

**Tompkins County Industrial Development Agency /
Tompkins County Development Corporation**
Application for Incentives

Date: 5-18-22

I. APPLICANT INFORMATION (company receiving benefit)

Name of Company/Applicant: Sunbeam Candles, Inc.

Owner: David Gould

Address: 1514 Mecklenburg Rd.

City: Ithaca State: NY Zip: 14850

Primary Contact (First, Last): Gould, David

Phone: 617-512-2452 Email: david@sunbeamcandles.com Fax: () -

If a separate company will hold title to/own the property, please provide the name and contact information for that entity:

Name of (Holding) Company: Hilltop Paradise, LLC

Owner: David Gould

Address: 1207 Edgewater Drive

City: Westfield State: NY Zip: 14787

Primary Contact (First, Last): David, Gould

Phone: (617) 512-2452 Email: david@sunbeamcandles.com Fax: () -

Describe the terms and conditions of the lease between the applicant and the owner of the property: -
Sunbeam covers the cost of the mortgage

Select the type of incentives being requested (select all that apply):

- Tax-Exempt Bonds Taxable Bonds
- Real Property Tax Exemption
- Standard Tax Exemption (7-year)
- Other (attach justification)
- CIITAP: 7-year
- CIITAP: 10-year (requires determination of financial need – see CIITAP for details)
- Sales Tax Exemption Mortgage Recording Tax Exemption

Applicant Attorney: Adam Klausner from Klausner Cook, PLLC

Address: 409 Taughannock Blvd

City: Ithaca State: NY Zip: 14850

Primary Contact (if different from above:): _____

Phone: 607-272-0800 Email: adam@klausnercook.com Fax: 607-272-1199

Applicant Accountant: Mary Bouchard

Address: 9 South St.

City: Trumansburg State: NY Zip: 14886

Primary Contact (if different from above:): _____

Phone: 607-387-5923 Email: Mary@bouchardcpa.com Fax: 607-387-4015

Applicant Engineer/Architect (if known): _____

Address: _____

City: _____ State: _____ Zip: _____

Primary Contact (if different from above:): _____

Phone: () - Email: _____ Fax: () -

Applicant Contractor (if known): _____

Address: _____

City: _____ State: _____ Zip: _____

Primary Contact (if different from above:): _____

Phone: () - Email: _____ Fax: () -

II. BUSINESS HISTORY

Year company was founded: 2004 NAICS Code: 339999

Type of ownership (i.e. C-Corp, LLC): Sub S Corp

Describe in detail company background, products, customers, goods and services:

I started Sunbeam Candles in August of 2004 with a \$28,000 loan, one employee and a handful of customers. My goal was to create a company that was green at its core.

- We run our shop using 100% renewable energy between solar and wind power.
- We are a certified living wage employer in Tompkins County.
- We ship through the UPS Carbon Neutral Program.
- We use NO plastic in our packing materials.

Now 10-17 employees strong (depending on the season) and still expanding, Sunbeam serves over 1,200 stores nationally. In 2021 our top line grew 47% and our Ordinary Business Income grew by 96%. In 2021 we also took important steps to position us for future growth. This included total company rebranding, a new website, an additional in-house salesperson and an independent outside sales rep. As a result, we procured 289 new customers and increased our average order by 13%. We are very excited to have recently partnered with the chain Whole Foods in the Northeast region and will be debuting at all 52 of their stores this coming fall.

Our first shop in Van Etten was a rental. I purchased our current property located at 1514 Mecklenburg Rd. in 2010. We have outgrown our current space and are excited to renovate our new property into a state-of-the-art candle shop that will allow for many increased efficiencies and room for continued growth.

Sunbeam Candles handcrafts over 100 skus of beeswax candles. Our business is primarily wholesale: we sell to stores that resell our products all over the United States. Our core customers are natural food stores and food coops and we also service art galleries, metaphysical stores, gift shops, boutiques, cafes, hardware stores and pharmacies. We have a Shopify-based retail website through which we also sell to retail customers.

We are preparing to launch two new container lines once we move into the new facility- one is a glass container line and the other ceramic. These lines are expected to expand our business significantly.

Significant Personnel Information:

Production Manager: Patrick Smith – 11 years at Sunbeam

Office Manager: Pam Cairns – 12 years at Sunbeam

Shipping Manager: Alan Kull – 6 years at Sunbeam

Major Customers: We serve over 1,200 stores around the United States, many that have been working with us for years. We mostly serve independent stores but also support several chains. We don't have contracts with any of our stores, but as you'll see below, our customers are committed to our brand!

