CORTLAND COUNTY INDUSTRIAL DEVELOPMENT AGENCY

APPLICATION FOR FINANCIAL ASSISTANCE

IMPORTANT NOTICE: The answers to the questions contained in this application are necessary to determine the applicant's eligibility for financial assistance from the Cortland County Industrial Development Agency. The answers will also be used in the preparation of papers in this transaction. Accordingly, an officer or other employee of the applicant who is thoroughly familiar with the business and affairs of the applicant and who is also thoroughly familiar with the proposed project should answer all questions accurately and completely. This application is subject to acceptance by the Agency.

TO: CORTLAND COUNTY INDUSTRIAL DEVELOPMENT AGENCY
37 CHURCH STREET
CORTLAND, NEW YORK 13045

APPLICANT: Greek Peak Holdings LLC

APPLICANT'S STREET ADDRESS: 2000 State Route 392

CITY: Cortland STATE: NY PHONE NO.: 315-286-6346

E-MAIL ADDRESS: ldraper@greekpeakmtnresort.com

NAME OF PERSON(S) AUTHORIZED TO SPEAK FOR APPLICANT WITH RESPECT TO THIS APPLICATION: Leroy Draper

IF APPLICANT IS REPRESENTED BY AN ATTORNEY, COMPLETE THE FOLLOWING:

NAME OF FIRM: _____

NAME OF ATTORNEY: _____

ATTORNEY'S STREET ADDRESS: _____

CITY: _____ STATE: _____ PHONE NO.: _____

E-MAIL ADDRESS: _____

NOTE: PLEASE READ THE INSTRUCTIONS ON PAGE 2 BEFORE FILLING OUT THIS APPLICATION

INSTRUCTIONS

1. The Agency will not approve any applications unless, in the judgment of the Agency, said application contains sufficient information upon which to base a decision whether to approve or tentatively approve an action.

2. Fill in all blanks, using "none" or "not applicable" or "N/A" where the question is not appropriate to the project which is the subject of this application (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) copies of this application to the Agency at the address indicated on the first page of this application.

6. The Agency will not give final approval to this application until the Agency receives a completed environmental assessment form concerning the Project, which is the subject of this application.

7. Please note that Article 6 of the Public Officers Law declares 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 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 contemplated herein (to the extent such expenses are not paid out of the proceeds of the Agency's bonds issued to finance the project). The applicant will also be expected to pay all costs incurred by general counsel and bond counsel to the Agency. The costs incurred by the Agency, including the Agency's general counsel and bond counsel, may be considered as a part of the project and included as a part of the resultant bond issue.

9. The Agency has established an application fee of Five Hundred Dollars ($500) 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.

10. The Agency has established a project fee for each project in which the Agency participates. UNLESS THE AGENCY AGREES IN WRITING TO THE CONTRARY, THIS PROJECT FEE IS REQUIRED TO BE PAID BY THE APPLICANT AT OR PRIOR TO THE GRANTING OF ANY FINANCIAL ASSISTANCE BY THE AGENCY.

FOR AGENCY USE ONLY

1.	Project Name or Number	_____
2.	Date Application Received by Agency	_____, 20___
3.	Date Application Referred to Attorney for Review	_____, 20___
4.	Date Copy of Application Mailed to Members	_____, 20___
5.	Date Notice of Agency Meeting on Application Posted	_____, 20___
6.	Date Notice of Agency Meeting on Application Mailed	_____, 20___
7.	Date of Agency Meeting on Application	_____, 20___
8.	Date Agency Conditionally Approved Application	_____, 20___
9.	Date Scheduled for Public Hearing	_____, 20___
10.	Date Environmental Assessment Form ("EAF") Received	_____, 20___
11.	Date Agency Completed Environmental Review	_____, 20___
12.	Date of Final Approval of Application	_____, 20___

I. APPLICANT INFORMATION-COMPANY TO RECEIVE BENEFITS (the "COMPANY")

A. Identity of Company:

1. Company Name: Greek Peak Holdings LLC
   Present Address: 2000 State Route 392 Cortland NY
   Zip Code: 13045 Employer ID No.: 46-2480296

