FORM APPLICATION FOR FINANCIAL ASSISTANCE

Sagartag

TOWN OF HEMPSTEAD INDUSTRIAL DEVELOPMENT AGENCY

PROJECT APPLICATION

6/16

DATE: Revised as of 4/21/23								
APPLICATION OF: 111 Hempstead Tpke, LLC Name of Owner and/or User of Proposed Project								
ADDRESS: 58 Vanderbilt Motor Parkway, Suite 100								
	Commack, NY 11725							
CONTACT:	Christine Linsalato							
PHONE NUMBER:								
EMAIL ADDRESS:	4.	4						
FAX NUMBER:	2							
Type of Application:	☐ Tax-Exempt Bond	☐ Taxable Bond						
	X Straight Lease	☐ Refunding Bond						
	☐ Special Straig	ht Lease						

Part I: Owner & User Data

1. Owner Data:

A.	A. Owner (Applicant for assistance): 111 Hempstead Tpke, LLC									
	Address: 58 Vanderbilt Motor Parkway, Suite 100									
	Commack, NY 11725									
	Federal Employer ID #: Website: www.heatherwood.com									
	Owner Officer Certifying Application: <u>Douglas S. Partrick</u>									
	Title of Officer: Managing Member									
	Phone Number: E-mail:									
В.	Business Type:									
	Sole Proprietorship □ Partnership □ Privately Held X									
	Public Corporation □ Listed on									
	State of Incorporation/Formation: New York									
C.	Nature of Business: (e.g., "manufacturer of for industry"; "distributor of"; or "real estate holding company")									
· :	Real Estate Development – Multifamily Housing									
D.	Owner Counsel:									
	Firm Name: Forchelli Deegan Terrana LLP									
	Address: 333 Earle Ovington Blvd., Suite 1010									
	Uniondale, NY 11553									
	Individual Attorney: Daniel P. Deegan									
	Phone Number									

E. Principal Stockholders, Members or Partners, if any, of the Owner (5% or more equity):

Name

Percent Owned

Douglas S. Partrick

90% interest

The Partrick Family 2012 Irrevocable Trust

5% interest

Donald G. Partrick Sr. 2012 Irrevocable Trust

5% interest

- F. Has the Owner, or any subsidiary or affiliate of the Owner, or any stockholder, partner, member, officer, director or other entity with which any of these individuals is or has been associated with:
 - i. ever filed for bankruptcy, been adjudicated bankrupt or placed in receivership or otherwise been or presently is the subject of any bankruptcy or similar proceeding? (if yes, please explain)
 - ii. been convicted of a felony, or misdemeanor, or criminal offense (other than a motor vehicle violation)? (if yes, please explain)
- G. If any of the above persons (see "E", above) or a group of them, owns more than 50% interest in the Owner, list all other organizations which are related to the Owner by virtue of such persons having more than a 50% interest in such organizations.

NO

H. Is the Owner related to any other organization by reason of more than a 50% ownership? If so, indicate name of related organization and relationship:

<u>NO</u>

I. List parent corporation, sister corporations and subsidiaries:

N/A

J. Has the Owner (or any related corporation or person) been involved in or benefited by any prior industrial development financing in the municipality in which this project is located, whether by this agency or another issuer? (Municipality herein means city, town or village, or if the project is not in an incorporated city, town or village, the unincorporated areas of the county in which it is located.) If so, explain in full:

