

CAYUGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY APPLICATION FOR FINANCIAL ASSISTANCE

Form Adopted: September 7, 2016

IMPORTANT NOTICE: The answers to the questions contained in this Application are necessary to determine the Applicant's eligibility for financing, tax exemptions and other assistance from the Cayuga Industrial Development Agency (the "Agency"). These answers will also be used in the financial preparation of legal documents for this transaction. Accordingly, all questions should be answered accurately and completely by an officer or other employee of this Applicant who is thoroughly familiar with the business and affairs of your firm and who is also thoroughly familiar with the proposed project. This application is subject to acceptance by the Agency.

Instructions

1. The Agency will not approve any application unless, in the judgment of the Agency, this Application contains sufficient information upon which to base a decision whether to approve or tentatively approve the project contemplated herein (the "Project").
2. Fill in all blanks, using "none" or "not applicable" or "N/A" where the question is not appropriate to the Project.
3. If an estimate is given as the answer to a question, put "(est)" after the figure or answer which is estimated.
4. If more space is needed to answer any specific question, attach a separate sheet.
5. When completed, return two (2) signed copies of this application to the Agency at 2 State Street, Auburn, New York 13021.
6. A completed Environmental Assessment Form (EAF) concerning the Project must be submitted with the Application. A Short Form EAF should be provided by staff with this Application. Depending on the nature of the Project, the Agency may require a Long Form EAF.
7. Please note that Article 6 of the New York Public Officers Law provides that all records in the possession of the Agency (with certain limited exceptions) are open to public inspection and copying. If the Applicant feels that there are elements of the Project which are in the nature of trade secrets or information, the nature of which is such that if disclosed to the public or otherwise widely disseminated would cause substantial injury to the Applicant's competitive position, the Applicant may identify such elements in writing and request that such elements be kept confidential in accordance with Article 6 of the Public Officers Law.
8. The Applicant will be required to pay to the Agency all actual costs incurred in connection with this application and the Project, including fees and expenses of the Agency's legal counsel.
9. The Agency has established an administrative fee to be paid by the Applicant upon successful conclusion of the sale of the bonds or the leaseback transaction, as applicable, said fee being intended to cover the indirect expenses incurred by the Agency in administering the Project. The administrative fees are outlined in Section I of this application or such other amount as is agreed to by the Agency on a case-by-case basis. Unless the Agency agrees in writing to the contrary, the administrative fee is required to be paid at or prior to the issuance of bonds or the granting of any financial assistance, as applicable.
10. The Authority has established an application fee of two hundred and fifty and 00/100 dollars (\$250) to cover the anticipated costs of the Agency in processing this application. A check or money order made payable to the Agency must accompany each application. This application will not be accepted by the Agency unless accompanied by the application fee.

I. Agency Administrative Fee Policy

Projects requesting PILOT Agreement and/or Industrial Development Revenue Bonds:

- Application Fee: \$250 due upon submission of application
- Administrative Fee: 0.75% of the Total Project Cost due upon closing
- Legal Fees: Applicant has responsibility to pay all CCIDA legal fees associated with coordination and delivery of benefits
- Additional Benefits Available: Sales & Use Tax Exemption and/or Mortgage Recording Tax Exemption

Small Project Assistance (Sales & Use Tax Exemption and/or Mortgage Recording Tax Exemption only):

- Application Fee: \$250 due upon submission of application
- Minimum Total Project Cost: \$500,000
- Administrative Fee: 10% of the calculated benefit or \$4500, whichever is greater
- Legal Fees:
 - Utilizing both Sales & Use Tax and Mortgage Recording Tax Exemptions: \$4000
 - Utilizing Sales & Use Tax Exemption only: \$2500
- These fees assume limited CCIDA and legal coordination of benefits and overall benefits under \$100,000.

II. Applicant Information

Company Name: ACMT Inc.

Address 1: 108 North St

Address 2:

City/State/ZIP: Auburn NY 13021

Contact Person: Mark Kubarek Title: V.P.

