

COUNTY OF SULLIVAN INDUSTRIAL DEVELOPMENT AGENCY

548 Broadway
Monticello, New York 12701
(845) 428-7575 - Voice
(845) 428-7577 - Fax
www.sullivanida.com
TTY 711

MEETING NOTICE

TO: Suzanne Loughlin, IDA Chairperson
Edward Sykes, IDA Vice Chairman
Carol Roig, IDA Secretary
Howard Siegel, IDA Treasurer & Chief Financial Officer
Craig Fleischman, IDA Assistant Secretary
Scott Smith, IDA Assistant Treasurer
Paul Guenther, IDA Member
Sean Brooks, IDA Member
Chairman and Members of the Sullivan County Legislature
Josh Potossek, Sullivan County Manager
John Kiefer, IDA Chief Executive Officer
Walter Garigliano, Esq., IDA Counsel

FROM: Jennifer Flad, Executive Director

DATE: May 5, 2021

PLEASE TAKE NOTICE that there will be a Regular Meeting of the County of Sullivan Industrial Development Agency scheduled as follows:

Date: Monday, May 10, 2021
Time: 11:00 AM
Location: Via Zoom Videoconference Call

Because of the Novel Coronavirus (COVID-19) Emergency and State and federal bans on large meetings or gatherings and pursuant to Governor Cuomo's Executive Order 202.1 issued on March 12, 2020 suspending the Open Meetings Law, which has been extended by various Executive Orders including Executive Order 202.102 on April 19, 2021, this meeting will be held via videoconference call instead of a public meeting open for the public to attend in person.

Members of the public may attend the meeting by dialing 929-205-6099 and entering Meeting ID 678-518-8985 or by using the following meeting link: <https://zoom.us/j/6785188985>

SEE REVERSE FOR AGENDA

COUNTY OF SULLIVAN INDUSTRIAL DEVELOPMENT AGENCY

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MEETING AGENDA
Monday, May 10, 2021

To be held via Zoom videoconference call: dial 929-205-6099 and enter Meeting ID 678-518-8985 or use meeting link <https://zoom.us/j/6785188985>

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF MEETING MINUTES

April 12, 2021 Recessed Meeting and April 21, 2021 Reconvened Meeting

IV. BILLS AND COMMUNICATIONS

V. STAFF ACTIVITY REPORT

VI. NEW BUSINESS

Resolution: Authorizing an Extension of the Sales Tax Abatement Period for the Doetsch Family III LLC Project from June 1, 2021 Through and Including November 30, 2021

Resolution: Authorizing an Extension of the Sales Tax Abatement Period for the Psychedelic Solar LLC Project from June 1, 2021 Through and Including November 30, 2021

Resolution: Authorizing an Extension of the Sales Tax Abatement Period for the RGG Realty LLC and Columbia Ice and Cold Storage Corporation Project from June 1, 2021 Through and Including November 30, 2021

Resolution: Approving an Increase in the Authorized Sales and Use Tax Abatement Relating to the Doetsch Family I LLC and Doetsch Family II LLC Project

Resolution: Approving the Application of SVG 26 LLC (Former Catskill Distilling Company, Ltd. Project)

Any and All Other Business Before the Board

VII. PUBLIC COMMENT AND ADJOURN

##

COUNTY OF SULLIVAN INDUSTRIAL DEVELOPMENT AGENCY

548 Broadway

Monticello, New York 12701

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MEETING MINUTES

Monday, April 12, 2021 (Recessed) & Wednesday, April 21, 2021 (Reconvened)

I. CALL TO ORDER

Acting Chairperson Loughlin called to order the regular meeting of the County of Sullivan Industrial Development Agency at approximately 11:04 AM via teleconference.

II. ROLL CALL

Members Present-

Suzanne Loughlin
Howard Siegel
Carol Roig
Paul Guenther
Scott Smith
Craig Fleischman
Sean Brooks

Members Absent-

Edward Sykes

Staff Present-

Jennifer Flad, Executive Director
Julio Garaicoechea, Project Manager
Deborah Nola, Accounting and Financial Analyst

Staff Absent-

None

Others Present-

Ira Steingart, Sullivan County Legislature
Walter Garigliano, Agency Counsel
Joseph Abraham, *SC Democrat*
George Duke, Esq.
Steve Vegliante, Esq.
Jena Berman, Avon Road Partners LP
John Kiefer
Ken Walter

III. INTRODUCTION OF NEW IDA BOARD MEMBERS

Ms. Loughlin welcomed new IDA Board Members Craig Fleischman and Sean Brooks.

IV. APPROVAL OF MEETING MINUTES

On a motion made by Mr. Guenther, seconded by Mr. Smith, the Board voted and unanimously adopted the minutes of the March 8, 2021 Recessed Meeting and March 10, 2021 Reconvened Meeting.

V. BILLS AND COMMUNICATIONS

On a motion made by Mr. Siegel, and seconded by Mr. Guenther, the revised Schedule of Payments was unanimously approved.

VI. STAFF ACTIVITY REPORT

Ms. Flad reminded Board Members that Financial Disclosure forms are due to the County by May 15th. Extensions may be requested by contacting the Clerk to the Legislature AnnMarie Martin. She also added that the New York State Authorities Budget Office mandates that new Board Members attend a Public Authority Board Member Training Session and strongly recommends current members to attend training courses once every three years. Ms. Flad stated that the Personnel Committee authorized hiring a new part-time temporary staff member. Chairperson Loughlin disclosed that she has a familial relationship with the new hire. Mr. Siegel directed staff to provide the new IDA Board members with six months of IDA minutes prior to the Board Member training courses.