NO

UBS Financial Services Inc.		
500 E Pratt Street, 11th Floor		
Baltimore, MD 21202-3133		
Jenny Carpenter		
Team Administrator		
Toll Free		
Fax 7		
Lucy Beirne		
Vice President, Commercial Private E	<u>Banking</u>	
BankUnited, N.A.		
Melville Office		
445 Broadhollow Rd Suite 130		
Melville, NY 11747 P:		
<u>P:</u>		
2. <u>User Data</u>	ıt relationship will exist betwe	en the owner
	ıt relationship will exist betwe	een the owner
2. <u>User Data</u> **(for co-applicants for assistance or where a landlord/tenar and the user)**		een the owner
2. <u>User Data</u> **(for co-applicants for assistance or where a landlord/tenament and the user)** A. User (together with the Owner, the "Applicant"):		een the owner
2. <u>User Data</u> **(for co-applicants for assistance or where a landlord/tenar and the user)**	N/A	een the owner
2. <u>User Data</u> **(for co-applicants for assistance or where a landlord/tenament and the user)** A. User (together with the Owner, the "Applicant"):	N/A	een the owner
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2. <u>User Data</u> **(for co-applicants for assistance or where a landlord/tenament and the user)** A. User (together with the Owner, the "Applicant"): _ Address:	N/A	een the owner
2. <u>User Data</u> **(for co-applicants for assistance or where a landlord/tenament and the user)** A. User (together with the Owner, the "Applicant"):	N/A	een the owner
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2. <u>User Data</u> **(for co-applicants for assistance or where a landlord/tenamend the user)** A. User (together with the Owner, the "Applicant"): _ Address:	N/A Website: N/A	een the owner
2. <u>User Data</u> **(for co-applicants for assistance or where a landlord/tenamend the user) A. User (together with the Owner, the "Applicant"): _ Address:	N/A	een the owner
2. <u>User Data</u> **(for co-applicants for assistance or where a landlord/tenamend the user)** A. User (together with the Owner, the "Applicant"): _ Address:	N/A Website: N/A	een the owner
2. <u>User Data</u> **(for co-applicants for assistance or where a landlord/tenary and the user) ** A. User (together with the Owner, the "Applicant"):	N/A Website: N/A	een the owner

K. List major bank references of the Owner:

	Public Corporation \square	Listed on		
	State of Incorporation/Formatio	n:		
C.	Nature of Business: N/A (e.g., "manufacturer of for holding company")	or industry"; "di	istributor of	"; or "real estate
D.	Are the User and the Owner Related	l Entities? Yes □] No □	
	i. If yes, the remainder of to of "F" below) need not be			
	ii. If no, please complete al	l questions below.		
E.	User's Counsel:			
	Firm Name: N/A			
	Address: N/A			
	Individual Attorney: N/A			
	Phone Number: N/A		E-mail: N/A	
F.	Principal Stockholders or Partners, i	f any (5% or more eq	ιμity):	
	Name	F	Percent Owned	
	N/A			

G.	Has the User, or any subsidiary or a director or other entity with which a i. ever filed for bankruptcy otherwise been or pre-	ny of these individua , been adjudicated b	ls is or has been ankrupt or plac	n associated with: ed in receivership or
	proceeding? (if yes, pleas		ř	. •

ii. ever been convicted of a felony or criminal offense (other than a motor vehicle violation)? (if yes, please explain)

Н.	If any of the above persons (see "E", above) or a group of them, owns more than 50% interest in the User, list all other organizations which are related to the User by virtue of such persons having more than a 50% interest in such organizations.
	N/A
I.	Is the User related to any other organization by reason of more than a 50% ownership? If so, indicate name of related organization and relationship:
	N/A
J.	List parent corporation, sister corporations and subsidiaries: N/A
K.	Has the User (or any related corporation or person) been involved in or benefited by any prior industrial development financing in the municipality in which this project is located, whether by this agency or another issuer? (Municipality herein means city, town or village, or if the project is not in an incorporated city, town or village, the unincorporated areas of the county in which it is located.) If so, explain in full:
	N/A
L.	List major bank references of the User: N/A

Part II - Operation at Current Location

(if the Owner and the User are unrelated entities, answer separately for each)

