

AUTHORIZING RESOLUTION

(EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH LU ENGINEERING)

A regular meeting of the City of Hornell Industrial Development Agency was convened on Thursday, October 23, 2025.

The following resolution was duly offered and seconded, to wit:

Resolution No. 10/2025-02

RESOLUTION AUTHORIZING THE CITY OF HORNELL INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH LU ENGINEERING ("LU") FOR CERTAIN ENGINEERING, PLANNING AND CONSTRUCTION OVERSIGHT SERVICES RELATED TO THE DEVELOPMENT OF CERTAIN PARCELS OF REAL PROPERTY OWNED BY THE AGENCY, AS MORE PARTICULARLY DESCRIBED HEREIN

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended, and Chapter 670 of the Laws of 1974 of the State of New York, as amended (hereinafter collectively called the "Act"), the **CITY OF HORNELL INDUSTRIAL DEVELOPMENT AGENCY** (hereinafter called "Agency") was created with the authority and power to own, lease and sell property for the purpose of, among other things, acquiring, constructing and equipping civic, industrial, manufacturing and commercial facilities as authorized by the Act; and

WHEREAS, the Agency holds fee title to three lots totaling +/- 8.502 acres located on West Street, City of Hornell, Steuben County, New York (the "Premises"); and

WHEREAS, in connection with the development of the Premises for residential housing purposes, the Agency sought proposals from professional service companies for certain engineering and construction oversight work that must be undertaken with respect to conducting studies of the Premises, developing a site plan, obtaining the necessary local approvals, environmental studies, and planning for the development related to the ultimate end-use of the property (the "Project Services"); and

WHEREAS, the Corporation received a proposal from Lu Engineering with respect to the Project Services, and Lu Engineering has provided a quotation for the Project Services in an amount not to exceed \$55,000 (the "Project Services Quote"); and

WHEREAS, pursuant to the Agency's Procurement Policy, the Board of Directors of the Agency may award a contract to a vendor without a competitive process in the event the Board of Directors determines that such process would be impracticable; and

WHEREAS, the Board of Directors and the Agency wish to award the Project Services to Lu Engineering and authorize negotiation and execution of a professional services agreement with Lu Engineering, upon such terms and conditions as determined to be acceptable by the Agency.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE CITY OF HORNEILL INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

Section 1. Upon review of the Project Services Quote and in consideration of the certainty and the studies provided in the Project Services Quote, the Agency hereby determines that the solicitation of alternative proposals with respect to the Project Services would be impracticable, and selects the bid submitted by Lu Engineering for performance of the Project Services.

Section 2. The Agency, in consultation with its general counsel, is hereby authorized to negotiate, execute and deliver a professional services agreement with Lu Engineering relative to the Project Services to be performed by Lu Engineering, in the manner described herein, along with any appropriate change or scope additions as approved by the Executive Director, in consultation with the Board Chair.

Section 3. 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.

Section 4. Any and all actions heretofore taken or authorized by the Agency and/or its officers, employees and agents with respect to the foregoing Resolutions are hereby ratified, approved and confirmed in all aspects.

Section 5. These Resolutions shall take effect immediately.

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

	<i>Yea</i>	<i>Nay</i>	<i>Absent</i>	<i>Abstain</i>
David Parmley	[]	[]	[X]	[]
John Carbone	[X]	[]	[]	[]
Ed Flaitz	[X]	[]	[]	[]
John Buckley	[X]	[]	[]	[]
Richard Andolina Jr.	[X]	[]	[]	[]

The Resolutions were thereupon duly adopted.

CERTIFICATION

STATE OF NEW YORK)
COUNTY OF STEUBEN) ss.:

I, the undersigned, Secretary of the City of Hornell Industrial Development Agency, DO HEREBY CERTIFY:

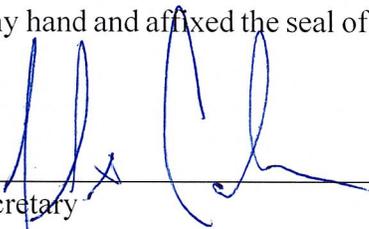
That I have compared the annexed extract of minutes of the meeting of the City of Hornell Industrial Development Agency (the "Agency"), including the resolution contained therein, held on November 20, 2025, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Agency and of such resolution set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

I FURTHER CERTIFY, that all members of said Agency had due notice of said meeting, that the meeting was in all respects duly held and that, pursuant to Article 7 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and that public notice of the time and place of said meeting was duly given in accordance with such Article 7.

I FURTHER CERTIFY, that there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY, that as of the date hereof, the attached resolution is in full force and effect and has not been amended, repealed or modified.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Agency this 20th day of November, 2025.



Secretary