Contact Telephone: 315 255 1414
315 374-2921 Contact Fax: 315 255 0092

Contact Email: M.Kubarek@me.com

Attorney: Mark Wheeler

Firm: Harris Beach

Phone: 607 330 7724

Email: M.Wheeler@harrisbeach.com

Accountant: Smitty Smith

Firm: Smith Diversified Services

Phone: 813 969 0044

Email: Tax Office 40 @ aol.com

Business Type: C Corp.

If other, describe:

If a corporation, date of establishment? 3/2018

If a corporation, incorporated in which state? New York

Principal Officers, Partners or Shareholders with 15% or greater interest in Applicant organization:

Name	Mailing Address	Telephone #	Percentage Ownership
Christopher Kubarek	106 North St Auburn NY 13021	315 255 1414	35%
Amanda Kubarek			35%
Mark Kubarek			15%
Terri Kubarek			15%

Attach additional sheets if necessary.

III. Project Information

1. Provide a narrative description of your project. Include major elements such as new construction, acquisition of existing building, acquisition of equipment, and proposed product lines. Also, indicate square feet by usage (e.g., office, laboratory, manufacturing), type construction, etc. In the case of pollution control project, also indicate the type of pollutants to be treated or removed and the type of process to be employed. Attach additional sheets if necessary.

Acquisition of 351 Seneca St, Tunnel wash, touch free wash self service bays. Acquisition of 323 Trout Ave, 2 touch free washes & self service bays - Replace 30+ yr old wash equipment & purchase computers which will generate more taxable sales than obsolete equipment

2. Location of project:

a. Address, including the City, Town, or Village:

Street Address: 351 Seneca St

City/State/ZIP: Auburn NY 13021

Tax Map ID (if available): 115.80-1-3.11

C-1

323 Mount Ave

Auburn NY 13021

109.02-1-46.1

C-1

Zoning of Project Site:

Zoning Change Needed?: no

b. Attach map showing the general location of the project.

c. If this project will result in closing or relocating from an existing facility, is the move necessary in order to remain competitive? N/A

d. Describe existing improvements, if any: replace antiquated wash equipment w/ new state of the art.

3. Project User:

a. Will the Applicant be the User of the facility that is the subject of the proposed Project? yes

b. If no, please submit the following information about the user:

Company Name:

Address 1:

Address 2:

City/State/ZIP:

Contact Person:

Title:

Contact Telephone:

Contact

Fax:

Contact Email:

Business Type:

If other, describe:

If a corporation, date of establishment?

If a corporation, incorporated in which state?

c. Select the type of operations of all end users at the project site (check all that apply):

- Industrial
- Warehousing
- Back Office

- Commercial
- Retail
- Housing
- Mixed Use
- Facility for Aging
- Civic Facility
- Other *Service - car wash*

- d. Does the Project include facilities or property that are used in making retail sales of goods or services to customers who personally visit such facilities?
- If yes, what percentage of the cost of the Project will be expended on such facilities or property used in making retail sales of goods or services to customers who personally visit such facilities?
 - If more than 33.33%, please check all that apply from the following list:
 - The Project will be operated by a not-for-profit corporation.
 - The Project is likely to attract a significant number of visitors from outside of the economic development region (defined as the counties of Cayuga, Onondaga, Madison, Cortland, and Oswego).
 - The Project occupant, if not for the proposed financial assistance from the Agency, would locate the Project and related jobs outside of New York State.
 - The predominant purpose of the Project is to make available goods or services which would not, but for the Project, be reasonably accessible to the residents of the City, Town or Village within which the Project will be located due to a lack of accessible retail trade facilities offering such goods or services.
 - The Project will be located in an area designated as an Empire Zone pursuant to Article 18-B of the General Municipal Law.
 - The Project will be located in a census tract, or census tract contiguous thereto, which, according to the most recent census data has (a) a poverty rate of at least 20% or at least 20% of households receiving public assistance for the year in which the data relates, **and** (b) an unemployment rate of at least 1.25 times the statewide unemployment rate for the year to which the data relates.