1.	Current Location Address: N/A							
2.	Owned or Leased: N/A							
3.	Describe your present location (acreage, square footage, number buildings, number of floors, etc.): N/A							
4.	Type of operation (manufacturing, wholesale, distribution, retail, etc.) and products and/or services: N/A							
5.	Are other facilities or related companies of the Applicant located within the State? N/A							
	Yes 🗆 No 🔲							
	A. If yes, list the Address:							
6.	If yes to above ("5"), will the completion of the project result in the removal of such facility or facilities from one area of the state to another OR in the abandonment of such facility or facilities located within the State? Yes \Box No \Box							
	A. If no, explain how current facilities will be utilized: N/A							
	B. If yes, please indicate whether the project is reasonably necessary for the Applicant to maintain its competitive position in its industry or remain in the State and explain in full: N/A							
7.	Has the Applicant actively considered sites in another state? Yes □ No □ A. If yes, please list states considered and explain:							
8.	Is the requested financial assistance reasonably necessary to prevent the Applicant from moving out of New York State? Yes \Box No \Box A. Please explain: \begin{array}{c c} N/A & & & & & & & & & & & & & & & & & & &							
9	. Number of full-time equivalent employees at current location and average salary: N/A							

Part III - Project Data

1.	Pre	oject Type:	
	A.	What type	of transaction are you seeking?: (Check one)
			Straight Lease X Taxable Bonds □ Tax-Exempt Bonds □
			Equipment Lease Only
	В.	Type of be	enefit(s) the Applicant is seeking: (Check all that apply)
			Sales Tax Exemption X Mortgage Recording Tax Exemption X
			PILOT Agreement: X
2.	Lo	cation of pi	oject:
	A.	Street Ado	ress: 111 Hempstead Turnpike, West Hempstead, NY 11552
	В.	Tax Map:	
	C.	Municipal	Jurisdiction:
		i. ii. iii.	Town: <u>Hempstead</u> Village: <u>None</u> School District: <u>West Hempstead UFSD</u>
	D.	Acreage: ±	<u>-/- 9.43</u>
3.	Pro	oject Compo	onents (check all appropriate categories):
A		Constructi	on of a new building X Yes No
		i.	Square footage: approx. 481,089
В	•	Renovation i.	ns of an existing building
С		Demolition	of an existing building X Yes D No
		i.	Square footage: $\pm \frac{-306,652}{}$
D		Land to be	cleared or disturbed X Yes
		i.	Square footage/acreage: $\pm \frac{-9.43}{}$

1	E.	Construct							_			_				Samond	No					
		i.	5	Square	e foota square	ge o	of ad	lditi	on: _		1 ,	•										
		ii.	j	i otal s	square	toot	tage	upo	on co	omį	piet	ion:								-		
,	F.	Acquisitio	on	of an	existir	ıg bı	uildi	ing							Y	es		X	No			
		i.	S	Square	e foota	ge o	f ex	cistir	ng bi	uilc	ding	;:					8	housed				
				_																		
(J.	Installatio						^	•					X		es	ļ		No			
		i.			incipa																	ce,
			2	amer	nity, 1	<u>util</u>	<u>ity,</u>	<u>, m</u>	<u>ech</u>	ar	<u>nic</u>	<u>al e</u>	qui	pme	ent	, apj	<u>plia</u>	anc	ces,	etc	<u>; </u>	
4.	<u>Cu</u>	irrent Use a	at F	ropo	sed Lo	catio	on:															
	A. Does the Applicant currently hold fee title to the proposed location? \square Yes X No																					
	j	i. If no,	ple	ease li	st the	pres	ent (own	ner o	f th	ne s	ite: <u>(</u>	<u> 3</u> &	z C I	Не	mps	stea	<u>id</u>	Rea	ılty	LL	<u>.C</u>
	Pre	esent use of	f th	ne pro	nosed	loca	ntion	т. Т	Thre	ee-	-sto	rv	reta	ail b	uil	lding	σ O.	n t	he v	wes	st si	de
		Broad S		_	_											•						
										-	•		_			-						
	В.	Is the prop	_					-	ubjec	et to			\ tra	nsact	ion	(whe	ethe	r th	roug	h thi	is	
		Agency or	r a	nothe	r?)		Y	es		P	X	No										
		i.	If	f yes,	explai	n:																
	C.	Is there a	pu	rchase	e contr	act f	for t	he s	site?	(if	yes	, exp	lain	ı):		ΧY	es			ו כ	lo	
		A Purch	ha	se a	nd sa	le a	agre	een	nen	it v	wa	s ex	eci	uted	01	n De	cei	mb	er 9	9, 2	2019	€,
		and the					_															
		discretion											-			-	_			*********		
					4 1				•											س	884Y	
	D.	Is there an	ı ex	xistin	g or pr	opos	sed l	leas	e for	r th	e si	te? (i	if ye	s, exp	olai	in):	[Yes	Z	X N	No
								•						A CARPANA DE LA CARPA DEL CARPA DE LA CARPA DE LA CARPA DEL CARPA DE LA CARPA					·			
5.		posed Use:	-																			
	A.	Describe the																				
		site: The								-												ire,
		reconstr																				
		with two											ng 4	428	ap	artm	nen	t u	ınits	sar	<u>ıd</u>	
		retail us	ses	s on	9.43	acr	res	of	pro	pε	erty	7.										

