of Hornell Resolution dated August 17, 2026

HN-26-45

RESOLUTION

CITY OF HORNELL, NY August 17, 2026

BY: Carbone/ McKay

RESOLVED, that in accordance with the New York State Environmental Quality Review Act and its implementing regulations (6 NYCRR Part 617), the Common Council of the City of Hornell hereby designates itself as Lead Agency for purposes of conducting the environmental review of the proposed project known as the "Shawmut Connector Road."

BE IT FURTHER RESOLVED, that the Common Council, in its capacity as Lead Agency, has reviewed the Short Environmental Assessment Form (Short EAF) and supporting information prepared by Erdman Anthony for the Industrial Development Agency.

BE IT FURTHER RESOLVED, that the Common Council hereby determines that the proposed project is classified as an Unlisted Action under SEQRA.

BE IT FURTHER RESOLVED, that after careful review of the Short Environmental Assessment Form and supporting documentation, the Common Council finds that the proposed action will not result in any significant adverse environmental impacts.

NOW, THEREFORE, BE IT RESOLVED that the Common Council hereby issues a Negative Declaration, determining that the preparation of an Environmental Impact Statement (EIS) is not required for the proposed City of Hornell Shawmut Connector Road project.

BE IT FURTHER RESOLVED, that the Common Council acknowledges that portions of the project area may be subject to jurisdiction by the New York State Department of Environmental Conservation under applicable environmental regulations, including potential freshwater wetlands or protection of waters requirements. Any disturbance to regulated wetlands, streams, or adjacent areas shall require review and approval by the Department, and the Applicant shall obtain all necessary permits and approvals prior to construction.

Carried- 10 Ayes

Absent- N/A

I have compared this copy with the original on file in this office and do hereby certify that the copy is a correct transcript therefrom and of the whole thereof.

Dated this 18 day of August 2026

Heather Lis.