4. Utilities on Site:

- | | |
|------------------------|--|
| a) Water Supply | Describe source / supplier: <i>City of Auburn</i> |
| b) Sewer | Describe other: <i>City of Auburn</i> |
| c) Electricity Utility | Describe other: <i>NYS EG</i> |
| d) Gas Utility | Describe other: <i>NYS EG</i> |

5. Attach copies of preliminary plans or sketches of proposed construction, site plans or floor plans of existing facility.
6. Who presently is legal owner of the project building or site described in # 2 above?
 3405 L BUDJ LLC / Apple Wash
7. Is there an existing or proposed lease for the project? . If yes, attach a copy of the lease.
 NO
8. Existing Facilities within New York State:
- Are other facilities owned, leased or used by the Owner or User (or any related entity/person) within the State? **NO yes**
 - If there are other facilities within the state, is it expected that any of these other facilities will close or be subject to reduced activity as a result of the proposed Project? **NO**
 - If yes, is the Project reasonably necessary to discourage the Owner or User from removing activities in the State to a location outside of the State? If yes, please explain.

Note: The Agency is required to notify the chief executive officer of the municipality from which your facility is being relocated or abandoned. This notification will be sent prior to the Agency's conduct of required public hearing(s).

CERTIFICATION: Based upon the answers provided within question 8 above, the Company hereby certifies to the Authority that the undertaking of the proposed project and provision of financial assistance to the Company by the Agency will not violate GML Section 862(1).

9. Project Costs (Estimates):

Category	351 Genesee St Amount	323 Grant Ave
Land acquisition	155,000-	445,000-
Building Construction/Renovation new equipment	1654225 (EST)	895,525 (EST)
Site Work	-	-
Machinery & Equipment existing	50,000	100,000
Furniture & Fixtures		
Soft Costs (Architect, Legal and Engineering)	100,000 (EST)	100,000 (EST)
Financial Charges (loan or bond fees and interest)		
Agency Fee	125-	125-
Other (Describe:)		

Other (Describe:)

Total Project Cost: 1,959,350 1,540,650.

10. Sources of Funds for Project Costs:

Source	Amount
Bank Financing: Tompkins Trust	3,000,000
Equity (excluding equity attributed to grants/ tax credits):	500,000 (est)
Tax Exempt Bond Issuance:	N/A
Taxable Bond Issuance:	N/A
Public Sources (total pf all state and federal grants and tax credits):	N/A
Identify each state and federal grant/ credit:	N/A

Total Sources of Funds for Project Costs:

3,500,000 est.

11. Have any of the above costs been paid or incurred as of the date of this Application? If yes, describe particulars. NO

IV. Permitting and Environmental Requirements

1. Does the project require local planning or permitting approvals? If yes, please list necessary approvals. NO
2. Will a site plan application be filed? If yes, include copy if prepared. NO
3. Has another entity been designated as lead agent under the State Environmental Quality Review Act ("SEQRA")? N/A
 - a. If yes, attach copy of Negative Declaration if completed, or a copy of submitted Environmental Assessment Form if Negative Declaration has not yet been issued.
 - b. If no, attach a completed Environmental Assessment Form.

V. Employment and Payroll Projections

1. Job Creation:

- a. Anticipated construction jobs created by the Project:
Anticipated Dates of Construction:

b. Permanent Full Time Equivalent (FTE)* Jobs to be Created and Retained by the Project

Column A: Insert the job titles or types that exist within the company at the time of application, as well as any job titles that will be established as a result of the Project.

Column B: Indicate the average wage for each listed job title/type in terms of annualized wages.

Column C: Indicate the wage range for each listed job title/type in terms of annualized wages.

Column D: Indicate the average amount of fringe benefits for each listed job title/type.

Column E: For each listed job title insert the number of FTEs that exist at the time of application.

