

STATE OF MAINE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT



HEATHER JOHNSON COMMISSIONER

April 12, 2022

Thomas Hall
Town Manager
TOWN OF SCARBOROUGH
259 U.S. Route 1
Scarborough, Maine 04070

RE: Scarborough Downtown Omnibus Municipal *Tax Increment Financing* (TIF) District and Development Program *Second Amendment* (AMD-2)

APPROVED

Dear Mr. Hall,

The Maine Department of Economic and Community Development (DECD) reviewed and <u>EFFECTIVE TODAY APPROVED</u> the application to amend the above-referenced Downtown Municipal TIF District and Development Program (Program). Based on the application, DECD notes/approves:

a. Beginning July 1, 2022, real property Increased Assessed Value (IAV) capture* of 100%, with portage of revenues from other Scarborough Municipal TIF districts per § 5225(1)(B)(3)(b), only while this District capture is/remains 100% and such portage is an approved project cost for other District program;

Per November 28, 2018 original designation and previous amendment approvals, DECD restates:

- b. District term of 30 years, ending June 30, 2049;
- District taxable Original Assessed Value of \$95,622,900, consisting of \$95,622,900, as of March 31, 2018 (April 1, 2017) and \$0, as of March 31, 2021 (April 1, 2020) —acreage 948.13;
- d. Until June 30, 2022, real property IAV capture** of 3% on entire District plus,
 - i) For Scarborough Downs portion of District (Map R52 Lot 4) only, 40% for TIF years 1-10, 25% or 40% for TIF years 11-20, contingent on Performance Standard Incentives, and for TIF years 21-30, 10% for Bonus Option; **
 - ii) For rest of District, up to 100% of a developer /owner's property, within District term.

Portage of revenue from other Scarborough Municipal TIF districts, is not allowable until capture is amended to 100% per § 5225(1)(B)(3)(b) and such portage is an approved project cost for the other district;

- e. District revenues deposited/held in dedicated account[s] and applied <u>ONLY</u> toward approved activities/projects due completion <u>BEFORE/BY JUNE</u> 30, 2049,
 - Project Cost accounts to reimburse Company/ Developer for costs authorized by 30-A M.R.S.A. § 5225(1)(A) and DECD rules as amended from time to time <u>AND/OR</u> fund public activities/ projects,
 - ii) Sinking Fund Account to retire associated public debt, if any;
- f. Crossroads Holdings, LLC reimbursement limited to incremental taxes from NEW actual value of 40% annually for TIF years 1-10, for TIF years 11-20, either 25%, capped at \$55,000,000 for initial non-bonus reimbursement, or 40%, contingent on Performance Standard Incentives, and for TIF years 21-30, as a Bonus Option, 10%, capped at \$2,000,000 annually, for achieving "desired development" by end of year 20, defined in Program, page 10; *





HEATHER JOHNSON
COMMISSIONER

- g. Company/Developer payments within sole Town Council discretion, limited to incremental taxes from <u>NEW</u> actual value and may include up to 100% reimbursement of Company/Developer's individual property during District term, following minimum one public hearing;
- h. AFTER EXECUTION, TOWN MUST FORWARD A COPY of any associated credit enhancement agreement and its amendment(s) or assignment(s) to DECD—enclosing completed matching **Application Cover**
- **Sheet** with detailed private project description and (if Company and not Developer) **Employment Goals Form**;
- Any non-captured incremental property values resulting in General Fund revenue/deposits <u>MUST</u> be included/reported with Town equalized assessed value;
- Any future amendment <u>MUST</u> comply with 30-A M.R.S.A. §§ 5221-5235 and DECD rules;
- k. When District expires, or is terminated, SCARBOROUGH MUST NOTIFY DECD IN WRITING.

As further described in the Program, Town revenue allocation projected at \$204,717,869 may facilitate funding for an estimated \$69,401,000 in public costs and associated debt—if any. This funding MUST comply with already established Scarborough appropriation process —with activities/projects due completion BEFORE/BY JUNE 30, 2049. Please note, pursuant to 30-A M.R.S.A. § 5227(D), the Town shall annually return to the General Fund any tax increment revenues remaining in development program fund, in excess of those estimated to be required to satisfy payment of approved project costs, outlined in the Program, plus any related debt service.*** DECD restates/approves public activities/projects costs listed below, with AMD-2 changes/additions underlined:

WITHIN DISTRICT/MUNICIPALITY

I. General Economic Development: prorated salaries and overhead costs associated with economic development (ED) staff/Scarborough ED Corporation costs/Support & management of Downtown District business partnerships and associations solely as it relates to economic development/economic development, planning, transit-related studies and plans/ consultants & legal costs related to TIF & ED/Pro-rated technology purchases related to tracing development and improving efficiency of local permitting, only as it relates to economic development \$1,190,000 \$6,250,000;

OUTSIDE DISTRICTO/WITHIN MUNICIPALITY

- m. Costs of funding environmental infrastructure improvement projects to address direct and indirect impacts of development within District for commercial use or related to such activities \$1,500,000;
- n. Public safety facilities and equipment, including debt service on public safety building located in the District. For this TIF expenditure associated "within the municipality," the need must be related to general economic development within the municipality and not to exceed 15% of the captured assessed value of the development district \$15,000,000;

WITHIN MUNICIPALITY

- New or expanded transit service capital costs, part of

 (i) above cost projection;
- p. Costs associated with new or existing recreational trails determined to have significant potential to promote economic development \$1,000,000; Φ
- q. Costs associated with quality child care facilities and adult care facilities as defined by MRS 30-A 5225 (1-B), including finance costs and construction, staffing, training, certification, and accreditation costs related to child care and adult care \$2,500,000;
- r. Wireless internet infrastructure and other associated costs to provide wireless internet access in Downtown District and system improvements to promote economic development \$175,000;

WITHIN/OUTSIDE DISTRICT/WITHIN MUNICIPALITY

s. Costs associated with the operation and financial support of Affordable Housing, as defined by MRS

Title 30-A, §5246 (1), in the municipality to serve ongoing economic development efforts, including the further development of the downtown tax increment financing district \$2,700,000;





HEATHER JOHNSON
COMMISSIONER

WITHIN/OUTSIDE DISTRICT &

t. Traffic-Related Improvements \$7,000,000; $\Psi \times$

WITHIN DOWNTOWN DISTRICT

 Costs of constructing or improving facilities or buildings leased by Town of Scarborough that are located in approved downtown tax increment financing district \$33,276,000.

DECD notes while the Program may list multiple statutory citations with the public project costs in the application, not all citations apply to all activities/projects described within each cost description. Scarborough is obligated to verify proper authorization for each project cost to be undertaken. DECD advises Town to plan for debt retirement to coincide with District term end of June 30, 2049.

DECD encourages Scarborough to review/consider Maine Department of Agriculture, Conservation and Forestry (MDOACF) and Maine Department of Transportation (MDOT) advisories **ahead of public projects/activities implementation** for this District and prior to any future update of existing downtown redevelopment plan ("A Downtown for Scarborough: Connecting Scarborough Downs and Oak Hill/Adopted November 28, 2018).

Please contact Development Program Officer Tina Mullins with questions about this certification. The Department extends best wishes for the District's success.

Sincerely.

Heather Johnson Commissioner

Hashu Mu

cc: via email only

Senator Anne Carney (SD-29)—130th Legislature
Senator Stacy Brenner (SD-30)—130th Legislature
Representative James A. Boyle (HD-27)—130th Legislature
Representative Christopher James Caiazzo (HD-28)—130th Legislature
Representative Sophia B. Warren (HD-29)—130th Legislature
Peter Lacy, MRS Director Property Tax Division
Nicholas T. Cloutier, Scarborough Assessor
Shana Cook Mueller, Bernstein, Shur, Sawyer & Nelson, P.A.

encl: MDACF/MDOT advisories

- * Over 4/1/2018 assessed value of \$124,303,200 due to a 2018 commercial revaluation (Original Program, page 8)
- **See Development Plan, Section IV. (C), page 9, for Performance Standard Incentive requirements and page 10, for Bonus CEA Option for this Developer Achieving "desired development." The Town Council is authorized, following a public hearing, to vote to amend the terms of the CEA with the Scarborough Downs Developer (Original Program, page 10).
- ***Please refer to 30-A M.R.S.A. § 5227(D) for further procedures related to managing excess tax increment revenues. Additional options include, by vote of Town council, to decrease the annual captured assessed value, or formally amend Program to add allowable projects costs.
- ♦ To the extent a project is outside the District, Scarborough must prorate/allocate costs not directly related to or made necessary by establishment/ operation of this District to other funding sources.

EXCLUDING FOLLOWING COSTS/FUNDING:

Φ Public park(s) as it relates to MRS 30-A, § 5225(2)

 $\Psi \ \text{Private residential distribution line(s)}$

× § 5225(1)(A)(1)(a)(i), (8) and (C)(7)(b) Transit-Oriented Development projects

MTIF: Application Synopsis for Commissioner Consideration

■ DISTRICT DATA: PREVIOUS DATA GRAY

MUNICIPALITY Scarborough		gh	COUNTY	Cumberland	TERM	30	
DISTRICT NAME	Scarborou	gh Downtowr	Omnibus				
ORIGINAL DISTRI	ICT (OD): Y/N	N	AMENDED: Y/N	Υ	# AMD	2	
TOWN EXEMPT:	Y/N Y	TRANSIT- ORIE	NTED DISTRICT: Y/N	N PAPER MILL EX	EMPT: Y/I	N N	
To increase CAV to 100% for all of District, beginning July 1, 2022, and to amend and restate public projects, to further encourage and facilitate economic development within the District and Town. Town approved March 2, 2022.							
Town approve	d March 2,	2022.					
[7/30/2021] AMD-1: Adjust District acreage to add parcel U043-66 to make area available for Town Council consideration/approval of a CEA related to an affordable rental housing project. AMD-1 effective on July 1, 2022. Town approved June 30, 2021. Note: Town also approved a new CEA, under Omnibus capacity, on same date. [10/1/2020] OD Technical Revision: to remove a 7.15-acre parcel, which was mistakenly included in this TIF footprint which it was already part of the Bessey School Affordable TIF. OAV							
included in thi corrected/revi [3/29/2019] (s TIF footpr sed to be \$9 DD: To help	int which it was 95,622,900, as accomplish the	s already part of of March 31, 20 goals of Scarbo	the Bessey School Aff 18/acreage 947.91. rough's Downtown Re	ordable	TIF. OAV	
AMD-2: Effective July 1, 2022, 100% 3% of entire District for its own municipal uses, plus a) For Scarborough Downs portion of District, for TIF years: 1-10 40% to fulfill a CEA planned with property owner Crossroads Holdings LLC; 11-20, 25%, capped at \$55,000,000 for initial non-bonus reimbursement, or 40%, depending upon whether developer achieves certain standards; 21-30 10% as a possible "Bonus Option" b) For rest of District, for any a developer/owner's property, up to 100% within District term, after a public hearing. **all over 4/1/18 assessed value due to a 2018 commercial revaluation (per OD Brogram, page 8)							
DATES START:	July 1, 2019	- June 30, 2020	(FY 2020) END :	July 1, 2048- June 30,	2049 (F	(2049)	
DOW	NTOWN REDE	VELOPMENT PLAN	N TOWN ADOPTED:	November 28, 2018			
IGNATION DATE	OF ORIGINAL I	DISTRICT AND DEV	VELOPMENT PLAN:	November 28, 2018			
	DISTRICT NAME DRIGINAL DISTRICT TOWN EXEMPT: To increase Carbonic projects Town. Town approve [7/30/2021] A Town Council AMD-1 effectionew CEA, und [10/1/2020) C Included in this corrected/revi [3/29/2019]	ORIGINAL DISTRICT (OD): Y/N TOWN EXEMPT: Y/N To increase CAV to 100% public projects, to further Town. Town approved March 2, 27/30/2021] AMD-1: Adjusted Town Council consideration AMD-1 effective on July 1 new CEA, under Omnibus [10/1/2020) OD Technica Included in this TIF footprocorrected/revised to be \$5/23/29/2019] OD: To help and to fund various munical AMD-2: Effective July 1, 23% of entire District for it a) For Scarborough Down 1-10 40% to fulfill a C 11-20, 25%, capped a depending upon wheth 21-30 10% as a possib) For rest of District, for after a public hearing **all over 4/1/18 assessed with the control of the control	DISTRICT NAME CRIGINAL DISTRICT (OD): Y/N TOWN EXEMPT: Y/N To increase CAV to 100% for all of District public projects, to further encourage and Town. Town approved March 2, 2022. [7/30/2021] AMD-1: Adjust District acreation Council consideration/approval of a AMD-1 effective on July 1, 2022. Town a new CEA, under Omnibus capacity, on satisfication of the corrected/revised to be \$95,622,900, as [3/29/2019] OD: To help accomplish the land to fund various municipal and economal AMD-2: Effective July 1, 2022, 100% 3% of entire District for its own municipal and economal for Scarborough Downs portion of Dial-10 40% to fulfill a CEA planned with 11-20, 25%, capped at \$55,000,000 depending upon whether developer a 21-30 10% as a possible "Bonus Option of Dial-10 40% as a possible "Bonus O	CISTRICT NAME Scarborough Downtown Omnibus PRIGINAL DISTRICT (OD): Y/N TOWN EXEMPT: Y/N To increase CAV to 100% for all of District, beginning July oublic projects, to further encourage and facilitate econor Town. Town approved March 2, 2022. Town Council consideration/approval of a CEA related to a AMD-1 effective on July 1, 2022. Town approved June 30 new CEA, under Omnibus capacity, on same date. Toly1/2020) OD Technical Revision: to remove a 7.15-ac included in this TIF footprint which it was already part of corrected/revised to be \$95,622,900, as of March 31, 20: [3/29/2019] OD: To help accomplish the goals of Scarbor and to fund various municipal and economic development of the property of the pr	DISTRICT NAME Scarborough Downtown Omnibus DRIGINAL DISTRICT (OD): Y/N N AMENDED: Y/N Y TOWN EXEMPT: Y/N Y TRANSIT- ORIENTED DISTRICT: Y/N N PAPER MILL EX To increase CAV to 100% for all of District, beginning July 1, 2022, and to ame public projects, to further encourage and facilitate economic development with Town. Town approved March 2, 2022. [7/30/2021] AMD-1: Adjust District acreage to add parcel U043-66 to make an Town Council consideration/approval of a CEA related to an affordable rental hamD-1 effective on July 1, 2022. Town approved June 30, 2021. Note: Town a new CEA, under Omnibus capacity, on same date. [10/1/2020] OD Technical Revision: to remove a 7.15-acre parcel, which was included in this TIF footprint which it was already part of the Bessey School Afformerected/revised to be \$95,622,900, as of March 31, 2018/acreage 947.91. [3/29/2019] OD: To help accomplish the goals of Scarborough's Downtown Reland to fund various municipal and economic development projects. AMD-2: Effective July 1, 2022, 100% 3% of entire District for its own municipal uses, plus a) For Scarborough Downs portion of District, for TIF years: 1-10 40% to fulfill a CEA planned with property owner Crossroads Holdings 11-20, 25%, capped at \$55,000,000 for initial non-bonus reimbursement, depending upon whether developer achieves certain standards; 21-30 10% as a possible "Bonus Option" b) For rest of District, for any a developer/owner's property, up to 100% with after a public hearing. **all over 4/1/18 assessed value due to a 2018 commercial revaluation (per OD Program DATES START: July 1, 2019- June 30, 2020 (FY 2020) END: July 1, 2048- June 30, DOWNTOWN REDEVELOPMENT PLAN TOWN ADOPTED: November 28, 2018	DISTRICT NAME Scarborough Downtown Omnibus AMENDED: Y/N TRANSIT-ORIENTED DISTRICT: Y/N To increase CAV to 100% for all of District, beginning July 1, 2022, and to amend and oublic projects, to further encourage and facilitate economic development within the Distrown. Town approved March 2, 2022. Town approved March 2, 2022. Town council consideration/approval of a CEA related to an affordable rental housing path AMD-1 effective on July 1, 2022. Town approved June 30, 2021. Note: Town also approved CEA, under Omnibus capacity, on same date. Town approved to the \$95,622,900, as of March 31, 2018/acreage 947.91. Toyl 2020 OD Technical Revision: to remove a 7.15-acre parcel, which was mistake notuded in this TIF footprint which it was already part of the Bessey School Affordable corrected/revised to be \$95,622,900, as of March 31, 2018/acreage 947.91. Toyl 2020 OD: To help accomplish the goals of Scarborough's Downtown Redevelopment of fund various municipal and economic development projects. AMD-2: Effective July 1, 2022, 100% Toyl 30% of entire District for its own municipal uses, plus a) For Scarborough Downs portion of District, for TIF years: 1-10 40% to fulfill a CEA planned with property owner Crossroads Holdings LLC; 11-20, 25%, capped at \$55,000,000 for initial non-bonus reimbursement, or 40%, depending upon whether developer achieves certain standards; 21-30 10% as a possible "Bonus Option" b) For rest of District, for any a developer/owner's property, up to 100% within Distriafter a public hearing. **all over 4/1/18 assessed value due to a 2018 commercial revaluation (per OD Program, page 8 DATES START: July 1, 2019- June 30, 2020 (FY 2020) END: July 1, 2048- June 30, 2049 (FY 2020) November 28, 2018	

Increased Assessed Value (IAV); Real/Personal Property (RP/PP) *See Reimbursement Schedule below for additional requirements.

■ COMPANY OR DEVELOPER DATA

		Crossroads Holding, LLC P.O. Box 485, Scarborough, Maine 04070			
		lop parcel of land with small lot single family homes, apartments and duplexes, a street area with a town square, community center and small restaurants, stores, and es. (Map R52 Lot 4)			
E ADI	ENTITY DRESS	WEX, INC AMD-2 update: CEA authorization rescinded by Town Council after WEX announced it would not be moving to the District. One Hancock Street, Portland, ME 04101			

MTIF: Application Synopsis for Commissioner Consideration

PROJECT	Center Street Partners, LLC to construct an approximately 200,000 square foot facility to be leased to WEX, which will house certain WEX corporate offices operations, with a planned opening by early-to-mid 2022. (Map 052 Lot 004)					
NEW INVSTMNT \$ FT JOBS NEW 100 100 100					100	
#NEW JOBS		300	AVG WAGE/YR	\$30,000-\$150,000	30,000-\$150,000	30,000-\$150,000
ENTITY Avesta US Route One LP (0.44 portion of Map U043 Lot 056) ADDRESS 307 Cumberland Avenue, Portland, ME 04101						
PROJECT	PROJECT 31-unit affordable housing development.					

Company (CO); Developer (DEV)

■ STATUTORY REQUIREMENTS

WITHIN ACREAGE CAP?	OD: 947.91 + AMD-1 0.22 Total 948.13	EX	MUNICIPAL BONDS ISSUED? Y/N/MAY	М
ON	SUITABLE PROPERTY?	EX	TAX SHIFTS CALCULATED?	Υ
OAV CERTIFIED?	OD: \$95,622,900 + AMD-1 \$0 Total \$95,622,900	EX	PUBLIC NOTICE AND HEARING?	Υ
	WITHIN VALUE CAP?	EX	PASSED BY MAJORITY VOTE? 7/0	Υ

^{*}Downtown; Transit-Oriented Development; Community Wind Power; Single Taxpayer/High Valuation exemptions may apply (EX*).

■ PLANNED REVENUE DISTRIBUTION

TO GENERAL FUND (NON-TIF)? \$			\$1,187,462	Actual for FY 2020-	Actual for FY 2020-2022		
FOR	MUN	IICIPAL DEBT?	TBD	IF AMD, ANY BONDS	IF AMD, ANY BONDS TO DATE? n/app		
FOR CREDIT ENHANCEM AGREEME		Downs Prop	perty: \$59,284,221	OMNIBUS DISTRICT	Υ	TIF POLICY	
REIMBURSEMENT SCHEDULE (ALL FOR IAV AS OF 4/1/2018 OF \$124,303,200 DUE TO A 2018 COMMERICAL REVALUATION (SEE PROGRAM, PAGE 8)	IAV WE: upd to [Sca 4)- 1-1 11- dev (Se	X, INC: 15-yea late: Town Cor District. rborough Down For TIF years: 0: 40%, 20: If perform If perform 30: Bonus Opielopment" by e DP pg. 10, T	nance standards not met, 2 nance standards met, 40% (See DP, page 9 tion- 10%, capped at \$2,0 end of Year 20, defined in Town Council can amend, fo	to town, capped at \$1! ization due to WEX and an ization due to WEX and ization due to WEX	50,00 noun gs L 0,00 erfor	00. AMD-2 cing not moving LC, Map R52 Lo 0; mance standard	g vt
	Omnibus feature: Up to 100% of IAV of an individual developer/owner's property, at the Town Council's discretion, after a public hearing.						
FOR BONA-FIDE ECONOMIC DEVELOPMENT?			' '	Actual FY 2020-202 Projected 2023-204 Total			

MTIF: Application Synopsis for Commissioner Consideration

[\$8,190,000 \$69,401,000] AMD-2 changes/additions underlined.

(T1/T2) Traffic-Related Improvements \$7,000,000 $\Psi \times$;

(T1/T3) General Economic Development: prorated salaries and overhead costs associated with economic development (ED) staff/Scarborough Economic Development Corporation costs/Support & management of Downtown District business partnerships and associations solely as it relates to economic development/economic development, planning, transit-related studies and plans/consultants & legal costs related to TIF & ED/Pro-rated costs of technology purchases related to tracing development and improving efficiency of local permitting, only as it relates to economic development \$1,190,000 \$6,250,000;

(T1/T2/T3) <u>Costs associated with the operation and financial support of Affordable Housing, as defined by MRS Title 30-A, §5246 (1), in the municipality to serve ongoing economic development efforts, including the further development of the downtown tax increment financing district \$2,700,000;</u>

(T2/T3) Costs of funding environmental infrastructure improvement projects to address direct and indirect impacts of development within District for commercial use or related to such activities \$1,500,000; Public safety facilities and equipment, including debt service on public safety building located in the District. For this TIF expenditure associated "within the municipality," the need must be related to general economic development within the municipality and not to exceed 15% of the captured assessed value of the development district \$15,000,000;

(T3) New or expanded transit service capital costs, part of (T1/T2) above cost projection; Costs associated with new or existing recreational trails determined to have significant potential to promote economic development \$1,000,000 Φ; Costs associated with quality child care facilities and adult care facilities as defined by MRS 30-A 5225 (1-B), including finance costs and construction, staffing, training, certification and accreditation costs related to child care and adult care \$2,500,000; Wireless internet infrastructure and other associated costs to provide wireless internet access in Downtown District and system improvements to promote economic development \$175,000;

(WITHIN DOWNTOWN DISTRICT) <u>Costs of constructing or improving facilities or buildings leased by Town of Scarborough that are located in approved downtown tax increment financing district \$33,276,000.</u>

EXCLUDING ANY COSTS/FUNDING FOR:

Φ Public park(s) as it relates to MRS 30-A, § 5225(2)

Ψ Private residential distribution line(s)

 \times § 5225(1)(A)(1)(a)(i) and (A)(8) and (C)(7)(b) Transit-Oriented Development costs

Projects unique to this District/Program? [x] YES [] NO

Over TIF Term (OTT); §5225(1) (A-C) = Tier (T) 1-3

■ STAFF RECOMMENDATION

DEVELOPMENT PROGRAM OFFICER (DPO) REVIEWED APPLICATION AND OFFERS THIS OPINION:	Recommend approval to the best of my knowledge; no concerns.				
DPO RECOMMENDS COMMISSIONER APPROVAL? Y/N/OTHER	Y	T.M.	4/12/2022		
APPLICATION RECEIPT DATE	3/10/2022	CHECK AFTER DATA ENTRY □			

Form revised 5/14/2020



Bernstein, Shur, Sawyer & Nelson, P.A.

100 Middle Street PO Box 9729 Portland, ME 04104-5029

T (207) 774 - 1200 **F** (207) 774 - 1127

Shana Cook Mueller (207) 228-7134 direct smueller@bernsteinshur.com

Sent via FedEx Tracking No.: 7762 6630 8622

March 10, 2022

Tina M. Mullins
Department of Economic and Community Development
111 Sewall Street
Burton Cross Building, 3rd Floor
Augusta, ME 04330

Re: Second Amendment to the Scarborough Downtown Omnibus Municipal Development and Tax Increment Financing District Town of Scarborough

Dear Tina:

Enclosed with this letter please find the application for the <u>Second Amendment to the Scarborough Downtown Omnibus Municipal Development and Tax Increment Financing District</u> as approved by the Town of Scarborough on March 2, 2022.

As always, thank you for your assistance in this regard. If you have any questions or concerns, please do not hesitate to contact me at any time.