Independents:

2021 Sales

Hunger Mountain Coop - Montpelier VT (since 2004) \$32,023

Greenstar Coop - Ithaca, NY since 2004 (since 2004) \$27,031

Good Earth Natural Foods (since 2005) Fairfax and Tam Valley CA \$27,493

Park Slope Food Coop - Brooklyn, NY (since 2004) \$21,815

City Market - Burlington, VT (since 2004) \$17,633

River Valley Markets - (since 2004) Northampton and Easthampton, MA \$25,102

Willy Street Coop - (since 2004) Madison, WI \$14,350

Lexington Coops (since 2004) Buffalo, NY \$15,526

Rainbow Grocery (since 2004) San Francisco, CA \$9,560

La Montanita Coops in NM (since 2005) \$20,538

Chains:

2021 sales

Whole Foods Northeast Region (end of 2021) - just started working with them
 Lassen's in southern, CA (since 2007) \$19,922
 Mother's Markets - southern, CA (since 2007) \$12,210
 Rosauer's Markets - NW USA (since 2009) \$13,717
 Town and Country Markets in Washington state (since 2014) \$20,456
 Pharmaca - Colorado, California (since 2013) \$13,993
 Rainbow Blossom - Kentucky and Indiana (since 2008) \$9,114
 Kimberston Whole Foods (since 2012) Pennsylvania \$8,055.93

Major Suppliers:

Sue Bee Honey Association - beeswax
 Uline - shipping supplies
 Atkins & Pearce - wicks
 Lebermuth & co. - essential oils
 Candlewic - candle making supplies

Has your business every received incentives that required job creation? Yes No

If yes, please describe: TCAD - 2010 - loan assistance to move and reinstall solar system, consolidate mortgage

Were the goals met? Yes No

If no, why were the goals not met? _____

Annual sales to customers in Tompkins County: \$45,000

Percent of annual sales subject to local sales tax: .004%

Value of annual supplies, raw materials and vendor services that are purchased from firms in Tompkins County: \$45,000

III. PROJECT DESCRIPTION AND DETAILS

Project Location (all addresses and tax parcels): 127 Hornbrook Rd. tax map: 7-1-97.13 - 2.004 acres to be subdivided

129 Hornbrook Rd. tax map: 10-1-82.2 - 2.237 acres to be subdivided

Property Size (acres): existing: 2.004/2.237 proposed: same

Building Size (square feet): existing: 129 has 2 buildings about 5,000 sq ft each proposed: _____

Proposed Dates: start: August 1, 2022 end: December 31, 2022

Please provide a narrative of the Project and the purpose of the Project (new build, renovations, and/or equipment purchases, etc.). Identify specific uses occurring within the Project. Describe any and all tenants and end users:

The project consists of the purchase of two parcels located at 127 and 129 Hornbrook Rd. totaling 4.21 acres and the renovation of two 5,000 square foot building. The renovations list is below. We are planning on installing a solar PV array equal to or greater than our current 3.2 kw system on our current building. The solar electricity will offset a significant portion of our electricity needs.

Sunbeam Candles, inc. will relocate from our current facility that we have outgrown in the Town of Enfield and will be the sole tenant and end user of both properties.

Renovations include:

- Electric system overhaul
- Insulation of floors and walls
- New septic
- Concrete Pad poured between two buildings
- Office renovations
- Overhead doors replaced
- Gutters
- Roof work
- Ventilation system install

Within the next three years, we are expecting to hire up to 15 new full time team members.

Is there a likelihood that the Project would not be undertaken but for the financial assistance provided by the Agency? Yes No

If yes, describe the reasons why the Agency's financial assistance is necessary and the effect the Project will have on the Applicant's business or operations. Focus on competitiveness issues, project shortfalls, etc.:

If no, provide a narrative indicating why the Project should be undertaken by the Agency: Sunbeam Candles is a growing local business that is looking to hire up to 15 new employees in the next three years because of our ability to move into a suitably sized manufacturing facility. We have been grown out of our current shop for over three years and the ability to expand from 2,300 sq ft to over 10,000 sq ft is going to open many doors for us as a business and for members of the local community.