Column F: Insert the number of FTE jobs to be created during year one of the Project for each listed job title.

Column G: Insert the number of FTE jobs to be created during year two of the Project for each listed job title.

Column H: Insert the number of FTE jobs to be created during year three of the Project for each listed job title.

(A) Job Title/Type	(B) Average Annual Wages	(C) Annual Wage Range	(D) Average Fringe Benefits	(E) Current Number of FTEs	(F) Jobs Created : Year One	(G) Jobs Created : Year Two	(H) Jobs Created : Year Three
3@ Auto Wash Technician	\$35,000	\$30-40K	\$10,000	0	3	1	0
6@ Sales Associates	\$20,000	\$15-25K	\$ -	0	4 ^{FTE}	1	1
	\$	\$	\$				
	\$	\$	\$				
	\$	\$	\$				
	\$	\$	\$				
	\$	\$	\$				
	\$	\$	\$				
	\$	\$	\$				
	\$	\$	\$				
TOTALS:				0	7	2	1

*Definition of Full Time Equivalent (FTE) Job: For the purposes of this application, any employee working 30 hours or more per week is considered 1 FTE. Any employee working fewer than 30 hours per week is counted as a proportion of an FTE equal to the number of hours worked per week divided by 30. For example, an employee working 20 hours per week equals .67 FTE (20 divided by 30). Please contact Agency Staff if you have questions about calculating FTE.

2. What percentage of jobs to be created are estimated to be filled by residents of the Labor Market Area, defined by the Agency as the Counties of Cayuga, Cortland, Onondaga, Ontario, Oswego, Seneca, Tompkins, and Wayne? 100 % CAYUGA
3. If no jobs are being created, please describe the circumstances under which these incentives are necessary for job retention.
4. Payroll Projections:
- a. Current Annual Payroll: \$
 - b. First Year After Completion of Project: \$ 285,000 - (EST)
 - c. Second Year After Completion of Project: \$ 340,000 - (EST)
 - d. Third Year After Completion of Project: \$ 360,000 - (EST.)

VI. Estimate of Potential Benefits

1. Please indicate the type(s) of Financial Assistance sought for the Project:

<u>yes</u>	Sales and Usage Tax Exemption
<u>yes</u>	Mortgage Tax Exemption
<u>no</u>	Real Property Tax Abatement (PILOT Agreement)
<u>no</u>	Issuance by the Agency of Industrial Development Revenue Bonds

2. Estimated Project Benefits

Note to Applicant: CCIDA staff will work with applicants to identify potential IDA benefits upon receipt of a completed draft application, using the information contained in the draft application and discussions with the applicant. Therefore, please do not complete this section or sign and certify application until CCIDA staff has reviewed a draft application and assisted in the calculation of estimated benefits.

A. Sales and Use Tax Exemption

- a. Amount of Project Cost Subject to Tax: \$ 2,300,000 - est
- Applicable sales and use tax rate: x .08
- b. Financial benefit if fully exempt: \$ 184,000 - est

B. Mortgage Recording Tax Exemption

- a. Projected amount of Mortgage: \$ 3,000,000

Mortgage recording tax rate: x 01.0075

b. Financial benefit if fully tax exempt: \$ ~~30,000~~ - 22,500 MK

C. Payment of Lieu of Taxes (PILOT) *

- a. Investment in real property \$
- b. Equalization rate
- c. Current, pre-project assessment \$
- d. Probable post-project assessed value \$

e. PILOT Schedule

Year	f. Abatement on Added Value	g. Abated Taxable Value	h. Total Tax Rate	i. PILOT Payment	j. Full Taxes	k. Net Exemption
Calc.		$c + [(d-c) \times f]$		$(g/1000) \times h$	$(d/1000) \times h$	$j - i$
1	100%	\$		\$	\$	\$
2	90%	\$		\$	\$	\$
3	80%	\$		\$	\$	\$
4	70%	\$		\$	\$	\$
5	60%	\$		\$	\$	\$
6	50%	\$		\$	\$	\$
7	40%	\$		\$	\$	\$
8	30%	\$		\$	\$	\$
9	20%	\$		\$	\$	\$
10	10%	\$		\$	\$	\$

