

**APPLICATION TO  
HERKIMER COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
FOR FINANCIAL ASSISTANCE**

**I. APPLICANT INFORMATION:**

Company Name: PRICE CHOPPER OPERATING CO., INC.  
Address: 461 Nott Street  
Schenectady, New York 12308  
Product/Services: Supermarket  
Phone No.: 518-379-1213 Fax No.: 518-379-3536  
Email Address: chrisdaniels@pricechopper.com  
Fed ID No.: 14-0556165  
Contact Person/Title: Christine C. Daniels, Esq.

**Principal Owners/Officers/Directors:**

**(list owners with 15% or more in equity holdings with percentage ownership)**

The Golub Corporation 100% ownership  
List of Officers attached \_\_\_\_\_  
\_\_\_\_\_

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

**Form of Entity:**

- ☒ Corporation
- ☐ Partnership (General \_\_\_\_\_ or Limited \_\_\_\_\_; number of general partners \_\_\_\_\_ and, if applicable, number of limited partners).
- ☐ Civic Facility (not-for-profit corporation organized and existing under the laws of New York State or authorized to conduct activities in New York State).
- ☐ Limited Liability Company/Partnership (number of members \_\_\_\_\_).
- ☐ Sole Proprietorship

**If a corporation, partnership, limited liability company/partnership:**

Date of establishment September 2, 1937  
Place of organization New York

If a foreign organization, is the Applicant authorized to do business in the State of New York? \_\_\_\_\_.

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**APPLICANTS' COUNSEL**

**Name:** Christine C. Daniels, Esq.  
**Address:** Legal Department  
 461 Nott Street, Schenectady, New York 12308  
**Phone No.:** 518-379-1213  
**Telefax No.:** 518-379-3536

**II. PROJECT INFORMATION****A) Describe the proposed acquisition, construction or reconstruction in as much detail as possible.**

To construct and equip a modern 30,500 total square foot, state-of-the-art supermarket to replace part of a 1960's era shopping mall located in downtown Little Falls, New York. The new Price Chopper supermarket will offer a wide variety of products and much needed services which are not presently offered in the Little Falls community. The nearest "modern" supermarket is a Hannaford located 7 miles west in Herkimer, NY. The new Price Chopper will include an expanded selection of fresh produce, meat, seafood and deli, as well as dairy, frozen food and grocery products. This project is an investment in the community which will create new jobs and puts in place a quality grocery store.

**B) Project Description (check all applicable)**

- ☐ Manufacturing
- ☐ Warehousing/Distribution
- ☐ Habilitation Center
- ☐ Hospice
- ☐ Dormitories for Educational Institutions
- ☐ Facilities as defined in article twenty-eight of the Public Health Law
- ☐ Housing facilities primarily designed to be occupied by individuals sixty years of age or older
- ☐ Tourism Destination Facility
- ☒ Retail

**C) Name of all sub-lessees or other occupants of the facility:**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**D) Principals of any sub-lessee or occupant.**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



**III. COST BENEFIT ANALYSIS:****A) Project Cost (Estimates) (where applicable)**

1. Land	\$	
2. Building	\$	2,592,165
3. Renovation Costs	\$	
4. Equipment	\$	3,610,734
5. Soft Costs	\$	256,250
6. Legal Costs		
7. Other (specify)	\$	
<b>Total Estimated Project Amount</b>	<b>\$</b>	<b>6,459,149</b>

**B) Financial Assistance Requested (Proposed Benefit Estimates) (where applicable)**

	<b>Estimated Value</b>
1. Sales Tax Exemption (State & Local) (8.25% of the total amount of purchases which the applicant expects to be exempt from sales tax)	\$ 320,287
2. Mortgage Recording Tax Exemption (1% of total proposed mortgage amount)	\$
3. Real Property Tax Abatement (the Agency will assist with this estimation at your request)	\$
4. Estimated interest savings on Issuance by the Agency of Industrial Revenue Bonds	\$
<b>Total Estimated Financial Assistance</b>	<b>\$ 320,287</b>

**C) Employment Information**

Please provide the current number of existing full time and part time jobs. N/A

F/T \_\_\_\_\_ P/T \_\_\_\_\_

(please attach a list of current employees)

Please provide an estimated number of jobs to be retained as a result of this project. N/A

F/T \_\_\_\_\_ P/T \_\_\_\_\_

Please provide an estimated number of full time and part time jobs that will be created as a result of this project.

F/T 20 P/T 90

Please provide the total number of full time and part time jobs you anticipate to be employed upon completion of this project.

F/T 20 P/T 90

Please provide the average estimated annual salary of jobs to be created as a result of this project.

\$14,320.00

Please provide the annualized salary range of jobs to be created. From \$8,320.00 To \$5,000.00

Please provide the average annual salary of jobs to be retained. N/A

Please note any proposed fringe benefits for jobs to be created by job title.

Price Chopper offers a full cafeteria plan of benefits based upon  
eligibility. For full time associates, benefits after 30 days; for  
part time associates, benefits after one year averaging 20 hours/week  
over one year.

D) Estimate how many construction jobs will be created as a result of this Project: 125

#### IV. FINANCING (Source of funds where applicable)

Bank	_____
Private Funds invested	_____
Industrial Revenue Bond	_____
Other	Golub Corporation capital expenditure funds and landlord construction allowance \$6,459,149
Total (should equal III. A.)	\$6,459,149

#### V. PROJECT LOCATION/UTILITIES/IMPACT/JOB CREATION

- A) Project Address: Shoppers Square  
555 East Main Street  
Little Falls, New York 13365
- B) Are Utilities on Site  
 Water yes Electric yes  
 Gas yes Sanitary/Storm Sewer yes
- C) Present legal owner of the site TRB Associates, LLC
- D) Zoning of Project Site: Current: C-1 Commercial Proposed: same
- E) Are any variances needed: no
- F) Principal use of Project upon completion: retail supermarket
- G) Will the Project result in the removal of a plant or facility of the Applicant from one area of the State of New York to another? no
- H) Will the Project result in the removal of a plant or facility of another proposed occupant of the Project from one area of the State of New York to another area of the State of New York? no



- I) Will the Project result in the abandonment of one or more plants or facilities located in the State of New York? no.

