**EXHIBIT A**

**DESCRIPTION OF THE EXPECTED PUBLIC BENEFITS**

In the discussions had between the Project Beneficiary and the Agency with respect to the Project Beneficiary’s request for Financial Assistance from the Agency with respect to the Project, the Project Beneficiary has represented to the Agency that the Project is expected to provide the following benefits to the Agency and/or to the residents of Town of Montgomery, New York (the “Public Benefits”):

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Description of Benefit | | Applicable to Project (indicate Yes or No) | | Expected Benefit |
| 1. | Retention of existing jobs | □ Yes | √ No | 0 full time equivalent existing jobs at the Project Facility. |
| 2. | Creation of new permanent jobs | √ Yes | □ No | 2 full time equivalent new jobs at the Project Facility (1 full time and 3 part time jobs) within 3 years of the date hereof. |
| 3. | Creation of construction employment for local labor (i.e., labor resident in the area comprised of Hudson Valley Region as described in Agency Local Labor Policy) | √ Yes | □ No | average of 85 full time equivalent construction jobs at the Project Facility for local labor during an estimated construction period of 24 months, commencing within approx. 2 months of the date hereof. |
| 4. | Private sector investment | √ Yes | □ No | $12,000,000.00 (est.) at the Project Facility within 2 years of the date hereof. |
| 5. | Creation of new revenues for local taxing jurisdictions | √ Yes | □ No | $162,124.00 (est.) of new revenues for local taxing jurisdictions with respect to the Project Facility within 3 years of the date hereof. |
| 6. | Attract customers from outside the Economic Development Region | □ Yes | √ No | Quantify by (% or number of customers, or % or amount of sales): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ within \_\_ years of the date hereof. |
| 7. | Provide infrastructure necessary to support existing businesses or proposed businesses | □ Yes | √ No | Describe: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ within \_\_ years of the date hereof. |
| 8. | Other (describe): The Company will advertise the rental units locally for sixty (60) days before advertising outside of the local area. | √ Yes | □ No | Describe: Local advertising will begin within 1 year of the date hereof |

**EXHIBIT B**

**DESCRIPTION OF THE RECAPTURE EVENTS**

In connection with the Project and the granting of the Financial Assistance, the Agency and the Project Beneficiary agree that the following shall constitute recapture events with respect to the Project and the granting of the Financial Assistance:

|  |  |
| --- | --- |
| 1. | Failure of the Project Beneficiary to document to the satisfaction of the Agency the commencement of the acquisition, construction, reconstruction, renovation, and/or installation of the Project Facility within 2 months of the date hereof. |
| 2. | Failure of the Project Beneficiary to document to the satisfaction of the Agency the completion of the acquisition, construction, reconstruction, renovation, and/or installation of the Project Facility within 2.5 years of the date hereof. |
| 3. | Failure by the Project Beneficiary to document to the satisfaction of the Agency the creation of at least 80% of the average full time equivalent local labor construction jobs at the Project Facility listed on Exhibit A attached hereto during the construction period described on Exhibit A attached hereto. |
| 4. | Failure by the Project Beneficiary to document to the satisfaction of the Agency the creation of at least 80% of the full time equivalent new jobs at the Project Facility listed on Exhibit A attached hereto within 2.5 years of the date hereof. |
| 5. | Failure by the Project Beneficiary to document to the satisfaction of the Agency that at least 80% of the private sector investment described on Exhibit A attached hereto occurred with respect to the Project Facility within 2 years of the date hereof. |
| 6. | Failure by the Project Beneficiary to document to the satisfaction of the Agency that the at least 80% of the new revenues for local taxing jurisdictions described on Exhibit A attached hereto were created within 3 years of the date hereof. |
| 7. | Failure by the Project Beneficiary to document to the satisfaction of the Agency that the Project provided the other Public Benefits described on Exhibit A attached hereto within the time frames assigned to such benefits. |
| 8. | Liquidation of substantially all of the Project Beneficiary’s operating assets at the Project Facility and/or cessation of substantially all of the Project Beneficiary’s operations at the Project Facility. |
| 9. | Relocation of all or substantially all of Project Beneficiary’s operations at the Project Facility to another site, or the sale, lease or other disposition of all or substantially all of the Project Facility. |
| 10. | Failure by the Project Beneficiary to comply with the annual reporting requirements or to provide the Agency with requested information. |
| 11. | Sublease or assignment of all or part of the Project Facility in violation of any Project Facility Agreement. |
| 12. | A change in the use of the Project Facility, other than as described on Exhibit A and other directly and indirectly related uses, in violation of any Project Facility Agreement. |