I. Total PILOT Net Exemption: \$

D. Interest Exemption – Bond transactions only

a. Total Estimated Interest Expense Assuming Taxable Interest: \$ N/A

b. Total Estimated Interest Expense Assuming Tax-exempt Interest Rate:	\$	
c. Interest Exemption (a - b):	\$	

E. Total Estimated Exemptions

a. Sales & Use Tax Exemption	\$	184,000	est	
b. Mortgage Recording Tax Exemption	\$	30,000	22,500	MIL
c. PILOT Real Property Net Exemption	\$			
d. Interest Exemption from Bond Issuance	\$			
e. TOTAL EXEMPTION	\$	214,000	206,500	est MIL

3. Is it likely that the Project would be undertaken without the provision of the above financial assistance? *yes*

If yes, describe how the Project would be impacted if these benefits were not provided.

It would help fund additional services, i.e. vacuum, extra services that are taxable

VII. Supplemental Materials

1. Map showing project location
2. Preliminary plans or sketches of proposed construction *N/A*
3. Copies of two most recent annual financial statements and unaudited year to date financial statements *N/A new entity*
4. Copy of most recent Annual Report (for established businesses) or Business Plan (for new businesses)
5. Sales and income projections for next three years
6. Environmental Assessment Form of Negative Declaration
7. \$250 application fee
8. Other attachments (please specify):
 - a.
 - b.
 - c.
 - d.
 - e.
 - f.
 - g.

VIII. Application Submission

Once the application has been reviewed by Agency staff and Section VI has been completed, please sign, certify and submit the completed application along with Supplemental Materials to:

CAYUGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

C/O Cayuga Economic Development Agency

2 State Street

Auburn, NY 13021

Email Applications (scanned PDFs) may be sent to: tverrier@cayugaeda.org

Telephone: (315) 252-3500

Administrative fees in the amount outlined in Section I will be collected at the time of closing.

Representations by the Applicant

The Applicant understands and agrees with the Agency as follows:

- A. **Job Listings:** In accordance with Section 858-b (2) of the New York General Municipal Law, the applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, 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 (the "DOL") and with the administrative entity (collectively with the DOL, the "JTPA Entities") of the service delivery area created by the federal job training partnership act (Public Law 97-300) ("JTPA") in which the Project is located.
- B. **First Consideration for Employment:** In accordance with Section 858-b (2) of the New York General Municipal Law, the applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, where practicable, the applicant will first consider persons eligible to participate in JTPA programs who shall be referred by the JTPA Entities for new employment opportunities created as a result of the Project.
- C. **Annual Sales Tax Filings:** In accordance with Section 874 (8) of the New York General Municipal Law, the applicant understands and agrees that, if the Project receives any sales tax exemptions as part of the Financial Assistance from the Agency, the applicant agrees to file, or cause to be filed, with the New York State Department of Taxation and Finance, the annual form prescribed by the Department of Taxation and Finance, describing the value of all sales tax exemptions claimed by the applicant and all consultants or subcontractors retained by the applicant.
- D. **Annual Employment Reports:** The applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, the applicant agrees to file, or cause to be filed, with the Agency, on an annual basis, reports regarding the number of people employed at the project site.
- E. **Absence of Conflicts of Interest:** The applicant has received from the Agency a list of the members, officers, employees and Counsel of the Agency. No member, officer, employee, or Counsel of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as hereinafter described:

**HOLD HARMLESS AGREEMENT AND APPLICATION DISCLAIMER
CERTIFICATION PURSUANT TO NEW YORK STATE
FREEDOM OF INFORMATION LAW ("FOIL")**

