

**SEQR RESOLUTION
HERKIMER LOCAL DEVELOPMENT CORPORATION PROJECT**

A regular meeting of Herkimer County Industrial Development Agency (the “Agency”) was convened in public session at the Herkimer County Chamber of Commerce Conference Room located at 420 E. German Street, Suite 101A in the Village and Town of Herkimer, Herkimer County, New York, on December 18, 2025 at 8:24 o’clock a.m., local time.

The meeting was called to order by the Chairman of the Agency and, upon roll being called, the following members of the Agency were:

PRESENT:

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| Vincent J. Bono | Chairman |
| Tim Day | Treasurer |
| Frank Mendl | Member |
| Dr. Terri Grates Day | Member |

ABSENT:

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| Cory Albrecht | Vice Chairman |
| Robert Davenport | Secretary |
| Ann Gaworecki | Member |

AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

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| John J. Piseck, Jr. | Chief Executive Officer |
| Victoria Adams | Operations Manager |
| Nicole Farber | Administrative Assistant |
| Samantha Canarelli | Marketing & Communications Specialist |
| Shannon E. Wagner, Esq. | Special Agency Counsel |

The following resolution was offered by Tim Day, seconded by Dr. Terri Grates Day, to wit:

Resolution No. 121825-05

RESOLUTION DETERMINING THAT ACTION TO UNDERTAKE THE HERKIMER LOCAL DEVELOPMENT CORPORATION PROJECT IS A “TYPE II ACTION” AND NO FURTHER ACTION IS REQUIRED UNDER SEQRA WITH RESPECT THERETO.

WHEREAS, Herkimer County Industrial Development Agency (the “Agency”) is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the “Enabling Act”) and Chapter 410 of the 1970 Laws of New York, as amended, constituting Section 898 of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the “Act”) to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of industrial, manufacturing, warehousing, commercial, research, and recreation facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to issue its industrial development revenue bonds to finance the cost of the acquisition, construction, reconstruction and installation of one or more “projects” (as defined in the Act), to acquire, construct, reconstruct and install said projects or to cause said projects to be acquired, constructed, reconstructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, Herkimer Local Development Corporation, a New York State not-for-profit local development corporation (the “Company”), submitted an application (the “Application”) to the Agency, a copy of which Application is on file at the office of the Agency, requesting that the Agency consider undertaking a project (the “Project”) for the benefit of the Company, said Project consisting of the following: (A) (1) the acquisition of a leasehold interest in a parcel of land located at 217 N. Washington Street (Tax Map No.: 120.25-2-14) in the Town and Village of Herkimer, Herkimer County, New York (the “Land”), together with an existing building located thereon (the “Facility”), (2) the making of certain renovations to the Facility and (3) the acquisition and installation therein and thereon of certain furniture, fixtures, machinery and equipment (collectively, the “Equipment”) (the Land, the Facility and the Equipment hereinafter collectively referred to as the “Project Facility”), all of the foregoing to be owned by the Company and prepared for redevelopment and revitalization; (B) the granting of certain “financial assistance” (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real estate transfer taxes and mortgage recording taxes (collectively, the “Financial Assistance”); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency; and

WHEREAS, by resolution adopted by the members of the Agency on November 25, 2025 (the “Public Hearing Resolution”), the Agency authorized a public hearing to be held pursuant to Section 859-a of the Act with respect to the Project. The Chief Executive Officer of the Agency caused a certified copy of the Public Hearing Resolution to be mailed on December 5, 2025 to the chief executive officers of the county and of each city, town, village and school district in which the Project Facility is to be located (collectively, the “Affected Tax Jurisdictions”); and

WHEREAS, pursuant to the authorization contained in the Public Hearing Resolution, the Chief Executive Officer of the Agency (A) caused notice of a public hearing of the Agency (the “Public Hearing”) pursuant to Section 859-a of the Act, to hear all persons interested in the Project and the Financial Assistance being contemplated by the Agency with respect to the Project, to be (1) mailed on December 5, 2025 to the chief executive officers of the Affected Tax Jurisdictions, (2) posted on December 5, 2025 on the Agency’s website and on a public bulletin board located at the Herkimer County Chamber of Commerce Conference Room located at 420 E. German Street, Suite 101A in the Village and Town of Herkimer, Herkimer County, New York, and (3) published on December 5, 2025 in the Times Telegram, a newspaper of general circulation available to the residents of the Village and Town of Herkimer, Herkimer County, New York, (B) conducted the Public Hearing on December 17, 2025 at 8:30 o’clock a.m., local time at the Herkimer County Chamber of Commerce Conference Room located at 420 E. German Street, Suite 101A in the Village and Town of Herkimer, Herkimer County, New York, and (C) prepared a report of the Public Hearing (the “Public Hearing Report”) fairly summarizing the views presented at such Public Hearing and caused copies of said Public Hearing Report to be made available to the members of the Agency; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the “SEQR Act”) and the regulations (the “Regulations”) adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (collectively with the SEQR Act, “SEQRA”), the Agency must satisfy the requirements contained in SEQRA prior to making a final determination whether to undertake the Project; and