		rental u	inits to alleviate	the dire need	for ren	tal housing and attract and					
		retain a	more experience	ced workforce	to live	and work on Long Island.					
	C.	If any spa project to	ce is to be leased to t be leased to each ten	hird parties, indica ant, and the propos	te the ten	ant(s), total square footage of the y each tenant:					
		NO									
	D.	is a nee	d to preserve a	vibrant young	workfo	on Applicant's business): There orce and address the					
						mographic profile on Long					
		Island.	Ignoring the cur	rent trends wi	<u>ll resul</u>	t in a weaker overall					
		housing	g market and co	ntinue to drive	reside	nts to leave Long Island.					
	E. Will any portion of the project be used for the making of retail sales to customers who										
		personally	visit the project loca	ation? Ye	s X	No □					
		i.				vill be utilized in connection with					
			-			mers who personally visit the					
					·	uare feet, which is					
						footage, dedicated for					
			retail space ori	ented along H	empste	ead Turnpike.					
6.	Pro	ject Work:									
	A.	Has constr	ruction work on this J	project begun? If y	es, comp	olete the following:					
		i.	Site Clearance:	Yes □	No X	% COMPLETE					
		ii.	Foundation:	Yes □	No X	% COMPLETE					
		iii.	Footings:	Yes □	No X	% COMPLETE					
		iv.	Steel:	Yes □	No X	% COMPLETE					
		v.	Masonry:	Yes □	No X	% COMPLETE					
		vi.	Other:								
,	В.	What is the	e current zoning?: $\underline{\underline{\mathbf{P}}}$	Business Distri	ct X						
•	C.	Will the pr	roject meet zoning re	quirements at the p	roposed	location?					
			Yes □	No X							

B. Proposed product lines and market demands: The project includes a variety of

If a change of zoning is required, please provide the details/status of the change of zone request: <u>An</u> application for a change of zone for the Premises has been filed with the Town of Hempstead and is currently under review. The application proposes the rezoning of the Premises from its current Business "X" District status to the "CA-S" Residence District. [Subsequently granted]

D. Have site plans been submitted to the appropriate planning department? Yes X No

7. Project Completion Schedule:

- A. What is the proposed commencement date for the acquisition and the construction/renovation/equipping of the project?
 - i. Acquisition: May 2023
 - ii. Construction/Renovation/Equipping: January 2024 (after demo)
- B. Provide an accurate estimate of the time schedule to complete the project and when the first use of the project is expected to occur:

First Apartment Delivery: September 2025

Full Completion: January 2027

Part IV - Project Costs and Financing

1. Project Costs:

A. Give an accurate estimate of cost necessary for the acquisition, construction, renovation, improvement and/or equipping of the project location:

Description	<u>Amount</u>
Land and/or building acquisition	\$ 25,680,000
Building(s) demolition/construction	\$157,385,160
Building renovation	\$
Site Work	\$ 6,223,740
Machinery and Equipment	\$
Legal Fees	<u>\$ 350,000</u>
Architectural/Engineering Fees	<u>\$4,800,800</u>
Financial Charges (Const. Int.)	\$ 8,256,964
Other (Marketing & Leasing)	<u>\$1,070,000</u>
Other (FF&E)	<u>\$ 428,000</u>
Other (Permits & Fees)	\$ 2,080,100
Other (Builder's Risk & Insurance)	\$ 1,466,457
Other (Title Insurance)	\$ 500,000
Other (Real Estate Taxes)	\$ 2,115,000
Other (Financing Fees)	\$ 600,000
Other (Soft Cost Contingency)	\$1,300,039
Total	\$212,256,260