2. Indicate type of business organization of Company: LLC

   a. ☐ Corporation. Incorporated in what country?_____;
   State:_____; Date Incorporated: _____;
   Authorized to do business in New York State? Yes _____ No_____

   i. Is the Corporation Publicly Held? Yes___ No___. If yes, please list exchanges where stock is traded:_____

   ii. If no, list all Stockholders having a 5% or more interest in the Company:

Name	Address	Percentage of Holding

   b. ☐ Partnership. General or Limited partnership?_____
   Name all partners below:

Name	Address	General Partner	Limited Partner

c. [X] Limited Liability Company. Formed in what country USA;
State: NY; Date of Formation: 3/25/2013;
Authorized to do business in New York State? Yes X No ;
Name all members below:

Name	Address	Membership Percentage
John Meier	2000 State Route 392 Cortland NY 13045	100%

d. [ ] Sole proprietorship. Name of Sole Proprietor:_____

3. Is the Company a subsidiary or direct or indirect affiliate of any other organization(s)? If so, indicate name of related organization(s) and relationship:_____

B. Management of Company:

List all officers/directors/managers (complete all columns for each person):

Name and Home Address	Office Held
Wes Kryger	President

C. Company/Management History:

1. Is the Company or management of the Company now a plaintiff or a defendant in any civil or criminal litigation? Yes____ No X.
2. Has any person listed above ever been convicted of a criminal offense (other than a minor traffic violation)? Yes____ No X.
3. Has any person listed above or any concern with whom such person has been connected ever been in receivership or been adjudicated a bankrupt? Yes____ No X.

If the answer to any of questions 1 through 3 is yes, please furnish details in a separate attachment.

II. PROPOSED PROJECT DATA

A. Description of the Project:

1. Please provide a narrative of the Project and the purpose of the Project (acquisition, construction, renovations and/or equipment purchases). Identify specific uses occurring with the Project. Describe any and all tenants and any/all end users (attach additional pages):

We have a 4 year snowmaking plan that includes construction work on existing snow paths to increase current ability or add the capability to make and maintain the mountain. We will attach the PowerPoint that includes some aspects of our snowmaking plan.

2. Describe the reasons why the Agency's Financial Assistance is necessary and the effect the Project will have on the Company's business or operations and any corresponding benefit to the Cortland County community (attach additional pages):

The Agency's financial assistance is needed as it will allow us to undertake this project while still maintaining current employment levels and guest experience. Without the financial it is unclear as to whether we would be able to undertake this endeavor. Increasing ski visits and hotel stays will ultimately help us collect more tax revenue for Cortland county and employee more individuals from the local are.

3. Is there a likelihood that the Project would not be undertaken but for the Financial Assistance provided by the Agency:

☒ Yes ☐ No

4. If the Project could be undertaken without the Financial Assistance provided by the Agency, then provide a statement indicating why the Project should be undertaken by the Agency (attach additional pages):

N/A

B. Location of Project:

1. Street Address: 2000 State Route 392
2. City: Cortland
3. Town: N/A
4. Village: N/A
5. Is any portion of the Project located outside of Cortland County? If so, identify the other county: N/A
6. School District: Cortland
7. Tax Parcel Nos.: 127.00-07-12.000

C. Description of the Project site:

1. Approximate size (in acres or square feet) of the Project site: 350 acres
   Attach a map, survey or sketch of the Project site.

2. Are there existing buildings on the Project Site?
   Yes X No_____. If yes,
   a. Indicate each existing building and indicate the approximate size (in square feet) of each building:

      Various buildings of different sizes

   b. Are the existing buildings in operation? Yes X No_____.
      If yes, describe the present use of each building in operation:
      There are multiple buildings used mainly for the purpose of running the ski resort and restaurants.

   c. Are the existing buildings abandoned? Yes_____ No X;
      About to be abandoned? Yes_____ No X. If yes, describe:

   d. Attach photographs of existing buildings.