Applicant hereby releases the CAYUGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY and the members, officers, servants, agents and employees thereof (the "Agency") from, agrees that the Agency shall not be liable for and agrees to indemnify, defend and hold the Agency harmless from and against any and all liability arising from or expense incurred by (A) the Agency's examination and processing of, and action pursuant to or upon, the attached Application, regardless of whether or not the Application or the Project described therein or the tax exemptions and other assistance requested therein are favorably acted upon by the Agency, (B) the Agency's acquisition, construction and/or installation of the Project described therein and (C) any further action taken by the Agency with respect to the Project; including without limiting the generality of the foregoing, all causes of action and attorneys' fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing. If, for any reason, the Applicant fails to conclude or consummate necessary negotiations, or fails, 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 Agency or the Applicant are unable to reach final agreement with the respect to the Project, then, and in the event, upon presentation of an invoice itemizing the same, the Applicant shall pay to the Agency, its agents or assigns, all costs incurred by the Agency in the processing of the Application, including attorneys' fees, if any.

Through submission of this Application for Financial Assistance (this "Application"), the Company acknowledges that the Agency, as a public benefit corporation, is subject to the New York State Freedom of Information Law ("FOIL") and Open Meetings Law ("OML"), as codified pursuant to the Public Officers Law ("POL") of the State of New York (the "State"). Accordingly, unless portions hereof are otherwise protected in accordance with this Certification, this Application, including all Company-specific information contained herein, is subject to public disclosure in accordance with applicable provisions of the POL, Article 18-A of the General Municipal Law ("GML") and the Public Authorities Accountability Act of 2005, as codified within the Public Authorities Law ("PAL") of the State. Specifically, this Application may be disclosed by the Agency to any member of the public pursuant to a properly submitted request under FOIL and the Agency is further required to affirmatively disclose certain provisions contained herein pursuant to the GML and PAL, including the identification of the Company, general project description, location proposed capital investment and job estimates.

Notwithstanding the foregoing, the Company, pursuant to this Certification, may formally request that the Agency consider certain information contained within this Application and other applicable supporting materials proprietary information and "trade secrets", as defined within POL Section 87(2)(d). To the extent that any such information should qualify as trade secrets, the Company hereby requests that the Agency redact same in the event that formal disclosure is requested by any party pursuant to FOIL. Application Sections or information requested by Company for Redaction*:

(* - Please indicate specific sections within Application that the Company seeks to qualify as "trade secrets". Additional correspondence or supporting information may be attached hereto. Please also note that notwithstanding the Company's request, the Agency shall make an independent determination of the extent to which any information contained herein may be considered as such)

In the event that the Agency is served with or receives any subpoena, request for production, discovery request, or information request in any forum that calls for the disclosure of the Application, in entirety, specifically including but not limited to any demand or request for production or review of Company-designated trade secrets, the Agency agrees to notify the Company as promptly as is reasonably possible, and to utilize its best efforts to: oppose or decline any such request; preserve the confidentiality and non-disclosure of such requested confidential material; and maintain such information and prevent inadvertent disclosure in responding to any such discovery or information request. The Company understands and agrees that all reasonable costs, including attorney's fees, associated with any such formal undertaking by the Agency to protect the trade secrets from disclosure shall be reimbursed by the Company to the Agency.

The undersigned officer of the applicant deponent acknowledges and agrees that the applicant shall be and is responsible for all costs incurred by the Agency and legal counsel for the Agency, whether or not the Application, the proposed project it describes, the attendant negotiations, or the issue of bonds or other transaction or agreement are ultimately ever carried to successful conclusion and agrees that the Agency shall not be liable for and agrees to indemnify, defend and hold the Agency harmless from and against any and all liability arising from or expense incurred by (A) the Agency's examination and processing of, and action pursuant to or upon, the Application, regardless of whether or not the Application or the proposed project described herein or the tax exemptions and other assistance requested herein are favorably acted upon by the Agency, (B) the Agency's acquisition, construction and/or installation of the proposed project described herein and (C) any further action taken by the Agency with respect to the proposed project, including without limiting the generality of the foregoing, all causes of action and attorney's fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing.