VII. NEW BUSINESS

On a motion made by Mr. Gunther, and seconded by Mr. Siegel, the board unanimously approved the proposed Agency Officers and Committee Members as presented. Ms. Flad noted that the Agency Officers and Committee Members are as follows:

- **Chairperson:** Suzanne Loughlin
- **Vice-Chair:** Edward T. Sykes
- **Treasurer:** Howard Siegel
- **Secretary:** Carol Roig
- **Assistant Treasurer:** Scott Smith
- **Assistant Secretary:** Craig Fleischman
- **Personnel Committee:** Suzanne Loughlin, Ed Sykes, Howard Siegel, Paul Guenther
- **Investment Committee:** Howard Siegel, Paul Guenther
- **Governance Committee:** Suzanne Loughlin, Paul Guenther, Scott Smith
- **Audit Committee:** Howard Siegel, Suzanne Loughlin, Scott Smith
- **Finance Committee:** Scott Smith, Paul Guenther, Howard Siegel
- **Revolving Loan Fund Committee, Agri-Business Revolving Loan & Lease Fund Committee, Rural Microentrepreneur Assistance Program Loan Committee:** CEO, Howard Siegel, Paul Guenther

Ms. Flad stated that the Bank Signatories are the following positions: Chairperson, Treasurer, Secretary and CEO.

On a motion made by Ms. Roig, and seconded by Mr. Guenther, the Board discussed a resolution authorizing an extension of the Sales Tax Abatement period for the **Amytra Development LLC, Eldred Entertainment LLC, and Eldred Hospitality LLC** project from May 1, 2021 through and including October 31, 2021. Mr. Garaicoechea stated that the project is current with respect to fees and reports due to the Agency. Chairperson Loughlin called the motion to question, the Board voted, and the resolution was unanimously approved.

The Board discussed the proposed **Commercial Industrial Park Uniform Tax Exemption Policy**. Attorney Garigliano stated that the Agency distributed the proposed policy to all affected taxing jurisdictions. The Liberty Central School District submitted a comment on the proposed policy and prefers to not be included. Attorney Garigliano stated that there are discussions to be set up with the Superintendent so that the District is aware of the ramifications of their decision. Attorney Garigliano recommended the

Agency modify the policy to exclude any parcels located within the Liberty Central School District. Attorney Garigliano described the policy for the new Board members. Mr. Siegel directed Attorney Garigliano to prepare a resolution for discussion and adoption at the next meeting.

VIII. RECESS

Mr. Smith made a motion to recess the meeting while the Sullivan County Funding Corporation and The Sullivan County Infrastructure Local Development Corporation hold special meetings to the same conference line. Mr. Guenther seconded the motion, the Board voted, and the meeting was recessed at approximately 11:26 AM.

IX. RECONVENE

Chairperson Loughlin reconvened the meeting at approximately 11:47 AM via teleconference.

X. PUBLIC COMMENT

Chairperson Loughlin asked those present for Public Comment. The Board recognized the comments of Ken Walter and Ira Steingart.

Mr. Siegel made a motion to enter Executive Session to discuss matters leading to the Appointment, Employment, Promotion, Demotion, Discipline, Suspension, Dismissal, or Removal of a Particular Person. Ms. Roig seconded the motion and the Board entered Executive Session at approximately 11:50 AM.

Mr. Siegel made a motion to exit Executive Session. Chairperson Loughlin seconded the motion and the Board exited Executive session at approximately 12:18 PM.

XI. RECESS

Mr. Siegel made a motion to recess the meeting to Wednesday, April 21, 2021 at 10:00 AM via conference line. Chairperson Loughlin seconded the motion, and the meeting was recessed at approximately 12:18 PM.

XII. RECONVENE—APRIL 21, 2021

Ms. Loughlin reconvened the recessed meeting of the County of Sullivan Industrial Development Agency on April 21, 2021 at approximately 10:04 AM via teleconference.

XIII. ROLL CALL

Members Present-

Suzanne Loughlin
Howard Siegel
Carol Roig
Paul Guenther
Scott Smith
Sean Brooks

Members Absent-

Edward Sykes
Craig Fleischman

Staff Present-

Jennifer Flad, Executive Director
Julio Garaicoechea, Project Manager

Staff Absent-

None

Deborah Nola, Accounting and Financial Analyst

Others Present-

Walter Garigliano, Agency Counsel

George Duke, Esq.

Steve Vegliante, Esq.

XIV. NEW BUSINESS

On a motion made by Mr. Guenther, and seconded by Mr. Siegel, the Board discussed the proposed **Commercial/Industrial Park Uniform Tax Exemption Policy**. Ms. Flad updated the Board on discussions with Liberty Central School District Superintendent Dr. Augustine Tornatore. Dr. Tornatore's concerns have been addressed and he has expressed support for the policy if it creates tax ratables, jobs and overall investment in the district. Attorney Garigliano advised he has revised the policy to include the district. Ms. Flad also stated that there were no other comments received. Chairperson Loughlin called the resolution to question, the Board voted, and the Board unanimously approved the policy.

The Board recognized the comments of Steven Vegliante, Esq. and George Duke, Esq.

Chairperson Loughlin updated the Board on the search for a Chief Executive Officer. Mr. Siegel stated that the Personnel Committee has drafted the terms of an offer of employment for this position.

On a motion made by Mr. Siegel, and seconded by Mr. Smith, the Board entered Executive Session to discuss matters leading to the employment of a new Agency Chief Executive Officer at approximately 10:12 AM.

On a motion made by Mr. Siegel and seconded by Mr. Guenther the Board exited Executive Session at approximately 10:20 AM.

On a motion made by Mr. Guenther, and seconded by Mr. Smith, the Board discussed a resolution authorizing the engagement of a new Agency Chief Executive Officer. Chairperson Loughlin called the resolution to question, the Board voted, and the Board unanimously approved the resolution.

XV. PUBLIC COMMENT AND ADJOURNMENT

Chairperson Loughlin asked those present for comment. There was none. On a motion made by Mr. Siegel and seconded by Ms. Roig the Board adjourned the meeting at approximately 10:21 AM.