3. Utilities Serving the Project Site:

   Water: Municipal X, Other ___. If other, describe _____

   Sewer: Municipal X, Other ___. If other, describe _____

   Electric Utility Co.: National Grid

   Natural Gas Utility Co.: Corning & Empire

   Other Utility Sources: USource

4. Present Legal Owner of the Project Site:
   a. If the Company owns the Project site, indicate:
      Date of Purchase: 3/25/2013

Purchase Price: purchased out of bankruptcy in 2013

b. If the Company does not own the Project site, does the Company have the contractual right to purchase the Project site?
Yes_____ No_____. If yes, indicate:
Date Contract Signed: NA
Date Ability to Purchase Expires:_____

c. If the Company does not own the Project site, is there a relationship legally or by common control between the Company and present owner of the Project site?
Yes_____ No_____. If yes, describe:
NA

5. Zoning District in which the Project is located: Commerical/Residential

6. Are there any variances or special permits affecting the Project site now or which need to be obtained to complete the Project?
Yes_____ No X. If yes, list below and attach copies of all variances or special permits:

D. <u>Description of the Proposed Construction:</u>

1. Does part of the Project consist of the acquisition or construction of a new building or buildings? Yes ____ No X. If yes, indicate number of and size of new buildings:

2. Does part of the Project consist of additions and/or renovations to existing buildings located on the Project site? Yes_____ No X. If yes, indicate:
   a. The number of buildings to be expanded or renovated:_____
   b. The size of any expansions:_____
   c. The nature of expansion and/or renovation:

3. Describe the principal uses to be made by the Company of the building or buildings to be acquired, constructed or expanded:

E. **Description of the Equipment:**

1. Does part of the Project consist of the acquisition or installation of machinery, equipment or other personal property (the "Equipment")?
Yes_X___ No _____. If yes, describe the Equipment:
Attached with this is our plan for snow making and equipment upgrades for the next few years and the items part of this application.

2. With respect to the Equipment to be acquired, will any of the Equipment be previously used Equipment?
Yes_____ No_X___. If yes, please provide detail below:
NA

3. Describe the principal uses to be made by the Company of the Equipment to be acquired or installed:
Most of the equipment will be used in our ski resort operations or snow making efforts.

F. **Project Use:**

1. What are the principal products to be produced at the Project site?
The principal products that are produced are the ski tickets to customers

2. What are the principal activities to be conducted at the Project?
The principal activity is skiing, hotel stays and eating

3. Does the Project include facilities or property that are primarily used in making retail sales of goods or services to customers who personally visit such facilities?

Yes X No____. If yes please provide detail:

this is a ski resort with restaurants and a hotel

4. If the answer to question 3 is yes, what percentage of the cost of the Project will be expended on such facilities or property primarily used in making retail sales of goods or services to customers who personally visit the Project? 75 %

5. If the answer to question 3 is yes, and the answer to question 4 is more than 33.33%, indicate whether any of the following apply to the Project:

a. Will the Project be operated by a not-for-profit corporation?
Yes_____ No X. If yes, please explain:

b. Is the Project likely to attract a significant number of visitors from outside the economic development region (as established by Section 230 of the Economic Development Law) in which the Project will be located?

Yes X No ____. If yes, please explain:

The project will attract visitors from all over the state of New York not just from Cortland County

c. Would the Project occupant, but for the contemplated Financial Assistance from the Agency, locate the related jobs outside of New York State?

Yes _____ No X. If yes, please explain:

NA

d. Is the predominant purpose of the Project 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 because of a lack of reasonably accessible retail trade facilities offering such goods or services?

Yes_____ No__X__. If yes, please provide detail:

NA

e. Will the Project be located in one of the following: (i) an area which was designed as an empire zone pursuant to Article 18-B of the General Municipal Law; or (ii) a census tract or block numbering area (or census tract or block numbering area contiguous thereto) which, according to the most recent census data, has (a) a poverty rate of at least 20% for the year in which the data relates, or at least 20% of households receiving public assistance, and (b) an unemployment rate of at least 1.25 times the statewide unemployment rate for the year to which the data relates?

Yes_____; No__X__. If yes, please explain:

NA

6. If the answers to any of subdivisions c. through e. of question 5 are yes, will the Project preserve permanent, private sector jobs or increase the overall number of permanent, private sector jobs in the State of New York?

Yes _____ No_____. If yes, please explain:

NA

7. Will the completion of the Project result in the removal of an industrial or manufacturing plant of the Company or another proposed occupant of the Project (a "Project Occupant") from one area of the State of New York to another area of the State of New York?

Yes_____ No __X__. If yes, please explain:

NA

8. Will the completion of the Project result in the abandonment of one or more plants or facilities of the Company or a Project Occupant located in

the State of York?