2.	A.B.C.D.	ethod of Financing: Tax-exempt bond financing: Taxable bond financing: Conventional Mortgage: SBA (504) or other governmental financing: Public Sources (include sum of all State and federal grants and tax credits):	Amount \$ \$ \$ 127,353,756 \$ \$	
		Other loans: Owner/User equity contribution:	\$\$	years years
		Total Project Costs	\$ 212,256,260	
		i. What percentage of the project costs	s will be financed from	public sector sources?
		<u>0%</u>		
3.	Pro	oject Financing:		
	A.	Have any of the above costs been paid or incurrorders) as of the date of this application? Yes		s of sale or purchase
		i. If yes, provide detail on a separate s	heet. Soft costs incur	red provided on attached.
	В.	Are costs of working capital, moving expenses, in the proposed uses of bond proceeds? Give d		tock in trade included
		<u>N/A</u>		
	C.	Will any of the funds borrowed through the Ag mortgage or outstanding loan? Give details:	ency be used to repay o	or refinance an existing
		No		
	D.	Has the Applicant made any arrangements for t bonds? If so, indicate with whom:	he marketing or the pur	rchase of the bond or
		No		

Part V - Project Benefits

- 1. Mortgage Recording Tax Benefit:
 - A. Mortgage Amount for exemption (include sum total of construction/permanent/bridge financing):

\$ 107,512,474

B. Estimated Mortgage Recording Tax Exemption (product of Mortgage Amount and .75%):

\$806,344

- 2. Sales and Use Tax Benefit:
 - A. Gross amount of costs for goods and services that are subject to State and local Sales and Use Tax (such amount to benefit from the Agency's exemption):

\$76,753,729

B. Estimated State and local Sales and Use Tax exemption (product of 8.625% and figure above):

\$6,620,009

- C. If your project has a landlord/tenant (owner/user) arrangement, please provide a breakdown of the number in "B" above:
 - i. Owner: N/A
 - ii. User: <u>N/A</u>
- 3. Real Property Tax Benefit:
 - A. Identify and describe if the project will utilize a real property tax exemption benefit other than the Agency's PILOT benefit: No
 - B. Agency PILOT Benefit:
 - i. Term of PILOT requested: Twenty (20) Years
 - ii. Upon acceptance of this application, the Agency will staff create a PILOT schedule and indicate the estimated of PILOT Benefit based on anticipated tax rates and amount assessed valuation and attached such information to Exhibit At such time, the Applicant will certify that it accepts the proposed PILOT schedule and requests such benefit to be granted by the Agency.

^{**} This application will not be deemed complete and final until <u>Exhibit A</u> hereto has been completed and executed.**

Part VI - Employment Data

1. List the Applicant's and each users present employment, and estimates of (i) employment <u>at the proposed project location</u> at the end of year one and year two following project completion and (ii) the number of residents of the Labor Market Area* ("LMA") that would fill the full-time and part-time jobs at the end of the second year following completion:

Pres	ent <u>First Ye</u>	ar Second	Year Residents	of LMA
Full-Time N/A Part-Time**	<u>5</u>	<u>7</u>	7	

^{*} The Labor Market Area includes the County/City/Town/Village in which the project is located as well Nassau and Suffolk Counties.

2. Salary and Fringe Benefits:

Category of Jobs to be Retained and Created		Average Fringe Benefits or Range of Fringe Benefits
Salary Wage Earners	\$64,000 - \$72,000 annually	\$16,250 - \$17,800 annually
Commission Wage Earners		
Hourly Wage Earners	\$51,000 - \$57,000 annually(~\$25/hour)	\$12,750 - \$14,300 annually
1099 and Contract Workers		

Note: The Agency reserves the right to visit the facility to confirm that job creation numbers are being met.