Respectfully submitted:

Julio Garaicoechea and Jennifer Flad

##

COUNTY OF SULLIVAN INDUSTRIAL DEVELOPMENT AGENCY

548 Broadway, Monticello, NY 12701

845-428-7575

SCHEDULE OF PAYMENTS: MAY 10, 2021		
Vendor	Description	Amount
AT&T Mobility	Telephone 4/21/21-5/20/2021	\$ 91.68
Cardmember Service	Zoom, Adobe Acrobat Pro, Stamps.com, LogMeIn, Idrive yearly, AT&T Phone	\$ 956.03
FP Mailing Solutions	Postage Machine Rental 4/1/21 - 6/30/21	\$ 86.85
Garigliano Law Offices	Retainer May 2021	\$ 250.00
Garigliano Law Offices	Sales Tax Exemption Doetsch Family III, Psychedelic Solar LLC & RGG Realty Columbia Ice and Cold Storage Corp	\$ 750.00
Kristt Company	Office Supplies/Computer Supplies	\$ 1,992.88
Merrill Lynch FBO Deborah Nola	2021 IRA Contribution Match	\$ 1,592.00
New Southern Tier Title Agency LLC	Office Rent June 2021	\$ 2,700.00
Time Warner Cable	Telephone and Internet Service 5/1/21 - 5/31/21	\$ 229.95
USDA Rural Development	RMAP Loan Repayment - May 2021	\$ 2,370.41
TOTAL		\$ 11,019.80
I certify that the payments listed above were audited by the Board of the IDA on May 10, 2021 and allowed in the amounts shown. You are hereby authorized and directed to pay each of the claimants in the amount opposite its name.		
		<u>5/10/2021</u>
Signature		Date

Expenses Approved and Paid Since Last Regular Meeting (4/12/21)		
Vendor	Description	Amount
TOTAL		\$ -

Other Expenses and Items Paid Since Last Regular Meeting (4/12/21)—no approval required		
Vendor	Description	Amount
FP Mailing Solutions	Postage	\$ 300.00
Payroll Expenses	Payroll Check Dates:04/23/2021 & 05/07/2021	\$ 23,574.69
TOTAL		\$ 23,874.69

ACTIVITY REPORT – APRIL 2021
COUNTY OF SULLIVAN INDUSTRIAL DEVELOPMENT AGENCY, SULLIVAN
COUNTY FUNDING CORPORATION, THE SULLIVAN COUNTY INFRASTRUCTURE
LOCAL DEVELOPMENT CORPORATION

April 29, 2021

At its regular Board meeting on April 12, conducted via teleconference, the County of Sullivan Industrial Development Agency (IDA) welcomed **two new Board members**, Craig Fleischman and Sean Brooks, and approved a **new slate of officers and committee members**. Following Ira Steingart's departure, Suzanne Loughlin, who has served on the Board since 2009, is the new Chairperson of the IDA. The Board also authorized an extension of the sales tax abatement period for the **Amytra Development LLC, Eldred Entertainment LLC, and Eldred Hospitality LLC** Project, for the development of a hospitality facility at the site of the former Eldred Preserve in the Town of Highland.

The April 12 meeting was recessed and reconvened on April 21. At that time, the Board adopted a new **Commercial/ Industrial Park Uniform Tax Exemption Policy**, which is intended to encourage owners of land zoned for commercial or industrial uses to invest in infrastructure that will ready these properties for future development. Also on April 21, the Board adopted a resolution authorizing the engagement of **John Kiefer as the IDA's new Chief Executive Officer**. Board and staff members look forward to working with John, and we are grateful to Ed Sykes, who recently retired from the CEO position but will continue to serve on the IDA's Board of Directors.

The Sullivan County Funding Corporation (SCFC) also met on April 12. The Board adopted a resolution authorizing the grant of an option to purchase the **landfill expansion parcel** in the Village of Monticello to Cono Cimino or his assigns. The option agreement has now been executed, and SCFC has submitted the required 90-day notice of the proposed disposition of this parcel to New York State officials. Upon transfer of the parcel, it is anticipated that Mr. Cimino's entity will apply for benefits under the IDA's new Commercial/ Industrial Park Uniform Tax Exemption Policy.

Staff continues to work with our internal auditors, RBT CPAs LLP, as they complete the annual audits of the IDA, SCFC, and TSCILDC. We have drafted the annual PARIS (Public Authorities Reporting Information System) reports to the New York State Authorities Budget Office (ABO), and will complete and submit these reports upon completion of the internal audits. Due to COVID-related business interruptions, the deadline for submittal of PARIS reports has been extended from March 31 to May 31.

The ABO continues its review of economic development in Sullivan County. Separately, the Office of the State Comptroller is conducting an audit of the Sullivan County Funding Corporation.

##

Jennifer Flad

From: Julio Garaicoechea
Sent: Friday, April 30, 2021 12:31 PM
To: Julio Garaicoechea
Subject: FW: CSIDA w/ Doetsch Family III

From: Doetsch, Douglas A. <DDoetsch@mayerbrown.com>
Sent: Friday, April 30, 2021 12:26 PM
To: Julio Garaicoechea <juliog@sullivanida.com>
Cc: Tom Roberts <tom@homesteadt.com>
Subject: Re: CSIDA w/ Doetsch Family III

Julio,
I would like to apply for a six month time extension for the tax abatement program for Doetsch Family III LLC. We are close to finishing work on the Boardinghouse inn buildings located at the corner of Hospital Road and State Route 97 in Callicoon. Additional work includes: some painting and other finishes; some furniture, bedding and equipment purchases; landscaping.
Please let me know if you have any questions.
Regards
Doug

Sent from my iPhone

RESOLUTION

A regular meeting of the County of Sullivan Industrial Development Agency (“Agency”) was convened on May 10, 2021, at 11:00 a.m. local time via teleconference as authorized by New York Governor Andrew Cuomo’s Executive Order No. 202.102.

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

	<u>PRESENT</u>	<u>ABSENT</u>
Suzanne Loughlin	[]	[]
Edward T. Sykes	[]	[]
Carol Roig	[]	[]
Craig Fleischman	[]	[]
Howard Siegel	[]	[]
Scott Smith	[]	[]
Paul Guenther	[]	[]
Sean Brooks	[]	[]

The following persons were also present:

John Kiefer, Chief Executive Officer
Jennifer M. Flad, Executive Director
Julio Garaicoechea, Project Manager
Deborah Nola, Accounting and Financial Analyst
Walter F. Garigliano, Agency General Counsel

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

Resolution No. ____ - 21

RESOLUTION EXTENDING THE SALES TAX ABATEMENT PERIOD FOR THE DOETSCH FAMILY III LLC (“COMPANY”) PROJECT FROM JUNE 1, 2021 THROUGH AND INCLUDING NOVEMBER 30, 2021