Yes_____ No_X_. If yes, provide detail:

NA

9. If the answer to either question 7 or question 8 is yes, indicate whether any of the following apply to the Project:

a. Is the Project reasonably necessary to preserve the competitive position of the Company or such Project Occupant in its industry?

Yes_____; No_____. If yes, please provide detail:

NA

b. Is the Project reasonably necessary to discourage the Company or such Project Occupant from removing such other plant or facility to a location outside the State of New York?

Yes_____ No_____. If yes, please provide detail:

NA

G. Project Status:

1. If the Project includes the acquisition of any land or buildings, have any steps been taken toward acquiring same?

Yes____ No____. If yes, please discuss in detail the approximate stage of such acquisition:

N/A

2. If the Project includes the acquisition of any Equipment, have any steps been taken toward acquiring same?

Yes_____ No_X_. If yes, please discuss in detail the approximate stage of such acquisition:

NA

3. If the Project involves the construction or reconstruction of any building or other improvement, has construction work on any such building or improvement begun? Yes ____ No X. If yes, please discuss in detail the approximate extent of construction and the extent of completion. Indicate in your answer whether such specific steps have been completed as site clearance and preparation; completion of foundations; installation of footings; etc.:

NA

4. Please indicate the amount of funds expended on the Project by the Applicant in the past three (3) years and the purpose of such expenditures:

N/A

III. INFORMATION CONCERNING LEASES OR SUBLEASES OF THE PROJECT (PLEASE COMPLETE THE FOLLOWING SECTION IF THE APPLICANT INTENDS TO LEASE OR SUBLEASE ANY PORTION OF THE PROJECT)

A. Does the Company intend to lease or sublease more than 10% (by area or fair market value) of the Project? Yes_____ No _____. If yes, please complete the following for **each** existing or proposed tenant or subtenant:

NA

Sublessee Name:_____
Present Address:_____
City:_____State:_____ Zip:_____
Employer's ID No.:_____
Sublessee is: _____Corporation; _____Partnership; _____; Limited Liability Company; _____Sole Proprietor
Relationship to Company: _____
Percentage of Project to be leased or subleased:_____
Use of Project intended by Sublessee: _____
Date of lease or sublease to Sublessee:_____
Term of lease or sublease to Sublessee: _____
Will any portion of the space leased by this sublessee be primarily used in making retail sales of goods or services to customers who personally visit the Project? Yes_____ No_____.
If yes, please provide on a separate attachment

a. details; and
b. the answers to questions II (F) (4) through (6) with respect to such sublessee.

B. What percentage of the space intended to be leased or subleased is now subject to a binding written lease or sublease? _____%

IV. EMPLOYMENT IMPACT

NA

A. Indicate below the number of people presently employed at the Project Site and the number that will be employed at the Project site at the end of the first and second years after the Project has been completed (Do not include construction workers). Also indicate below the number of workers employed at the Project site representing newly created positions as opposed to positions relocated from other project sites of the Applicant.

	Current # of Jobs at proposed Project location or to be relocated to Project location	**If Financial Assistance is granted, estimate the number of FTE and PTE jobs to be Retained**	**If Financial Assistance is granted, estimate the number of FTE and PTE jobs to be Created by Two years after Project completion**	**Estimate number of residents of the Labor Market Area in which the Project is located that will fill the retained and created FTE and PTE jobs Two years after Project completion****
Present Full Time				
Present Part Time				
First Year Full Time				
First Year Part Time				
Second Year Full Time				
Second Year Part Time				
Total:				

**For purposes of the question, please estimate in the fourth column the number of FTE and PTE jobs, as indicated in the second and third columns, that will be filled by residents of the Labor Market Area. The Labor Market Area includes Cortland County as well as the counties of Cayuga, Onondaga, Tompkins, Broome and Chenango.