^{**} Agency staff converts Part-Time jobs into FTEs for state reporting purposes by dividing the number of Part-Time jobs by two (2).

Part VII - Representations, Certifications and Indemnification

1.	Is the Applicant in any litigation which would have a material adverse effect on the Applicant financial condition? (if yes, furnish details on a separate sheet)
	Yes No X
2.	Has the Applicant or any of the management of the Applicant, the anticipated users or any of their affiliates, or any other concern with which such management has been connected, been cited for a violation of federal, state or local laws or regulations with respect to labor practices hazardous wastes, environmental pollution or other operating practices? (If yes, furnish details on a separate sheet)
	Yes No X
3.	Is there a likelihood that the Applicant would not proceed with this project without the Agency's assistance? (If yes, please explain why; if no, please explain why the Agency should grant the benefits requested)
	Yes X No □
	Due to the costs of acquiring land and the high construction costs, the project will not be economically feasible without the Agency's assistance.
4.	If the Applicant is unable to obtain financial assistance from the Agency for the project, wha would be the impact on the Applicant and on the municipality?
	The project will not be economically feasible, thus would not move forward. As a result, the municipality will have lost increased employment, future increased tax revenues, improved quality of life, and other economic benefits. Lastly, the municipality will lose the generation of over 250 local construction jobs and an estimated seven (7) permanent positions upon completing the project.
5.	The Applicant understands and agrees that the provisions of Section 862(1) of the New York General Municipal Law, as provided below, will not be violated if financial assistance is provided for the proposed project:
	§ 862. Restrictions on funds of the agency. (1) No funds of the agency shall be used in respect of any project if the completion thereof would result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, provided, however, that neither restriction shall apply if the agency shall determine on the basis of the application before it that the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry.

6. The Applicant understands and agrees that in accordance with Section 858-b(2) of the General Municipal Law, except as otherwise provided by collective bargaining agreements, new employment opportunities created as a result of the project will be listed with the New York State Department of Labor, Community Services Division and with the administrative entity of the service delivery area created pursuant to the Job Training Partnership Act (PL 97-300) in which the project is located (collectively, the "Referral Agencies"). The Applicant also agrees, that it will, except as otherwise provided by collective bargaining contracts or agreements to which they are parties, first consider for such new employment opportunities persons eligible to participate in federal job training partnership programs who shall be referred by the Referral Agencies

Initial ____

7. The Applicant confirms and acknowledges that the owner, occupant, or operator receiving financial assistance for the proposed project is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations.

Initial _____

8. The Applicant confirms and acknowledges that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any financial assistance and the reimbursement of an amount equal to all or part of any tax exemption claimed by reason of the Agency's involvement the Project.

Initial

9. The Applicant confirms and hereby acknowledges that as of the date of this Application, the Applicant is in substantial compliance with all provisions of Article 18-A of the New York General Municipal Law, including, but not limited to, the provision of Section 859-a and Section 862(1) of the New York General Municipal Law.

Initial \

10. In accordance with Section 862(1) of the New York General Municipal Law the Applicant understands and agrees that projects which result in the removal of an industrial or manufacturing plant of the project occupant from one area of the State to another area of the State or in the abandonment of one or more plants or facilities of the project occupant within the State is ineligible for financial assistance from the Agency, unless otherwise approved by the Agency as reasonably necessary to preserve the competitive position of the project in its respective industry or to discourage the project occupant from removing such other plant or facility to a location outside the State.

Initial _____

11. The Applicant represents and warrants that to the Applicant's knowledge neither it nor any of its affiliates, nor any of their respective partners, members, shareholders or other equity owners, and none of their respective employees, officers, directors, representatives or agents is, nor will they become a person or entity with who United States persons or entities are restricted from doing

business under regulations of the Office of Foreign Asset Control (OFAC) of the Department of the Treasury (including those named on OFAC's Specially Designated and Blocked Persons List or under any statute, executive order including the September 24, 2001, Executive Order Block Property and Prohibiting Transactions with Persons Who Commit, Threaten to Commit, or Support Terrorism, or other governmental action and is not and will not assign or otherwise transfer this Agreement to, contract with or otherwise engage in any dealings or transactions or be otherwise associated with such persons or entities.