WHEREAS, to aid the Agency in determining whether the Project may have a significant effect upon the environment, the Company has prepared and submitted to the Agency an environmental assessment form (the "EAF") with respect to the Project, a copy of which EAF was presented to and reviewed by the Agency at this meeting and a copy of which is on file at the office of the Agency; and

WHEREAS, pursuant to SEQRA, the Agency has examined the EAF in order to make a determination as to the potential environmental significance of the Project; and

WHEREAS, the Project appears to constitute a "Type II action" (as said quoted term is defined in the Regulations), and therefore it appears that no further determination or procedure under SEQRA is required with respect to the Project;

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

Section 1. Based upon (a) an examination of the Application, the EAF and other related materials known by the Agency (collectively, the "Reviewed Materials"), (b) the representations made by the Company at this meeting and (c) the Agency's knowledge of the area surrounding the Project Facility and such further investigation of the Project and its environmental effects as the Agency has deemed appropriate, the Agency makes the following findings and determinations with respect to the Project:

(A) The Project consists of the following: (1) (a) the acquisition of a leasehold interest in a parcel of land located at 217 N. Washington Street (Tax Map No.: 120.25-2-14) in the Town and Village of Herkimer, Herkimer County, New York (the "Land"), together with an existing building located thereon (the "Facility"), (b) the making of certain renovations to the Facility and (c) the acquisition and installation therein and thereon of certain furniture, fixtures, machinery and equipment (collectively, the "Equipment") (the Land, the Facility and the Equipment hereinafter collectively referred to as the "Project Facility"), all of the foregoing to be owned by the Company and prepared for redevelopment and revitalization; (2) the granting of certain "financial assistance" (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real estate transfer taxes and mortgage recording taxes (collectively, the "Financial Assistance"); and (3) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency.

(B) The Project consists of the rehabilitation or reconstruction of a structure or facility, in kind, on the same site and the purchase of equipment.

(C) The Project is expected to involve possible future development of the Project Facility and the undertaking of this Project would not commit the Agency to any definite course of action related to such potential future development.

(D) Deferral of development specific environmental impact review until a date in the future when concrete, identifiable plans are established preserves in the Agency, and any other involved agencies, the opportunity to undertake meaningful qualitative and quantitative environmental impact analysis in light of environmental conditions in existence at the time of such proposal. An attempt to review possible future actions which lack actual definition and details would be less protective of the environment than separate and full review of such actions at the time they are actually planned and proposed.

(E) Possible future development of the Project Facility must comply with the requirements of SEQRA. Any proposals for resale, improvements or development of the Project

Facility beyond the completion of the Project shall be subject to applicable laws and other requirements, including SEQRA.

Section 2. Based upon the foregoing investigation of the potential environmental impacts of the Project, the Agency makes the following findings and determinations with respect to the Project:

(A) A segmented environmental review of the acquisition, development, reconstruction and renovation of the Project Facility will be no less protective of the environment than would be a review of such actions together. The anticipated future development, reconstruction and renovation of the Project Facility will be subject to such environmental review as may be required by SEQRA if or when such proposals ripen to an action which is sufficiently defined to permit meaningful environmental review.

(B) Notwithstanding Section 2(A) above, pursuant to Sections 617.5(c)(2) and (31) of the Regulations, the Project is a "Type II action" (as said quoted term is defined in the Regulations); and

(C) Therefore, the Agency hereby determines that no environmental impact statement or any other determination or procedure is required under the Regulations.

Section 3. The Chief Executive Officer of the Agency is hereby directed to file a copy of this resolution with respect to the Project in the office of the Agency.

Section 4. This resolution 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:

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| Vincent James Bono | VOTING | YES |
| Cory Albrecht | VOTING | ABSENT |
| Robert Davenport | VOTING | ABSENT |
| Tim Day | VOTING | <u>YES</u> |
| Ann Gaworecki | VOTING | ABSENT |
| Frank Mendl | VOTING | YES |
| Dr. Terri Grates Day | VOTING | YES |

The foregoing resolution was thereupon declared duly adopted.

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STATE OF NEW YORK)
) SS.:
COUNTY OF HERKIMER)

I, the undersigned Assistant Secretary of Herkimer County Industrial Development Agency (the “Agency”), DO HEREBY CERTIFY that I have compared the foregoing annexed extract of the minutes of the meeting of the members of the Agency, including the resolution contained therein, held on December 18, 2025 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such resolution contained therein and of the whole of said original so far as the same relates to the subject matters therein referred to.


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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this 18th day of December, 2025.



(SEAL)



Victoria Adams, Assistant Secretary