Sincerely,

Shana Cook Mueller

Enclosures

cc: Thomas Hall, Town Manager





March 7, 2022

Heather Johnson, Commissioner Maine Department of Economic and Community Development State House Station 59 Burton Cross Building, 3rd Floor Augusta ME 04333

> Re: Second Amendment to the Scarborough Downtown Omnibus Municipal Tax Increment Financing District

Dear Commissioner Johnson,

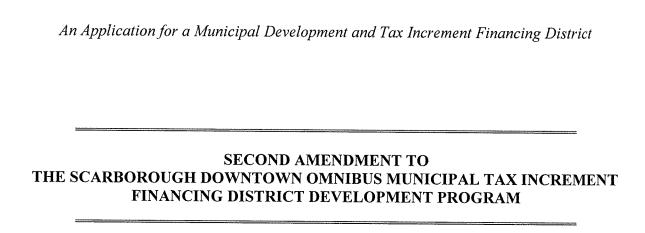
On behalf of the Town of Scarborough I am submitting the application for the *Second Amendment to the Scarborough Downtown Omnibus Municipal Tax Increment Financing District Development Program* approved by the Town of Scarborough on March 2, 2022.

With this letter, I certify that all information contained in this application is true and correct to the best of my knowledge.

Sincerely,

Thomas Hall, Town Manager

ECONOMIC DEVELOPMENT TOWN OF SCARBOROUGH, MAINE



Public Hearing: February 16, 2022

Town Council Approval: March 2, 2022

Presented to:
Maine Department of Economic and Community Development

TABLE OF CONTENTS

		<u>Page</u>
I. Introduction		1
	ne Second Amendment to the Scarborough Downtown Omnibus	
	evelopment Program	-
	District and Development Program	
II Danielania and Dan		2
II. Development Pro	ogram Second Amendment Narrative	2
B. Financial Plan		2
III. Approval Proce	ss for Second Amendment	3
	c Hearing	
	olic Hearing	
	otes	
IV State of Maine I	Department of Facenemic and Community Development Farms	. 2
	Department of Economic and Community Development Forms	
	over Sheet & Employment Goals form	
b. Statutory Requ	irements & Thresholds form	3
EXHIBITS:		
		00CD 434
EXHIBIT A	FIRST AMENDMENT AND ORIGINAL DEVELOPMENT PR	KOGRAM
	MATERIALS	O.C.
EXHIBIT B	ESTIMATED INCREASED ASSESSED VALUES FOR DISTR	RICT &
	ESTIMATED TAX SHIFT BENEFITS	
EXHIBIT C	AMENDED AND RESTATED MUNICIPAL PROJECT COST	TABLE
EXHIBIT D	NOTICE OF PUBLIC HEARING	
EXHIBIT E	CERTIFIED COPY OF THE PUBLIC HEARING MINUTES	
EXHIBIT F	TOWN COUNCIL ORDER	
EXHIBIT G	DECD APPLICATION COVER SHEET	
EXHIRIT H	DECD STATUTORY REQUIREMENTS AND THRESHOLDS	FORM

I. Introduction

A. Summary of the Second Amendment to The Scarborough Downtown Omnibus Municipal TIF Development Program

The Town of Scarborough (the "<u>Town</u>") seeks its second amendment ("<u>Second Amendment</u>") to The Scarborough Downtown Omnibus Municipal Tax Increment Financing ("<u>TIF</u>") District ("<u>District</u>") Development Program ("<u>Development Program</u>"), attached hereto as <u>Exhibit A</u> (the "First Amended and Restated Development Program"). This Second Amendment adopts, designates and confirms that going forward the Town will capture one hundred percent (100%) of the increased assessed value as captured assessed value and use the increased TIF revenues for municipal project costs.

Through this Second Amendment, the Town intends to further encourage and facilitate economic development within the District and in the Town at large. To the extent this Second Amendment does not address provisions of the originally Development Program as amended by the First Amendment, such previously approved documents remain in full force and effect. Please note that the original Development Program and the First Amendment to the Development Program for the District are attached as Exhibit A.

This Second Amendment is structured and proposed pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended (the "<u>TIF Statute</u>").

B. The Existing District and Development Program

On November 28, 2018 the Town designated the Downtown Omnibus Municipal Development and Tax Increment Financing District and adopted the Development Program for the District. The Department of Economic and Community Development ("DECD") approved the District and the Development Program on March 29, 2019. The Town created the District in order to capture new taxable investment primarily from commercial development occurring within downtown Scarborough including the redevelopment area known as Scarborough Downs, to enter into a credit enhancement agreement with the developer of such area, and to fund public facilities and improvements and Town economic development projects and activities. The original term of the District is thirty (30) years. The original acreage of the District was 947.91 acres and the original assessed value was \$95,622,900.

On June 30, 2021 the Town approved the First Amendment to the District and its Development Program. DECD approved the First Amendment to the District and Development Program on July 30, 2021. The purpose of this First Amendment was to adjust the acreage of the District from 947.19 acres to 948.13 acres by adding in a parcel identified as U043-66 on the Town's tax maps. The acreage was added to make the area available for the Council to approve a credit enhancement agreement relating to an affordable rental housing project. The additional acreage did not change the original assessed value, due to the value of the parcel being zero dollars (\$0) as of April 1, 2020. A credit enhancement agreement for an affordable housing development project was approved by the Town at the same time as the First Amendment,

pursuant to the Town Council's authority to authorize credit enhancement agreements with developers in the District.

II. Development Program Second Amendment Narrative

A. Financial Plan

This Development Program adjusts the Town's "capture" from three percent (3%) to one hundred percent (100%) of the assessed value above the original assessed value on District property. Real property taxes collected on that captured assessed value will create "TIF Revenues."

Attached as <u>Exhibit B</u> is a table showing the estimated increased assessed value for the District for each year of the remaining years of the District, as well as the portion of the increased assessed value to be applied to the existing credit enhancement agreements and the Town's Project Cost Subaccount of the District's Development Program Fund. In addition, <u>Exhibit B</u> also includes a table showing the estimated tax shift benefits for the increase in capture for the remaining years of the District. Beginning at the start of Fiscal Year 2023, the Town will capture tax revenues generated by the increased assessed value of the taxable real property located within the District at one hundred percent (100%) and treat them as TIF Revenues, eligible for use on approved Town project costs, if not otherwise obligated to be paid under a credit enhancement agreement.

B. Project Costs

With the Town's portion of the TIF revenues, the Town desires to choose from an amended and restated table of project cost options identified and detailed in <u>Exhibit C</u>. Appropriation of TIF revenues to such project costs must follow Town charter required procedures, both in terms of regular budget items as well as the potential for major capital items which can require special voter approval.

Item 8 in Exhibit C identified a project that would first require voter approval. This item would provide the Town the option to use TIF revenues to pay to construct and finance a facility that would be located in the heart of the Downtown District and would serve a variety of community purposes and functions, potentially including a childcare center, elder care and activities, community pool and other community service operations. The construction and financing costs associated with such a facility can only be paid for with TIF revenues if the facility is leased to the Town from a private entity. The terms of such lease may include a nominal annual or monthly lease fee and a provision under which the Town's interest would automatically convert to ownership at the end of a term of years. Such an arrangement would fall under the 5225(1)(D) of Title 30-A: "Costs of constructing or improving facilities or buildings leased by...a municipal...government that are located in approved downtown tax increment financing districts." No TIF revenues would be used for such a project cost after the period during which the Town is leasing the facility. In other words, once the lease arrangement converts to Town ownership, then no additional TIF revenues can be applied to the facility's construction or financing costs. While the Town is undergoing the requisite public process to

shape the needs for such a facility, this Second Amendment is meant to hold open one structural option for funding and financing such a project.

III. Approval Process for Second Amendment

A. Notice of Public Hearing

Attached as Exhibit D is a copy of the Notice of Public Hearing published in the Portland Press Herald, a newspaper of general circulation in the Town, a date at least ten (10) days prior to the public hearing on the Second Amendment. The public hearing on the Second Amendment was held on February 16, 2022, in accordance with the requirements of 30-A M.R.S.A. § 5226(1).

B. Minutes of Public Hearing

Attached as <u>Exhibit E</u>, is a certified copy of the minutes of the public hearing held on February 16, 2022, at which time the proposed Second Amendment was discussed by the public.

C. Authorizing Votes

Attached as <u>Exhibit F</u> is an attested copy of the Town of Scarborough Council Order, which was approved by the Town Council at a Town Council meeting duly called and held on March 2, 2022, approving the Second Amendment to the Development Program.

IV. Maine Department of Economic and Community Development Forms

A. Application Cover & Employment Goals form

Attached as <u>Exhibit G</u> is a completed application cover sheet & employment goals form for the Second Amendment.

B. Statutory Requirements & Thresholds form

Attached as Exhibit H, is a completed statutory requirements and thresholds form for the Second Amendment.

Exhibit A

(First Amended and Original District and Development Program Materials)



STATE OF MAINE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT



HEATHER JOHNSON COMMISSIONER

October 1, 2020

Thomas J. Hall
Town Manager
TOWN OF SCARBOROUGH
259 U.S. Route 1
Scarborough, Maine 04074

RE: Scarborough Downtown Omnibus Municipal *Tax Increment Financing* (TIF) District and *Development Program* (Program) Technical Revision

APPROVED

Dear Mr. Hall,

The Maine Department of Economic and Community Development (DECD) reviewed and <u>EFFECTIVE</u> <u>TODAY APPROVED</u> the technical revision to the above referenced Downtown Municipal TIF District and Program. Based on the documentation provided, DECD notes/approves:

a. District taxable Original Assessed Value of \$95,622,900 as of March 31, 2018 (April 1, 2017)—acreage 947.91;

Per November 28, 2018 original designation approval, DECD restates:

- b. District term of 30 years ending June 30, 2049;
- c. Real property Increased Assessed Value (IAV) capture** of 3% on entire District plus,
 - i) For Scarborough Downs portion of District (Map R52 Lot 4) only, 40% for TIF years 1-10, 25% or 40% for TIF years 11-20, contingent on Performance Standard Incentives, and for TIF years 21-30, 10% for Bonus Option; *
 - ii) For rest of District, up to 100% of a developer /owner's property, within District term.
 - Portage of revenue from other Scarborough Municipal TIF districts, is not allowable until capture is amended to 100% per § 5225(1)(B)(3)(b) and such portage is an approved project cost for the other district;
- d. District revenues deposited/held in <u>DEDICATED</u> accounts and applied <u>ONLY</u> toward approved activities/projects,
 - i) Project Cost accounts to reimburse Companies/Developers for costs authorized by 30-A M.R.S.A. § 5225(1)(A) and DECD rules as

- amended from time to time <u>AND/OR</u> fund public activities/projects,
- ii) Sinking Fund Account to retire associated public debt, if any;
- e. Crossroads Holdings, LLC reimbursement limited to incremental taxes from NEW actual value of 40% annually for TIF years 1-10, for TIF years 11-20, either 25%, capped at \$55,000,000 for initial non-bonus reimbursement, or 40%, contingent on Performance Standard Incentives, and for TIF years 21-30, as a Bonus Option, 10%, capped at \$2,000,000 annually, for achieving "desired development" by end of year 20, defined in Program, page 10; *
- f. Company/Developer payments within sole Town Council discretion, limited to incremental taxes from <u>NEW</u> actual value and may include up to 100% reimbursement of Company/Developer's individual property during District term, following minimum one public hearing; **
- g. <u>AFTER EXECUTION, TOWN MUST FORWARD A COPY</u> of any associated credit enhancement agreement and its amendment(s) or assignment(s) to DECD—





HEATHER JOHNSON COMMISSIONER

enclosing completed matching **Application Cover Sheet** with detailed private project description and (if Company and not Developer) **Employment Goals Form**;

- Any non-captured incremental property values resulting in General Fund revenue/deposits <u>MUST</u> be included/reported with Town equalized assessed value;
- i. Any future amendment <u>MUST</u> comply with 30-A M.R.S.A. §§ 5221-5235 and DECD rules;
- j. When District expires, or is terminated, SCARBOROUGH MUST NOTIFY DECD IN WRITING.

As further described in the Program, Town revenue allocation projected at \$12,308,402 may facilitate funding for an estimated \$8,190,000 in public costs and associated debt, if any. This funding MUST comply with Scarborough appropriation process—with activities/projects due completion BEFORE/BYJune 30, 2049. Approved public activities/projects costs are as follows:

WITHIN/OUTSIDE DISTRICT &

k. Traffic-Related Improvements \$7,000,000; $\Psi \times$

WITHIN DISTRICT/MUNICIPALITY

 General Economic Development: prorated salaries and overhead costs associated with economic development (ED) staff/Scarborough Economic Development Corporation costs/economic development and planning studies and plans/consultants & legal costs related to TIF & ED \$1,190,000.

DECD notes while the Program may list multiple statutory citations with the public project costs in the application, not all citations apply to all activities/projects described within each cost description.

Scarborough is obligated to verify proper authorization for each project cost to be undertaken. DECD advises Town to plan for debt retirement to coincide with the District term end of June 30, 2049.

DECD encourages Scarborough to review/consider Maine Department of Agriculture, Conservation and Forestry (MDOACF) and Maine Department of Transportation (MDOT) advisories **ahead of public projects/activities implementation** for this District and prior to any future update of existing downtown redevelopment plan ("Downtown Redevelopment Plan/Adopted November 28, 2018).

Please contact Development Program Officer Tina Mullins with questions about this certification. With this approval, the Department extends best wishes for the success of the District.

Sincerely,

Heather Johnson Commissioner

Hoshu Hu

cc: via email only

Senator Rebecca J. Millett (SD-29)—129th Legislature





HEATHER JOHNSON COMMISSIONER

Senator Linda Sanborn (SD-30)—129th Legislature
Representative Christopher James Caiazzo (HD-28)—129th Legislature
Representative Shawn A. Babine (HD-29)—129th Legislature
Peter Lacy, MRS Acting Director Property Tax Division
Nicholas Cloutier, Scarborough Assessor
Shana Cook Mueller, Bernstein, Shur, Sawyer & Nelson, P.A.

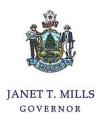
Encl.: MDOACF/MDOT advisories

- *See Development Plan, Section IV. (C), page 9, for Performance Standard Incentive requirements and page 10, for Bonus CEA Option for this Developer Achieving "desired development." The Town Council is authorized, following a public hearing, to vote to amend the terms of the CEA with the Scarborough Downs Developer (Program, page 10).
- ** Over 4/1/2018 assessed value of \$124,303,200 due to a 2018 commercial revaluation (Program, page 8)
- To the extent a project is outside the District, Scarborough must prorate/allocate costs not directly related to or made necessary by establishment/ operation of this District to other funding sources.

EXCLUDING FOLLOWING COSTS/FUNDING:

Ψ Private residential distribution line(s)

× § 5225(1)(A)(1)(a)(i), (8) and (C)(7)(b) Transit-Oriented Development projects



STATE OF MAINE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT



HEATHER JOHNSON COMMISSIONER

March 29, 2019

Thomas J. Hall
Town Manager
TOWN OF SCARBOROUGH
259 U.S. Route 1
Scarborough, Maine 04074

RE: Scarborough Downtown Omnibus Municipal Tax Increment Financing (TIF) District and Development Program (Program)

APPROVED

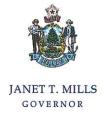
Dear Mr. Hall,

The Maine Department of Economic and Community Development (DECD) reviewed and <u>EFFECTIVE</u> <u>TODAY APPROVED</u> the above referenced Downtown Municipal TIF District and Program. Based on the application, DECD notes/approves:

- District term of 30 years starting July 1, 2019 and ending June 30, 2049;
- District taxable Original Assessed Value of \$98,253,700 as of March 31, 2018 (April 1, 2017) acreage 955.06;
- Real property Increased Assessed Value (IAV) capture** of 3% on entire District plus,
 - i) For Scarborough Downs portion of District (Map R52 Lot 4) only, 40% for TIF years 1-10, 25% or 40% for TIF years 11-20, contingent on Performance Standard Incentives, and for TIF years 21-30, 10% for Bonus Option; *
 - ii) For rest of District, up to 100% of a developer /owner's property, within District term.
 - Portage of revenue from other Scarborough Municipal TIF districts, is not allowable until capture is amended to 100% per § 5225(1)(B)(3)(b) and such portage is an approved project cost for the other district;
- d. District revenues deposited/held in <u>DEDICATED</u>
 accounts and applied <u>ONLY</u> toward approved
 activities/projects,
 - Project Cost accounts to reimburse Companies/Developers for costs authorized by 30-A M.R.S.A. § 5225(1)(A) and DECD rules as

- amended from time to time <u>AND/OR</u> fund public activities/projects,
- ii) Sinking Fund Account to retire associated public debt, if any;
- e. Crossroads Holdings, LLC reimbursement limited to incremental taxes from NEW actual value of 40% annually for TIF years 1-10, for TIF years 11-20, either 25%, capped at \$55,000,000 for initial non-bonus reimbursement, or 40%, contingent on Performance Standard Incentives, and for TIF years 21-30, as a Bonus Option, 10%, capped at \$2,000,000 annually, for achieving "desired development" by end of year 20, defined in Program, page 10; *
- f. Company/Developer payments within sole Town Council discretion, limited to incremental taxes from <u>NEW</u> actual value and may include up to 100% reimbursement of Company/Developer's individual property during District term, following minimum one public hearing; ***
- g. AFTER EXECUTION, TOWN MUST FORWARD A COPY of any associated credit enhancement agreement and its amendment(s) or assignment(s) to DECD enclosing completed matching Application Cover Sheet with detailed private project description and (if Company and not Developer) Employment Goals Form;

Page 1 of 3





HEATHER JOHNSON COMMISSIONER

- Any non-captured incremental property values resulting in General Fund revenue/deposits <u>MUST</u> be included/reported with Town equalized assessed value;
- Any future amendment <u>MUST</u> comply with 30-A M.R.S.A. §§ 5221-5235 and DECD rules;
- j. When District expires, or is terminated, <u>SCARBOROUGH MUST NOTIFY DECD IN WRITING</u>.

As further described in the Program, Town revenue allocation projected at \$12,308,402 may facilitate funding for an estimated \$8,190,000 in public costs and associated debt, if any. This funding MUST comply with Scarborough appropriation process—with activities/projects due completion BEFORE/BYJune 30, 2049. Approved public activities/projects costs are as follows:

WITHIN/OUTSIDE DISTRICT 0

k. Traffic-Related Improvements \$7,000,000; $\Psi \times$

WITHIN DISTRICT/MUNICIPALITY

I. General Economic Development: prorated salaries and overhead costs associated with economic development (ED) staff/Scarborough Economic Development Corporation costs/economic development and planning studies and plans/consultants & legal costs related to TIF & ED \$1,190,000.

DECD notes while the Program may list multiple statutory citations with the public project costs in the application, not all citations apply to all activities/projects described within each cost description. <u>Scarborough</u> is obligated to verify proper authorization for each project cost to be undertaken. DECD advises Town to plan for debt retirement to coincide with the District term end of June 30, 2049.

DECD encourages Scarborough to review/consider Maine Department of Agriculture, Conservation and Forestry (MDOACF) and Maine Department of Transportation (MDOT) advisories **ahead of public projects/activities implementation** for this District and prior to any future update of existing downtown redevelopment plan ("Downtown Redevelopment Plan/Adopted November 28, 2018).

Please contact Development Program Officer Tina Mullins with questions about this certification. With this approval, the Department extends best wishes for the success of the District.

Sincerely,

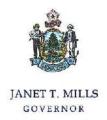
Heather Johnson Commissioner

cc: via email only

Senator Rebecca J. Millett (SD-29)—129th Legislature Senator Linda Sanborn (SD-30)—129th Legislature

Representative Andrew J. McLean (HD-27)—129th Legislature

Page 2 of 3





HEATHER JOHNSON COMMISSIONER

Representative Christopher James Caiazzo (HD-28)—129th Legislature
Representative Shawn A. Babine (HD-29)—129th Legislature
Justin Poirier, MRS Director Property Tax Division
Brian Doyle, Governor's Account Executive
Ruta Dzenis, DOACF Senior Planner Municipal Planning Assistance Program
Phil Carey, DOACF Senior Planner, Municipal Planning Assistance Program
Scott Rollins, MDOT Assistant Director, Bureau of Transportation Systems Planning
Jennifer Brickett, MDOT Regional Transportation Planner, Bureau of Planning
Shana Cook Mueller, Bernstein, Shur, Sawyer & Nelson, P.A.

Encl.: MDOACF/MDOT advisories

- *See Development Plan, Section IV. (C), page 9, for Performance Standard Incentive requirements and page 10, for Bonus CEA Option for this Developer Achieving "desired development." The Town Council is authorized, following a public hearing, to vote to amend the terms of the CEA with the Scarborough Downs Developer (Program, page 10).
- ** Over 4/1/2018 assessed value of \$131,021,800 due to a 2018 commercial revaluation (Program, page 8)
- To the extent a project is outside the District, Scarborough must prorate/allocate costs not directly related to or made necessary by establishment/ operation of this District to other funding sources.

EXCLUDING FOLLOWING COSTS/FUNDING:

- Ψ Private residential distribution line(s)
- ×§ 5225(1)(A)(1)(a)(i), (8) and (C)(7)(b) Transit-Oriented Development projects



STATE OF MAINE

DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY

BUREAU OF RESOURCE INFORMATION & LAND USE PLANNING 93 STATE HOUSE STATION AUGUSTA, MAINE 04333

AMANDA E. BEAL COMMISSIONER

To:

Tina Mullins, Development Project Officer, Tax Incentives Program Director, DECD

From:

Phil Carey, Senior Planner, Municipal Planning Assistance Program

Date:

3/6/2019

Re:

Comments on Scarborough Downtown TIF Application

Thank you for the opportunity to review and comment on the Town of Scarborough *Downtown Omnibus Municipal Development and Tax Increment Financing District* application, dated 12/5/2018.

Our comments are limited to those areas of the application that relate to land use planning. We hope you find them helpful.

Downtown Plan The plan entitled, *A Downtown for Scarborough: Connecting Scarborough Downs and Oak Hill*, adopted 11/28/2018, is included in the application as Exhibit H. We have concluded that this plan meets the definition of a "Downtown redevelopment plan" found in section 1(B) of DECD's Municipal TIF Rule.

District Boundaries The area described by the proposed district boundaries shown on the maps presented in Exhibit A of the application corresponds exactly with the area addressed in the Town's downtown plan. In our opinion, the geography of the proposed Downtown TIF Development District is generally consistent with the Town's "Downtown" as defined in 30-A M.R.S.A. Chapter 206, Section 5222. While the Downs property is not immediately adjacent to other downtown properties, the development scheme proposed for it, with its mix of uses, public spaces, and infrastructure improvements, distinguish it from the intervening residential neighborhood. These same distinguishing features, taken with its proximity to Oak Hill and the municipal government campus, support the position that the Downs can become an integral part of a Scarborough downtown.

Development Program and Project List The application's Table 1 describes two general types of work to which TIF revenues may be applied, and an estimate of how much TIF money will be applied to each: Traffic Related Improvements (\$7,000,000), and Economic Development (\$1.190.000). The table also includes references to pages in the downtown plan which provide additional background and, in the

maine Agriculture Conservation & Forestry

Received

MAR 1 1 2019

ECD

Municipal Planning Assistance Program 22 State House Station 18 Elkins Lane, HArlow Building

AUGUSTA, ME 04333

PHONE: (207) 287-3860

WWW.MAINE.GOV/DACF/MUNICIPALPLANNING

case of Transportation Improvements, identification of some specific projects. While additional specificity would make the application stronger, we expect that the projects, as described, would contribute to the vitality of the Scarborough's downtown area, and that the implementation of the entire development program would make a very significant contribution.

We have no further comments. Again, thank you for the opportunity to review the application. Please don't hesitate to call or email if you have any questions.



STATE OF MAINE DEPARTMENT OF TRANSPORTATION 16 STATE HOUSE STATION AUGUSTA, MAINE 04333-0016

Bruce A. Van Note

Memorandum

To: Tina Mullins

From: Jennifer Brickett, Regional Planner, Bureau of Planning, MaineDOT

Date: February 22, 2019

Re: Scarborough Downtown Omnibus Municipal Development and TIF District

On behalf of MaineDOT, I have reviewed the Town of Scarborough's application for the *Scarborough Downtown Omnibus Municipal Development and Tax Increment Financing District* and have found the application to be acceptable.