If the Applicant is unable to obtain financial assistance for the Project what will be the impact on the County/City/Town/Village? The Town would lose out on property and school tax revenues, 15 new certified living wage jobs in the local community and an opportunity to add some color and culture to Danby, NY

Describe what green building practices you plan to use: Sunbeam Candles is green at its core. We have been running our shop with a 3.2 kw PV solar system and supplementing through the grid through a wind power company, thus powering our shop using 100% renewable energy. We are going to be installing a new PV solar system to at least match the 3.2kw system and possibly be increasing the size. We will be installing LED light fixtures throughout the whole shop. We will be salvaging the barn beams from the dilapidated barn that we will be removing from the property. We ship through the carbon neutral program at UPS and use NO plastic in our packing materials. Our byline is: "We truly make earth-friendly candles!" We're also a certified living wage employer in Tompkins County.

Will this project result in a regular increase in overnight visitors to your facility (e.g. for training programs)? Yes No

If yes, number of visitors per year: _____

Average duration of stays (days): _____

Occupancy

Select Project type for all end users at Project site (select all that apply):

- | | |
|---|--|
| <input checked="" type="checkbox"/> Industrial | <input type="checkbox"/> Service*, ** |
| <input type="checkbox"/> Acquisition of existing facility | <input type="checkbox"/> Back office |
| <input type="checkbox"/> Housing | <input type="checkbox"/> Mixed use |
| <input type="checkbox"/> Multi-tenant | <input type="checkbox"/> Facility for aging |
| <input type="checkbox"/> Commercial | <input type="checkbox"/> Civic facility (not for profit) |
| <input type="checkbox"/> Retail*, ** | <input type="checkbox"/> Other |

* For Purposes of this question, the term "retail sales" means (1) sales by a registered vendor under Article 28 of the Tax Law of New York (the "Tax Law") primarily engaged in the retail sale of tangible personal property (as defined in Section 1101(b)(4)(i) of the Tax Law, or (2) sales of a service to customers who personally visit the project location.

** If Applicant checked "retail" or "service," complete the Retail Questionnaire contained in Section X.

List the name(s), nature of business of proposed tenant(s), and percentage of total square footage to be used for each tenant (additional sheets may be attached, if necessary):

Business	Nature of Business	% of total square footage
1. Sunbeam Candles	Manufacturing	100%
2. _____	_____	_____
3. _____	_____	_____

IV. PROJECT COSTS AND FINANCING

Project Costs

Amount (\$)

Land and/or Building Acquisition:	<u>4.241</u> acres _____ square feet	<u>\$205,000</u>
New Building Construction:	_____ square feet	<u>\$</u>
Building Addition(s):	_____ square feet	<u>\$</u>
Infrastructure Work:		<u>\$</u>
Reconstruction/Renovation:	<u>10,000</u> square feet	<u>\$345,000</u>
Manufacturing Equipment:		<u>\$</u>
Non-Manufacturing Equipment (furniture, fixtures, etc.):		<u>\$</u>
Soft Costs (professional services, etc.):		<u>\$</u>
Other (Specify):	<u>Working Capital</u>	<u>\$150,000</u>
TOTAL:		<u>\$ 700,000</u>

Have any of the above costs been paid or incurred as of the date of this application? Yes No

If yes, describe particulars: _____

Sources of Funds for Project Costs

Bank Financing	<u>\$500,000</u>
Equity	<u>\$50,000</u>
Tax Exempt Bond Issuance (if applicable)	<u>\$</u>
Taxable Bond Issuance (if applicable)	<u>\$</u>
Public Sources (Include sum total of all state and federal grants and tax credits)	<u>\$150,000</u> IAED Loan

Identify each State and federal grant/credit:

_____	<u>\$</u>
_____	<u>\$</u>
_____	<u>\$</u>

Total sources of funds for Project costs: \$700,000

Project refinancing of existing debt only (estimated): \$

Amount of anticipated financing from a lending institution: \$

Note: The applicant must inform the TCIDA/TCDC at the time of issuance of commitment letter if the financing will exceed the amount stated here.