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York ("State"), as amended, and Chapter 560 of the Laws of 1970 of the State, as amended and codified as Section 960 of the General Municipal Law (collectively, the “Act”), the Agency was created with the authority and power to own, lease and sell property as authorized by the Act; and

WHEREAS, on or about October 23, 2019, the Company presented an application (“Application”) to the Agency, a copy of which is on file at the office of the Agency, requesting that the Agency consider undertaking a project consisting of the: (i) construction, reconstruction, renovation, rehabilitation, installation and equipping of two (2) buildings aggregating approximately 7,870+/- square feet intended to be used as a short-term lodging facility comprising a total of eight (8) units with bedrooms, bathrooms, living rooms, and kitchens (collectively, the “Buildings”)

together with related parking accommodations (“Parking Accommodations”) situate on two (2) parcels of real estate consisting of approximately 0.64+/- acres located along State Route 97 at 8 Hospital Road and Mitchell Avenue, Town of Delaware (“Town”), County of Sullivan, State of New York and identified on the Town’s tax map as Section 14, Block 5, Lot 29 and Section 15, Block 2, Lot 1 (“Land”); (ii) acquisition, construction and equipping of the Buildings and Parking Accommodations; (iii) acquisition, construction and installation thereon and therein of certain furniture, fixtures, machinery, equipment and tools (“Equipment”); (iv) construction of improvements to the Buildings, the Parking Accommodations, the Land and the Equipment (collectively, the Buildings, the Parking Accommodations, the Land and the Equipment are referred to as the “Facility” or the “Project”); and (v) lease of the Facility from the Agency to the Company; and

WHEREAS, on or about November 18, 2019, the Agency and the Company entered into an Agent and Project Agreement pursuant to which the Agency designated the Company as agent of the Agency; and

WHEREAS, contemporaneously with the execution of the Agent and Project Agreement, the Agency delivered to the Company a Sales Tax Exemption Letter, which letter will expire; and

WHEREAS, on or about April 30, 2021, the Company requested that the sales tax abatement period be extended for another six (6) months to continue the Project.

NOW, THEREFORE, BE IT RESOLVED, that the sales tax abatement period for the Project be, and hereby is, extended from June 1, 2021 through and including November 30, 2021.

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

Suzanne Loughlin	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Edward T. Sykes	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Carol Roig	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Craig Fleischman	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Howard Siegel	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Scott Smith	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Paul Guenther	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Sean Brooks	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain

The resolution was thereupon duly adopted.



Alicia Scott
Project Manager

400 Market Industrial Park, Ste 32.
Wappingers Falls, New York 12590

3 May 2021

Julio Garaicoechea
Project Manager
County of Sullivan Industrial Development Agency
548 Broadway
Monticello, New York 12701
845-428-7575

Mr. Garaicoechea,

Psychedelic Solar would like to request a 6 (SIX) month extension to our existing Sales Tax Abatement Letter dated December 1, 2020 which is set to expire May 31, 2021. We are currently finalizing the project financing and expect to order the major equipment for the project in the coming months for this project so that construction can begin in Q4 of 2021.

Please contact us if there are any further questions or with an updated letter. Thank you for your attention to this matter.

Best,

Alicia Scott

Delivered to: juliog@sullivanida.com
with copy to: jim.falsetti@bqenergy.com, MTyler@phillipslytle.com

RESOLUTION

A regular meeting of the County of Sullivan Industrial Development Agency (“Agency”) was convened on May 10, 2021, at 11:00 a.m. local time via teleconference as authorized by New York Governor Andrew Cuomo’s Executive Order No. 202.102.

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

	<u>PRESENT</u>	<u>ABSENT</u>
Suzanne Loughlin	[]	[]
Edward T. Sykes	[]	[]
Carol Roig	[]	[]
Craig Fleischman	[]	[]
Howard Siegel	[]	[]
Scott Smith	[]	[]
Paul Guenther	[]	[]
Sean Brooks	[]	[]

The following persons were also present:

John Kiefer, Chief Executive Officer
Jennifer M. Flad, Executive Director
Julio Garaicoechea, Project Manager
Deborah Nola, Accounting and Financial Analyst
Walter F. Garigliano, Agency General Counsel

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

Resolution No. ____ - 21

RESOLUTION EXTENDING THE SALES TAX ABATEMENT PERIOD FOR THE PSYCHEDELIC SOLAR LLC (“COMPANY”) PROJECT FROM JUNE 1, 2021 THROUGH AND INCLUDING NOVEMBER 30, 2021

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York ("State"), as amended, and Chapter 560 of the Laws of 1970 of the State, as amended and codified as Section 960 of the General Municipal Law (collectively, the “Act”), the Agency was created with the authority and power to own, lease and sell property as authorized by the Act; and

WHEREAS, on or about March 4, 2020, the Company presented an application (“Application”) to the Agency, a copy of which is on file at the office of the Agency, requesting that the Agency consider undertaking a project consisting of the: construction of an approximately 2.7 MWAC/4.3MWDC solar photovoltaic electricity generating facility that will be interconnected to the New York State Electric and Gas (“NYSEG”) electrical grid (“Project”) whereby NYSEG customers in NYSEG Load Zone E that are part of the Company’s Community Solar Program will receive such

electricity at a discounted price to the then current NYSEG price. The Project is new construction and will be comprised of (a) racking to mount the solar modules (such racking generally to be pile driven into the ground); (b) solar modules; (c) inverters and transformers to sit on a concrete inverter pad and (d) assorted electrical components and wiring. The solar array will be constructed on a 14.5 ± acre parcel of real estate which is a portion of (2) parcels of real estate consisting of approximately 59.19± acres in the aggregate located at 608-636 Old White Lake Turnpike, Town of Bethel (“Town”), County of Sullivan (“County”), State and identified on the Town tax map as Section 18, Block 1, Lots 26.1 and 25.2 (collectively, the “Solar Array”); and

WHEREAS, on or about December 1, 2020, the Agency and the Company entered into an Agent and Project Agreement pursuant to which the Agency designated the Company as agent of the Agency; and

WHEREAS, contemporaneously with the execution of the Agent and Project Agreement, the Agency delivered to the Company a Sales Tax Exemption Letter, which letter will expire; and

WHEREAS, on or about May 3, 2021, the Company requested that the sales tax abatement period be extended for another six (6) months to continue the Project.