The proposed TIF district supports the goals of the Town of Scarborough's Downtown Redevelopment Plan, which includes the existing Oak Hill area, the municipal campus, and the proposed redevelopment of the Scarborough Downs property to the south. The redevelopment of the Scarborough Downs property creates a unique opportunity to blend the Oak Hill area with a potential new main street at Scarborough Downs, which would include a town square, community center, small restaurants, stores, offices, and residential neighborhoods. The established TIF district will enable the town to capture amounts paid on increased assessed value of property in the district and use the revenues toward infrastructure improvements, economic development initiatives, and credit enhancement agreements with developers of property in the District.

The MaineDOT supports the Town of Scarborough's decision to use TIF revenues toward traffic-related improvements like design and construction of roads, sidewalks, signalization, utilities affected by road work, streetscape, and traffic calming measures. Statutorily, TIF revenues can also be used towards transit oriented development (TOD). The Department sees benefit in using TIF revenues towards TOD in Scarborough due to increasing congestion along Route 1 and demand for transit services, but defers to the town on the best use of their revenues for the downtown redevelopment.

The proposed area of the Downtown Redevelopment Plan and TIF district includes potential projects that are associated with the state transportation systems (Payne Rd., Route 1, Gorham Rd./Rt. 114, and Black Point Rd/Rt. 207). If the Town of Scarborough intends to seek MaineDOT financial participation on any projects along these roads, or if any projects will occur within the State right-of-way, the town should closely coordinate with MaineDOT and make formal funding requests through the MaineDOT Work Plan. MaineDOT will work with the town upon request to coordinate and consider the proposed transportation improvements.

Lastly, it should also be noted that the Portland Area Comprehensive Transportation System (PACTs) is sponsoring a Saco/Scarborough Route 1 Complete Streets Plan that is currently underway. This planning study will explore ways to make the corridor more accessible for all modes and to help mitigate congestion and improve safety for all users. MaineDOT recommends that the town consult the plan as infrastructure investments are made within the TIF district.

Thank you for the opportunity to comment on this TIF application.



December 3, 2018

Denise Garland, Acting Commissioner
Maine Department of Economic and Community Development
State House Station 59
Burton Cross Building, 3rd Floor
Augusta ME 04333

Re: Scarborough Downtown Omnibus Municipal Development and TIF District Scarborough

Dear Commissioner Garland,

On behalf of the Town of Scarborough, I am submitting the Application for the <u>Scarborough Downtown Omnibus Municipal Development and Tax Increment Financing Development Program</u>.

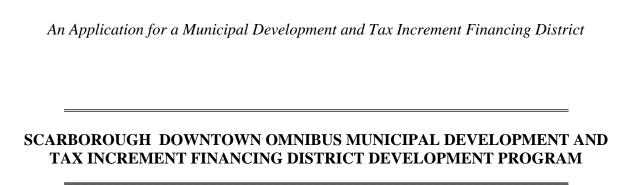
With this letter, I certify that all information contained in this application is true and correct to the best of my knowledge.

Sincerely,

Thomas J. Hall, Town Manager

Tung. Hau

ECONOMIC DEVELOPMENT SCARBOROUGH, MAINE



Approved by:

SCARBOROUGH TOWN COUNCIL November 28, 2018

Submitted to the Department of Economic and Community Development December 5, 2018

APPLICATION COVER SHEET

MUNICIPAL TAX INCREMENT FINANCING

A. General Information

1. Municipality Name: Town	of Scarborough					
2. Address: 259 U.S. Route 1	, Scarborough, ME	04074				
3. Telephone:	4. Fax:	5. Email: thall@scarboroughmaine.org				
(207)730-4000						
6. Municipal Contact Person:	Thomas Hall, Tow	n Manager				
7. Business Name: Crossroad	s Holding, LLC					
8. Address: P.O. Box 485, Sc.	arborough, ME 040	70				
9. Telephone:	10. Fax:	11. Email:				
12. Business Contact Person:	Rocco Risbara, III	and Peter Michaud				
13. Principal Place of Busines	ss: 5 Washington A	ve, Scarborough, ME 04074				
14. Company Structure (e.g. o	corporation, sub-cha	apter S, etc.): LLC				
15. Place of Incorporation: Maine						
16. Names of Officers: Rocco Risbara, III and Peter Michaud						
17. Principal Owner(s) Name: Rocco Risbara, III; William Risbara; Marc Risbara; Peter						
Michaud; Richard Michaud						
18. Address: P.O. Box 485, S	carborough, ME 04	070				

B. Disclosure

1. Check the public purpose that will be met by the business using this incentive (any that apply):						
X□ job creation	☐ job retention	☐X capital investment				
☐ training investment	☐X tax base improvement	X□ public facilities				
		improvement				
□ other (list):	□ other (list):					
2. Check the specific items for	which TIF revenues will be used	l (any that apply):				
☐ real estate purchase ☐	☐ machinery & equipment purchase ☐ training costs					
☐ debt reduction ☐ X other (list): Please refer to Table 1 in the Development Programmer of the Company of the						

C. Employment Data

List the company's goals for the number, type and wage levels of jobs to be created or retained as part of this TIF development project (*please use next page*).

TABLE OF CONTENTS

			<u>Page</u>
I.	Intro	duction	1
1.	A.	Scarborough's Downtown Redevelopment Plan	
	В.	Designation of TIF District	
II.		lopment Program Narrative	
11.	A.	The Development Program	
	В.	Municipal Projects	
	Б. С.	Strategic Growth and Development	
	D.		
	D. Е.	Improvements to the Public Infrastructure	
	E.	Operational Components	
			/
		2. Commercial Improvements Financed Through	7
		Development Program	
		3. Relocation of Displaced Persons	
		4. Transportation Improvements	
		5. Environmental Controls	
		6. Plan of Operation	
III.		ical Description	
IV.	Finai	ncial Plan	
	A.	Costs and Sources of Revenues	
	В.	Indebtedness	9
	C.	Credit Enhancement Agreements	
V.	Fina	ncial Data	11
VI.	Tax S	Shifts	11
VII.	Mun	icipal Approvals	11
	A.	Notice of Public Hearing	11
	B.	Minutes of Public Hearing	11
	C.	Order and Authorizing Vote	11
	TD VIDO		
EXHI	BITS:		
Exhib			
A		District Maps	
В		tory Requirements & Thresholds Form	
C-1		ssor's Certificate of Original Assessed Value	
C-2	-	1, 2018 Taxable Assessed Values	
D-1		Revenue Projections	
D-2	Tax S	Shift Projections	
E	Publi	c Hearing Notice	
F	Publi	c Hearing Minutes	
G	Coun	cil Orders	
H	Down	ntown Redevelopment Plan	

I. Introduction

A. Scarborough's Downtown Redevelopment Plan

Scarborough (the "Town") is at a pivotal point in the Town's development, with a rare and unique opportunity to re-imagine the concept of downtown, blending existing development with the creation of a new main street.

Historically, the Town has evolved around a series of villages, partly due to the Town's geography and natural resource base. The Scarborough Marsh and its associated waterways geographically divide Scarborough and influenced the development of multiple villages within the town, rather than a single downtown.

Residents are generally comfortable with the multiple village concept, but they have noted that there are few central gathering places that create a sense of one community that you find in towns with a unique village center. Residents often identify with their village rather than the Town of Scarborough.

The largest and most central of the villages is Oak Hill. The area flanks the municipal campus (Town Hall, library, the majority of the school buildings) to the north. While Oak Hill has often been referred to as the "downtown," Route 1 bisects the area, introducing significant traffic congestion. There are small shops and offices, but few communal spaces for people to gather and cross paths. Walkability is currently limited in Oak Hill, mostly due to the pass through traffic on Route 1.

The 2006 Comprehensive Plan outlined a new zoning strategy that emphasized design and building strategies to encourage village style development in Oak Hill. These zoning changes are in place and the area is slowly encouraging a mix of local stores and restaurants, consistent with a downtown, however that main street concept and the places for people to gather, sit and chat are rare.

In early 2018, an opportunity to reimagine the downtown area of Scarborough emerged. After 40 years of ownership, the operator of the Scarborough Downs Harness Race Track, sold the 500-acre parcel to a group of local investors. This mostly undeveloped parcel is located in the geographic center of town, just south of the Town's municipal campus, and connected to Oak Hill through the Route One corridor.

The Town has long envisioned the potential of the Scarborough Downs property. In anticipation of the site's development, the Town created a zoning district specifically for the property. Known as the Crossroads Planned Development District, the zoning ordinance gave immense flexibility in the types of uses in exchange for the creation of a "vibrant center for development in the heart of Scarborough."

The local developers have embraced the concepts outlined in the 2006 Comprehensive Plan and developed a master plan that illustrates how the parcel could be developed. The master

plan is required by the zoning ordinance for the Crossroads District and specifically lays out the infrastructure and general land uses. The Phase 1 master plan for the Downs was approved by the Town Planning Board on April 5, 2018. The master plan is specific to the Downs property, not the full Downtown District. In particular, it addresses the concept of a main street, a downtown public square and a potential public private partnership for the development of a community center.

Over the course of the last two years, the Town has engaged the community in a series of workshops, charrettes, informational meetings and council workshops. Some of these community dialogues have taken place as part of the Comprehensive Plan Update process. Some have been specific to the masterplan specific to the Down's property. The Town also maintains a community engagement website as part of its comprehensive plan update process. A community survey was published in the local newspaper, which is mailed to Scarborough households. Lastly, a public hearing on the Downtown Redevelopment plan was held on November 7, 2018.

Given this backdrop, the Town has developed a planning document entitled the **Downtown Redevelopment Plan** which brings together initiatives identified in the existing 2006 Comprehensive Plan, existing studies such as the Oak Hill Pedestrian Plan, the 2005 Transportation Study, The Town of Scarborough's Comprehensive Energy and Sustainability Plan, and current draft of the 2018 Comprehensive Plan update. Given the proximity of Oak Hill, the municipal campus and Scarborough Downs, Scarborough has the rare opportunity of blending the history their village origins with the potential development of a new main street at Scarborough Downs. The Downtown Redevelopment Plan adopted by the Town of Scarborough's Town Council is attached hereto as Exhibit H.

B. Designation of TIF District

In order to help accomplish the goals of Scarborough's Downtown Redevelopment Plan, the Town hereby designates the Scarborough Downtown Omnibus Municipal Development and Tax Increment Financing District (the "<u>District</u>" or "<u>TIF District</u>"). The District is shown on maps attached hereto as Exhibit A.

The true opportunity for Scarborough to achieve a "downtown" lies in blending the existing Oak Hill area with the new opportunity on The Scarborough Downs property. The ability of the Scarborough Down's masterplan to augment and complement the Town's historic center of commerce and civic activity (Oak Hill) is unique.

The map of Scarborough's downtown concept shows the municipal campus in the center with Oak Hill to the North of the campus and The Downs to the south. The Oak Hill areas were selected because of their current zoning designations of Town Village Center and Town Village Center 2. The area also picks up a small segment of Route 1 which will run in front of the new public safety building and includes small retailers, services and churches. Where properties were split by the zone, the full property was included. The Scarborough Down's property was selected due to its proximity to the municipal campus and Oak Hill and because of the developer's masterplan, which includes critical elements of a downtown such as a main street and town square.

All of Oak Hill is served by water and sewer. Within Oak Hill, there are still opportunities for infill and redevelopment. The Scarborough Downs project will extend water and sewer throughout the property including the Main street area. The Scarborough Downs property will be planned from the start as a core part of the Town's evolving downtown.

The new Main Street created within the Scarborough Downs property, will include a town square as well as other civic uses, along with small retailers, restaurants, small offices and residential neighborhoods.

The proposed Downtown Area of 947.91 acres includes the following:

- 424 acres of The Downs property (a single parcel)
- 143 acres of the Municipal campus including Town Hall, Schools, the Public Library and a Park
- 331 acres in Oak Hill including small shops, restaurants, coffee shops, churches, banks, offices and the Post Office
- 50 acres along Route 1 in a business district that includes churches, medium sized offices and services
- The Oak Hill boundaries were determined by the existing Town and Village Center Zoning Districts
- The Oak Hill area has potential for infill development on vacant parcels and redevelopment on existing lots.
- The Comprehensive Plan calls for additional infill and density in Oak Hill as well as strategies for increasing walkability in the area.
- The Down's Masterplan includes a main street area with a town square, community center and small restaurants, stores and offices.
- The Down's Masterplan includes small lot single family homes, apartments and duplexes creating opportunity for residents to be within walkable distance to the main street.
- The Downs and Oak Hill are within walkable distances to the municipal campus.
- The strategy area represents 2.74% of the total acres within the Town.

II. Development Program Narrative

A. The Development Program

This development program (the "<u>Development Program</u>") is structured and proposed pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended (the "<u>TIF Statute</u>"). The Town's designation of the District combined with the adoption of this Development Program create a single municipal TIF district in order to capture the value of the real property improvements made within the District, and enable the use of taxes paid on increased assessed value in the District ("<u>TIF Revenues</u>") for various municipal and other economic development projects. The Development Program will run for the same 30-year period as the District designation starting with fiscal year 2019-2020 through fiscal year 2048-2049, starting on July 1, 2019 and ending on June 30, 2049.

Under this Development Program, the Town will capture amounts paid on increased assessed value related to real property in the District as shown at Exhibit D-1, varying based on credit enhancement agreement terms and performance standard metrics described herein. The Town will retain and utilize the TIF Revenues to fund various infrastructure improvements and other costs, all as further described in <u>Table 1</u> herein, and to fund one or more credit enhancement agreements with developers of property in the District.

More specifically, first, the Town expects to capture 3% of increased assessed value on the entire District for its own municipal uses. Second, in addition, the Town expects to capture 40% of increased assessed value on the Scarborough Downs portion of the District for years 1-10 in order to fulfil a credit enhancement agreement planned with the owner of such property, Crossroads Holdings LLC (the "Downs Developer"), described more fully in Section IV. For years 11-20, such percentage will either be 25% or 40% depending upon whether the developer achieves certain standards. The captured value percentage on the Scarborough Downs portion of the District may be increased above the portion the Town captures for its own purposes for years 21-30 if the Downs Developer achieves the "bonus" more fully described in Section IV. Such captured value percentage relating to the Scarborough Downs portion of the District will vary depending upon how the parties fulfil the targets and standards in the various credit enhancement agreement terms outlined in Section IV. Third, the Town Council reserves its right to enter into future credit enhancement agreements with any party owning or developing property in the District so long as such credit enhancement agreement is the subject of a public hearing held by the Town Council and the Town Council votes to approve such agreement(s). Such credit enhancement agreements may include a reimbursement percentage of up to 100% of the increased assessed value of the developer/owner's property for up to the full remaining term of the District at the Town Council's discretion.

In designating the District and adopting this Development Program, the Town can accomplish the following goals:

- Maintain existing tax revenues;
- Achieve the vision and goals contained in Scarborough's Downtown Redevelopment Plan;
- Create long-term, stable employment opportunities for area residents;
- Attract businesses and promote the economic viability and sustainability of the general economy of the Town.

Thus, the Town's designation of the TIF District and pursuit of this Development Program constitute a good and valid public purpose pursuant to Chapter 206 of Title 30-A because it represents a substantial contribution to the economic wellbeing of the Town, by providing jobs, contributing to property taxes and diversifying the region's economic base.

In addition, by creating the District, the Town will "shelter" the increase in municipal valuation that development in the District will bring about. This tax shift benefit will mitigate the adverse effect that the District's increased assessed property value would have on the Town's

share of state aid to education (depending upon the application of applicable formulas on the Town), municipal revenue sharing and its county tax assessment. An estimate of the tax shift benefit is shown as Exhibit D-2 attached hereto.

B. Municipal Projects

Development within the District will provide a revenue source for the Town's economic development projects. The Town plans to use its portion of the TIF Revenues for several projects that will address traffic congestion, which is a significant impediment to economic development and to quality of life. Town funds may also be used in support of general economic development initiatives. The Town plans to invest in its economy by improving municipal infrastructure and providing for the opportunity to use TIF Revenues to pay for economic development expenses. Please see <u>Table 1</u> below for a complete list of authorized projects and their respective cost estimates. In order to demonstrate an implementation plan for these projects, the table also includes a responsible party for moving the project forward and the reference applicable for each project to provisions of Scarborough's Downtown Redevelopment Plan.

TABLE 1 Town of Scarborough's Project Costs

Note: The TIF Revenues from this District are not intended to fully fund each of the projects listed below—the total project cost estimates for the projects listed below may exceed the projected TIF Revenues available from this District. In addition, inclusion on this list does not require the Town to utilize TIF Revenues for these projects. Inclusion on this list makes it permissible for the Council to apply TIF Revenues for these projects if they are undertaken during the term of the District. The Town intends to incorporate TIF Revenue expenditure decisions into an annual budget process but in any event Town Council approval will be required for expenditure of TIF revenues on the project costs identified in this Table 1.

Project	Cost Estimate	Statutory Citation	Responsible Party	Downtown Redevelopment Plan Reference
1. Traffic-Related Improvements: Design and construction including but not limited to road, sidewalk, signalization, other utilities and services affected by traffic and road work, streetscape and traffic calming measures in various locations either inside the District or projects located outside the District but made necessary by or directly related to the District development.	\$7,000,000	30-A M.R.S.A. §§5225(1)(A)(1)- (5), (1)(B)(1)	Town Engineer Public Works Director Economic Development Director Planning Director	Pages 23-25, 28

Project	Cost Estimate	Statutory Citation	Responsible Party	Downtown Redevelopment
				Plan Reference
2. General Economic Development: a. Salary and overhead costs associated with an economic development staff including a	\$1,190,000	30-A M.R.S.A. §\$5225(1)(A)(5), (1)(C)(1),	Town Manager Town Council	Pages 28, 30
prorated portion of staff committed to economic development efforts; b. Costs associated with the		885225(1)(A)(5)	Economic Development Director	
Scarborough Economic Development Corporation (SEDCO): SEDCO is a creation of the Town's elected governing body		\$\$5225(1)(A)(5), (1)(C)(1),	Planning Director SEDCO	
(the Town Council) and the Town funds SEDCO from the Town's budget.			Board of Directors	
c. Economic development and planning studies and plans including market analyses of various types including arts development districts, feasibility and engineering studies related to other approved project costs, etc.;		\$\$5225(1)(A)(4), (1)(A)(5), (1)(A)(7), (1)(C)(1),		
d. Consultant costs, legal costs as they relate to tax increment financing and economic development.		\$\$5225(1)(A)(4), (1)(C)(1),		
Total	\$8,190,000			

C. Strategic Growth and Development

By designating the District and adopting the Development Program, the Town is capitalizing on the tax shift benefits so that the Town will not lose new tax revenue to subsidy losses and increased obligations resulting therefrom. The District's designation and implementation of the Development Program is expected to improve and boost the Town's economy generally and enable the Town to accomplish the goals of the Downtown Redevelopment Plan.

D. Improvements to the Public Infrastructure

The Town will use certain TIF Revenues for improvements to public infrastructure as set forth in <u>Table 1</u>.

E. Operational Components

1. Public Facilities/Improvements

See Table 1 for a description of public facilities/improvements.

2. Commercial Improvements Financed Through Development Program

The District is an "omnibus" district because the Town will have the option to approve credit enhancement agreements for property located within the District on a case by case basis as described herein. Specifically, the Town is authorizing a credit enhancement agreement with the owners of the Scarborough Downs facilities on terms described herein.

3. Relocation of Displaced Persons

Not applicable.

4. Transportation Improvements

The Town intends to improve various streets in order to facilitate and accommodate commercial business development.

5. Environmental Controls

The improvements made under this Development Program will meet or exceed all federal, state and local environmental laws, regulations and ordinances and will comply with all applicable land use requirements for the Town.

6. Plan of Operation

During the term of the District, the Town Council or its designee will be responsible for all administrative matters within the purview of the Town concerning the implementation and operation of the District.

III. Physical Description

This Article III addresses the conditions for approval contained in 30-A M.R.S.A. § 5223(3). The proposed 947.91-acre District is shown in Exhibit A. The statutory threshold limits addressing the conditions for approval mandated by 30-A M.R.S.A. § 5223(3) are set forth in Exhibit B.

IV. Financial Plan

The collective Original Assessed Value of the property in the District was ninety-five million six hundred twenty-two thousand nine hundred dollars (\$95,622,900) as of March 31, 2018 (April 1, 2017). A Certificate of the Original Assessed Value is shown in Exhibit C-1. In light of a commercial revaluation in 2018, the Town has determined to begin to capture increased assessed value over and above taxable assessed values of District properties as of April 1, 2018. For ease of administering calculations of Captured Assessed Values in the future, a table showing such values is attached as Exhibit C-2. As Exhibit C-2 shows, the total taxable assessed value of the District as of April 1, 2018 is \$124,303,200.

The Town will capture percentages of the increased assessed value of the taxable real property located within the District for the duration of the 30-year term of the District as described herein and shown in one potential scenario attached as Exhibit D-1. The Town will capture 3% of the increased assessed value (over the April 1, 2018 taxable assessed values) for its own uses on project costs identified in Table 1 hereof. The TIF Revenues so collected will fund and/or contribute to the funding of the approved projects which collectively increase the Town's ability to stand out in a competitive marketplace as a dynamic municipality in which to grow a business.

In addition, the Town will capture an additional percentage (over the April 1, 2018 taxable assessed values) on specific properties within the District relating to credit enhancement agreements approved by the Town Council. The first credit enhancement agreement approved by the Town Council is to be executed with the owner of the Scarborough Downs property located within the District. The Town Council may authorize and execute additional future credit enhancement agreements, or amendments to the Scarborough Downs credit enhancement agreement, thereby also affecting the percentage of increased assessed value captured in any given year for particular District property. See discussion below of credit enhancement agreements.

All assessed real property value captured in the District will be added to the general tax rolls at the end of the TIF term.

Upon each payment of property taxes for property located inside the District, the Town will deposit into a development program fund (the "Downtown Omnibus Development Program Fund" or "Development Program Fund") the entirety of the property tax payments constituting TIF Revenues. The Development Program Fund is pledged to and charged with the payment of the project costs in the manner provided in 30-A M.R.S.A. § 5227(3). The Development Program Fund will consist of a project cost account (the "Project Cost Account"). All TIF Revenues will be deposited in the Project Cost Account except to the extent that the Town undertakes municipal bonded indebtedness to fund any project costs, in which case the percentage of TIF Revenues required to meet debt service obligation must be deposited into a sinking fund account (the "Sinking Fund Account").

Estimates of the increased assessed property values of the District, the anticipated TIF Revenues generated by the District, and the estimated tax shift benefits are shown in <u>Exhibits D-1</u> and <u>D-2</u>, respectively.

A. Costs and Sources of Revenues

The current and future developers owning or leasing properties located within the District will pay for and/or finance all private improvements located in the District through private sources.

B. Indebtedness

The Town reserves the right to finance one or more of its projects through public indebtedness.

C. Credit Enhancement Agreements

Simultaneously with the designation of the District and adoption of the Development Program, the Town is also authorizing a credit enhancement agreement to be entered into with the Downs Developer. This particular credit enhancement agreement will include the following components:

Reimbursement Percentage/Performance Standard Incentives: The Downs Developer will receive the following reimbursement of the TIF Revenues associated with the property it

owns according to the table below:

TIF Years 1-10	40% of tax revenues paid on increased assessed value over the 2018 assessed values
TIF Years 11-15	25% of tax revenues paid on increased assessed value over the 2018 assessed values if Downs Developer does not satisfy performance standards; or
	40% of tax revenues paid on increased assessed value over the 2018 assessed values if Downs Developer meets the following performance standards before the end of Year 10: (a) 500,000 minimum square feet of non-residential space; (b) complete infrastructure (roads, water and sewer) necessary for planned development; and (c) complete roads/utilities to enable Downtown.
TIF Years 16-20	25% of tax revenues paid on increased assessed value over the 2018 assessed values if Downs Developer does not satisfy performance standards; or 40% of tax revenues paid on increased assessed value over the 2018 assessed values if Downs Developer meets the following performance standards before the end of Year 15: (a) 900,000 minimum square feet of non-residential space; and (b) complete infrastructure (roads, water and sewer) necessary for planned

development;	and	(c)	complete	roads/utilities	to
enable Downto	own.				