Category of Jobs to be Retained and Created	Estimated Average Salary or Range of Salary	Estimated Average Fringe Benefits or Range of Fringe Benefits
Management		
Professional		
Administrative		
Production		
Independent Contractors		
Other		

B. Please state the anticipated date of completion of the Project site and the anticipated date of occupancy of the Project site:
Project Site Completion Date: _____
Project Site Occupancy Date: _____

V. PROJECT COST

A. State the costs reasonably necessary for the acquisition of the Project site, the construction of the proposed buildings and the acquisition and installation of any machinery and equipment necessary or convenient in connection therewith, and including any utilities, access roads or appurtenant facilities, using the following categories:

Description of Cost:	Amount:
Land Acquisition	$_____
Building Construction	$_____
Building Renovation	$_____
Machinery and equipment costs	$1,500,000
Utilities, roads and appurtenant costs	$_____
Architects and engineering fees	$10,000
Costs of Bond issue (legal, financial and printing)	$_____
Construction loan fees and interest (if applicable)	$50,000
Other (specify) New Executive Buses	$200,000
_____	$_____
_____	$_____
_____	$_____
TOTAL PROJECT COSTS:	$1,760,000

B. Have any of the above expenditures already been made by the Applicant?
Yes_____ No X. If yes, indicate particulars:
NA

VI. FINANCIAL ASSISTANCE EXPECTED FROM THE AGENCY

A. Tax Benefits:

1. Is the Applicant requesting a real property tax exemption in connection with the Project from the Agency? Yes_____ No_X_.

2. Is the Applicant expecting to be appointed agent of the Agency for purposes of receiving an exemption from N.Y.S. Sales Tax or Compensating Use Tax? Yes_X_ No_____.

3. Is the Applicant requesting a mortgage recording tax exemption in connection with the Project from the Agency? Yes_____ No_X_.

4. What is the estimated value of each type of tax exemption being sought in connection with the Project? Please detail the type of tax exemption and value of each exemption:
   a. N.Y.S. Sales and Compensating Use Taxes: $140,800
   b. Mortgage Recording Taxes: $_____
   c. Real Property Taxes: $_____
      (Please consult with the Agency in calculating the estimated value of the real property tax exemption)
   d. Other (please specify):
      _____ $_____
      _____ $_____
      _____ $_____

5. Are any of the tax-exemptions being sought in connection with the Project inconsistent with the Agency's Uniform Tax-exemption Policy? Yes _____ No_X_. If yes, please explain how the request of the Applicant differs from the Agency's Uniform Tax-Exemption Policy:

   _____
   _____
   _____
   _____
   _____

B. Financing:

1. Is the Applicant requesting that the Agency issue bonds to assist in financing the Project? Yes_____ No_X_. If yes, indicate:
   a. Principal Amount of Bonds Requested $_____NA_____
   b. Maturity Requested _____NA_____ Years
   c. Is the Interest on such bonds intended to be exempt from federal income taxation? Yes_____ No_____. NA

2. What is the approximate amount of private sector financing to be obtained? $ 1,000,000 . Is the Applicant expecting that the private sector financing of the Project will be secured by one or more mortgages? Yes____ No X .
If yes, what is the approximate amount of private sector financing to be secured? $ NA .

3. Is the Applicant expecting that any of the financing of the Project will come from public sector sources? Yes____ No X .
What is the approximate amount of public sector financing to be obtained? $ NA .
If yes, is the Company expecting that the public sector financing of the Project will be secured by one or more mortgages or grant agreements? Yes____ No____. NA
If yes, what is the approximate amount of public sector financing to be secured? $ NA .

4. Please state the approximate amount to be invested in the Project (not borrowed or the subject of a grant) by the Applicant $ 760,000 .

5. Please state the approximate total amount of borrowed funds to be invested in the Project $ 1,000,000 .

VII. 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. **Local Workforce Development:** The Applicant understands and agrees that if the Project receives Financial Assistance from the Agency, except as provided by collective bargaining where practicable, the Applicant will increase the skill base of the local workforce through training, opportunities for professional development and career track advancement.

D. **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, in accordance with Section 874(8) of the General Municipal Law, 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.

E. **Annual Employment Reports:** The Applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, the Applicant will file, or cause to be filed, with the Agency, on an annual basis, reports regarding the number of people employed at the Project site.

F. **Absence of Conflicts of Interest:** The Applicant has received from the Agency a list of the members, officers and employees of the Agency. No member, officer or employee of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as hereinafter described:

_____

_____

_____

_____

_____

G. **Federal, State and Local Laws:** The Applicant/Owner/Occupant/Operator receiving the Financial Assistance understands and agrees that it must be, at all times, in compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations.