NOW, THEREFORE, BE IT RESOLVED, that the sales tax abatement period for the Project be, and hereby is, extended from June 1, 2021 through and including November 30, 2021.

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

Suzanne Loughlin	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Edward T. Sykes	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Carol Roig	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Craig Fleischman	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Howard Siegel	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Scott Smith	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Paul Guenther	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Sean Brooks	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain

The resolution was thereupon duly adopted.

RGG Realty LLC

171. E Industry Court, Deer Park, NY 11729

To Whom It May Concern,

This letter is to state that we are requesting six month abatement at 33 Plaza Drive, Monticello, NY 12701.

Thank you,



Cono Cimino

RESOLUTION

A regular meeting of the County of Sullivan Industrial Development Agency (“Agency”) was convened on May 10, 2021, at 11:00 a.m. local time via teleconference as authorized by New York Governor Andrew Cuomo’s Executive Order No. 202.102.

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

	<u>PRESENT</u>	<u>ABSENT</u>
Suzanne Loughlin	[]	[]
Edward T. Sykes	[]	[]
Carol Roig	[]	[]
Craig Fleischman	[]	[]
Howard Siegel	[]	[]
Scott Smith	[]	[]
Paul Guenther	[]	[]
Sean Brooks	[]	[]

The following persons were also present:

John Kiefer, Chief Executive Officer
Jennifer M. Flad, Executive Director
Julio Garaicoechea, Project Manager
Deborah Nola, Accounting and Financial Analyst
Walter F. Garigliano, Agency General Counsel

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

Resolution No. ____ - 21

RESOLUTION EXTENDING THE SALES TAX ABATEMENT PERIOD FOR RGG REALTY LLC AND COLUMBIA ICE AND COLD STORAGE CORPORATION (COLLECTIVELY, THE “COMPANY”) PROJECT FROM JUNE 1, 2021 THROUGH AND INCLUDING NOVEMBER 30, 2021

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York ("State"), as amended, and Chapter 560 of the Laws of 1970 of the State, as amended and codified as Section 960 of the General Municipal Law (collectively, the “Act”), the Agency was created with the authority and power to own, lease and sell property as authorized by the Act; and

WHEREAS, on or about June 16, 2020, the Company presented an application to the Agency (“Application”), a copy of which is on file at the office of the Agency, requesting that the Agency consider undertaking a project consisting of the: (i) acquisition, construction, reconstruction, renovation, rehabilitation, installation and equipping of an approximately 22,000 +/- square foot building to include an ice distribution facility with associated office space and break room

(“Building”) situate on one (1) parcel of real estate consisting of approximately four acres located at 33 Plaza Drive, Village of Monticello (“Village”), Town of Thompson (“Town”), County of Sullivan (“County”), State of New York and identified on the Town tax map as Section 130, Block 1, Lot 17 (“Land”); (ii) construction and equipping of the Building; (iii) construction and installation thereon and therein of certain furniture, fixtures, machinery, equipment and tools (“Equipment”); (iv) construction of improvements to the Building, the Land and the Equipment (collectively, the Building, the Land and the Equipment are referred to as the “Facility” or the “Project”); and (v) lease of the Project from the Agency to the Company; and

WHEREAS, on or about November 17, 2020, the Agency and the Company entered into an Agent and Project Agreement pursuant to which the Agency designated the Company as agent of the Agency; and

WHEREAS, contemporaneously with the execution of the Agent and Project Agreement, the Agency delivered to the Company a Sales Tax Exemption Letter, which letter will expire; and

WHEREAS, on or about May 6, 2021, the Company requested that the sales tax abatement period be extended for another six (6) months to continue the Project.

NOW, THEREFORE, BE IT RESOLVED, that the sales tax abatement period for the Project be, and hereby is, extended from June 1, 2021 through and including November 30, 2021.

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

Suzanne Loughlin	[] Yes	[] No	[] Absent	[] Abstain
Edward T. Sykes	[] Yes	[] No	[] Absent	[] Abstain
Carol Roig	[] Yes	[] No	[] Absent	[] Abstain
Craig Fleischman	[] Yes	[] No	[] Absent	[] Abstain
Howard Siegel	[] Yes	[] No	[] Absent	[] Abstain
Scott Smith	[] Yes	[] No	[] Absent	[] Abstain
Paul Guenther	[] Yes	[] No	[] Absent	[] Abstain
Sean Brooks	[] Yes	[] No	[] Absent	[] Abstain

The resolution was thereupon duly adopted.

Jennifer Flad

From: Doetsch, Douglas A. <DDoetsch@mayerbrown.com>
Sent: Sunday, May 2, 2021 6:31 PM
To: Julio Garaicoechea
Cc: Matthew L Repp; Jennifer Flad; Sandra Baisley; John Cordeiro
Subject: Re: CSIDA w/ Doetsch Family II

Julio,

Our current CSIDA for Doetsch Family II LLC (dba Seminary Hill Orchard & Cidery) has an authorized purchase amount of \$1,557,500 (with an authorized abatement of \$124,600). This is approximately the amount used, following the receipt of updated figures from RL Baxter.

I would request an increase in the authorized purchase amount of \$300,000 (with an increase in the authorized abatement of \$24,000). The reason for the increase is equipment purchases, primarily related to cider production. We hope to accelerate our ramp-up of cider production (currently at 2400 gallons per year) to eventually reach approximately 15,000 gallons per year. This ramp-up in cider production will require the purchase of additional tanks and other equipment.

Please let me know if you have any questions.

Regards

Doug

Sent from my iPhone

RESOLUTION

A regular meeting of the County of Sullivan Industrial Development Agency (“Agency”) was convened on May 10, 2021, at 11:00 a.m. local time via teleconference as authorized by New York Governor Andrew Cuomo’s Executive Order No. 202.102.