- <u>Maximum Downs Developer Reimbursement</u>: The initial non-bonus reimbursement to the Downs Developer shall be limited to \$55 million in total revenues.
- Residential Cap: The Downs Developer shall be permitted to construct up to 750 single-family detached dwelling units (affordable and/or senior single-family detached dwelling units do not count toward the cap).
- CEA Bonus Option for Achieving "desired development": Developer can receive a bonus reimbursement of 10% (once prior reimbursement has terminated) of tax revenues paid on increased assessed value over the 2018 assessed values through Year 30, with a maximum annual reimbursement of \$2 million, if the Downs Developer's project has achieved the "desired development" by the end of Year 20 (if met before Year 20, bonus begins at that time):
 - The project has reached the maximum developer reimbursement of \$55 million;
 and,
 - The project has met the minimum value creation of \$615 million in the Master Plan if a Downtown and Community Center are constructed or are under construction / or / the project has met the minimum value creation of \$500 million in the Master Plan if a Downtown and Community Center are not constructed or under construction; and,
 - The project has met the minimum of 1,500,000 square feet of non-residential space.
- <u>Downtown Process</u>: The Town and the Downs Developer agree to a process to be completed no later than the end of Year 5 of the District to determine/refine elements and costs of the "Downtown."
- <u>Community Center Land Option and Process</u>: The Downs Developer agrees to provide an option on project land for a possible future community center, which must be exercised by the end of Year 5 of the District.
- School Land Option and Process: The Downs Developer agrees to provide an option on project land for a possible future school site, which must be exercised by the end of Year 5 of the District.
- <u>Council Updates</u>: The Downs Developer will make regular progress reports to the Council on the development.

The Town Council is authorized, following a public hearing, to vote to amend the terms of the credit enhancement agreement with the Downs Developer.

In addition, the District is a so-called "omnibus" district which means that the Scarborough Town Council will be permitted in the future to enter into credit enhancement agreements with

individual property owners in the District as it sees fit for up to the full term of the District for up to 100% of the captured assessed value so long as the Town Council holds a public hearing prior to the approval of any such credit enhancement agreement. One such credit enhancement agreement could relate to the construction of facilities or buildings leased by State Government or the municipality located in a downtown tax increment financing district pursuant to Title 30-A M.R.S.A. § 5225(1)(D).

V. Financial Data

The statutory requirements and thresholds for approval required by Section 5223(3) of Title 30-A in the TIF Statute are set forth in <u>Exhibit B</u>. Financial projections related to the District are contained in Exhibits D-1 and D-2.

VI. Tax Shifts

In accordance with the TIF Statute, the table set forth in <u>Exhibit D-2</u> identifies the tax shifts that the Town estimates will result during the term of the District.

VII. Municipal Approvals

A. Notice of Public Hearing

Attached as <u>Exhibit E</u> hereto is a copy of the Notice of Public Hearing regarding the designation of the District and the adoption of the Development Program for the District, published in a newspaper of general circulation in the Town, on a date at least ten (10) days prior to the public hearing. The public hearing on the Development Program was held on November 7, 2018, in accordance with the requirements of 30-A M.R.S.A. § 5226(1).

B. Minutes of Public Hearing

The Town Clerk has provided an attested copy of the minutes of the November 7, 2018 public hearing before the Scarborough Town Council, a copy of which is contained in Exhibit F. This exhibit also provides a record of the vote of the Town Council on the designation of the District and the adoption of the Development Program.

C. Order and Authorizing Vote

A copy of the Town Council Orders approved by the Scarborough Town Council is provided in $\underline{\text{Exhibit } G}$ and is attested by the Town Clerk.

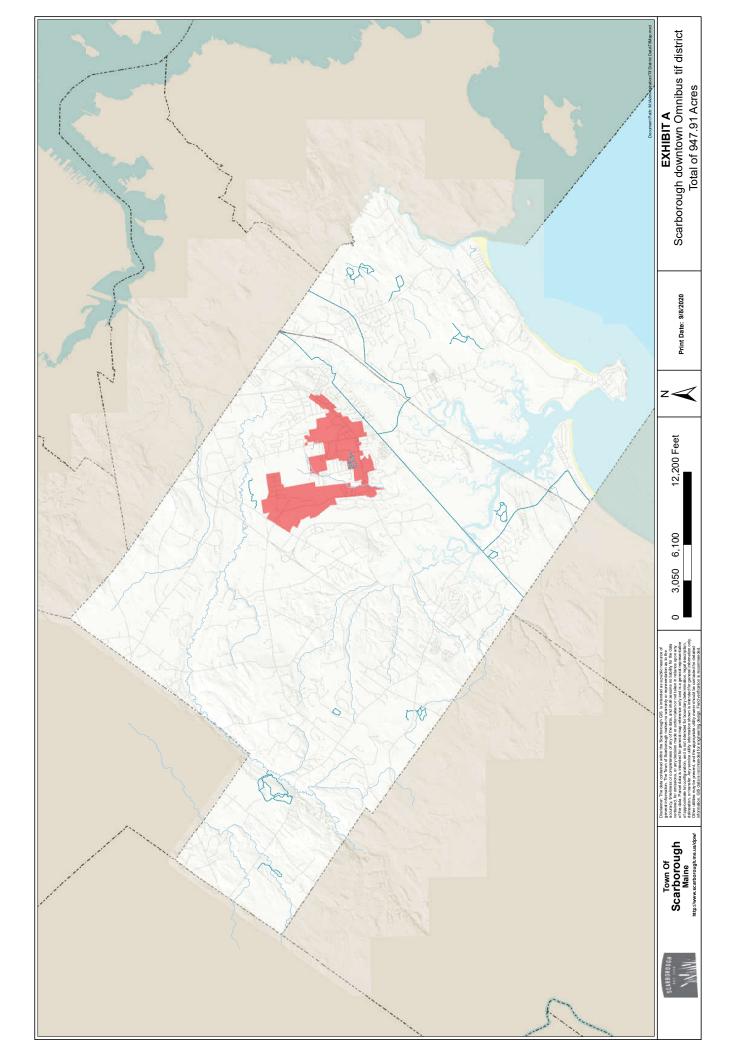
EXHIBITS

Exhibits:

- A TIF District Maps
- B Statutory Requirements & Thresholds
- C-1 Assessor's Certificate of Original Assessed Value
- C-2 April 1, 2018 Taxable Assessed Values
- D-1 TIF Revenue Projections
- D-2 Tax Shift Projections
- E Public Hearing Notice
- F Public Hearing Minutes
- G Council Orders
- H Downtown Revitalization Plan

EXHIBIT A

TIF DISTRICT MAPS



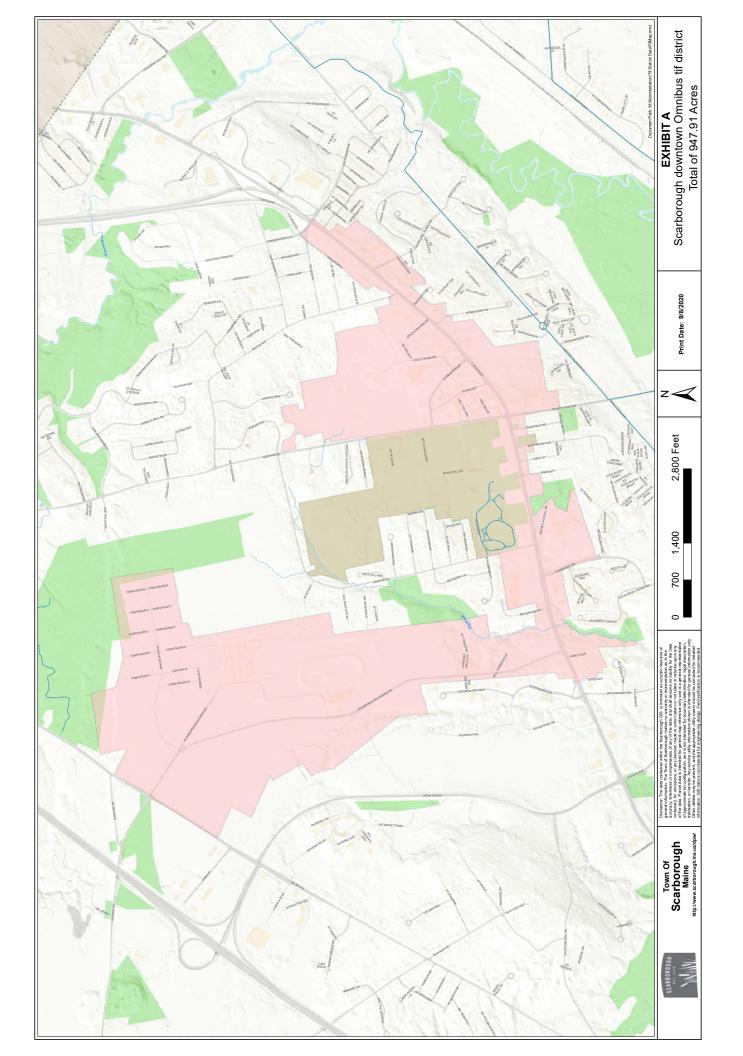


EXHIBIT B

STATUTORY REQUIREMENTS AND THRESHOLDS FORM

STATUTORY REQUIREMENTS AND THRESHOLDS

Scarborough Downtown Omnibus Municipal TIF District

SECTION A. Acreage Caps			
Total municipal acreage;		34,560	
. Acreage of proposed Municipal TIF District;		947.91	
3. Downtown-designation ¹ acres in proposed Municipal TIF District;		947.91	
4. Transit-Oriented Development ² acres in proposed Municipal TIF District;			0
5. Total acreage [=A2-A3-A4] of proposed Municipal TIF District counted tow	ard 2% limit;		0
6. Percentage [=A5÷A1] of total acreage in proposed Municipal TIF District (C	CANNOT EXCEED 2%).		0
7. Total acreage of all <u>existing/proposed</u> Municipal TIF districts in municipalit Affordable Housing Development districts: ³	y including Municipal	Existing	475.74
Avesta Housing/2.78 Bessey School Affordable Housing/7.15 BOR Zone/6.60* D	owntown/947.91	Proposed	947.91
Enterprise Business Park/83.41 Haigis Parkway/375.80		Total:	1,423.65
30-A § 5223(3) EXEMPTIONS⁴			
8. Acreage of an existing/proposed Downtown Municipal TIF district;		947.91	
9. Acreage of all existing/proposed Transit-Oriented Development Municipal TIF districts:			0
10. Acreage of all existing/proposed Community Wind Power Municipal TIF districts:			0
11. Acreage in all <u>existing/proposed</u> Municipal TIF districts common to ⁵ Pine Tree Development Zones per 30-A § 5250-I (14)(A) excluding any such acreage also factored in Exemptions 8-10 above:			0
12. Total acreage [=A7-A8-A9-A10-A11] of all <u>existing/proposed</u> Municipal TIF districts counted toward 5% limit;		47	5.74
13. Percentage of total acreage [=A12÷A1] of all existing/proposed Municipal TIF districts (CANNOT EXCEED 5%).		1.3	3765
.4. Real property in proposed Municipal TIF District that is: ACRES		% [=Ac	res÷A2]
a. A blighted area;	0		0
b. In need of rehabilitation, redevelopment or conservation;	0		0
c. Suitable for commercial or arts district uses.	892.33	94.	14%
TOTAL (except for § 5223 (3) exemptions a., b. OR c. must be at least 25%)			14%

^{*} Please note that the original acreage of the BOR TIF in 2009 was mistakenly recorded as 6.0 acres when the parcel comprising the lot is actually 6.6 acres.

¹ Before final designation, the Commissioner will seek advice from MDOACF and MDOT per 30-A § 5226(2).

² For Transit-Oriented Development (TOD) definitions see 30-A § 5222 sub-§§ 19-24.

³ For AH-TIF acreage requirement see 30-A § 5247(3)(B). Alternatively, Section B. must exclude AH-TIF valuation.

⁴ Downtown/TOD overlap nets single acreage/valuation caps exemption.

⁵ PTDZ districts approved through December 31, 2008.

STATUTORY REQUIREMENTS AND THRESHOLDS

Scarborough Downtown Omnibus Municipal TIF District

	SECTION B. Valuation Cap		
1.	Total TAXABLE municipal valuation—use most recent April 1;	4,012,292,612	
2.	Taxable Original Assessed Value (OAV) of proposed Municipal TIF District as of March 31 preceding municipal designation—same as April 1 prior to such March 31;	95,622,900	
3.	Taxable OAV of all existing/proposed Municipal TIF districts in municipality excluding Municipal Affordable Housing Development districts:		11,420,300
	BOR Zone/2,312,000 Enterprise Business Park/544,800 Haigis Parkway/8,563,500	Proposed	95,622,900
	Downtown/95,622,900	Total:	107,043,200
	30-A § 5223(3) EXEMPTIONS		
4.	Taxable OAV of an existing/proposed Downtown Municipal TIF district;	95	5,622,900
5.	Taxable OAV of all <u>existing/proposed</u> Transit-Oriented Development Municipal TIF districts:	0	
6.	Taxable OAV of all existing/proposed Community Wind Power Municipal TIF districts:	0	
7.	Taxable OAV of all existing/proposed Single Taxpayer/High Valuation ⁶ Municipal TIF districts:	0	
8.	Taxable OAV in all <u>existing/proposed</u> Municipal TIF districts common to Pine Tree Development Zones per 30-A § 5250-I (14)(A) excluding any such OAV also factored in Exemptions 4-7 above:	0	
9.	Total taxable OAV [=B3-B4-B5-B6-B7-B8] of all <u>existing/proposed</u> Municipal TIF districts counted toward 5% limit;	11,420,300	
10.	Percentage of total taxable OAV [=B9÷B1] of all <u>existing/proposed</u> Municipal TIF districts (CANNOT EXCEED 5%).	.285	

COMPLETED BY		
NAME:	Shana Cook Mueller	
DATE:	September 1, 2020	

Page 2 of 2 | Revised NOV-10-2015

 $^{^{\}rm 6}$ For this exemption see 30-A §5223(3)(C) sub-§§ 1-4.

EXHIBIT C-1

ASSESSOR'S CERTIFICATE

TOWN OF SCARBOROUGH SCARBOROUGH DOWNTOWN OMNIBUS MUNICIPAL DEVELOPMENT AND TAX INCREMENT FINANCING DISTRICT

ASSESSOR CERTIFICATE

The undersigned Assessor for the Town of Scarborough does hereby certify pursuant to the provisions of M.R.S.A. Title 30-A § 5227(2), that the assessed value of taxable real property in the **Scarborough Downtown Omnibus Municipal Development and Tax Increment Financing District** as described in the Development Program to which this certificate is attached, was §95,622,900 as of March 31, 2018 (April 1, 2017). A table showing the original assessed value by parcel is provided below.

IN WITNESS THEREOF, this Certificate has been executed this 17th day of September 2020.

Assessor, Town of Scarborough

09/11/2020

Date

ORIGINAL ASSESSED VALUE PARCEL TABLE

Victorias T. Cluster C.M4.

Tax Map and Lot Number	Acreage	Original Assessed Value as of March 31, 2018 (April 1, 2017)
R052004	423.64	\$7,888,900
R053002	2.6	\$211,000
R053003	15	\$30,000
R058028D	16.23	\$82,800
R058032	16.3	\$752,800
R058032D	0.69	\$197,700
R058032E	0.69	\$162,200
R058032F	0.69	\$163,000
R058032H	0	\$28,400
R058032A	0.78	\$1,451,000
R058032B	0.9	\$425,200
R058032C	2.5	\$841,300
R058032J	0.68	\$493,700
R058032K	0.28	\$166,400
R058032M	1.5	\$795,600
R058032N	0.6	\$401,000
R058032P	1.6	\$834,300
R058032Q	1.19	\$561,600
R058032R	1	\$958,400
R058032S	4.7	\$500
R058032T	8	\$800

R059016	23.34	\$0
R059021	1.3	\$0
R059024	53.3	\$0
R059025	9	\$0
R059026	16	\$0
U039001	0.43	\$219,000
U039002	0.18	\$130,500
U039003	0.37	\$127,400
U039006	0.73	\$276,300
U039010	5.02	\$0
U039048	0.76	\$268,700
U039049	0.92	\$291,400
U039050	0.7	\$416,900
U040002	4.72	\$2,363,900
U040004	1.33	\$84,000
U040005	0.59	\$234,600
U040006	0.79	\$341,600
U040007	6.8	\$221,200
U040008	5.72	\$2,885,300
U040009	1.34	\$825,000
U040023	0.5	\$626,200
U040025	14.51	\$0
U040025A	1.27	\$0
U040031	0.9	\$150,300
U041001	1.85	\$2,002,400
U041002A	22	\$0
U041005	2.44	\$1,440,900
U041006	25.6	\$0
U041010	0.6	\$0
U041011	1.22	\$0
U041012	0.19	\$0
U041013	5.7	\$0
U042067	3.97	\$0
U043001	2.66	\$0
U043002	1.01	\$668,200
U043003	0.83	\$513,800
U043005	0.33	\$365,400
U043006	0.75	\$723,100
U043703	0.83	\$233,800
U043702	0.83	\$121,600
U043704	0.83	\$261,800
U043701	0.83	\$156,400
U043008	0.5	\$0
U043009	0.77	\$512,400

U043009A	1.44	\$0
U043010	0.42	\$337,200
U043011	1.38	\$179,500
U043033	0.19	\$190,700
U043034	0.19	\$177,400
U043035	0.18	\$278,500
U043040	0.59	\$238,500
U043042	0.31	\$0
U043043	0.23	\$238,700
U043054	0.25	\$217,900
U043054A	0.14	\$144,900
U043054B	0.19	\$167,900
U043055	0.24	\$226,200
U043056	2.27	\$0
U043069	0.2	\$0
U043077	0.56	\$285,300
U043078	0.55	\$432,000
U044001	1.51	\$1,521,600
U044002	1.6	\$1,115,500
U044003	0.99	\$1,169,200
U044004	0.64	\$192,000
U044005	0.19	\$219,500
U044006	0.8	\$388,100
U044007	3.32	\$1,400,000
U044007A	О	\$140,900
U044008	35.6	\$537,700
U044008A	1.41	\$696,100
U044008B	18.19	\$6,165,100
U044008C	0	\$317,700
U044008D	0.6	\$76,200
U044009	1.64	\$1,146,600
U044011	2.87	\$1,260,400
U044012	0.78	\$377,500
U044014	1.03	\$727,800
U044015	6.43	\$2,289,700
U044016	2.6	\$1,610,300
U044017	21.33	\$0
U044017A	8.3	\$7,979,600
U044018	1.26	\$500,800
U045001	2.31	\$309,800
U045001B	2.57	\$155,900
U045001A	2.57	\$1,761,000
U045002	0.42	\$252,800
U045003A	2.1	\$1,180,900
U045004	3.96	\$1,724,900

Total	s 947.91	\$95,622,900
Roads	46.5	\$0
U047094	5.83	\$3,226,100
U047092	1.91	\$3,982,100
U047091	0.94	\$484,100
U047069	1.05	\$717,300
U046004	6.05	\$3,346,200
U046003	1.34	\$1,619,600
U046002	0.92	\$392,600
U046001	3.1	\$0
U0452101	0.25	\$153,600
U045036	0.39	\$265,000
U045035	0.23	\$194,500
U045025	1.02	\$420,800
U045022	1.17	\$788,800
U045020	0.95	\$406,400
U045019	0.51	\$390,700
U045018B	0.93	\$499,100
U045018A	0.33	\$366,500
U045018	0.5	\$245,300
U045017	0.71	\$801,700
U045013C	2.1	\$1,937,300
U045013B	1.08	\$812,500
U045013A	1.5	\$436,100 \$1,041,600
U045006	3.9 0.84	\$1,548,900
U045004A U045005	5.68	\$305,100

EXHIBIT C-2

APRIL 1, 2018 TAXABLE ASSESSED VALUES

TOWN OF SCARBOROUGH SCARBOROUGH DOWNTOWN OMNIBUS MUNICIPAL DEVELOPMENT AND TAX INCREMENT FINANCING DISTRICT APRIL 1, 2018 TAXABLE ASSESSED VALUES

Explanatory Note: In light of a 2018 commercial revaluation, the Town has elected to begin capturing increased assessed value at April 1, 2018 taxable assessed values instead of beginning to capture applicable percentages at the original assessed values for parcels that are identified in Exhibit C-1. For purposes of assisting the Town in capturing the appropriate amount of increased assessed value, this Exhibit C-2 shows taxable assessed values of District properties as of April 1, 2018.

APRIL 1, 2018 TAXABLE ASSESSED VALUES - PARCEL TABLE

Tax Map and Lot Number	Acreage	Taxable Assessed Value as of April 1, 2018
R052004	423.64	\$7,265,700
R053002	2.6	\$211,000
R053003	15	\$30,000
R058028D	16.23	\$32,500
R058032	16.3	\$752,800
R058032A	0.78	\$2,003,100
R058032B	0.9	\$612,800
R058032C	2.5	\$1,855,200
R058032D	0.69	\$470,600
R058032E	0.69	\$327,200
R058032F	0.69	\$385,300
R058032H	0	\$65,500
R058032J	0.68	\$668,200
R058032K	0.28	\$467,100
R058032M	1.5	\$1,242,800
R058032N	0.6	\$724,800
R058032P	1.6	\$1,246,100
R058032Q	1.19	\$652,300
R058032R	1	\$1,029,800
R058032S	4.7	\$16,900
R058032T	8	\$16,000
R059016	23.34	\$0
R059021	1.3	\$0
R059024	53.3	\$0
R059025	9	\$0
R059026	16	\$0
U039001	0.43	\$276,800
U039002	0.18	\$130,500
U039003	0.37	\$127,400
U039006	0.73	\$289,100

U039010	5.02	\$0
U039048	0.76	\$359,300
U039049	0.92	\$447,400
U039050	0.7	\$613,800
U040002	4.72	\$3,049,600
U040004	1.33	\$227,300
U040005	0.59	\$283,500
U040006	0.79	\$345,900
U040007	6.8	\$221,200
U040008	5.72	\$4,029,700
U040009	1.34	\$867,000
U040023	0.5	\$797,500
U040025	14.51	\$0
U040025A	1.27	\$0
U040031	0.9	\$192,300
U041001	1.85	\$2,790,900
U041002A	22	\$0
U041005	2.44	\$1,518,600
U041006	25.6	\$0
U041010	0.6	\$0
U041011	1.22	\$0
U041012	0.19	\$0
U041013	5.7	\$0
U042067	3.97	\$0
U043001	2.66	\$0
U043002	1.01	\$938,800
U043003	0.83	\$521,800
U043005	0.33	\$417,200
U043006	0.75	\$694,300
U043008	0.5	\$0
U043009	0.77	\$519,600
U043009A	1.44	\$0
U043010	0.42	\$451,100
U043011	1.38	\$179,500
U043033	0.19	\$248,800
U043034	0.19	\$230,400
U043035	0.18	\$274,900
U043040	0.59	\$389,900
U043042	0.31	\$0
U043043	0.23	\$344,000
U043054	0.25	\$254,500
U043054A	0.14	\$144,900
U043054B	0.19	\$167,900
U043055	0.24	\$238,000
U043056	2.27	\$0

U043069	0.2	\$0
U043077	0.56	\$285,300
U043078	0.55	\$597,000
U043701	0.83	\$248,500
U043702	0.83	\$248,500
U043703	0.83	\$248,500
U043704	0.83	\$248,500
U044001	1.51	\$2,290,000
U044002	1.6	\$2,251,500
U044003	0.99	\$1,138,500
U044004	0.64	\$156,100
U044005	0.19	\$219,500
U044006	0.8	\$515,100
U044007	3.32	\$1,153,900
U044007A	0	\$248,000
U044008	35.6	\$537,700
U044008A	1.41	\$846,200
U044008B	18.19	\$7,235,200
U044008C	0	\$416,800
U044008D	0.6	\$76,200
U044009	1.64	\$1,258,700
U044011	2.87	\$1,715,300
U044012	0.78	\$465,300
U044014	1.03	\$1,033,000
U044015	6.43	\$2,787,300
U044016	2.6	\$1,766,800
U044017	21.33	\$0
U044017A	8.3	\$13,992,500
U044018	1.26	\$769,200
U045001	2.31	\$713,200
U045001A	2.57	\$2,763,200
U045001B	2.57	\$2,763,200
U045002	0.42	\$450,500
U045003A	2.1	\$1,065,400
U045004	3.96	\$2,195,900
U045004A	5.68	\$834,500
U045005	3.9	\$1,790,500
U045006	0.84	\$523,300
U045013A	1.5	\$1,526,800
U045013B	1.08	\$1,060,600
U045013C	2.1	\$2,180,700
U045017	0.71	\$870,000
U045018	0.5	\$391,700
U045018A	0.33	\$572,100
U045018B	0.93	\$598,600

Totals	947	\$124,303,200
Roads	46.5	0
U047094	5.83	\$4,095,700
U047092	1.91	\$3,651,500
U047091	0.94	\$592,200
U047069	1.05	\$641,000
U046004	6.05	\$3,677,200
U046003	1.34	\$2,147,700
U046002	0.92	\$471,600
U046001	3.1	\$0
U0452101	0.25	\$153,600
U045036	0.39	\$353,800
U045035	0.23	\$194,500
U045025	1.02	\$436,600
U045022	1.17	\$945,900
U045020	0.95	\$627,500
U045019	0.51	\$606,000