V. VALUE OF INCENTIVES

Property Tax Exemption: *(Agency staff will fill out property tax exemption information based on information submitted by the applicant).*

Assumptions: \$ _____ Value of increase in assessment
 _____ Annual increase in assessment/tax rate

New taxes paid: \$ _____ **Taxes Abated:** \$ _____

Year	County	School	City/Town	Village	Total	County	School	City/Town	Village	Total
1										
2										
3										
4										
5										
6										
7										
Totals										

If the applicant is requesting incentives that are greater than the Agency's Standard Tax Exemption (7 years), please provide a description of the incentive and a justification:

Sales and Use Tax Benefit:

Gross amount of costs for goods and services that are subject to State and local sales and use tax – said amount to benefit from the Agency's sales and use tax exemption benefit: \$
300,000

Estimated State and local sales and use tax benefit (product of sales and use tax amount as indicated above multiplied by 8%) \$ 24000

Note: The estimate provided above will be provided to the New York State Department of Taxation and Finance and represents the maximum amount of sales and use tax benefit that the Agency may authorize with respect to the application.

Mortgage Recording Tax Benefit:

Mortgage Amount (include construction/permanent/bridge financing/refinancing): \$
550,000

Estimated mortgage recording tax exemption benefit (product of mortgage amount as indicated above multiplied by .0025): \$ 1,375

Complete for bond applicants only: (Projected 25 year borrowing term)

Without Bonds

With Bonds

First Year Debt Service	\$ _____	\$ _____
Total Debt Service	\$ _____	\$ _____

Percentage of Project costs financed from public sector:

A. Total Project Cost	\$700,000
B. Estimated Value of PILOT	\$14,995
C. Estimated Value of Sales Tax Incentive	\$22,000
D. Estimated Value of Mortgage Tax Incentive	\$1,250
E. Total Other Public Incentives (tax credits, grants, ESD incentives, etc.)	\$0

Calculation of percentage of Project costs financed from public sector: 6%
 (Total B + C + D + E above / Total Project Cost)

VI. EMPLOYMENT INFORMATION

Note: Annual employment reporting will be required during the course of the abatement.

Describe the benefits you offer to your employees:

- Profit sharing: 10% of the profits are shared with all employees who have been at the business for at least a calendar year.
- Health Insurance: Sunbeam Candles covers 65% of the premium on the bronze plan and that can be applied to any plan an employee chooses
- Sick Time and Paid Time Off – in the first year, 40 hours of sick time and 40 hours of vacation time are accrued
- Matching retirement IRA- Sunbeam matches contributions up to 3% of an employee's annual income
- Free monthly candle

Describe the internal training and advancement opportunities you offer to your employees: All incoming employees are trained by our managers who have all been with me between 6-12 years. We have a training process that we have had in place and modified as necessary for years. Employees are offered annual reviews/raises. As a growing business, there have been other opportunities for employees to move up into assistant management and office positions.

Employment Plan

Occupation in Company	Current (Retained) Permanent FTE* Jobs		Projected New Permanent FTE* Jobs			
	Average Annual Salary Ranges/ Hourly Wage	Number of Employees	Year 1	Year 2	Year 3	Total New Jobs
Professional						
Clerical	\$17-\$25/hr	2	1		1	2
Sales	\$18-\$22/hr	1	1		1	2
Services						
Construction						
Manufacturing						
High Skilled	\$17-\$21/hr	4				
Medium Skilled	\$16/hr	3	3			3
Basic Skilled	\$16/hr		4	2	2	8
Other (describe)						
Total		10	9	2	4	15

* Full Time Equivalent (FTE) employee is equal to 40 hours a week worked. Two or more Part-time employees whose total weekly hours add up to 40 hours are counted as one FTE.

What percentage of your current positions are occupied by women? 70 %

What percentage of your current positions are occupied by minorities? 20 %

Estimated percentage of new hires who would be unemployed at time of hire: ? %

Estimate the number of residents of the labor market area in which the Project is located that will fill the projected new jobs to be created. (The Agency defines the labor market area as Tompkins County and the contiguous counties; Cayuga, Seneca, Schuyler, Chemung, Tioga, and Cortland Counties) 100%

Are you willing to pay a livable wage, as defined by the Alternatives Federal Credit union (AFCU) of Ithaca, NY to all employees for the duration of the abatements? Yes- we already do! No
 If no, estimate the percentage of the current workforce whose wages meet or exceed the livable wage, as defined by AFCU. _____%

Please describe your strategy for ensuring diversity in hiring: We advertise for jobs through diverse channels including Indeed, Craig's List, Chamber of Commerce, DOL, South Side Community Center and others to attract a broad base of potential employees. We have always had a diverse staff, at times having approximately 30-40% of the staff minorities.

VII. CONSTRUCTION LABOR

Note: Applicants will be required to comply with the Agency's Local Labor Utilization Policy.