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

	<u>PRESENT</u>	<u>ABSENT</u>
Suzanne Loughlin	[]	[]
Edward T. Sykes	[]	[]
Carol Roig	[]	[]
Craig Fleischman	[]	[]
Howard Siegel	[]	[]
Scott Smith	[]	[]
Paul Guenther	[]	[]
Sean Brooks	[]	[]

The following persons were also present:

- John Kiefer, Chief Executive Officer
- Jennifer M. Flad, Executive Director
- Julio Garaicoechea, Project Manager
- Deborah Nola, Accounting and Financial Analyst
- Walter F. Garigliano, Agency General Counsel

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

Resolution No. ____ - 21

RESOLUTION OF THE AGENCY APPROVING AN INCREASE IN THE AUTHORIZED SALES AND USE TAX ABATEMENT RELATING TO THE DOETSCH FAMILY I, LLC (“DOETSCH I”) AND DOETSCH FAMILY II, LLC (“DOETSCH II” TOGETHER WITH DOETSCH I COLLECTIVELY REFERRED TO AS, THE “COMPANY”) PROJECT

WHEREAS, the Agency was created by Chapter 560 of the Laws of 1970 of the State of New York, as amended, pursuant to Title I of Article 18-A of the General Municipal Law of the State of New York (collectively, the "Act") as a body corporate and politic and as a public benefit corporation of the State of New York; and

WHEREAS, on or about February 16, 2018, the Company presented an application to the Agency, a copy of which is on file at the office of the Agency, requesting that the Agency consider

undertaking a project consisting of the: (i) construction, installation and equipping of (a) an approximately 8,200 ± square foot building intended to be used as a cider production facility and tasting room (“Building”); and (b) construction and equipping of a 1,500-1,800 square foot storage area for kegs, barrels, apples, etc. (“Storage Cave”) situate on one (1) parcel of real estate consisting of approximately 59.59 ± acres located at 51 Wagner Lane, Town of Delaware (“Town”), Callicoon, County of Sullivan (“County”), State and identified on the Town tax map as Section 12, Block 1, Lot 13.5 (“Land”); (ii) construction and equipping of the Building and Storage Cave; (iii) construction and installation thereon and therein of certain furniture, fixtures, machinery, equipment and tools (“Equipment”); (iv) construction of improvements to the Building, the Storage Cave, the Land and the Equipment (collectively, the Building, the Storage Cave the Land and the Equipment are referred to as the “Facility” or the “Project”); and (v) lease of the Facility from the Agency to the Company; and

WHEREAS, on April 9, 2018, the Agency by resolution #12-18 approved the Project; and

WHEREAS, the Agency and the Company entered into the following documents:

1. Agent and Project Agreement, dated June 1, 2018 (“Agent Agreement”);
2. Environmental Compliance and Indemnification Agreement (“ECIA”), dated June 1, 2018;
3. Bill of Sale to Agency, dated June 1, 2018;
4. Bill of Sale to Company, dated June 1, 2018;
5. Lease to Agency and memorandum thereto, dated June 1, 2018;
6. Leaseback to Company and memorandum thereto, dated June 1, 2018; and
7. Payment in Lieu of Tax Agreement, dated June 1, 2018;

(Items 1-7 collectively referred to as the “2018 Transaction Documents”)
; and

WHEREAS, by its letter, dated May 2, 2021, the Company requested an increase in the authorized amount of the sales and use tax exemption from One Hundred Twenty-Four Thousand Six Hundred and 00/100 (\$124,600.00) Dollars to One Hundred Forty-Eight Thousand Six Hundred and 00/100 (\$148,600.00) Dollars due to an additional increase in Project costs; and

WHEREAS, the direct and indirect benefits to the local economy of additional construction activity far exceeds the cost of the increased sales and use tax exemption.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE AGENCY AS FOLLOWS:

Section 1. The Agency hereby approves the Company’s request to increase the authorized sales and use tax abatement to an amount not to exceed One Hundred Forty-Eight Thousand Six Hundred and 00/100 (\$148,600.00) Dollars conditioned upon payment of all fees and costs of the Agency related hereto.

Section 2. Section 4(e) of the Agent Agreement is hereby deleted in its entirety and the following inserted in its place and stead:

“(e) The Company further (i) covenants and agrees that the purchase of goods and services relating to the Project and subject to New York State and local sales and use taxes are estimated in the amount up to \$1,857,500.00, and, therefore, the value of the sales and use tax exemption benefits authorized and approved by the Agency cannot exceed \$148,600.00, (ii) confirms that the mortgage recording tax exemption amount shall not exceed \$100,000, and (iii) confirms that the real property tax abatement benefits to be provided to the Company shall conform to those contained within the PILOT attached hereto as Exhibit 4.”

Section 3. The Executive Director, Chief Executive Officer or Counsel to the Agency is hereby authorized and directed (i) to distribute copies of this resolution to the Company; and (ii) to do such further things or perform such acts and to execute any and all documents as may be necessary or convenient to implement the provisions of this resolution.

Section 4. These Resolutions shall take effect immediately

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

Suzanne Loughlin	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Edward T. Sykes	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Carol Roig	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Craig Fleischman	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Howard Siegel	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Scott Smith	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Paul Guenther	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain
Sean Brooks	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Absent	<input type="checkbox"/> Abstain

and therefore, the resolution was declared duly adopted.

STATE OF NEW YORK :
:SS
COUNTY OF SULLIVAN :

I, the undersigned (Assistant) Secretary of the Agency DO HEREBY CERTIFY THAT:

1. I have compared the foregoing copy of a resolution of the Agency with the original thereof on file in the office of the Agency, and that the same is a true and correct copy of such resolution and of the proceedings of the Agency in connection with such matter.
2. Such resolution was passed at a meeting of the Agency duly convened via conference call on May 10, 2021 at 11:00 a.m., at which the following members were present:

	<u>PRESENT</u>	<u>ABSENT</u>
Suzanne Loughlin	[]	[]
Edward T. Sykes	[]	[]
Carol Roig	[]	[]
Craig Fleischman	[]	[]
Howard Siegel	[]	[]
Scott Smith	[]	[]
Paul Guenther	[]	[]
Sean Brooks	[]	[]

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

Suzanne Loughlin	[] Yes	[] No	[] Absent	[] Abstain
Edward T. Sykes	[] Yes	[] No	[] Absent	[] Abstain
Carol Roig	[] Yes	[] No	[] Absent	[] Abstain
Craig Fleischman	[] Yes	[] No	[] Absent	[] Abstain
Howard Siegel	[] Yes	[] No	[] Absent	[] Abstain
Scott Smith	[] Yes	[] No	[] Absent	[] Abstain
Paul Guenther	[] Yes	[] No	[] Absent	[] Abstain
Sean Brooks	[] Yes	[] No	[] Absent	[] Abstain

and therefore, the resolution was declared duly adopted.