EXHIBIT D-1

TIF REVENUE PROJECTIONS

Exhibit D-1 - TIF Revenue Projections
All Increases are Calculated Starting from April 1, 2018 Values

					Percentage	Percentage										Proje	rted					
				Percentage	of Captured											Revenue			Percentage			
					Value from				Value							Muni			of Projected		Percentage	
		Increased		Value from	the Total	the Total			Caputured									Revenues from	Revenues		of Total	
	Increased	Property	Increased	the Downs	District	District for	Total	Value Captured	from Total						Projected	base		Captured	from CAV		new	
	Property Values	Values from	Property Values		Used for	Municipal	Percent of	from Downs	District for					Revenu	ues for the			Assessed Value 1	or Total TIF		Revenues	Total new
	from Downs	Balance of	from Total TIF		Down's CEA	Purposes		Property for CEA	Municipal		Total Value				om Downs	Reve		in TIF District		Total Projected		Revenues for
Pa	arcel from April	District from	District from April	from April		from April			Purposes from	С	Captured for TIF	Pro	ojected	Parcel	from April	from Ap	ril 1,	from April 1,		Revenues from	Fund from	General Fund
Year	1, 2018	April 1, 2018	1, 2018	1, 2018	1, 2018	1, 2018	the District	2018	April 1, 2018		District	tax	x Rates		1, 2018		2018	2018	1, 2018	April 1, 2018	April 1 2018	from April 1 2018
1 \$	25,990,000	\$ 1,237,561	\$ 27,227,561	40%	38%	3%	41%	\$ 10,396,000	\$ 816,827	\$	11,212,827	\$	16.49	\$	171,430	\$ 13,	469	\$ 184,900	41%	448,982	59%	\$ 264,083
2 \$	61,640,000	\$ 2,475,122	\$ 64,115,122	40%	38%	3%	41%	\$ 24,656,000	\$ 1,923,454	\$	26,579,454	\$	16.49	\$	406,577	\$ 31,	718	\$ 438,295	41%	1,057,258	59%	\$ 618,963
3 \$	106,192,580	\$ 5,512,683	\$ 111,705,263	40%	38%	3%	41%	\$ 42,477,032	\$ 3,351,158	\$	45,828,190	\$	16.98	\$	721,460	\$ 56,	918	\$ 778,378	41%	1,897,280	59%	\$ 1,118,902
4 \$	152,042,580	\$ 13,072,244	\$ 165,114,824	40%	37%	3%	40%	\$ 60,817,032	\$ 4,953,445	\$	65,770,477	\$	17.49	\$ 1	1,063,948	\$ 86,	657	\$ 1,150,605	40%	2,888,559	60%	\$ 1,737,954
5 \$	199,067,580	\$ 14,309,805	\$ 213,377,385	40%	37%	3%	40%	\$ 79,627,032	\$ 6,401,322	\$	86,028,354	\$	18.02	\$ 1	1,434,805	\$ 115,	346	\$ 1,550,151	40%	3,844,862	60%	\$ 2,294,711
6 \$	229,792,580	\$ 23,547,366	\$ 253,339,946	40%	36%	3%	39%	\$ 91,917,032	\$ 7,600,198	\$	99,517,230	\$	18.56	\$ 1	1,705,947	\$ 141,	057	\$ 1,847,004	39%	4,701,898	61%	\$ 2,854,894
7 \$	259,942,580	\$ 24,784,927	\$ 284,727,507	40%	37%	3%	40%	\$ 103,977,032	\$ 8,541,825	\$	112,518,857	\$	19.12	\$ 1	1,987,670	\$ 163,	289	\$ 2,150,959	40%	5,442,973	60%	\$ 3,292,015
8 \$	297,842,580	\$ 26,022,488	\$ 323,865,068	40%	37%	3%	40%	\$ 119,137,032	\$ 9,715,952	\$	128,852,984	\$	19.69	\$ 2	2,345,799	\$ 191,	306	\$ 2,537,105	40%	6,376,878	60%	\$ 3,839,773
9 \$	333,592,580	\$ 35,260,049	\$ 368,852,629	40%	36%	3%	39%	\$ 133,437,032	\$ 11,065,579	\$	144,502,611	\$	20.28	\$ 2	2,706,186	\$ 224,	417	\$ 2,930,603	39%	7,480,560	61%	\$ 4,549,957
10 \$	369,192,580	\$ 36,497,610	\$ 405,690,190	40%	36%	3%	39%	\$ 147,677,032	\$ 12,170,706	\$	159,847,738	\$	20.89	\$ 3	3,084,831	\$ 254,	234	\$ 3,339,066	39%	\$ 8,474,478	61%	\$ 5,135,412
11 \$	419,867,580	\$ 39,135,171	\$ 459,002,751	40%	37%	3%	40%	\$ 167,947,032	\$ 13,770,083	\$	181,717,115	\$	21.52	\$ 3	3,613,500	\$ 296,	273	\$ 3,909,773	40%	9,875,770	60%	\$ 5,965,997
12 \$	441,142,580	\$ 40,372,732	\$ 481,515,312	40%	37%	3%	40%	\$ 176,457,032	\$ 14,445,459	\$	190,902,491	\$	22.16	\$ 3	3,910,496	\$ 320,	128	\$ 4,230,625	40%	\$ 10,670,948	60%	\$ 6,440,323
13 \$	482,792,580	\$ 41,610,293	\$ 524,402,873	40%	37%	3%	40%	\$ 193,117,032	\$ 15,732,086	\$	208,849,118	\$	22.83	\$ 4	4,408,093	\$ 359,	101	\$ 4,767,193	40%	\$ 11,970,029	60%	\$ 7,202,835
14 \$	505,967,580	\$ 44,247,854	\$ 550,215,434	40%	37%	3%	40%	\$ 202,387,032	\$ 16,506,463	\$	218,893,495	\$	23.51	\$ 4	4,758,280	\$ 388,	080	\$ 5,146,361	40%	12,936,003	60%	\$ 7,789,643
15 \$		\$ 45,485,415		40%	37%	3%	40%		7,,	\$	232,243,422	\$	24.22			\$ 423,		\$ 5,624,035	40%		60%	
16 \$	551,927,580	\$ 46,722,976	\$ 598,650,556	40%	37%	3%	40%	\$ 220,771,032	\$ 17,959,517	\$	238,730,549	\$	24.94	\$ 5	5,506,605	\$ 447,	957	\$ 5,954,562	40%	\$ 14,931,904	60%	\$ 8,977,342
17 \$, , , ,	\$ 629,013,117	40%	37%	3%	40%	\$ 232,421,032	\$ 18,870,394	\$	251,291,426	\$	25.69			\$ 484,		\$ 6,455,899	40%	, ,	60%	, . ,
18 \$		\$ 49,198,098	\$ 640,075,678	40%	37%	3%	40%		\$ 19,202,270	\$,,		26.46		-, - , -	\$ 508,		\$ 6,762,352	40%	,,	60%	
19 \$, ,	\$ 656,063,239	10%	9%	3%	12%	\$ 60,562,758	\$ 19,681,897	\$	80,244,655	\$	27.26			\$ 536,	439	\$ 2,187,105	12%		88%	
20 \$,, .	\$ 667,055,800	10%	9%	3%	12%	, , , , , , , , ,	\$ 20,011,674	\$	81,549,932		28.07		1,727,571			\$ 2,289,361	12%	, .,	88%	, , .
21 \$		\$ 52,910,781		10%	9%	3%	12%		\$ 20,048,801	\$	81,587,059		28.92			\$ 579,		\$ 2,359,115	12%		88%	
22 \$			\$ 669,530,922	10%	9%	3%	12%		\$ 20,085,928	\$	81,624,186		29.78			\$ 598,		\$ 2,430,995	12%		88%	
23 \$, ,	\$ 670,768,483	10%	9%	3%	12%		\$ 20,123,054	\$	81,661,312		30.68		, ,	\$ 617,		\$ 2,505,063	12%	,,	88%	
24 \$, , .	\$ 672,006,044	10%	9%	3%	12%		\$ 20,160,181	\$. ,,		31.60		,- ,	\$ 636,		\$ 2,581,388	12%	, ,	88%	,,
25 \$,	\$ 673,243,605	10%	9%	3%			\$ 20,197,308	\$	- , ,-		32.54		, ,	\$ 657,		\$ 2,657,315	12%	, , , , , , ,	88%	, ,
26 \$, ,	\$ 674,481,166	10%	9%	3%	12%		\$ 20,234,435		79,898,927		33.52		_,,	\$ 678,		\$ 2,678,274	12%		88%	
27 \$, ,	\$ 675,718,727	9%	9%	3%	12%		\$ 20,271,562	\$	78,198,253		34.53		, ,	\$ 699,		\$ 2,699,904	12%	,,	88%	,,
28 \$		\$ 61,573,708	\$ 676,956,288	9%	8%	3%	11%		\$ 20,308,689	\$			35.56		_,,	\$ 722,		\$ 2,722,221	11%		89%	
29 \$, . ,	\$ 678,193,849	9%	8%	3%	11%		\$ 20,345,815	Ş	74,947,278		36.63		, ,	\$ 745,		\$ 2,745,248	11%		89%	, ,
30 \$	615,382,580	\$ 64,048,830	\$ 679,431,410	9%	8%	3%	11%		\$ 20,382,942	\$	-,,-	\$	37.73		, ,	\$ 769,		\$ 2,769,006	11%	,,	89%	\$ 22,864,533
30 Year Totals:								\$ 3,169,492,406	\$ 442,351,413	\$	3,611,843,819			\$ 78	8,074,456	\$ 12,308,	402	\$ 90,382,858		\$ 410,280,070		\$ 319,897,212

Notes/Assumptions

1) Projections are based on tax rates increasing 3% annually starting in Year 3

²⁾ The Scarborough Downs property meets all of their performance measures pursuant to the CEA

³⁾ The CEA is tied to the Scarborough Downs Property

⁴⁾ The projections of increased assessed value for the Scarborough Downs Property were based on market analysis and buildout scenario provided by the developer. Town staff arrived at projections of increased value for the remaining acreage of the District

⁵⁾ These projections do not include future revaluations, which will occur. If a revaluation is included at 10 Year intervals, the Developer could achieve \$81 million in total reimbursements

⁶⁾ Column 5 represents captured value as a percentage of the Increased Assessed Value of the Scarborough Downs property for the CEA. Column 6 represents the same amount of captured value but calculates the CEA as a precentage of the entire district, rather than a percentage of the Scarborough Downs property.

⁷⁾ In Years 19 and 20, these projections show a scenario in which the overall \$555 million cap is reached and thus reimbursement is not the full 10% for those years.

EXHIBIT D-2

TAX SHIFT PROJECTIONS

Exhibit D-2 | Tax Shift Benefits

Town of Scarborough - Scarborough Downtown Omnibus TIF District

Fiscal Year	TIF Year	State Aid to Education Benefit	County Tax Benefit	State Revenue Sharing Benefit	Total Tax Shift Benefits		
2019-2020	1	-	-	-	-		
2020-2021	2	-	-	-	-		
2021-2022	3	-	\$7,071	\$3,450	\$10,521		
2022-2023	4	\$0	\$16,755	\$8,149	\$24,904		
2023-2024	5	\$0	\$28,877	\$13,986	\$42,863		
2024-2025	6	\$0	\$41,424	\$19,978	\$61,402		
2025-2026	7	\$0	\$54,158	\$26,007	\$80,164		
2026-2027	8	\$0	\$62,630	\$29,989	\$92,619		
2027-2028	9	\$0	\$70,792	\$33,804	\$104,596		
2028-2029	10	\$0	\$81,038	\$38,564	\$119,602		
2029-2030	11	\$0	\$90,849	\$43,090	\$133,939		
2030-2031	12	\$0	\$100,461	\$47,497	\$147,958		
2031-2032	13	\$0	\$114,149	\$53,723	\$167,872		
2032-2033	14	\$0	\$119,894	\$56,319	\$176,214		
2033-2034	15	\$0	\$131,112	\$61,361	\$192,473		
2034-2035	16	\$0	\$137,387	\$64,164	\$201,551		
2035-2036	17	\$0	\$145,722	\$67,871	\$213,592		
2036-2037	18	\$0	\$149,770	\$69,664	\$219,434		
2037-2038	19	\$0	\$157,606	\$73,120	\$230,726		
2038-2039	20	\$0	\$160,263	\$74,288	\$234,552		
2039-2040	21	\$0	\$50,523	\$24,291	\$74,815		
2040-2041	22	\$0	\$51,343	\$24,679	\$76,022		
2041-2042	23	\$0	\$51,367	\$24,690	\$76,057		
2042-2043	24	\$0	\$51,390	\$24,701	\$76,091		
2043-2044	25	\$0	\$51,413	\$24,712	\$76,125		
2044-2045	26	\$0	\$51,437	\$24,723	\$76,160		
2045-2046	27	\$0	\$51,408	\$24,709	\$76,117		
2046-2047	28	\$0	\$50,306	\$24,189	\$74,495		
2047-2048	29	\$0	\$49,237	\$23,683	\$72,920		
2048-2049	30	\$0	\$48,200	\$23,193	\$71,392		
2049-2050		\$0	\$47,194	\$22,716	\$69,910		
2050-2051		\$0	\$46,217	\$22,254	\$68,471		
2051-2052		\$0	-	-	\$0		
	Totals:	\$0	\$2,269,991	\$1,073,565	\$3,343,556		
	Averages:	\$0	\$75,666	\$35,785	\$107,857		

Assumptions:

- 1. Data sources include the 2018 mil rate/commitment reported by the Town, Cumberland County's FY2018 Tax Commitment, the State Treasurer's Office Municipal Revenue Sharing projections for FY2019 (07/01/18 06/30/19) published 03/29/18, and the Maine Department of Education 10/22/18 2018-2019 ED 279 form for Scarborough Public Schools. The Town is a so-called minimum receiver so there is no tax shift impact with respect to education aid as a result. The projection assumes this occurs for the District term.
- 2. Tax shift losses are comprised of declining subsidies in revenue sharing and increasing obligations to pay county taxes. Tax shift losses occur a couple of years following the year in which the new assessed value is first recognized in the assessment. No tax shift losses occur when a TIF captures all of the new value.
- 3. These projections assume that the formulas and general inputs for state subsidies and county taxes do not change over time and they assume that all other values in other communities are static relative to one another except for the new value assessed. The projections are less likely to be accurate farther into the future.
- 4. Assumes the assessment ratio in the Town is 100% when new property value arrives, such that the market value of new property is used for assessment purposes.
- 5. The projections above assume that no tax increment financing district is put in place, thus the mil rate is reduced by the influx of new value in the Town. This analysis factors in tax shift impacts resulting from the project's new assessed value into future commitments and mil rate calculations to arrive at projected property tax payments.

EXHIBIT E

NOTICE OF PUBLIC HEARING

CLASSIFIED

INCLUDING At Your Service Public Notices

Garage Sales Antiques & Auctions

Friday, October 26, 2018

Portland Press Herald

SECTION C

HELP WANTED

PUBLIC NOTICES

General Help

PORTLAND JETPORT 2 Maintenance Porters

FT. Incl snow removal/landscapina. Sun - Thurs 4pm - 12am Tues - Sat 4 pm - 12am Compensation, \$12.00 - 16.00 /hr Background/pre-employment screen req. Compensation based on exp.

or Apply Online: spplus.com & click CAREERS.

PORTLAND JETPORT (6) Shuttle Bus Drivers

Various shifts (24 hr operation) 365 days/yr

CI

Background/ pre-empployment screen req. Compensation based on experience.

Call M-F 772-7028 or Apply Online: spplus.com & click CAREERS

Healthcare

HYGIENIST

The Office of Charles E Brown DDS is looking for a hygienist for 3 days per week Condidate School Street Sanford, Complex off Hospital must be congenial, a Maine, at which films Street during normal

Public Notices

Public Notices are a permanent and independent record of government and court actions. These include state actions to see the proventies of the making, available contracts, zoning divinible currents, zoning changes, and many more, as received by law. In addition, parties to some court proceedings, such as foreclosures, probate, and estate actions are provided as actions are required to publish notices to ensure notification of effected parties, as well as the general public. These notices also alert business owners, arge and shall, to potential government small, to potential government contractual jobs, nations to ensure economic activity across a level praying field. Public transparency in all levels of government since the founding of the filleng poses. of the United States.

State and local notices are state and local notices are published in Maine newspapers and are also recorded at mainenotices com, where anyone can browse or search notices, and sign up to receive email alerts when relevant notices appear.

Public Notice

City of Sanford/ Village of Springvale, Maine NOTICE OF BIDS FOR: SNOWPLOWING THE WESTERN RURAL SECTION OF SANFORD/ SPRINGVALE

The City of Sanford Maine will receive sealed bias for: SNOW-PLOWING THE WEST-ERN RURAL SECTION supporting documen-OF SANFORD/SPRING-VALE until 11:00 a.m. for review at Depart-on Tuesday, Octaber ment offices in Augus-30, 2018 at the Pub-tic Works Office, 156 Building on the AMHI

Please take notice that Clean Harbors Environmental Services, Inc., Williams Terminal. Main Street, South Portland, ME 04105 phone # (207) 799-8111 is intending on filing an applica-tion for an ABBREVIATED LICENSE RENEWAL with the Maine Department of Environmental Protection (DEP) pursuant ardous Waste Transfer Tacility on November 111 Sewall Street, 77 SHS, 4th Floor, Augusta, Maine at 2:00 p.m. on November 15, 2018. rary storage, up to ten (10) days maximum, of hazardous waste in transit at 17 Main Street in South Portland

A request for a public hearing or a request this application, must fascia system. after the application ics of accepted by the 2018. Department as com- A mandatory pre-bid conference will be conducted on November the application will be of the application will b

application. The application and

Public Notice

Notice to Contractors Invitation for Bids

State of Maine, DAFS is conducting a competitive bid process for renovations to the Bureau of Alcheholic Beverag-es and Lottery Opera-tions (BABLO) building in Hallowell, Maine to the provisions of Ti-tle 38 M.R.S. §§ 1301 to 1319-Y for a Haz-1318-Y for a Haz-The Work encompass-

es replacement of approximately 9,900 square leet of existing ballosted roof system with new roof system A request for a public including; air vapor that the Board of Environmental Protection assume jurisdiction on membrane, and metal

be received by the Bid Documents will be ics on October 29

accepted throughout at the BABLO building the processing of the located at 10 Water Street, Hallowell, ME.

Public Notice

PUBLIC NOTICE OF INTENT TO FILE

Please take notice that

Sprague Operating Resources LLC located at 59 Main Street, South Portland Maine D4106, 207-799-4899 is porting documentation by the intersection of a special porting documentation by the intersection with porting documentation by the intersection of a special porting documentation by the intersection of a special porting documentation by the intersection of the in intending on filing an Marine Oil Terminal Facility Renewal License application with the Maine Department of Environmental Protection (DEP) pursuant to the provisions of Title 38 M.R.S.A., Section 541, et. seq and Chapter 600 of the Department's Oil Discharge Prevention and Poliution Control Regulations on March 3rd 2019. The application is for November 3rd, 2018 renewal of Marine Oil Terminal Facility

A request for a public hearing or a request that the Board of En-vironmental Protection assume jurisdiction on this application, must be received by the Department, in writing, available for purchase Department, in writing, no later than 20 days at Spillers Reprographing later than 20 days after the application is accepted by the De-partment as complete for processing. Public comment on the application will be accepted throughout the processing of the application. The application and supporting documenlation are available for review at Department offices in Augusta, lo-cated in the Roy Build-

ing on the AMHI Com

may also be seen at the municipal office in South Portland, Maine. Written public comments may be sent to Jamie Hoover at the Bureau of Remediation and Waste Manage-ment, 17 State House Station, Augusta, Maine 04333-0017

Public Notice

Town of Cumberland Planning Board -Site Walk Saturday, November 3, 2018 9:30 am

On Saturday, November 3, 2018, beginning at 9:30 am, the Planning Board will con-duct a site walk at a parcel on Tuttle Road (next to Bunker's Way). fax map RO4, lot 10 for the proposed Christmas Creek subdivision. he public is welcome to attend.

Public Notice

TOWN OF SCARBOROUGH NOTICE OF PUBLIC HEARING

Notice is hereby given that the Town of Scarborough Town Council will hold a public hearing on Wednesday, No-vember 7, 2018 at 6:00

purposes of receiving (3) the approval of a public comments on credit enhancement the following: (1) the agreement with the adoption of the Town owners of the Scarborof Scarborough Downtown Redevelopment
Plan; (2) the designation of the Scarborough Downtown
Omnibus Municipal
Development and fay the Maine Revised District (the District' gram for the district to encompass approxi-mately 955 acres genportion with frontage on ing parcels with frontage thereto, including the entire municipal?

school campus and the

Development and Tax the Maine Revised Increment Financing Statutes, as amended. **District** (the District) Copies of the proposed as well as adoption of Development Program the development pro- and maps for the proposed district are on file with the Town Clerk and may be obtained from and reviewed at erally covering an area that includes the former the offices of the Town Scarborough Downs property excluding the business hours. All interested persons are Haigis Parkway, extend- invited to attend the ing in a northerly direc- public hearing and will tion along the Route be given an opportu-One corridor includ-nity to be heard at the nity to be heard at the nearing.

Public Notice

STATUTORY POWER OF SALE NOTICE OF MORTGAGEE'S SALE OF REAL ESTATE FIXTURES AND TANGIBLE AND INTANGIBLE PERSONAL PROPERTY OF TEMPO DULU, LLC

163 DANFORTH STREET, PORTLAND, MAINE November 16, 2018 at 11:00 a.m.

By virtue of 11 M.R.S.A. § 9-1604 and 9-1610, 14 M.R.S.A. § 6203-A, and in execution of the provisions of a certain Security Agreement given by Tempo Dulu, LLC to Bar Harbor Bank & Trust dated as of May 8, 2014 (the "Security

EXHIBIT F

PUBLIC HEARING MINUTES

Exhibit F Minutes of Public Hearing and City Council Meeting

Town of Scarborough, Maine
US ROUTE ONE, PO BOX 360

SCARBOROUGH, MAINE • 04070-0360

State of Maine

County of Cumberland, SS

I do hereby attest that the attached minutes hereto, dated November 7, 2018, were approved by the Town Council on November 28, 2018, and this document is a true and accurate reflection as to what is on file in the Scarborough Town Clerk's Office.

Dated this 30th day of November 2018.

llolande Pjustoce

Yolande P. Justice, Town Clerk/Notary Public

Notary Commission Expires: 10/31/2022

MINUTES

SCARBOROUGH TOWN COUNCIL WEDNESDAY – NOVEMBER 7, 2018 REGULAR MEETING - 6:00 P.M.

Item 1. Call to Order. Chairman Donovan called the regular meeting of the Scarborough Town Council to order at 6:00 p.m.

Item 2. Pledge of Allegiance.

Item 3. Roll Call. Roll was called by Yolande P. Justice, Town Clerk. Thomas J. Hall, Town Manager was also present.

Councilor Shawn A. Babine

Councilor Jean-Marie Caterina

Councilor Robert W. Rowan [Arrived Late] Councilor Peter F. Hayes [Arrived Late]

Councilor Kathleen M. Foley

Councilor Christopher J. Caiazzo - Vice Chair

Chairman William J. Donovan

Chairman Donovan welcomed Councilors Elect Paul Johnson and Donald Hamill who were also present at the table this evening.

Item 4. General Public Comments. None at this time

Item 5. Minutes: October 17, 2018 - Regular Town Council Meeting. Motion by Councilor Babine, seconded by Councilor Caterina, to move approval of the minutes of the October 17, 2018, regular Town Council meeting.

Vote: 5 Yeas.

Item 6. Adjustment to the Agenda. None at this time.

Item 7. Items to be signed: a. Treasurer's Warrants. The Treasurer's Warrants were signed during the meeting.

Order No. 18-074, 6:00 p.m. Public Hearing on the proposal to establish a Downtown Tax Increment Financing District, including the authorization of a Credit Enhancement Agreement for The Downs, Crossroads Holdings, LLC and the adoption of Downtown Redevelopment Plan. [Town Manager] Mr. Thomas J. Hall, Town Manager, gave a brief overview on the history of this item. The public hearing this evening is a requirement of the process. The notice had been placed ten days in advance and information had been available to the public for review and is included in this evening packet.

Mr. Hall stated that there were 3 parts to this proposal: 1- the Scarborough Downtown Omnibus Municipal Development and Tax Increment Finance District; 2- the Downtown Redevelopment Plan and 3-the Credit Enhancement Agreement. He then reviewed a slide presentation that covered the proposed Downtown TIF District map and boundaries; the proposed Downtown Development Plan; the Credit Enhancement Agreement development scenario comparison, Goals, agreement details and agreement reimbursements as well as the Agreement Performance Standards, Reimbursement Caps and Reimbursements.