H. **Environmental Matters:** The Applicant acknowledges that certain environmental representations will be required at closing. The Applicant shall provide copies of any known environmental reports, including any existing Phase I Environmental Site Assessment Report(s) and/or Phase II Environmental Investigations. The Agency may require the Company and/or Owner of the Premises to prepare and submit an environmental assessment and audit report including, but not limited to, a Phase I Environmental Site Assessment Report and a Phase II Environmental Investigation, with respect to the Premises at the sole cost and expense of the Owner and/or the Applicant.

All environmental assessment and audit reports shall be completed in accordance with ASTM Standard Practice E1527-13, and shall be conformed over to the Agency so that the Agency is authorized to use and rely on the reports. The Agency, however, does not adopt, ratify, confirm or assume any representation made with reports required herein.

I. **Release:** The Applicant and/or Owner, and their successors and assigns, hereby release, defend and indemnify the Agency from any and all suits, causes of action, litigations, damages, losses, liabilities, obligations, penalties, claims, demands, judgments, costs, disbursements, fees or expenses of any kind or nature whatsoever (including, without limitation, attorneys', consultants' and experts' fees) which may at any time be imposed upon, incurred by or asserted or awarded against the Agency resulting from or arising out of any inquiries and/or environmental assessments, investigations and audits performed on behalf of the Applicant and/or Owner pursuant hereto, including the scope, level of detail, contents or accuracy of any environmental assessment, audit, inspection or investigation report completed hereunder and/or the selection of the environmental consultant, engineer or other qualified person to perform such assessments, investigations and audits.

J. **Hold Harmless Provision:** The Applicant acknowledges and agrees that the Applicant shall be and is responsible for all costs of the Agency incurred in connection with any actions required to be taken by the Agency in furtherance of the Application including the Agency's costs of general counsel and/or the Agency's bond/transaction counsel 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: (i) 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; (ii) the Agency's acquisition, construction and/or installation of the proposed Project described herein; and (iii) 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 attorneys' fees and any other expenses incurred in defending any suit or actions which may arise as a result of any of the foregoing. Applicant hereby understands and agrees, in accordance with Section 875(3) of the New York General Municipal Law and the policies of the Agency that any New York State and local sales and use tax exemption claimed by the Applicant and approved by the Agency, any mortgage recording tax exemption claimed by the Applicant and approved by the Agency, and/or any real property tax abatement claimed by the Applicant and approved by the Agency in connection with the Project, may be subject to recapture and/or termination by the Agency under such

terms and conditions as will be established by the Agency and set forth in transaction documents to be entered into by and between the Agency and the Applicant. The Applicant further represents and warrants that the information contained in this Application including, without limitation, information regarding the amount of the New York State and local sales and use tax exemption benefit, the amount of the mortgage recording tax exemption benefit, and the amount of the real property tax abatement, if and as applicable, to the best of the Applicant's knowledge, is true, accurate and complete.

K. **False or Misleading Information.** The submission of any knowingly false or misleading information by the applicant 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 Agency involvement in the Project.

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VERIFICATION

(If Applicant is a Corporation, Limited Liability Company, General or Limited Partnership)

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

LEROY DRAPER deposes and says, under the penalties of perjury, that he/she is the CHIEF FINANCIAL OFFICER (must be the chief executive officer, member, manager, general partner or such other individual duly authorized to bind the applicant) of GREEK PEAK HOLDINGS LLC (name of applicant); that he/she has read the foregoing application and knows the contents thereof; and that the same is true, complete and accurate to the best of his/her knowledge; that the reason this verification is made by the deponent and not by the applicant is the applicant is a LLC (Corporation, Limited Liability Company, General or Limited Partnership). The grounds of deponent's belief relative to all matters in the application which are not stated upon his/her own personal knowledge are investigations which deponent has caused to be made concerning the subject matter of this application as well as information acquired by deponent in the course of his/her duties as CFO of the applicant and from the books and records of the applicant.

Signature: Leroy Draper
Print Name: Leroy Draper

Sworn to before me this 29
day of SEPTEMBER, 20 25

Notary Public

KARN KHETI
STATE OF NEW YORK
NOTARY PUBLIC
Qualified in Cortland County
01KH6388983
MY COMMISSION EXPIRES 03/18/2027