By executing and submitting this Application, the applicant covenants and agrees to pay the following fees to the Agency, the same to be paid at the times indicated:

- (a) The sum of \$250 as a non-refundable application fee, to be paid upon submission of the Application;
- (b) An Administrative Fee amounts to be determined using the schedule in Section I on page 2 hereof for all other projects for which the Agency provides financial assistance, to be paid at transaction closing;
- (c) An amount to be determined by Agency Staff payable to the Agency's bond/transaction counsel for the preparation and review of the inducement resolution, the environmental compliance resolution, TEFRA hearing proceedings and the tax questionnaire assuming no

- further activity occurs after the completion of the inducement proceedings, to be paid within ten (10) business days of the receipt of bond/transaction counsel's invoice;
- (d) All fees, costs and expenses incurred by the Agency for (1) legal services, including but not limited to those provided by the Agency's general counsel or bond/transaction counsel, and (2) other consultants retained by the Agency in connection with the proposed project; with all such charges to be paid by the applicant at the closing or, if the closing does not occur, within ten (10) business days of receipt of the Agency's invoices therefore please note that the applicant is entitled to receive a written estimate of fees and costs of the Agency's bond/transaction counsel;
 - (e) The cost incurred by the Agency and paid by the applicant, including bond/transaction counsel and the Agency's general counsel's fees and the processing fees, may be considered as a costs of the project and included in the financing of costs of the proposed project, except as limited by the applicable provisions of the Internal Revenue Code with respect to tax-exempt bond financing.

The applicant further covenants and agrees that the applicant is liable for payment to the Agency of all charges referred to above, as well as all other actual costs and expenses incurred by the Agency in handling the application and pursuing the proposed project notwithstanding the occurrence of any of the following:

- (a) The applicant's withdrawal, abandonment, cancellation or failure to pursue the Application;
- (b) The inability of the Agency or the applicant to procure the services of one or more financial institutions to provide financing for the proposed project;
- (c) The applicant's failure, for whatever reason, to undertake and/or successfully complete the proposed project; or
- (d) The Agency's failure, for whatever reason, to issue tax-exempt revenue bonds in lieu of conventional financing.

The applicant and the individual executing this Application on behalf of applicant acknowledge that the Agency and its counsel will rely on the representations made in this Application when acting hereon and hereby represents that the statements made herein do not contain any untrue statement of a material fact and do not omit to state a material fact necessary to make the statements contained herein not misleading.

Company Acknowledgment and Certification

The undersigned, being a duly authorized representative of the Company, hereby and on behalf of the Company, certifies to the best of his or her knowledge and under the penalty of perjury that all of the information provided by the Company within this Application for Financial Assistance is true, accurate and complete.

The Company, on behalf of itself and all owners, occupants and/or operators receiving or that will receive financial assistance from the Agency (collectively, the "Recipients") hereby certifies that the Recipients are in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations.

The Company, on behalf of itself and all Recipients, hereby further acknowledges that the submission of any knowingly false or knowingly misleading information herein or within any agreement with the Agency may lead to the immediate termination of any financial assistance and the reimbursement of an amount equal to all or part of any tax exemptions claimed by reason of the Agency's involvement in the project, including all costs of the agency relating to same. The Company has reviewed and accepts the terms of the Agency's Project Recapture and Termination Policy.

By: MARK Kubarek
Name: Mark Kubarek
Title: VP ACMT INC

State of New York)
County of CAYUGA) ss.:

On the 4th day of APRIL in the year 2018 before me, the undersigned, personally appeared MARK KUBAREK, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) 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 signatures on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Suzanne C Mac Davitt
Notary Public
SUZANNE C. MACDAVITT
Notary Public, State of New York
Qualified in Cayuga County
No. 01MA5082361
Commission Expires July 21, 2021