The following individuals spoke on this Order:

Andrea Killiard, Chair of the Scarborough Economic Board of Directors and Kevin Freeman,
Past Chair of Sedco were both present this evening to comment on this Order. Ms. Killiard
stated that the Town Council received a letter from the Sedco Board and went on to review
portions of the letter. Board letter is as follows:
"To Scarborough Town Council

Overview

The Board of Directors of the Scarborough Economic Development Corporation's mission is to support economic and business development to improve the quality of life in Scarborough.

In light of our mission, we have reviewed the current project proposed for the Scarborough Downs' property and find compelling reasons to support the project as proposed, to support the formation of the Downtown Tax Increment Financing District, and to support the proposed Credit Enhancement Agreement with Crossroads LLC.

This memo summarizes our key findings. As a reminder, our board includes expertise in the fields of marketing, real estate analysis, construction, engineering, real estate law, small business, retail, lending and senior care.

While we are focused on the economic benefits, the Board absolutely recognizes that the Town Council must look at this project through a number of lenses, not just economic development, to come to a decision. That said, from the SEDCO Board's perspective, The Downs project has the potential to be one of the most significant projects in the town's history and positions Scarborough for success in a highly competitive regional and national market place for jobs.

Key Findings: Downtown TIF

Two fundamental questions are before the Council. First, should the Town designate an area that includes Oak Hill and the Scarborough Down's Property as a Tax Increment Financing District (TIF). Second, should the Town enter into an agreement with Crossroads LLC., to reimburse a portion of the developer's future property taxes.

The concept of designating the area of Oak Hill and the Downs as a TIF District acknowledges the potential role of both the Oak Hill area and the Downs property to serve as a town center for Scarborough. The TIF District is an economic development tool that provides the town with additional options for financing services and facilities which serve community and economic development goals. A TIF district is also required if a community chooses to enter into a Credit Enhancement Agreement {CEA} with a developer.

In this case, the town is seeking to designate the area under the special provisions of a "Downtown" TIF, which is the only type of TIF that would allow the Town to enter into a partnership with a private developer to lease space for a Community center. The Downtown TIF designation has additional features which make it ideal for Scarborough's needs-such as a downtown TIF is not limited in acreage

The concepts for the Downtown are profiled in the strategy, "A Downtown for Scarborough". This document is required for the designation of a downtown TIF and was compiled based on the Downs proposal, the Comprehensive Plans and existing studies.

Given that the Downtown TIF provides options for the Town to both plan for and finance improvements for economic development a ctivities for both the Oak Hill area and the Downs, the Board supports the strategy and the creation of the Downtown TIF.

Key Findings - Credit Enhancement Agreement for Crossroads, LLC.

Within a designated TIF district, towns have the option of entering into an agreement with developers to offset certain costs by returning a percentage of new property taxes for a period of time. This type of an agreement is known as a Credit Enhancement Agreement (CEA).

The agreement is based on the property tax created by new development within the designated TIF district. Reimbursement of existing property taxes is not allowed. All parties to such an agreement must pay their full share of property taxes due on the new development. Once the taxes are paid, the Town may reimburse a portion of those taxes back to the developer for a period of time as specified in a credit enhancement agreement.

The reimbursement is a function of the new value created, which means should new taxable value not be created, and no new property taxes are collected, then no reimbursement takes place.

In the case of Scarborough Downs, Crossroads LLC, the developer of the property is requesting assistance from the town to offset a portion of the cost of providing key infrastructure throughout the property. This investment allows the developer to provide a better mix of development sooner, bringing along non-residential development with the residential development. The non-residential development helps offset the costs associated with residential development.

The SEDCO Board of Directors supports the Credit Enhancement Agreement as proposed for the following reasons:

- 1) Under this agreement, the developer assumes the risk of paying for the infrastructure required to support the proposed project. Unlike Haigis Parkway, where the Town bonded and constructed the infrastructure, the developer assumes the upfront risk of paying for the needed infrastructure.
- 2) With assistance in the form of this agreement, the developer proposes to build just under 1.9 million square feet of non-residential development resulting in a potential of 2,400 jobs in the Community. This level of development will have indirect impacts as well, with additional jobs and spending throughout the community.
- 3) This level of development moves us closer to the Town's goal of creating a diversified tax base with 25% of that base from non-residential development.
- 4) The development includes just under 2,000 housing units with approximately 30% of those as single family and another 27% as age restricted units. The mix of structures increases the diversity of the Town's housing stock, providing opportunities for workers to live in proximity to employment centers. This level of development could result in an additional 3,600 residents, providing customers to existing Scarborough businesses.
- 5) The project is unique in its scale and adherence to the articulated policies of the 2006 Comprehensive Plan and the draft 2018 Comprehensive Plan Update.
- 6) The mix of uses within the 500 acres creates a modern approach to nonresidential development, providing Scarborough with office and production space in proximity to services, restaurants and retail.

- 7) The project will have a spillover effect for Haigis Parkway. The proposed activity at Scarborough Downs is already stirring interest along Haigis.
- 8) The project offers the opportunity to create a diverse and attractive center of town that will support Oak Hill and The Downs. This vision of the future will attract future employers as well as create a center of activity for our residents.
- 9) The project contains manufacturing and production space, which is in critically short supply in Scarborough and the region. The CEA helps to offset the cost of bringing the services to the section of the development where these uses are permitted. By bringing the services in first few years, the developer is able to capture this market now.
- 10) Crossroads LLC., is the only developer within a long list of potential buyers of the Scarborough Downs property over the last five or so years that had the knowledge and faith in the community to follow through with the purchase. Partners that comprise Crossroads LLC are local and well known.
- 11) The negotiation process with the developers took into consideration the cost to serve for line item departments. Estimates and projections of both service costs and revenues were used to guide the negotiation process. While other towns may offer higher reimbursement agreements as incentives for economic development, the Town wanted to insulate current tax payers by reserving adequate funds for providing services.
- 12) The revenues do not include capital costs. We understand that the developer will be paying impact fees in the neighborhood of \$29 Million combined for schools, roads and sewer. In addition, the developer is responsible for certain roadway impacts that are determined in site plan process.
- 13) The revenues do not include any projection for equipment taxes for businesses located on the property, nor does is forecast potential revenues from fleet vehicles. This provides an additional cushion in the cost to revenue calculation.
- 14) Under the CEA, the developer will be reimbursed up to 40% of their property taxes based on new value creation. If there is no new value created, 40% of zero is zero. If they underperform, their reimbursement is reduced and potentially stopped.
- 15) The reimbursement is capped at \$55 million, with an additional provision that would allow them up to \$2 million per year, once they meet all of their performance standards. Based on their buildout scenario, they may receive up to \$81 Million, again, if they meet their performance standards. \$81 million would represent 16% of total projected new property taxes for the 30-year period.
- 16) The performance standards ensure that the developer creates the non-residential value promised in the development program.
- 17) The project preserves the possibility of including a community center and a main street, items desired by many residents. Further, the CEA lays out a process to let the residents determine the features of a potential community center, the associated costs and an agreed upon way to pay for the center.

For all of the above reasons, the SEDCO strongly endorses this project as presented. Crossroads, LLC has introduced a vision of the Downs property that fits the goals of the

Comprehensive Plan, takes advantage of the transportation logistics and provides significant economic development opportunities for residents and businesses."

- Kevin Freeman of Sterling Wood Drive and a member of Board for the past 6 years and a 30 year veteran in the construction business. He has run into Tax Increment Finance Districts a lot of times. The one being presented to the town is a reasonable one. It would give the Town an opportunity to balance out. We have seen many developments for Scarborough Downs and all have failed. The time is now and he encouraged the Council to consider this proposal and vote in favor of it.
- Dennis Mean of Jameco Mill Road and a member of the Portland Regional Chamber read a prepared statement from the Chamber:

"To Members of the Scarborough Town Council:

On behalf of the Portland Regional Chamber of commerce, we would like to submit this letter of support for the proposed development of the Scarborough Downs property as well as the Tax Increment Financing Districts and the Credit Enhancement Agreement that have been negotiated between the town and the developers. This proposed development project directly aligns with the mission of our organization which is to support and promote prosperity in our region as well as a healthy and vibrant business community – In an effort to provide economic opportunity for all.

This proposal is one of the larger developments our region has seen and will have an incredible economic impact, both In Scarborough and within the surrounding area. It has all of the elements one would look for in a proposed development project in their community - It creates jobs, increases our housing inventory, provides affordable housing options, establishes new commercial space and adds significant tax revenue to the Town of Scarborough. In our view, it is a critical project that creates smart growth and directly meets the needs of the Greater Portland community.

We feel strongly that this proposal and process have been thoughtful, inclusive of the community and thoroughly vetted. The group behind this effort are long-time Scarborough residents who have lived and worked in this area for decades and have an intimate understanding of the community around them. The level of investment they are providing will have long-lasting benefits far exceeding the boundaries of Scarborough. Furthermore; the vision set out for this property fits squarely within not only the town's comprehensive plan but also the desires of those who live and work in the area - It creates a suburban location with urban amenities. This will undoubtedly play a critical role in supporting the growth and economic development the Greater Portland area is currently experiencing and we hope continues to experience for years to come.

We thank you for the opportunity to submit this letter of support for the Scarborough Downs proposal and hope that the Council will vote in favor to bring this level of investment to the region. Best Regards – Al Swallow, Board Chair and Quincy Hentzel, CEO"

• Art Dillon, Volunteer President of the Scarborough Community Chamber of Commerce, read the following letter in support of the District:

"The Scarborough Community Chamber of Commerce Board of Directors has unanimously voted in favor of the proposed Tax Increment Financing (TIF) districts and the Credit Enhancement Agreement (CEA) with developers of the Scarborough Downs property (Crossroad Holdings).

The proposed plan, with caps and requirements included by the Town, affords a controlled and balanced use of the property. The CEA is performance based; there are no upfront costs to the Town. The numbers may be large but they are fair and reasonable, with both the developer and

the Town winning in the end. This is an once-in-a-lifetime opportunity that will be a huge boon for our town and all of its citizens.

Crossroad Holdings is not only a reputable company with many years of combined experience, it's also comprised of Scarborough residents who have lived and worked in this community for over fifty years. They took the initiative to work with the Town's own comprehensive plan from the beginning, and they have a clear vision for what we believe will be very beneficial to our town.

Development of this area is inevitable. This will happen, and in a relatively short time period, with or without this agreement. The Town, Town Council, Scarborough Economic Development Corporation have done an exceptional job vetting and negotiating this proposal, which would allow the Town to have a voice throughout the process and work closely with the developers over the course of this project.

On behalf of our membership, Board of Directors and the business community at large, we hope you, the Town Council, will consider agreeing to this proposal so that we can seize this extraordinary opportunity.

Sincerely, Scarborough Community Chamber of Commerce"

- John Grew of Federal Way spoke in support of the proposal. He felt that this would be a good investment and felt the town would be in more control. He spoke on the jobs that this proposal would bring as well as affordable housing and to have a real town center would be a plus.
- Dave Merrill of Jameco Mill Road thanked everyone for work on this proposal and encouraged the council to support it. He worked on the Comprehensive Plan and has served on numerous town committees over the past 15 to 17 years. There had been thought that this property would be a mess and mass development that would happen and that is not the case. We have a local developer with a good plan and we should not let this opportunity pass. Both sides are in a win/win position. If this is rejected it will suck the life out of this town.
- Kerem Durdag of Haystack Circle was an excited about this project and went on to explain why. He felt that a son of Scarborough wants to take this on, is amazing and further commented on why. We need to take an advantage of this opportunity. Infrastructure is civilization. The stakes are high, but be bold. He was not in favor of a referendum that is why we have elected officials, to make the tough decisions.
- Wendy Powers of Ramsay Terrace spoke in support of the project and did not agree with this
 going out to a referendum, that is why we an elected body. This company wants to invest in the
 Town's future.
- Susan Hamill of Bay Street had many questions and concerns. She referenced a letter that had been submitted to the Town Council asking that it be made part of the record:

"Public Comments on Proposed Scarborough Downtown Omnibus Tax Increment Financing District and Related Credit Enhancement Agreement

November 7, 2018

To: Members of the Scarborough Town Council

Please accept the following comments with respect to the proposed TIF/CEA which are the subject of the public hearing on November 7, 2018. We do not believe the proposed TIF District and Credit Enhancement Agreement are in the best interests of Scarborough residents and taxpayers for the following reasons:

- 1. The TIF/CEA provides a <u>tax rebate of more than \$80 million to a private developer</u>. Those are future tax dollars that will not be available to pay for routine municipal and school expenses.
- 2. The \$80 million tax break <u>does not include</u> the costs of either a community center or a "downtown." Those will be paid for with **future CEAs**. Those costs could easily amount to \$30-\$40 million of additional tax rebates to a private developer.
- 3. The \$80 million tax break for the developer bears no verifiable relationship to the cost of the infrastructure that will be provided by the developer. If the cost of the infrastructure is really \$50 million, the Town will have unnecessarily wasted \$30 million of taxpayer funds. The Town has made no independent effort to quantify and verify the engineering costs of the proposed infrastructure. This is a major failure of fiduciary duty.
- 4. From the beginning of the process, the TIF/CEA has been driven by the desires of only two individuals Council Chair Donovan and Town Manager Hall. They say that the TIF/CEA reflects the vision of the Town, based on the 2006 Comprehensive Plan and additional public feedback. But we believe the TIF/CEA primarily reflects the vision of Scarborough shared by Donovan and Hall, as opposed to a broad cross-section of Scarborough residents.
- 5. One of the main drivers for the TIF/CEA is that it creates the possibility of a new "downtown" for Scarborough. Yet <u>public opinion on the need for such a downtown is sharply divided</u>, especially if the cost of such a downtown is \$80 million or more. There has been no attempt by Town officials to determine what taxpayers are willing to pay for a "downtown..."
- 6. The Town has no TIF/CEA policy. Despite a disastrous experience with the Haigis TIF and questionable experience with the New England Expedition (i.e., Cabela's) CEA, the Town has still not developed a policy on TIF/CEAs. Clearly TIF/CEAs are among the most important financial transactions the Town will ever enter into, yet there is no policy in place to guide the acceptable parameters and terms for these financial vehicles. This is another breach of fiduciary duty by the Town Council.
- 7. Messrs. Donovan and Hall maintain that the TIF/CEA will "financially benefit" the Town. What does that mean in terms of <u>projected tax rates</u>, especially after the massive tax break given to the developers? There have been no projections of tax rates associated with the TIF/CEA that we are aware of.
- 8. The main reason given for the "partnership" between the Town and the private developer is that it allows the Town to have more control over what is ultimately built at Scarborough Downs. But the limits on what can be built at Scarborough Downs are already in place through the Town's thoughtfully developed zoning ordinances. The Planning Board assures compliance with the zoning ordinances, including the Growth Permit ordinance which already restricts residential growth at Scarborough Downs and throughout the Town. (This assumes, however, that the Town will not modify the current Growth Permit ordinance to allow the developer as many growth permits as he needs as he has already suggested should be the case). It is not at all clear how much more, if any, control the "partnership" provides to the Town.
- 9. In addition to the Scarborough Downs property, the proposed "Downtown TIF District" includes Oak Hill and a stretch of Route 1 from about Hillcrest Avenue to the current entrance to Scarborough Downs This is one of the largest such districts in the entire State. Any future development or improvement of commercial property in the non-Scarborough

- <u>Downs areas will automatically be eligible for a CEA</u>. Will every developer who builds or upgrades properties in those areas request a CEA? (Why wouldn't they?) How will decisions be made on who receives a CEA and who doesn't? Is there a limit on the amount of tax dollars that will be transferred from taxpayers to developers via CEAs? This underscores the fact that the Town does not have a TIF/CEA policy.
- 10. The TIF/CEA provides a questionable mechanism for the Town to avoid issuing debt for the Downs infrastructure, a community center and a new "downtown." Taxpayers are obviously still paying for these projects just indirectly via the CEA. (There are still no free lunches!) By using the TIF/CEA structure, the Town can avoid the referendum approval process required by the Charter for bonding projects costing more than \$400,000. This removes a key check that taxpayers currently have over Town spending plans. It also reminds many residents of the approval of the financing of the current Town Hall that happened in the mid-1980s when a similar TIF process was used to override residents' two refusals to approve bond issues for a new Town Hall.
- 11. While the TIF/CEA structure avoids adding to the Town's huge debt load, its impact is in some ways worse. We are simply replacing annual debt payments with annual tax rebates to the developer for 30 years. While debt can be paid off early, the CEA cannot. And, unlike debt, the remaining liability of CEA payments will not be easily determined in evaluating the Town's financial status.
- 12. The financial analysis of the CEA relies on projections that go 30 years into the future. Yet some members of the Town Finance Committee have consistently stated that it is impossible to project tax rates for even one year beyond the budget year when we have asked for multi-year financial projections. "Impossible to predict," they have said. And "too many variables." So if we can't project out for two years, how can we possibly make reliable projections out 30 years on the impact of the CEA?
- 13. In most major decisions, one would expect a list of advantages and disadvantages, to be weighed in the case of a Town decision by the people of the Town. But in this case, the TIF/CEA is remarkable it only has advantages. It appears that Messrs. Donovan and Hall have made all the judgments that need to be made ... and there is no need for the public to understand what judgments were made for them.
- 14. There is <u>no approved</u> Masterplan for the Scarborough Downs project which will benefit from the CEA. Instead, there is a phased approval process in place, that is, the project is being approved just one phase at a time over a period of months and perhaps years. This rolling approval process makes a mockery of the "Masterplan" process which presumably is designed to assure that <u>the totality of the project</u> complies with Town zoning requirements. How is it possible to approve CEA financing of the Scarborough Downs project without a complete and approved Masterplan.
- 15. The "independent financial review" the Town arranged for is unconvincing at best. It was prepared by a financial analyst who specializes in "market rationalization, sales potential forecasting, sales optimization, format strategy, go-to-market strategy. While some of these skills may apply to the revenue side of the financial analysis, none of them relate in any manner to the municipal expense portion of the analysis. We were unable to find any evidence that this analyst has any experience with the specialized field of TIF/CEAs. The two financial reviews prepared by the analyst contain numerous caveats, as well as scope exclusions. The reviews were by no means a "clean bill of health" for the Town-prepared financial analyses.

- 16. The financial analysis shared with the public so far has not provided any sensitivity analysis beyond the "no CEA" scenario (supplied by the developer). Most financial analyses of major transactions include a range of "what if' scenarios. These are particularly important in assessing the risk of major assumptions being incorrect. For instance, what if the actual number of new students ends up being 500 instead of the projected 350? What is the impact on the tax rate?
- 17. The formal Credit Enhancement Agreement is <u>startlingly vague on a number of significant financial and operational issues</u> which the Town will live with for the next 30 years. In particular, the three sections about potential future projects on the Scarborough Downs property are vague to the point of meaninglessness. The three potential projects are: a community center, a new "downtown," and a new school building. In the sections of the CEA dealing with these projects, there are references to the developer agreeing to "reserve land" for the projects <u>without specifying the amount or location of the land or its price</u>. There is also the statement that "[i]t is the expectation of both parties that the Developer will be a prominent participant in such process," i.e., a public process to set the parameters of the projects. We have no idea what it means to be a "prominent participant" in these processes, and we fear that it will have even less meaning to any successors to the original parties to the agreement.
- 18. The Town Council steadfastly refuses to hold an advisory referendum on the proposed <u>TIF/CEA</u>. Is this because the Council is convinced that a clear majority of residents <u>do not approve of the TIF/CEA tax break as currently structured?</u> It is difficult to come up with another explanation for the Council's refusal to obtain direct citizen input. Town residents should have a direct voice in approving the largest financial transaction in the Town's history.
- 19. The CEA is structured with <u>significant incentives for the developer to complete the project as soon as possible</u>. The sooner the project is completed, the sooner the annual \$2 million per year "bonus" payments to the developer will take place. The faster he builds, the more money he gets. An extremely aggressive buildout of the property will potentially leave the Town scrambling to provide municipal and school services to keep up with the rapid growth. This is a <u>major misalignment of incentives</u> in the CEA.
- 20. The crucial unanswered question about the proposed TIF/CEA is "what is the Town getting in return for paying more than \$80 million of future tax dollars to a private developer?" Until taxpayers get a full and unbiased answer to that question, the currently proposed TIF/CEA should not be approved.

Thank you for including our comments in the public record of the November 7, 2018, public hearing. Respectfully submitted,

Russell Coon, John Frazier, Carroll Gautreau, Susan Hamill, Steve Hanly, Larry Hartwell, Brian Kanode, Paula O'Brien Scarborough, Maine residents"

- Jeff Leighton of Jameco Mill Road stated that he had attended all three of meetings on this subject and felt that the town had done its homework. Slow is the way to go, 30 years is good. He hoped that the Council would support the program.
- Chris Pallotta of Woodside Drive spoke in favor of the Project and asked how much more data does the Council need? He hoped that the Council had digested all the information that had been presented and asked that it be moved forward. Everything falls in line with the Comprehensive Plan.

Chairman Donovan noted that there have been two independent audits done on this and the reports are out on the web.

- Russell Coon of Eastern Road, a retired CPA, spoke on whether this proposal has had a Risk Assessment done. In his professional life if this proposal had come forward, it would have been thrown out.
- Barry Tibbets of Berry Road stated that he has lived in Scarborough for 45 years and was the former Town Manager of Kennebunk. Kennebunk developed a TIF district and the monies from that helped re-develop the downtown area. In reviewing the Downs proposal he felt that the percentages that the developers gets was very conservative. A TIF is the only economic tool that municipalities can use. As part of the TIF the town could add a clause that would state that any expenses that the Town had incurred, the developer would pay for that; taxpayers are not paying for the service. The Town could also add setting up a revolving loan fund which could be used to help with technology; use for snow plow, GIS, setting up Wi-Fi, marketing of the downtown as well as for events. Mr. Tibbets felt this would be a good investment for the town and Kennebunk also had opposition. This should be kept at the Council level and not go out to a referendum vote.
- Travis Kennedy of Beech Ridge Road spoke in favor of the TIF District and went on to speak about the CEA portion. We need to be willing to take a risk and the proposal was not perfect, but having a steak in the partnership is better than standing on the sidelines. He did not support sending this out to referendum, this is not how government works. There is an established process in place and felt that this was fair deal for the town
- Carroll Gautreau of Jameco Mill Road spoke in favor of an advisory vote. Residents are concerned and want to be heard. He did not suggestion no vote, just suggesting as how we control the mix. Referendum advisory vote and the formula should be looked at. He presented a packet of signed petitions supporting an advisory vote on the Scarborough Downs TIF/CEA.
- Sam Marcisso of Ruby Mae Lane and a business owner, stated that now is the time to develop Scarborough Downs, there is no developer better than this business. He urged the Town Council to take a vote, adding that he did not agree with a referendum vote.
- Cindy Kueck of Moors Point Road agreed with this proposal. She spoke on the coast of having special elections and gave data to show this. People may not have the time to do the research and you [the council] are elected to make these decisions. Please do not cave in and put this to out to a vote.
- Rory Lee of Mitchell Hill Road full supported the TIF and CEA likes the potential in this development. The affordable housing is a good investment. She had taken the time to read the information and found it very informative.
- Scott Conner of None Such Cove Road supports the proposal and a council vote.
- Al Lappin of River Woods drive has lived here for over 30 years and to say he was impressed with the project was an understatement. This would be a huge win win to the Town. He wan not a fan of putting this out to referendum. This should move forward and asked the council to move forward.
- Patrick O'Reilly of Wildrose Lane and a lifelong resident of Scarborough as well as a business owner and former council member encouraged the Council to vote on this project. It would be a good thing for Scarborough.

- Kenny Mayo, a new resident to Scarborough felt this was a great opportunity. He had moved his family to southern Maine for jobs. He also felt that this should not go out to referendum and asked the Council to its job and move this forward.
- Jim Damicis of Hampton Circle also has been working on this project. They have local
 developers working on this project. Economic Development on this project had been fully
 vetted. This development is what this area needs and encouraged the Council to move forward
 on this project.

There being no further comments either for or against, Chairman Donovan closed the public hearing at 7:25 p.m. and called for a brief recess. The meeting was reconvened at 7:35 p.m.

Order No. 18-063, 7:00 p.m. Public Hearing on the proposed amendments to the Town of Scarborough Zoning Map. [Property Owner] Dan Bacon of Gorrill Palmer representing Crossroads Holdings, LLC, gave a brief overview on this Order. Chairman Donovan opened the public hearing. There being no comments either for or against, the hearing was closed at 7:38 p.m. The second reading on this Order has been scheduled for Wednesday, November 28, 2018.