I FURTHER CERTIFY that (i) all members of the Agency had due notice of said meeting, (ii) pursuant to Sections 103(a) and (c) and 104 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public via videoconferencing and public notice of the time and place of said meeting was duly given in accordance with such Sections 103(a) and (c) and 104, (iii) the meeting in all respects was duly held via teleconference as authorized by New York Governor Andrew Cuomo's Executive Order No. 202.102, and (iv) there was a quorum present throughout.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the 10th day of May, 2021.

Secretary

COUNTY OF SULLIVAN INDUSTRIAL DEVELOPMENT AGENCY
548 Broadway
Monticello, New York 12701
845-428-7576
APPLICATION FOR FINANCIAL ASSISTANCE

I. A. APPLICANT INFORMATION:

Company Name: SVG 26 LLC

Address: 1301 47th Street, Brooklyn, New York 11219

Phone No.: 609-208-8944 845-866-2899

Telefax No.: _____

Email Address: solmnelnr@gmail.com

Fed Id. No.: 85-1761203

Contact Person: Solomon Ellner

Principal Owners/Officers/Directors (list owners with 15% or more in equity holdings with percentage ownership):

Principal Owners (Shareholders/Members/Owners): Solomon Ellner [100%]

Directors/Managers: _____

Officers: _____

Corporate Structure (attach schematic if Applicant is a subsidiary or otherwise affiliated with another entity)

Form of Entity:

_____ Corporation (Sub-s)

Date of incorporation: _____

State of incorporation: _____

_____ Partnership

General _____ or Limited _____

Number of general partners _____

If applicable, number of limited partners _____

Date of formation: _____

Jurisdiction formation: _____

Limited Liability Company/Partnership (number of members _____)

Date of organization: July 6, 2020

State of organization: New York

Sole Proprietorship

If a foreign organization, is the Applicant authorized to do business in the State of New York? Yes No N/A (If so, please append Certificate of Authority.)

APPLICANT'S COUNSEL

Name: Shawn Law Offices, P.C.

Address: 30 North Street, Monticello, New York 12701

Phone No.: (845) 791-7676

Telefax No.: (845) 791-4680

Email Address: henrishawnlaw@gmail.com

II. REQUESTED FINANCIAL ASSISTANCE

	<u>Estimated Value</u>
Real Property Tax Abatement (estimated)	\$ <u>N/A</u>
Mortgage Tax Exemption	\$ <u>25,000</u>
Sales and Use Tax Exemption	\$ <u>N/A</u>
Issuance by the Agency of Tax Exempt Bonds	\$ <u>N/A</u>

III. PROJECT INFORMATION

A.) Project Location:

Project Address: 2037 State Route 17B, Bethel, New York 12720
Tax Map Number(s): see attached
Located in the Village of: N/A
Located in Town of Bethel
Located in the School District of Monticello
Located in Hamlet of Bethel

(i) Are Utilities on Site?

Water/Sewer No water/Yes Sewer Electric Yes
Gas No Storm Sewer No

(ii) Present legal owner of the site: County of Sullivan Industrial Development Agency (Project Land); Catskill Distilling Company, Ltd. (Additional Premises)

If other than Applicant, by what means will the site be acquired for this Project: Project Land and Additional Premises to be transferred to Applicant

(iii) Zoning of Project Site: Current: _____ Proposed: _____

(iv) Are any variances needed: No

(v) Principal Use of Project upon completion: Distillery, Restaurant, Art Gallery, Apartments

B.) Will the Project result in the removal of a plant or facility of the Applicant or a proposed Project occupant from one area of the State of New York to another area of the State of New York? No; If yes, please explain:

C.) Will the Project result in the abandonment of one or more Plants or facilities of the Applicant or a proposed Project occupant located in the State of New York? No; If yes, please explain:

D.) If the answer to either question B or C above is yes, you are required to indicate

whether any of the following apply to the Project:

1. Is the Project reasonably necessary to preserve the competitive position of the Applicant or such Project Occupant in its industry? Yes _____; No _____. If yes, please explain:

2. Is the Project reasonably necessary to discourage the Applicant 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 explain:

E.) Will the Project include facilities or property that will be primarily used in making retail sales of goods or provide services to customers who personally visit such facilities? NO; If yes, please contact the Agency for additional information.

F.) Please provide a narrative of the Project and the purpose of the Project (new build, renovations, and/or all equipment purchases). Identify specific uses occurring within the Project. Describe any and all tenants and any/all end users. Describe the proposed acquisitions, construction or reconstruction and a description of the costs and expenditures expected. Attach additional sheets, if necessary.
see attached

G.) COSTS AND BENEFITS OF THE PROJECT

Costs = Financial Assistance

Estimated Sales Tax Exemption	\$ <u>N/A</u>
Estimated Mortgage Tax Exemption	\$ <u>25,000</u>
Estimated Property Tax Abatement	\$ <u>N/A</u>
Estimated Interest Savings IRB Issue	\$ <u>N/A</u>

Benefits= Economic Development

Jobs created	\$ <u>N/A</u>
Jobs retained	\$ <u>N/A</u>
Private funds invested	\$ <u>N/A</u>
Other Benefits	\$ <u>N/A</u>

Estimate how many construction/permanent jobs will be created or retained as a result of this Project:

Construction:	<u> N/A </u>
Permanent:	<u> N/A </u>
Retained (at current facility):	<u> N/A </u>

Project Costs (Estimates)	
Land and Existing Buildings	\$ <u> N/A </u>
Soft Costs (5%)	\$ <u> N/A </u>
Other	\$ <u> N/A </u>
Total	\$ <u> N/A </u>

In addition to the above estimated capital costs of the project, which must include all costs of real property and equipment acquisition and building construction or reconstruction, you must include details on the amounts to be financed from private sector sources, an estimate of the percentage of project costs financed from public sector sources and an estimate of both the amount to be invested by the Applicant and the amount to be borrowed to finance the Project.