If you answered yes to G-H or I please indicate whether the project is reasonably necessary for the company to maintain its competitive position in the industry. Please explain in detail. Attach supporting documentation.

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## VI. 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. The IDA encourages to the fullest extent possible the hiring of local labor for all construction projects.
- B.) Annual Sales Tax Filings. In accordance with Section 874(8) of the New York General Municipal Law, the Applicant understands and agrees that, if the Project receives any sales tax exemptions as part of the Financial Assistance from the Agency. In accordance with Section 874(8) of the General Municipal Law, the Applicant agrees to file, or cause to be filed, with the New York State Department of Taxation and Finance, the annual form prescribed by the Department of Taxation and Finance, describing the value of all sales tax exemptions claimed by the Applicant and all consultants or subcontractors retained by the Applicant. A copy of such form should be provided to the Agency annually upon submission to the State.
- C.) Recapture of Benefits. The Applicant understands and agrees that the benefits received from tax abatements/exemptions shall be subject to recapture in accordance with the Agency's tax exemption policy.
- 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 in addition to additional project information as required.
- E.) Absence of Conflicts of Interest. The Applicant has received from the Agency a list (see page 8) 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:

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- VII. FINANCIAL INFORMATION (attach the following):** Financials will be provided upon execution of the Confidentiality Agreement.
1. Financial Statements for the last three fiscal years.
  - \* 2. Proforma balance sheet as at start of operations at project site.
  - \* 3. Projected profit and loss statements for first two years of operation at project site.
  - \* 4. Projected "cash flow" statement, by quarters, for first year of operation at project site.
- \* Items 2, 3 and 4 are provided in a proforma for the Little Falls store.

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.

Applicant: PRICE CHOPPER OPERATING CO., INC.

Date: November 16, 2012

By: 

Name: Jerel T. Golub

Title: President and CEO

This Application should be submitted with a \$250.00 Application Fee to Herkimer County Industrial Development Agency, PO Box 390, 320 N. Prospect Street, Herkimer, New York 13350, to the attention of Mark D. Feane, Executive Director. The Agency will collect ½ (one-half) of its Project Fee at the time of the signing of an inducement agreement. The final half of the Agency fee will be payable at which time the HCIDA takes title to the Facility, or upon issuance of bonds. The applicant will also be responsible for all HCIDA legal fees related to this project. Should your company for any reason decide to withdraw this application for financial assistance after submission but prior to completion, you will be responsible for any legal fees involved to that point. In addition the Agency will assess a fee for services rendered and costs incurred.

**Agency fees are determined as follows:**

For Corporations, Partnerships, Limited Liability Companies or Sole Proprietorships: the Agency fee will be assessed at up to 1% of the total project cost.

The Agency will assess your company an annual administration fee in the form of rent under the Lease Agreement in the amount of \$500.00.

*"This institution is an equal opportunity provider, and employer. To file a complaint of discrimination, write: USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD)."*

# HOLD HARMLESS AGREEMENT

Applicant hereby releases the Herkimer County Industrial Development Agency and the members, officers, servants, agents and employees thereof (the "Agency") from, agrees that the Agency shall not be liable for and agrees to indemnify, defend and hold the Agency harmless from and against any and all liability arising from 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.

PRICE CHOPPER OPERATING CO., INC.

(Applicant)

November 16, 2012

(Date)

(By)

Jerel T. Golub

(Name)

President and CEO

(Title)

STATE OF NEW YORK )

)ss.:

COUNTY OF SCHENECTADY )

On the 16<sup>th</sup> day of November, in the year 2012, before me, the undersigned a Notary Public in and for said State, personally appeared Jerel T. Golub, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/~~she~~ executed the same in his/~~her~~ capacity, and that by his/~~her~~ signature on the instrument, the individuals, or the person or behalf of which the individuals acted, executed this instrument.

Mary B. Doviak  
Notary Public

MARY B. DOVIK  
Notary Public, State of New York  
Qualified in Fulton County  
My Commission Expires Aug. 31, 2013



## THE GOLUB CORPORATION

Executive Chairman of the Board	Neil M. Golub
President and Chief Executive Officer	Jerel T. Golub
Executive Vice President and Chief Operating Officer	Scott Grimmatt
Sr. Vice President Sales, Merchandising & Marketing	Blaine Bringham
Sr. Vice President Finance and Chief Financial Officer	John J. Endres, Jr.
Sr. Vice President, General Counsel and Chief Legal Officer	William J. Kenneally
Sr. Vice President Administration	David Golub
Sr. Vice President Human Resources	Margaret Davenport
Sr. Vice President Real Estate & Construction	Don Orlando
Sr. Vice President Operations	Dean Little
Vice President Distribution	Robert Doyle
Vice President Information Systems and Chief Information Officer	R. Gregory Zeh, Jr.
Vice President Public Relations and Consumer & Marketing Services	Mona J. Golub
Vice President and Treasurer	Christina M. Maltbie
Vice President of Legal Services and Corporate Secretary	Christine C. Daniels
Assistant Corporate Secretary	Mary B. Doviak

10/10/12