Will you use contractors who:

- Have a certified apprenticeship program Yes _____ % No
- Pay a prevailing wage Yes _____ % No
- Use local labor Yes _____ % No

Estimate the number of construction jobs 25

VIII. ENVIRONMENTAL REVIEW AND PERMITTING

Environmental Assessment Form - Short Form Long Form

Submitted to: Pending - Danby Planning Board
 Agency Name: Town of Danby
 Agency Address: 1830 Danby Rd.
 City: Ithaca State: NY Zip: 14850
 Date of submission: Pending Status of submission: Est. 7/13/22

The Applicant must comply with the State Environmental Quality Review Act (SEQRA) before the Agency can vote on proposed financial incentives. It is the applicant's responsibility to provide a copy of the SEQRA determination by another entity.

Please describe any short-term construction impacts or other long-term impacts to existing or adjacent businesses/tenants as well as any mitigations that were identified as part of the environmental review and or permitting process: None expected.

Permits: Describe other permits required and status of approval process.

Permit	Status
1. _____	_____
2. _____	_____
3. _____	_____

IX. OTHER

Do you have anything else you would like to tell the TCIDA regarding this project?

X. RETAIL QUESTIONNAIRE (Fill out if end users are "retail" or "service" as identified in Section III)

To ensure compliance with Section 862 of the New York General Municipal Law, the Agency requires additional information if the proposed Project is one where customers personally visit the project site to undertake either a retail sale transaction or to purchase services.

- A. Will any portion of the Project (including that portion of the cost to be financed from equity or other sources) consist of facilities or property that are or will be primarily used in making sales of goods or services to customers who personally visit the project site? Yes No

If yes, please continue. If no, do not complete the remainder of the retail questionnaire and proceed to the next section of the application.

For Purposes of this question, the term "retail sales" means (1) sales by a registered vendor under Article 28 of the Tax Law of New York (the "Tax Law") primarily engaged in the retail sale of tangible personal property (as defined in Section 1101(b)(4)(i) of the Tax Law, or (2) sales of a service to customers who personally visit the project location.

- B. What percentage of the cost of the Project will be expended on such facilities or property primarily used in making sales of goods or services to customers who personally visit the Project? _____ %

If the answer is less than 33.33% do not complete the remainder of the retail determination and proceed to the next section of the application.

If the answer to Question A is Yes AND the answer to Question B is greater than 33.33%, indicate which of the following questions below apply to the Project:

1. Will the Project be operated by a not-for-profit corporation? Yes No
2. Is the Project location or facility likely to attract a significant number of visitors from outside Tompkins County? Yes No

If yes, please provide a third party market analysis or other documentation supporting your response.

3. Will the Project make available goods or services which are not currently reasonably accessible to the residents of the municipality within which the proposed Project would be located? Yes No

If yes, please provide a third party market analysis or other documentation supporting your response.

4. 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, explain: Please see chart above

XI. INTER-MUNICIPAL MOVE DETERMINATION

The Agency is required by State law to make a determination that, if completion of a Project benefiting from the Agency financial assistance results 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, Agency financial assistance is required to prevent the Project occupant from relocating out of the State, or is reasonably necessary to preserve the Project occupant's competitive position in its respective industry.

Will the Project 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? X Yes No

Will the Project result in the abandonment of one or more plants or facilities of the Project occupant located within the State? X Yes No

If yes to either question explain how notwithstanding the aforementioned closing or activity reduction the Agency's financial assistance is required to prevent the Project from relocating out of the State or is reasonably necessary to preserve the Project occupant's competitive position in its respective industry: Sunbeam Candles needs to expand and the existing site in the Town of Enfield will not accommodate the expansion. This new site, still withing Tompkins County will meet current and future needs and keep us local.

Does the Project involve relocation or consolidation of a Project occupant from another municipality:

Within New York State: X Yes No

Within County/City/Town/Village: X Yes No

If yes to either question above, please explain: Sunbeam Candles is relocating from the Town of Enfield (Tompkins County) to the Town of Enfield (Tompkins County) to facilitate a much-needed expansion.