Order No. 18-067, 7:00 p.m. Public Hearing on the proposed amendments to Chapter 405, Zoning Ordinance, Section XII. Sign Regulations, subsection J. Temporary Signs. [Ordinance Committee] Councilor Caterina gave a brief overview on this Order. Chairman Donovan opened the public hearing. There being no comments either for or against, the hearing was closed at 7:39 p.m. The second reading on this Order has been scheduled for Wednesday, November 28, 2018.

Order No. 18-068, 7:00 p.m. Public Hearing on the proposed amendments to Chapter 1401, Coastal Waters and Harbor Ordinance, Article V- Regulations Concerning Anchoring, Mooring and Security of Vessels, Section 1a. Placement of Private Moorings. [Ordinance Committee] Councilor Caterina gave a brief overview and then asked Councilor Hayes if he had anything further to add. Councilor Hayes noted that the Coastal Waters and Harbor Committee reviewed the changes and then it went back to the Ordinance.

Chairman Donovan noted that Angelo Mazzone, the new Harbor Master and former detective with the Police Department, was present and asked if he would like to make any comments. Mr. Mazzone thanked Chairman Donovan and went on to voice his concerns with a few of the proposal and asked if there was a way to revisit the recommendation.

Councilor Hayes suggested that this should be sent back to the Coastal Waters and Harbor Committee to further review with the Harbor Master.

The following individuals spoke on this Order:

- Mr. Tim Bayley a Scarborough resident and mooring contractor also voiced his concerns about portions of the recommended changes..
- Eric Unterborn, Manager at the Prouts Neck Yacht Club, stated that he looks forward to working with the new Harbor Master and voiced his concerns about the length issue. He noted that there were other issues with the ordinance and would be willing to working on these concerns.

There being no further comments, the hearing was closed at 7:54 p.m. Chairman Donovan noted that this Order would be brought back at one of the meetings in December after further discussions have been held between the Harbor Master and the Coastal Waters and Harbor Committee.

Order No. 18-069, 7:00 p.m. Public Hearing and second reading on the proposed amendments to Chapter 1301, the General assistance Ordinance, pursuant to Title 22, M.R.S.A §4305 (4). [General Assistance] Mr. Thomas J. Hall, Town Manager, gave a brief overview on this Order. Chairman Donovan opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:56 p.m.

Motion by Councilor Babine, seconded by Councilor Rowan, to move approval of the second reading on the proposed amendments to Chapter 1301, the General assistance Ordinance, pursuant to Title 22, M.R.S.A §4305 (4), as follows:

Appendix A Effective: 10/01/18-09/30/19

2018-2019 GA Overall Maximums

Metropolitan Areas

Persons in Household

COUNTY	1	2	3	4	5*
Bangor HMFA: Bangor, Brewer, Eddington, Glenburn, Hampden, Hermon, Holden, Kenduskeag, Milford, Old Town, Orono, Orrington, Penobscot Indian Island Reservation, Veazie	733	814	1,032	1,294	1,748
Penobscot County HMFA: Alton, Argyle UT, Bradford, Bradley, Burlington, Carmel, Carroll plantation, Charleston, Chester, Clifton, Corinna, Corinth, Dexter, Dixmont, Drew plantation, East Central Penobscot UT, East Millinocket, Edinburg, Enfield, Etna, Exeter, Garland, Greenbush, Howland, Hudson, Kingman UT, Lagrange, Lakeville, Lee, Levant, Lincoln, Lowell town, Mattawamkeag, Maxfield, Medway, Millinocket, Mount Chase, Newburgh Newport, North Penobscot UT, Passadumkeag, Patten, Plymouth, Prentiss UT, Seboeis plantation, Springfield, Stacyville, Stetson, Twombly UT, Webster plantation, Whitney UT, Winn, Woodville	693	697	908	1,137	1,297
Lewiston/Auburn MSA: Auburn, Durham, Greene, Leeds, Lewiston, Lisbon, Livermore, Livermore Falls, Mechanic Falls, Minot, Poland, Sabattus, Turner, Wales	669	736	932	1,193	1,461
Portland HMFA: Cape Elizabeth, Casco, Chebeague Island, Cumberland, Falmouth, Freeport, Frye Island, Gorham, Gray, Long Island, North Yarmouth, Portland, Raymond, Scarborough, South Portland, Standish, Westbrook, Windham, Yarmouth; Buxton, Hollis, Limington, Old Orchard Beach	1,058	1,159	1,483	1,986	2,303
York/Kittery/S.Berwick HMFA: Berwick, Eliot, Kittery, South Berwick, York	989	1,039	1,382	1,749	2,433

Cumberland County HMFA: Baldwin,					
Bridgton, Brunswick, Harpswell, Harrison, Naples,	784	831	1,091	1,593	1,820
New Gloucester, Pownal, Sebago		***	*,~~ *	1,000	1,020

COUNTY	1	2	3	4	5*
Sagadahoc HMFA: Arrowsic, Bath, Bowdoin, Bowdoinham, Georgetown, Perkins UT, Phippsburg, Richmond, Topsham, West Bath, Woolwich	786	875	1,017	1,345	1,636
York County HMFA: Acton, Alfred, Arundel, Biddeford, Cornish, Dayton, Kennebunk, Kennebunkport, Lebanon, Limerick, Lyman, Newfield, North Berwick,	766	884	1,098	1,487	1,515
Ogunquit, Parsonsfield, Saco, Sanford, Shapleigh, Waterboro, Wells					

^{*}Note: Add \$75 for each additional person.

Non-Metropolitan Areas Persons in Household

COUNTY	1	2	3	4	5*
Aroostook County	622	662	773	1,016	1,112
Franklin County	650	680	807	1,005	1,431
Hancock County	698	798	1,009	1,274	1,397
Kennebec County	727	756	944	1,241	1,326
Knox County	759	765	944	1,210	1,344
Lincoln County	788	845	1,004	1,259	1,503
Oxford County	694	699	839	1,221	1,426
Piscataquis County	615	81	843	1,115	1,238
Somerset County	679	714	859	1,156	1,219
Waldo County	696	761	903	1,231	1,389
Washington County	679	683	840	1,062	1,212

^{*} Please Note: Add \$75 for each additional person.

Effective: 10/01/18 to 09/30/19

2018-2019 FOOD MAXIMUMS

Please Note: The maximum amounts allowed for food are established in accordance with the U.S.D.A. Thrifty Food Plan. As of October 1, 2017, those amounts are:

Number in Household	Weekly Maximum	Monthly Maximum
1	44.65	192.00
2	82.09	353.00
3	117.44	505.00
4	149.30	642.00
5	177.21	762.00
6	212.56	914.00
7	235.12	1,011.00
8	268.60	1,155.00

Note: For each additional person add \$144 per month.

Appendix C

Effective: 10/01/18 to 09/30/19

2018-2019 GA HOUSING MAXIMUMS

(Heated & Unheated Rents)

NOTE: NOT ALL MUNICIPALITIES SHOULD ADOPT THESE SUGGESTED HOUSING MAXIMUMS! Municipalities should ONLY consider adopting the following numbers, if these figures are consistent with local rent values. If not, a market survey should be conducted and the figures should be altered accordingly. The results of any such survey must be presented to DHHS prior to adoption. Or, no housing maximums should be adopted and eligibility should be analyzed in terms of the Overall Maximum—Appendix A. (See Instruction Memo for further guidance.)

Non-Metropolitan FMR Areas

Aroostook County	<u>Unheated</u> <u>Heate</u>		Heated	
Bedrooms	Weekly	Weekly Monthly		Monthly
0	112	483	131	565
1	115	496	140	600
2	133	572	163	700
3	180	776	217	932
4	192	826	236	1,016

Franklin County	<u>Unheated</u>		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	119	511	138	593
1	120	514	144	618
2	141	606	171	734
3	178	765	214	921
4	266	1,145	310	1,335

Hancock County	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	124	535	147	633
1	140	602	169	726
2	183	788	215	924
3	230	988	273	1,175
4	246	1,058	299	1,285
Kennebec County	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	131	564	154	662
1	131	564	159	684
2	168	724	200	859
3	222	955	266	1,142
4	230	987	282	1,214
Non-Metropolitan FN	IR Areas			
Knox County	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	139	596	161	694
1	139	596	161	694
2	168	724	200	859
3	215	924	258	1,111
4	234	1,005	287	1,232
Lincoln County	Unheated	Control of the	Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	145	625	168	723
1	151	649	180	773
2	182	783	214	919
3	226	973		1,160
4	50.000000000000000000000000000000000000	973 1,164	270	1,160 1,391
4	226 271	973 1,164	270 323	1,160 1,391
Oxford County	226 271 <u>Unheated</u>	1,164	270 323 <u>Heated</u>	1,391
Oxford County Bedrooms	226 271 <u>Unheated</u> Weekly	1,164 Monthly	270 323 <u>Heated</u> Weekly	1,391 Monthly
Oxford County Bedrooms 0	226 271 Unheated Weekly 123	1,164 Monthly 528	270 323 Heated Weekly 146	1,391 Monthly 629
Oxford County Bedrooms 0 1	226 271 <u>Unheated</u> Weekly 123 123	1,164 Monthly 528 528	270 323 Heated Weekly 146 146	1,391 Monthly 629 629
Oxford County Bedrooms 0 1 2	226 271 Unheated Weekly 123 123 140	1,164 Monthly 528 528 600	270 323 Heated Weekly 146 146 175	1,391 Monthly 629 629 754
Oxford County Bedrooms 0 1 2 3	226 271 <u>Unheated</u> <u>Weekly</u> 123 123 140 218	1,164 Monthly 528 528 600 935	270 323 Heated Weekly 146 146 175 261	1,391 Monthly 629 629 754 1,122
Oxford County Bedrooms 0 1 2	226 271 Unheated Weekly 123 123 140	1,164 Monthly 528 528 600	270 323 Heated Weekly 146 146 175	1,391 Monthly 629 629 754
Oxford County Bedrooms 0 1 2 3 4 Piscataguis County	226 271 Unheated Weekly 123 123 140 218 253 Unheated	1,164 Monthly 528 528 600 935	270 323 Heated Weekly 146 146 175 261	1,391 Monthly 629 629 754 1,122
Oxford County Bedrooms 0 1 2 3 4	226 271 <u>Unheated</u> <u>Weekly</u> 123 123 140 218 253	1,164 Monthly 528 528 600 935	270 323 Heated Weekly 146 146 175 261 306	1,391 Monthly 629 629 754 1,122
Oxford County Bedrooms 0 1 2 3 4 Piscataquis County Bedrooms 0	226 271 Unheated Weekly 123 123 140 218 253 Unheated Weekly 110	1,164 Monthly 528 528 600 935 1,087 Monthly 474	270 323 Heated Weekly 146 146 175 261 306 Heated Weekly 130	1,391 Monthly 629 629 754 1,122 1,314
Oxford County Bedrooms 0 1 2 3 4 Piscataguis County Bedrooms 0 1	226 271 Unheated Weekly 123 123 140 218 253 Unheated Weekly	1,164 Monthly 528 528 600 935 1,087 Monthly	270 323 Heated Weekly 146 146 175 261 306 Heated Weekly	1,391 Monthly 629 629 754 1,122 1,314 Monthly
Oxford County Bedrooms 0 1 2 3 4 Piscataquis County Bedrooms 0 1 2	226 271 Unheated Weekly 123 123 140 218 253 Unheated Weekly 110	1,164 Monthly 528 528 600 935 1,087 Monthly 474	270 323 Heated Weekly 146 146 175 261 306 Heated Weekly 130	1,391 Monthly 629 629 754 1,122 1,314 Monthly 559
Oxford County Bedrooms 0 1 2 3 4 Piscataguis County Bedrooms 0 1	226 271 Unheated Weekly 123 123 140 218 253 Unheated Weekly 110 119	1,164 Monthly 528 528 600 935 1,087 Monthly 474 512	270 323 Heated Weekly 146 146 175 261 306 Heated Weekly 130 144	1,391 Monthly 629 629 754 1,122 1,314 Monthly 559 619

Somerset County	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	120	517	143	614
1	121	519	149	642
2	147	631	180	774
3	202	870	246	1,057
4	205	880	257	1,107

Non-Metropolitan FMR Areas

Waldo County	Unheated	Unheated		
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	123	530	147	620
1-12-3-13-13-13-13-13-13-13-13-13-13-13-13-1	131	565	160	689
2	159	683	190	818
3	220	945	263	1,132
4	244	1,050	297	1,277

Washington County	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	119	513	143	614
1	119	513	143	614
2	140	601	176	755
3	181	776	224	963
4	203	873	256	1,100

Metropolitan FMR Areas

Bangor HMFA	Unheated	Unheated		Market Mark
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	132	567	155	668
1	144	618	173	742
2	185	793	220	947
3	234	1,008	278	1,195
4	328	1,409	380	1,636

Penobscot Cty. HMFA	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	123	527	146	628
1	123	527	146	628
2	156	669	191	823
3	198	851	241	1,038
4	223	958	276	1,185

Lewiston/Auburn MSA	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	117	503	140	604
1	125	540	154	664
2	165	711	197	847
3	211	907	254	1,094
4	261	1,122	314	1,349

Metropolitan FMR Areas

Portland HMFA	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	208	892	231	993
1	224	963	253	1,087
2	289	1,244	325	1,398
3	395	1,700	439	1,887
4	457	1,964	510	2,191
York/Kittery/S. Berwick HMFA	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	192	824	215	924
1	196	843	225	967
2	266	1,143	302	1,297
3	340	1,463	384	1,650
4	487	2,094	540	2,321
C. I. I. C. W.C.	~ .			
Cumberland Cty. HMFA	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	144	618	167	719
1	148	635	177	759
2	202	868	234	1,006
3	304	1,307	347	1,494
4	344	1,481	397	1,708
Sagadahoc Cty. HMFA				
Sugudanoe Cty. HIVITA	Unheated		Heated	
Bedrooms	<u>Unheated</u> Weekly	Monthly	Heated Weekly	Monthly
		Monthly 623	COLUMN TO SERVICE AND SERVICE	Monthly 721
Bedrooms 0 1	Weekly		Weekly	
Bedrooms 0 1 2	Weekly 145	623	Weekly 168	721
Bedrooms 0 1 2 3	Weekly 145 158	623 679	Weekly 168 187	721 803 932
Bedrooms 0 1 2	Weekly 145 158 185	623 679 795	Weekly 168 187 217	721 803
Bedrooms 0 1 2 3	Weekly 145 158 185 246	623 679 795 1,059	Weekly 168 187 217 290	721 803 932 1,246
Bedrooms 0 1 2 3 4	Weekly 145 158 185 246 302	623 679 795 1,059	Weekly 168 187 217 290 354	721 803 932 1,246 1,524
Bedrooms 0 1 2 3 4 York Cty. HMFA	Weekly 145 158 185 246 302 Unheated	623 679 795 1,059 1,297	Weekly 168 187 217 290 354 Heated	721 803 932 1,246
Bedrooms 0 1 2 3 4 York Cty. HMFA Bedrooms	Weekly 145 158 185 246 302 Unheated Weekly	623 679 795 1,059 1,297	Weekly 168 187 217 290 354 Heated Weekly	721 803 932 1,246 1,524 Monthly
Bedrooms 0 1 2 3 4 York Cty. HMFA Bedrooms 0	Weekly 145 158 185 246 302 Unheated Weekly 140	623 679 795 1,059 1,297 Monthly 600	Weekly 168 187 217 290 354 Heated Weekly 163	721 803 932 1,246 1,524 Monthly 701
Bedrooms 0 1 2 3 4 York Cty. HMFA Bedrooms 0 1	Weekly 145 158 185 246 302 Unheated Weekly 140 160	623 679 795 1,059 1,297 Monthly 600 688	Weekly 168 187 217 290 354 Heated Weekly 163 189	721 803 932 1,246 1,524 Monthly 701 812
Bedrooms 0 1 2 3 4 York Cty. HMFA Bedrooms 0 1	Weekly 145 158 185 246 302 Unheated Weekly 140 160 203	623 679 795 1,059 1,297 Monthly 600 688 875	Weekly 168 187 217 290 354 Heated Weekly 163 189 236	721 803 932 1,246 1,524 Monthly 701 812 1,013

Effective: 10/01/18 to 09/30/19

2018-2019 - ELECTRIC UTILITY MAXIMUMS

NOTE: For an electrically heated dwelling also see "Heating Fuel" maximums below. But remember, an applicant is *not automatically* entitled to the "maximums" established—applicants must demonstrate need.

Electricity Maximums for Households <u>Without</u> Electric Hot Water: The maximum amounts allowed for utilities, for lights, cooking and other electric uses excluding electric hot water and heat:

Number in Household	<u>Weekly</u>	<u>Monthly</u>
1	\$14.00	\$60.00
2	\$15.70	\$67.50
3	\$17.45	\$75.00
4	\$19.90	\$86.00
5	\$23.10	\$99.00
6	\$25.00	\$107.00
NOTE: For each additional p	erson add \$7.50 per mon	th.

Electricity Maximums for Households <u>With</u> Electrically Heated Hot Water: The maximum amounts allowed for utilities, hot water, for lights, cooking and other electric uses excluding heat:

Number in Househo	ld <u>Weekly</u>	<u>Monthly</u>
1	\$20.65	\$89.00
2	\$23.75	\$102.00
3	\$27.70	\$119.00
4	\$32.25	\$139.00
5	\$38.75	\$167.00
6	\$41.00	\$176.00
NOTE: For each addition	onal person add \$10.00 per	month.

NOTE: For electrically heated households, the maximum amount allowed for electrical utilities per month shall be the sum of the appropriate maximum amount under this subsection and the appropriate maximum for heating fuel as provided below.

Appendix E Effective: 10/01/18 to 09/30/19

2018-2019 HEATING FUEL MAXIMUMS

<u>Month</u>	Gallons	Month	<u>Gallons</u>
September	50	January	225
October	100	February	225
November	200	March	125
December	200	April	125
		May	50

NOTE: When the dwelling unit is heated electrically, the maximum amount allowed for heating purposes will be calculated by multiplying the number of gallons of fuel allowed for that month by the current price per gallon. When fuels such as wood, coal and/or natural gas are used for heating purposes, they will be budgeted at actual rates, if they are reasonable. No eligible applicant shall be considered to need more than 7 tons of coal per year, 8 cords of wood per year, 126,000 cubic feet of natural gas per year, or 1000 gallons of propane.

Appendix F Effective: 10/01/18 to 09/30/19

2018-2019 PERSONAL CARE & HOUSEHOLD SUPPLIES MAXIMUMS

Number in Household	Weekly Amount	Monthly Amount
1-2	\$10.50	\$45.00
3-4	\$11.60	\$50.00
3-4 5-6 7-8	\$12.80	\$55.00
7-8	\$14.00	\$60.00
NOTE: For each additional	person add \$1.25 per week or	\$5.00 per month.

SUPPLEMENT FOR HOUSEHOLDS WITH CHILDREN UNDER 5

When an applicant can verify expenditures for the following items, a special supplement will be budgeted as necessary for households with children under 5 years of age for items such as cloth or disposable diapers, laundry powder, oil, shampoo, and ointment up to the following amounts:

Number of Children	Weekly Amount	Monthly Amount
1	\$12.80	\$55.00
2	\$17.40	\$75.00
3	\$23.30	\$100.00
4	\$27.90	\$120.00

Vote: 7 Yeas.

Order No. 18-071, 7:00 p.m. Public Hearing and second reading on the proposed amendments to the Chapter 303 – the Town of Scarborough Personnel Ordinance. [Town Manager] Mr. Thomas J. Hall, Town Manage, gave a brief overview on this Order. Chairman Donovan opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:57 p.m.

Motion by Councilor Babine, seconded by Councilor Hayes, to move approval of the second reading on the proposed amendments to the Chapter 303 – the Town of Scarborough Personnel Ordinance, as follows:

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Chapter 303 - the Town of Scarborough Personnel Ordinance, is amended (Additions underlined. Deletions strikethrough) as follows:

Resources Department will provide the employee with notice of impending FML exhaustion. If an employee fails to return to work at the end of FML, the employee will be considered to have voluntarily resigned from his/her position with the organization.

Section 510. Leave for Victims of Domestic Violence. I

In accordance with Maine Law, the Town will grant employees a reasonable and necessary amount of time off from work without pay if an employee is a victim of domestic violence, domestic assault, sexual assault or stalking, and needs the time to:

- Prepare for or attend court proceedings,
- · Receive medical treatment, or
- Obtain necessary services to remedy a crisis caused by domestic violence, sexual assault or stalking.

Employees must request the leave from the Human Resources Director as soon as circumstances make it clear that time off is necessary. Approval of leave will be dependent upon (a) whether the employee's absence will create an undue hardship for the Town, (b) whether the employee requested leave within a reasonable time, and (c) whether the requested leave is impractical, unreasonable or unnecessary given the facts made available to the Human Resources Director at the time of the request.

If an employee's leave is approved, the employee will be required to first use any accrued paid vacation, sick or compensatory time before taking unpaid leave. Employees will not be discriminated against for taking or asking for leave. (amended 09/05/2007)

Section 511. Medical Insurance.

Currently, the Town offers group medical insurance to eligible employees in accordance with plan provisions and federal regulations. Eligible employees, regardless of probationary status, are eligible on the first day of the month following employment date or at open enrollment. The Town reserves the right to change insurance carriers and/or benefit level as deemed necessary. (amended 08/17/2011) (amended 07/17/2013)

Currently, the Town contributes 100% of the health insurance premiums for all eligible employees. As determined by the Town Manager, the Town will contribute a percentage of the premium for covering additional eligible dependents. (amended 07/17/2013)

Effective January 1, 2019, the Employees will be offered the opportunity to enroll in the POS-C or PPO- 500 plans through the Maine Municipal Employees Health Trust. The Town agrees to contribute 92.5% of the single premium, 87.5% of the employee and child premium, and 82.5% of the family premium of the PPO-500 plan. Employees wishing to enroll in the POS-C will pay the difference in premium between the amounts the employer would otherwise pay towards the PPO-500 plan. (proposed 10/17/2018)

Employees who are currently covered or can be covered under other medical coverage can opt to receive an annual buy-out payment of \$1,500 (divided over 52-weeks). Proof of valid medical coverage must be presented in order to be eligible for this option.

If other health and/or dental coverage ends for any of the following reasons, the employee (and his/her eligible dependents) may still enter the Health and/or Dental programs offered through the Health Trust.

Vote: 7 Yeas.

Resolution 18-003. Act on the request to approve Resolution 18-003, recognizing Saturday, November 24, 2018, as *Small Business Saturday*. [Chairman Donovan] Motion by Councilor Caterina, seconded by Councilor Foley, to move approval of Resolution 18-003, recognizing Saturday, November 24, 2018, as *Small Business Saturday*, as follows:

Resolution 18-003

Recognizing November 24, 2018 as Small Business Saturday

WHEREAS, the government of Scarborough, Maine, celebrates our local small businesses and the contributions they make to our local economy and community; according to the United States Small Business Administration, there are currently 30.2 million small businesses in the United States, they represent 99.7 percent of all businesses with employees in the United States, are responsible for 65.9 percent of net new jobs created from 2000 to 2017; and,

WHEREAS, small businesses employ 47.5 percent of the employees in the private sector in the United States; and,

WHEREAS, 90% of consumers in the United States say Small Business Saturday has had a positive impact on their community; and,

WHEREAS, 89% of consumers who are aware of Small Business Saturday said the day encourages them to Shop Small all year long; and,

WHEREAS, 73% of consumers who reportedly Shopped Small at independently-owned retailers and restaurants on Small Business Saturday did so with friends or family; and,

WHEREAS, the most reported reason for consumers aware of the day to shop and dine at small, independently-owned businesses was to support their community (64%); and,

WHEREAS, Scarborough, Maine, supports our local businesses that create jobs, boost our local economy and preserve our communities; and,

WHEREAS, advocacy groups, as well as public and private organizations, across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.

NOW, THEREFORE, BE IT RESOLVED, that the Scarborough Town Council proclaims Saturday, November 24, 2018, *Small Business Saturday* in Scarborough, Maine and urges the resident of our community and communities across the country, to support small businesses and merchants on Small Business Saturday and throughout the year.

Signed and dated this 7th day of November, 2018, on behalf of the Scarborough Town Council and the Town Manager of Scarborough, Maine. Signed by William J. Donovan, Chairman and attested by the Yolande P. Justice, Town Clerk.

Vote: 7 Yeas.

OLD BUSINESS: None at this time.