Transfer of assets following bankruptcy sale

In addition to the job figures provided above, please indicate the following:

- 1) The projected number of full time equivalent jobs that would be retained and that would be created if the request for financial assistance is granted.

Five (5)

- 2) The projected timeframe for the creation of new jobs.

Summer 2021

- 3) The estimated salary and fringe benefit averages or ranges for categories of the jobs that would be retained or created if the request for financial assistance is granted.

 Distiller

 Cooks

 Servers

 Bartenders

- 4) An estimate of the number of residents of the economic development region as established pursuant to section two hundred thirty of the Economic Development Law, in which the project is located that would fill such jobs. The labor market area defined by the agency (Mid-Hudson Economic Development Region)

H.) State whether there is a likelihood that the project would not be undertaken but for the financial assistance provided by the Agency, or, if the project could be undertaken without financial assistance provided by the Agency, a statement indicating why the project should be undertaken by the Agency Agency involvement necessary for project to be transferred.

IV. 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) Intentionally omitted.
- 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, and employees of the Agency. No member, officers or employee of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as hereinafter described.
- F.) The Applicant represents 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.

- G.) 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.
- H.) 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.
- I.) 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.

The Applicant and the individual executing this Application on behalf of the Applicant acknowledge that the Agency will rely on the representations made herein when acting on this Application and hereby represent 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.

SVG 26 LLC

Solomon Ellner
By: Solomon Ellner, Managing Member

Date: May 3, 2021

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

Solomon Ellner, being first duly sworn, deposes and says:

1. That I am the Managing Member of SVG 26 LLC (collectively, the, "Applicant") and that I am duly authorized on behalf of the Applicant to bind the Applicant.
2. That I have read the attached Application, I know the contents thereof, and that to the best of my knowledge and belief, this Application and the contents of this Application are true, accurate and complete.

Solomon ELLNER
(NAME)

Subscribed and affirmed to me under penalties of perjury
this 3 day of May, 2021

F. - B. [Signature]
(Notary Public)

FANA BERSHADSKY
Notary Public, State of New York
No. 0195028153
Qualified in Kings County
Commission Expires July 28, 2022

ATTACHMENT TO APPLICATION FOR FINANCIAL ASSISTANCE

SVG 26 LLC

III.A.) Tax Map Numbers

Project Land

26.-1-6

22.-1-62

Additional Premises

22.-1-56

22.-1-59

22.-1-60

III.F.) Narrative

On or about August 12, 2009, Catskill Distilling Company, Ltd ("CDC"), Redford, LLC ("Redford") and the Agency entered into a sale/leaseback transaction wherein the Agency acquired a fee interest in certain real property in the Town of Bethel ("Town"), County of Sullivan ("County"), State and identified on the Town tax map as Section 26, Block 1, Lot 6 and Section 22, Block 1, Lot 62 ("Project Land") to facilitate the construction and equipping of a distillery, office, barrel storage house and restaurant/saloon ("Project").

The Agency took title to Bethel Section 22, Block 1, Lot 62 by Bargain and Sale Deed from Redford to the Agency dated August 12, 2009, which Deed was recorded in the Office of the Clerk of Sullivan County on August 14, 2009 in Deed Liber 3603 at page 365.

The Agency took title to Bethel Section 26, Block 1, Lot 6 by Bargain and Sale Deed from Redford to the Agency dated August 12, 2009, which Deed was recorded in the Office of the Clerk of Sullivan County on August 14, 2009 in Deed Liber 3603 at page 371.

On or about May 1, 2018, Redford merged into CDC.

On November 19, 2019, CDC filed a voluntary petition for relief under Chapter 11 of Title 11 of the United States Code, initiating a bankruptcy proceeding in the United States Bankruptcy Court for the Southern District of New York ("Bankruptcy Proceeding").

On July 31, 2020, CDC and the Applicant entered into an Asset Purchase Agreement pursuant to the terms of which the Project Land and other assets of CDC were to be acquired by the Applicant ("APA").

The Applicant hereby requests that the Agency consider (i) the continuation of financial assistance to the Applicant on the same terms as contemplated by the various agreements in place between the Agency and CDC at the time of commencement of the Bankruptcy Proceeding and (ii) the Agency enter into a lease/leaseback involving three (3) additional parcels of property which were required to be mortgaged by the lender providing financing to the Applicant to complete the transactions contemplated by the APA ("Additional Premises").

The Applicant seeks the Agency's financial assistance to purchase and operate the Project.

HOLD HARMLESS AGREEMENT

Applicant hereby releases the COUNTY OF SULLIVAN INDUSTRIAL DEVELOPMENT AGENCY and the members, officers, servants, agents and employees thereof ("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 falls, 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.

SVG 26 LLC

Solomon Ellner
By: Solomon Ellner, Managing Member

Date: April, 2021

may, 3, 2021

Sworn to before me this may
5, 3 day of April, 2021.

D. Bystrova
Notary Public

DINA BYSTROVSKY
Notary Public, State of New York
No. 013E602616D
Qualified in Kings County
Commission Expires July 28, 2021

THIS APPLICATION SHALL BE SUBMITTED WITH (I) TWO CHECKS: ONE COVERING A \$250.00 APPLICATION FEE AND THE SECOND COVERING A \$5,000.00 UP-FRONT ESCROW DEPOSIT; AND (II) APPLICANT'S FORMATION DOCUMENTS (IE: IF A CORPORATION: ITS CERTIFICATE OF INCORPORATION AND BYLAWS; IF A LIMITED LIABILITY COMPANY: ITS ARTICLES OF ORGANIZATION AND OPERATING AGREEMENT; IF A LIMITED PARTNERSHIP: ITS CERTIFICATE OF LIMITED PARTNERSHIP AND LIMITED PARTNERSHIP AGREEMENT; OR IF A PARTNERSHIP: ITS PARTNERSHIP AGREEMENT TO:

COUNTY OF SULLIVAN INDUSTRIAL DEVELOPMENT AGENCY
Executive Director
548 Broadway
Monticello, New York 12701