REPRESENTATIONS, CERTIFICATIONS AND INDEMNIFICATION

David Gould (name of CEO or other authorized representative of Applicant) confirms and says that he/she is the Founder and President (title) of Sunbeam Candles, inc. (name of corporation or other entity) named in the attached Application (the "Applicant"), that he/she has read the foregoing Application and knows the contents thereof, and hereby represents, understands, and otherwise agrees with the Agency and 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 proposed 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 proposed Project must 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 Entitle") of the service delivery area created by the Federal Job Training Partnership Act (Public Law 97-300) ("JTPA") in which the proposed Project is located.
- B. First Consideration for Employment. In accordance with Section 858-b(2) of the General Municipal Law, the applicant understands and agrees that, if the proposed Project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, where practicable, the applicant must 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 proposed Project.
- C. Employment Reports. The Applicant understands and agrees that, if the proposed Project receives any Financial Assistance from the Agency, the Applicant agrees to file, or cause to be filed, with the Agency, at least annually or as otherwise required by the Agency, reports regarding the number of people employed at the project site, salary levels, contractor utilization, local construction labor utilization and such other information (collectively, "Employment Reports") that may be required from time to time on such appropriate forms as designated by the Agency. Failure to provide Employment Reports within 30 days of an Agency request shall be an Event of Default under the PILOT Agreement between the Agency and Applicant and, if applicable, an Event of Default under the Project Agreement between the Agency and Applicant.
- D. Local Labor Utilization Reporting. The Applicant understands and agrees that, if the proposed Project receives any Financial Assistance from the Agency, the Applicant agrees to comply with the Local Labor Utilization Policy, which requires providing documentation that construction bids were solicited from local firms and monthly construction labor reporting as outlined in the Policy.
- E. Diversity and Inclusion. The Applicant understands and agrees that, if the proposed Project receives Financial Assistance from the Agency, the Applicant agrees to comply with the Diversity and Inclusion Policy, which requires owner-occupied facilities and facilities with on-site employees to join the Tompkins County Diversity Consortium and provide annual reports on the make up of the workforce and efforts to increase diversity and inclusion as outlined in the Policy.
- F. 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 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, (ii) the

Agency's acquisition, construction and/or installation of the Project described therein and (iii) 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.

- G. Sales Tax. In accordance with Section 874(8) of the General Municipal Law, the Applicant understands and agrees that, if the proposed 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. Copies of all filings shall be provided to the Agency.

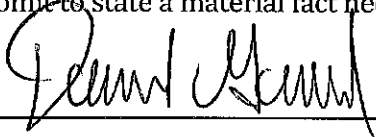
Applicant hereby understands and agrees, in accordance with Section 875(3) of the New York General Municipal Law and the policies of the Agency that any New York State and local sales and use tax exemption claimed by the Applicant and approved by the Agency in connection with the Project, may be subject 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.

- H. Fees. By executing and submitting this Application, the applicant covenants and agrees to pay the following fees:
- (i) A non-refundable application fee of \$1,000 due at time of application submission.
 - (ii) An Administrative Fee in accordance with the "fees" section of the Agency's Uniform Tax Exemption Policy (UTEF) effective as of the date of this application, to be paid at transaction closing (unless otherwise outlined in the Project Agreement or authorizing resolution). This fee (unless otherwise outlined in the UTEF) will be equal to 1% of the project costs that are positively impacted by IDA incentives. This includes the value of construction or renovations of improvements to property that is impacted by property and sales tax abatement and the value of machinery, furniture, fixtures and equipment that are impacted by the sales tax abatement.
 - (iii) All fees, costs and expenses incurred by the Agency for (1) legal services, including but not limited to those provided by the Agency's general counsel or bond/transaction counsel, and (2) other consultants retained by the Agency in connection with the proposed Project; with all such charges to be paid by the Applicant at the closing or, if the closing does not occur, within ten (10) business days of receipt of the Agency's invoices therefore please note that the Applicant is entitled to receive a written estimate of fees and costs of the Agency's bond/transaction counsel; Agency transaction counsel fees shall be an amount equal to one-third (1/3) of the Agency's Administrative Fee set forth in (ii) above with a minimum fee of \$20,000 plus out of pocket expenditures unless otherwise agreed to in writing for smaller projects.
 - (iv) The cost incurred by the Agency and paid by the Applicant, including bond/transaction counsel and the Agency's general counsel's fees and the processing fees, may be considered as a cost of the Project and included in the financing of costs of the proposed Project, except as limited by the applicable provisions of the Internal Revenue Code with respect to tax-exempt bond financing.

If the Applicant fails to conclude or consummate necessary negotiations, or fails, within a reasonable or specified period of time, to take reasonable, proper or requested action, or withdraws, abandons, cancels or neglects the Application, or if the Applicant is unable to find buyers willing to purchase the bond issue requested, or if the Applicant is unable to facilitate the sale/leaseback or lease/leaseback transaction, then, upon presentation of an invoice, 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.