Initial <u>R</u>

12. The Applicant confirms and hereby acknowledges it has received the Agency's fee schedule attached hereto as <u>Schedule A</u> and agrees to pay such fees, together with any expenses incurred by the Agency, including those of Transaction Counsel, with respect to the Facility. The Applicant agrees to pay such expenses and further agrees to indemnify the Agency, its members, directors, employees and agents and hold the Agency and such persons harmless against claims for losses, damage or injury or any expenses or damages incurred as a result of action taken by or on behalf of the Agency in good faith with respect to the project.

Initial <u>Q</u>

13. The Applicant confirms and hereby acknowledges it has received the Agency's [Construction Wage] Policy attached hereto as <u>Schedule B</u> and agrees to comply with the same.

Initial _____

14. The Applicant hereby agrees to comply with Section 875 of the General Municipal Law. The Company further agrees that the financial assistance granted to the project by the Agency is subject to recapture pursuant to Section 875 of the Act and the Agency's [Recapture and Termination] Policy, attached hereto as <u>Schedule C</u>.

Part VIII - Submission of Materials

- 1. Financial statements for the last two fiscal years (unless included in the Applicant's annual report).
- 2. Applicant's annual reports (or 10-K's if publicly held) for the two most recent fiscal years.
- 3. Quarterly reports (form 10-Q's) and current reports (form 8-K's) since the most recent annual report, if any.
- 4. In addition, please attach the financial information described in items A, B, and C of any expected guarantor of the proposed bond issue.
- 5. Completed Long Environmental Assessment Form.
- 6. Most recent quarterly filing of NYS Department of Labor Form 45, as well as the most recent fourth quarter filing. Please remove the employee Social Security numbers and note the full-time equivalency for part-time employees.

(Remainder of Page Intentionally Left Blank)

Part IX - Certification

(name of representative of company submitting application) deposes and says that he or she is the flow acres (title) of // Heresse of the foregoing application and knows the contents thereof; and that the same is true to his or her knowledge.
Deponent further says that s/he is duly authorized to make this certification on behalf of the entity named in the attached Application (the "Applicant") and to bind the Applicant. The grounds of deponent's belief relative to all matters in said Application which are not stated upon his/her personal knowledge are investigations which deponent has caused to be made concerning the subject matter this Application, as well as in formation acquired by deponent in the course of his/her duties in connection with said Applicant and from the books and papers of the Applicant.
As representative of the Applicant, deponent acknowledges and agrees that Applicant shall be and is responsible for all costs incurred by the [] Industrial Development Agency (hereinafter referred to as the "Agency") in connection with this Application, the attendant negotiations and all matters relating to the provision of financial assistance to which this Application relates, whether or not ever carried to successful conclusion. If, for any reason whatsoever, the Applicant fails to conclude or consummate necessary negotiations or fails to act within a reasonable or specified period of time to take reasonable, proper, or requested action or withdraws, abandons, cancels or neglects the application or if the Applicant is unable to find buyers willing to purchase the total bond issue required, then upon presentation of invoice, Applicant shall pay to the Agency, its agents or assigns, all actual costs incurred with respect to the application, up to that date and time, including fees to bond or transaction counsel for the Agency and fees of general counsel for the Agency. Upon successful conclusion and sale of the transaction contemplated herein, the Applicant shall pay to the Agency an administrative fee set by the Agency in accordance with its fee schedule in effect on the date of the foregoing application, and all other appropriate fees, which amounts are payable at closing. Representative of Applicant

Sworn to me before this OT Day of November, 20 20 20

(seal)

Carrie R Olson
Notary Public, State of New York
Registration No. 010L6362324
Qualified in Suffolk County
Commission Expires 07/31/2021