- I. FOIL. The Applicant acknowledges that the Agency is subject to New York State's Freedom of Information Law (FOIL). Applicant understands that all Project information and records related to this application are potentially subject to disclosure under FOIL subject to limited statutory exclusions.

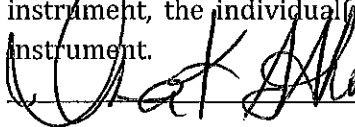
- J. Financial Review. The Applicant acknowledges that the Agency shall undertake an assessment of all material information included in connection with the Application for Financial Assistance as necessary to afford a reasonable basis for the decision by the Agency to provide Financial Assistance for the Project, including, but not limited to qualification of the proposed project under the GML (including any retail analysis, as applicable), conducting a full application review, review of applicant financial history and project pro-formas, and consideration of all local development priorities.
- K. The Applicant represents and warrants that the information contained in this Application, to the best of the Applicant's knowledge, is true, accurate and complete.
- L. 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.
- M. 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 provisions of Section 859-a(5) and Section 862(1) of the New York General Municipal Law.
- N. 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 in the Project.
- O. The Applicant and the individual executing this application on behalf of Applicant acknowledge that the Agency and its counsel will rely on the representations and covenants made in this application when acting hereon and hereby represents that the statements made herein do not contain any untrue statement of a material fact and do not omit to state a material fact necessary to make the statements contained herein not misleading.

Signature: 

Print Name: David Gould
 Title: Founder and President
 Company: Sunbeam Candles, inc.
 Date: 5-18-22

STATE OF NEW YORK)
)
 COUNTY OF TOMPKINS)

On the 31 day of May in the year 2022 before me, the undersigned, personally appeared David Gould, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signatures on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

 Notary Public

INA K. ARTHUR
 NOTARY PUBLIC, STATE OF NEW YORK
 Registration No. 01AR6197562
 Qualified In TOMPKINS COUNTY
 Commission Expires December 31, 2024

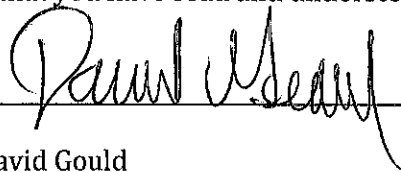
**NEW YORK STATE FINANCIAL REPORTING
REQUIREMENTS FOR INDUSTRIAL DEVELOPMENT AGENCIES**

Please be advised that the New York General Municipal Law imposes certain reporting requirements on IDAs and recipients of IDA financial assistance. Of particular importance to IDA applicants is Section 859 (copy attached). This section requires IDAs to transmit financial statements within 90 days following the end of an Agency's fiscal year ending December 31, prepared by an independent, certified public accountant, to the New York State Comptroller, the Commissioner of the New York State Department of Economic Development. These audited financial statements shall include supplemental schedules listing the following information:

1. All straight-lease ("sale-leaseback") transactions and whether or not they are obligations of the Agency.
2. All bonds and notes issued, outstanding or retired during the period and whether or not they are obligations of the Agency.
3. All new bond issues shall be listed and for each new bond issue, the following information is required:
 - a. Name of the project financed with the bond proceeds.
 - b. Whether the project occupant is a not-for-profit corporation.
 - c. Name and address of each owner of the project.
 - d. The estimated amount of tax exemptions authorized for each project.
 - e. Purpose for which the bond was issued.
 - f. Bond interest rate at issuance and, if variable, the range of interest rates applicable.
 - g. Bond maturity date.
 - h. Federal tax status of the bond issue.
 - i. Estimate of the number of jobs created and retained for the project.
4. All new straight lease transactions shall be listed and for each new straight lease transaction, the following information is required:
 - a. Name of the project.
 - b. Whether the project occupant is a not-for-profit corporation.
 - c. Name and address of each owner of the project.
 - d. The estimated amount of tax exemptions authorized for each project.
 - e. Purpose for which each transaction was made.
 - f. Method of financial assistance utilized for each project, other than the tax exemptions claimed by the project.
 - g. Estimate of the number of jobs created and retained for the project.

Please sign below to indicate that you have read and understood the above.

Signature: _____



Print Name: David Gould

Title: Founder and President

Company: Sunbeam Candles, inc.

Date: 5-18-22