NEW BUSINESS:

Order No. 18-075. Act on the request to schedule a special meeting for Wednesday, November 14, 2018, for swearing in of newly elected officials and election of officers and to set the date to act on a Downtown Tax Increment Financing District, including the authorization of a Credit Enhancement Agreement for The Downs, Crossroads Holdings, LLC and the adoption of Downtown Redevelopment Plan for Wednesday, November 28, 2018. [Town Manager] Mr. Thomas J. Hall, Town Manager, gave a brief overview on this Order.

The following individuals spoke on this Order:

- Mr. Rocco Risbara of Crossroads Holding, LLC wanted to emphasize the importance of the Council to take a vote and further stated that if there is any information that is needed, to please contact him.
- Ben Howard of Oak Dale Drive, commended the Council for giving residents time to review the information and stated the Council had done its due diligence.

Thomas J. Hall, Town Manager, suggested that there be a workshop at the Special meeting on November 14th to bring the two new Council up to speed and then go into an executive session for discussion on matters relating to the project that are not public. In response to a questions from Councilor-Elect Hamill, Mr. Hall responded that any amendments that were substantial changes could potential require another public hearing.

After a brief discussion it was noted that an executive session would be added to the November 14th agenda and that a workshop would also be held.

Motion by Councilor Babine, seconded by Councilor Foley, to move approval to schedule a special meeting for Wednesday, November 14, 2018, for swearing in of newly elected officials and election of officers and to set the date to act on a Downtown Tax Increment Financing District, including the authorization of a Credit Enhancement Agreement for The Downs, Crossroads Holdings, LLC and the adoption of Downtown Redevelopment Plan for Wednesday, November 28, 2018.

Vote: 7 Yeas.

Order No. 18-076. Act on the request to certify the results of the Municipal Elections held on Tuesday, November 6, 2018. [Town Clerk] The Town Clerk read the results of the Municipal Elections into the record.

Motion by Councilor Babine, seconded by Councilor Rowan, to move approval to certify the results of the Municipal Elections held on Tuesday, November 6, 2018, as follows:

Presented for certification by the Town Council, are the election results for the Municipal Elections that were held on Tuesday, November 6, 2018:

Town Council		Board of Education	
John D. Dittmer	3,882	John R. Cloutier	3,075
Donald R. Hamill	4,674*	Leroy P. Crockett	2,179
Paul M. Johnson	5,152*	Nicholas R. Gill	3,875*
Robert W. Rowan	4,060	Betsy B. Gleysteen	2,430
		Lori B. Lavoie	2,801
Board of Education -1 Year	r - Lyford	Sarah K. Leighton	4,085*
Amy J. Glidden	5,757*	Michael W. Marcello	1,130
Emily Read	4,028	Annalee Z. Rosenblatt	2,726

April V. Sither	4,311*
Quinn A. Stewart	1,585

Alicia J. Giftos 4,529*
Benjamin W. Howard 1,739

Stacey D. Neumann 3,427

Trustee for the Sanitary District Portland Water District

Nicola F. Rico 7,905* Seth W. Garrison 8,323* Benedetto Viola 7,841*

School Referendum Question 1.

Yes	4,534
No	4,751*

There are approximately 17,018 active voters on our voter registration list for this Election [does not include Election Day registration]. There were 11,841 voters who cast ballots in the November 6th Election. There were 5,597 absentee ballots issued, of which 5,457 were returned. The percentage for voter turnout for this Election was 69%.

Pursuant to Section. 206. Induction of Council into Office. Councilors elect shall be sworn to the faithful discharge of their duties by the Town Clerk or the Town Clerk's designee and shall assume their duties at the commencement of second meeting (2nd), whether regular, special, or emergency, of the Town Council following the regular Town election. (amended November 7, 2000; effective January 1, 2001). Therefore, the newly elected officials will be sworn in on Wednesday, November 14, 2018, and at this meeting a new Council Chair and Vice Chair will be elected.

Vote: 7 Yeas.

Item 8. Non Action Items. None at this time.

Item 9. Standing and Special Committee Reports and Liaison Reports.

- Councilor Rowan gave a brief overview on the Housing Alliance Committee and the Historic Implementation Presentation Committee.
- Councilor Caterina gave a brief overview on the Comp Plan Committee.
- Councilor Caiazzo gave a brief overview on the Long Range Planning Committee and the Transportation Committee.

Item 10. Town Manager Report. Mr. Thomas J. Hall, Town Manager, gave the following updates:

- Ground breaking Ceremony for the new Public Safety would be tomorrow, Thursday, November 15th at 10:00 a.m.
- Congratulations to the new Councilors and stated that he is ready to assistance in any way. We do have an orientation packet that would be available to the new members.
- Thank you to Councilor Rowan for his service on the Council and congratulations to Councilor Babine and Councilor Caiazzo on winning the House and the Senate seats.

Item 11. Council Member Comments.

Councilor Elect Hamill appreciated all the work that the Clerk's Office did for the elections. He
was impressed with how campaigns were run. He thanked Councilor Will for all he had done.

^{*}The winners are indicated with an asterisk.

- He wished success to Councilor Babine and Councilor Caiazzo for moving forward to Augusta and he thanked Chairman Donovan for reaching out
- Councilor Elect Johnson thanked the Chair for reaching out. He thanked Councilor Rowan for reaching out and really appreciates everyone's assistance. He looked forward to moving forward.
- Councilor Caiazzo noted that on Election Day there had been a group picture taken at 8:20 a.m. in front of the Vote Here Tuesday Sign with all the candidates. He thanked Mr. Higgins for running a good campaign. He suggested that there might be a need for a Cable forum for State Candidates to get the message out. It has been an honor serving the community and the staff is the gears and wheels that keep everything going a great staff.
- Councilor Hayes thanked Councilor Caiazzo for his service to the community.
- Councilor Caterina thanked Councilor Rowan and Councilor Caiazzo for their service and congratulation to the new Councilors coming on board.
- Councilor Foley thanked Councilor Rowan for his service.
- Councilor Rowan thanked the voters for the opportunity to serving over the last three years. He seconded the sentiment regarding the staff, they are outstanding.
- Councilor Babine sent a thank you Mary Starr and Jackie Perry for serving on the School Board and to the community. He thanked everyone who ran for office and congratulated Mr. Hamill and Mr. Johnson. He thanked the current State delegation for their service in Augusta. He thanked Councilor Rowan for serving and hoped that he stayed involved. To Councilor Caiazzo looked forward to working with him in Augusta.
- Councilor Rowan thanked all the folks on the committees that he had served on and also thanked former Councilor Kate St. Clair.
- Chairman Donovan spoke on the elections process and how the elections were handled. He thanked Chris and Will for their service to the community. He congratulated Chris and Shawn on their win to serve in Augusta. He then presented plaques to the Will and Chris for their service on the Council.

Item 12. Adjournment. Motion by Councilor Caiazzo, seconded Councilor Rowan, to move approval to adjourn the regular meeting of the Scarborough Town Council.

Vote: 7 Yeas.

Meeting adjourned at 8:50 p.m.

Respectfully submitted,

Yolande P. Justice Town Clerk

Town of Scarborough, Maine
US ROUTE ONE, PO BOX 360
SCARBOROUGH, MAINE · 04070-0360

State of Maine

County of Cumberland, SS

I do hereby attest that the attached minutes hereto, are a draft of the Town Council meeting that was held on November 28, 2018, and this document is a true and accurate reflection as to what is on file in the Scarborough Town Clerk's Office.

Dated this 30th day of November 2018.

10 lands Pyrstrce

Yolande P. Justice Town Clerk/Notary Public

Notary Commission Expires: 10/31/2022

MINUTES

SCARBOROUGH TOWN COUNCIL WEDNESDAY – NOVEMBER 28, 2018 REGULAR MEETING – 7:00 P.M.

Item 1. Call to Order. Chairman Hayes called the regular meeting of the Scarborough Town Council at 7:00 p.m.

Item 2. Pledge of Allegiance.

Item 3. Roll Call. Roll was called by Yolande P. Justice, Town Clerk. Thomas J. Hall, Town Manager was also present.

Councilor Shawn A. Babine Councilor Paul M. Johnson

Councilor Jean-Marie Caterina Councilor William J. Donovan Councilor Donald R. Hamill

Councilor Kathleen M. Foley

Haves

Chairman Peter F. Hayes

Item 4. General Public Comments.

• Michael Doyle owner of Falmouthtoday.me and a resident of Portsmouth, New Hampshire, spoke on the possible promotion of a Police Officer to lieutenant and use of improper language and actions by this individual and wondered why this individual was still employed by the Town. He also noted that it was the one year anniversary on which he had been arrested here.

Item 5. Minutes: November 7, 2018 - Regular Town Council Meeting and November 14, 2018 - Special Town Council Meeting. Motion by Councilor Donovan, seconded by Councilor Foley, to move approval of the meeting minutes of the November 7, 2018 - Regular Town Council Meeting and November 14, 2018 - Special Town Council Meeting, as written.

Vote: 7 Yeas.

Item 6. Adjustment to the Agenda. None at this time.

Item 7. Items to be signed: a. Treasurer's Warrants. Treasurer's Warrants were signed during the meeting.

Order No. 18-070, 7:00 p.m. Public hearing on the proposed amendments to Chapter 405 – the Scarborough Zoning Ordinance, Section VI. Definitions – Affordable Housing. [Housing Alliance Committee] Thomas J. Hall, Town Manager, gave a brief overview on this Order. Chairman Hayes opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:04 p.m. The second reading on Order No. 18-070 will be scheduled for Wednesday, December 5, 2018.

Order No. 18-080, 7:00 p.m. Public hearing and action on the request for a Special Amusement from Davric Maine Corp d/b/a Scarborough Downs, located at 190 Payne Road. The Town Clerk gave a brief overview on this Order. Chairman Hayes opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:06 p.m.

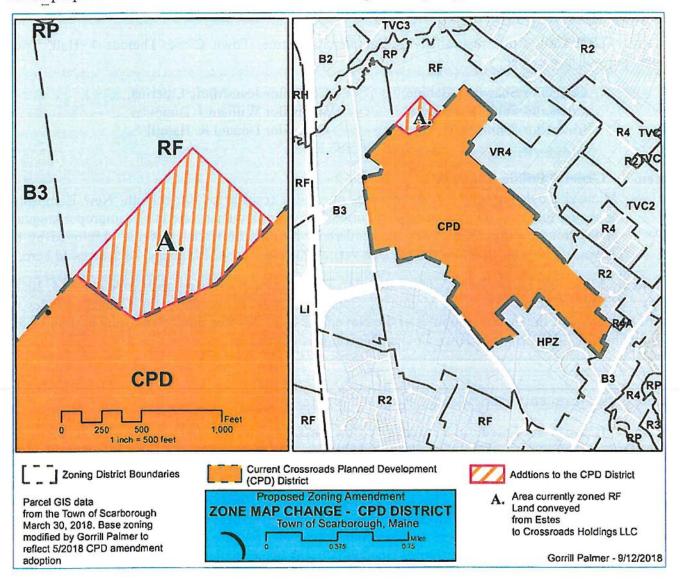
Motion by Councilor Babine, seconded by Councilor Caterina, to move approval on the request for a Special Amusement from Davric Maine Corp d/b/a Scarborough Downs, located at 190 Payne Road.

Vote: 7 Yeas.

OLD BUSINESS:

Order No. 18-063. Second reading on the proposed amendments to the Town of Scarborough Zoning Map. [Property Owner] Thomas J. Hall, Town Manager gave a brief overview on this Order. There were no public comments.

Motion by Councilor Babine, seconded by Councilor Caterina, to move approval of the second reading on the proposed amendments to the Town of Scarborough Zoning Map, as follows:



Vote: 7 Yeas.

Order No. 18-067. Second reading on the proposed amendments to Chapter 405, Zoning Ordinance, Section XII. Sign Regulations, subsection J. Temporary Signs. [Ordinance Committee] Chairman Hayes gave a brief overview on this Order. No public comments were made.

Motion by Councilor Caterina, seconded by Councilor Babine, to move approval of the Second reading on the proposed amendments to Chapter 405, Zoning Ordinance, Section XII. Sign Regulations, subsection J. Temporary Signs, as follows:

AMENDMENTS TO CHAPTER 405 THE ZONING ORDINANCE

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Chapter 405 - the Zoning Ordinance of the Town of Scarborough, Maine is amended as follows:

Amend SECTION J. TEMPORARY SIGNS, by deleting or adding the text as shown below:

J. TEMPORARY SIGNS

The following temporary signs are permitted and shall conform to standards within municipal, state or federal ordinances, statutes or regulations.

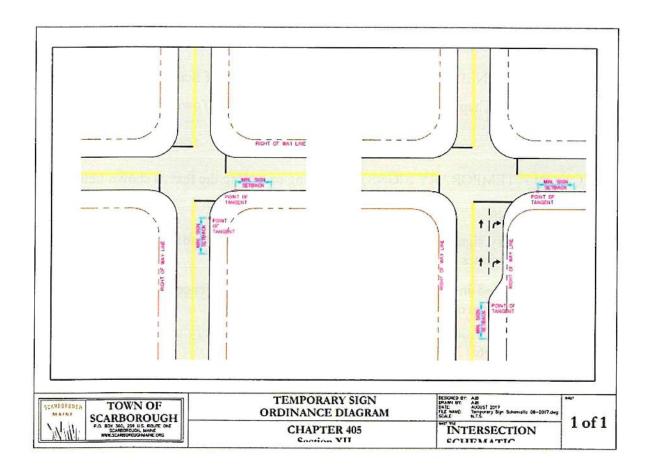
Temporary signs specified in this section shall not be attached to fences, trees, utility poles, light poles, traffic control devices or the like. [09/06/17]

To protect ecologically sensitive areas and scenic views no temporary signs shall be placed in the right- of-way along: [09/06/17]

	Route One between Dolloff Way and Southgate Road
	Black Point Road between Old County Road and Tide Mill Lane
	Black Point Road between Seal Rock Drive and Sanctuary Lane
	Pine Point Road between 67 Pine Point Road and the Eastern Trail
	Pine Point Road between Holly Street and Snow Canning Road
	Pleasant Hill Road from Minuteman Drive to Hackmatack Drive (Pleasant Hill Preserve
Are	a)
	Bayview Avenue between Houghton Street and Morning Street

To promote public safety in and around intersections with high traffic volumes no temporary signs shall be placed in the right-of-way within 30 feet of the following intersections, as measure linearly from the point of tangent to the intersection, or the point of tangent where a dedicated turn lane is provided, whichever is furthest from the intersection:

The Route One - Broadturn Road/Pine Point Road intersection
The Route One – Payne Road intersection
The Route One – Haigis Parkway intersection
The Route One Gorham Road/Black Point Road intersection
The Route One – Pleasant Hill Road intersection
The Payne Road – Haigis Parkway intersection
The Payne Road – Gorham Road intersection
The Payne Road – Gallery Boulevard intersection



The number of temporary signs permitted under this subsection is in addition to the maximum number of signs allowed on a lot or the maximum gross display area allowed on a wall:

1. Temporary Signs in the Right-of-Way [Adopted 09/06/17]

Temporary signs in the right-of-way are permitted for a period not to exceed 6 12 weeks in a calendar year. All signs shall be removed by the deadlines established herein. All temporary signs in the right-of-way will include the must include or be marked with name and phone number of the person placing the sign address of the individual, entity or organization that placed the sign within the public right-of-way and the date the sign was erected within the public right-of-way. To control the proliferation of signs repeating the same or similar message, temporary signs in the right-of-way shall not be placed with 30 feet of another bearing the same message. This distance requirement applies to streets on a linear basis with a separate measurement done for every intersecting street. Temporary signs in the right-of-way may not be placed in a position that will obstruct or impair vision or traffic or in any manner create a hazard or disturbance to the health and welfare of the general public.

2. Temporary Signs on Private Property [Adopted 09/06/17]

Temporary signs on private property are permitted for no more than 6 consecutive months with not less than 30 days between displays of a sign bearing the same message. Temporary signs on private property may not be placed in a position that will obstruct or impair vision or traffic or in any manner create a hazard or a disturbance to the health and welfare of the general public.

3. Temporary Sandwich Board Sign. [Adopted 08/19/09][09/06/17]

One (1) Sandwich Board Sign may be displayed on the premises of a commercial or similar public entity for general commercial uses. Sandwich Board Signs shall be limited to a maximum gross area of eight (8) sq. ft. and a maximum height of 48". The location of Sandwich Board Signs shall be limited to the sidewalk or walkway leading to the main entrance of the building in which the business is located and shall be located no greater than fifteen feet (15') from the building's main entrance. Sandwich Board Signs shall only be displayed during the hours the business or use is open for customers or visitors and shall not be counted toward calculating the maximum number of signs or the maximum gross display area of signs on the property. A Sandwich Board Sign shall require a sign permit, per subsection A.2., which will establish a business or uses ability to use such a sign and delineate the area in which it will be displayed. A Sandwich Board Sign shall be located on a sidewalk or walkway in a manner that it does not infringe on handicap accessibility or safe pedestrian movement and that safely secures the sign in one location.

Vote: 7 Yeas.

NEW BUSINESS:

Order No. 18-081. Act on the request to approve the Downtown Redevelopment Plan, as presented and pursuant to Long Form Order. [Town Manager] Thomas J. Hall, Town Manager, gave a brief overview and suggested that when the public speaks they speak on all relating Orders at this time.

The following individuals spoke on the Orders:

- Art Dillon of Black Point Road and current President of the Scarborough Chamber of Commerce spoke in support of the Downs Project. He noted that he had read a letter of support at the public hearing from the Scarborough Chamber and urged the Town Council to vote in support of this Project.
- Liam Somers of the Holmes Road spoke on his work with large companies and how they
 diluted their product. He asked the Council if they believed Scarborough was a good location
 for this Project. This TIF would impact everyone in town and went on to asked each Councilor
 to sign a no-compete letter showing that they would not work for this company in the coming
 years.
- Kevin Freeman of Sterling Wood Drive comes before the Council as a private citizen and went on to voice his support of the Project. Every community uses TIFs and this is something that is good for the town. This TIF was not rushed into and is a tool that is used to make projects happen.
- John David Dittmer of Woodside Drive stated that he asked a lot of questions on this project. This is this a good deal, it is in the developer's interest to build. What happens if this is turned down? The town longer has a say in the project and would become just an overseer and would send a negative message to the business owners. He urged the Town council to support the Project.
- Michael Foley, a current Councilor from Westbrook, spoke on when this developer came to Westbrook and built a residential development. They were faced with more challenging items in Westbrook than here. They are invested in what they build and for the long term. To have an investor like Risbara Brothers is good. TIFs are a win/win for the Town. The TIF would be a benefit in many ways.

- Carroll Gautreau of Jameco Mill Road felt the project could be beneficial to the town, please make a good decision. The developers have invested \$6 million in the Downs Project. He went on to suggest that the Council remove the 40% given to the developer and put it toward the residential build. He asked that the Council vote to ensure that everything is equally fair.
- Dennis Meehan of Jameco Mill Road spoke on his research on the TIF and there were two ways the town could go; bond the money for the infrastructure or a TIF. These developers are in for the long term and amendments can be made along the way, if needed. He felt that this would be good for the town.
- Dave Merrill of Jameco Mill Road noted that he was a taxpayer and have been involved on many committees here in town. This is an incredible opportunity and we should take. They have the best interest for the town. The project would only help the build-out around it. This is a wise and efficient way to develop the town. He hoped the Council would support
- Tim Boardman a local business owner spoke in favor of the project and echoed everything that has been said this evening. The mix use is good for the tax base. He hoped the Council supported the project.
- Rocco Risbara one of the owners of Crossroad Holdings, LLC and Scarborough resident of Black Point Road spoke on the project. He noted that the Downs property had been under contract 17 times and all went through. He went on to give an overview on the project and how it came to what we are looking at this evening. There have been numerous hours spent on informational meetings for residents; many emails and endorsements for this Project. A vote of 7 affirmative votes would show unity.
- Barry Tibbets of Berry Road felt the project was a really good project and felt the documents
 were well balanced. He has lived in Scarborough over 40 and there has been a lot of talk about
 the Downs and nothing became of it. This developer has a good plan. TIFs are not uncommon
 for residential development. The TIF is the only economic tool that a municipality has. This is
 the right time and all the pieces of the puzzle are in place.

There being no further comments, the public comment period was closed at 7:38 p.m. Karen Martin, President of Sedco and Shana Cook Mueller, Town Attorney, responded to questions from the Town Council.

Motion by Councilor Babine, seconded by Councilor Foley, to move approval on the request to approve the Downtown Redevelopment Plan, as presented and pursuant to Long Form Order, as follows:

IN TOWN COUNCIL ORDER #<u>18-081</u> <u>APPROVAL OF DOWNTOWN REDEVELOPMENT PLAN</u>

WHEREAS, the Town of Scarborough (the "Town") is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended (the "Act"), to designate a specified area within the Town as the Scarborough Downtown Omnibus Municipal Development and Tax Increment Financing District (the "District") and adopt a development program (the "Development Program") for the District pursuant to the Act; and

WHEREAS, in order to designate a so-called "downtown" tax increment financing district, the Act requires such district to be related to the Town's downtown redevelopment plan (the "Downtown Redevelopment Plan") that describes the Town's comprehensive plan for the physical and economic redevelopment of its downtown.

ORDERED AS FOLLOWS:

The Town of Scarborough hereby adopts the **Town of Scarborough Downtown Redevelopment Plan** in such form and as presented to the Town Council.

Vote: 5 Yeas. 2 Nays [Chairman Hayes and Councilor Hamill]

Order No. 18-082. Act on the request to adopt the Scarborough Downtown Omnibus Municipal Development and Tax Increment Financing District and adopt the Development Program for such District as presented and pursuant to Long Form Order. [Town Manager] Chairman Hayes asked if there were any further public comments. There were no public comments made.

Motion by Councilor Babine, seconded by Councilor Foley, to move approval on the request to adopt the Scarborough Downtown Omnibus Municipal Development and Tax Increment Financing District and adopt the Development Program for such District as presented and pursuant to Long Form Order, as follows:

IN TOWN COUNCIL ORDER #18-082

ADOPTION OF SCARBOROUGH DOWNTOWN OMNIBUS MUNICIPAL DEVELOPMENT AND TAX INCREMENT FINANCING DISTRICT AND ADOPTION OF DEVELOPMENT PROGRAM FOR SUCH DISTRICT

WHEREAS, the Town of Scarborough (the "Town") is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended (the "Act"), to designate a specified area within the Town as the Scarborough Downtown Omnibus Municipal Development and Tax Increment Financing District (the "District") and adopt a development program (the "Development Program") for the District pursuant to the Act; and

WHEREAS, in order to designate a so-called "downtown" tax increment financing district, the Act requires such district to be related to the Town's downtown redevelopment plan (the "<u>Downtown Redevelopment Plan</u>") that describes the Town's comprehensive plan for the physical and economic redevelopment of its downtown; and

WHEREAS, there is a need for economic development in the Town of Scarborough, in the surrounding region, and in the State of Maine; and

WHEREAS, there is a need to improve and broaden the tax base of the Town; and to improve the general economy of the Town and the surrounding region; and

WHEREAS, designation of the District and adoption of the Development Program will help to improve and broaden the tax base in the Town and improve the economy of the Town and the region by attracting business development to the District; and

WHEREAS, there is a need to implement continued economic development initiatives in those areas of Scarborough in and near the District area through the establishment of the District in accordance with the provisions of Act; and

WHEREAS, the Town desires to designate the District and adopt the Development Program; and

WHEREAS, it is expected that approval will be obtained from the State of Maine Department of Economic and Community Development (the "<u>Department</u>"), approving the designation of the District and adoption of the Development Program.

ORDERED AS FOLLOWS:

<u>Section 1.</u> The Town of Scarborough hereby designates the **Scarborough Downtown Omnibus Municipal Development and Tax Increment Financing District** and hereby adopts the Development Program for said District; such designation and adoption to be pursuant to the following findings, terms, and provisions:

Section 2. The Town Council hereby finds and determines that:

- (a) The designation of the District and adoption of the related Development Program will make a contribution to the economic growth and well-being of the Town of Scarborough and the surrounding region, and will contribute to the betterment of the health, welfare and safety of the inhabitants of the Town of Scarborough, including a broadened and improved tax base and economic stimulus, and therefore constitutes a good and valid public purpose.
- (b) The Town Council has considered all evidence, if any, presented to it with regard to any adverse economic effect on or detriment to any existing business and has found and determined that such adverse economic effect on or detriment to any existing business, if any, is outweighed by the contribution expected to be made through the District and the Development Program. Pursuant to Title 30-A M.R.S.A. Section 5223(3)(D), downtown tax increment financing districts are exempt from certain statutory requirements and thresholds, including valuation and acreage caps.
- <u>Section 3.</u> The Town Manager, or his duly appointed representative, is hereby authorized, empowered and directed to submit the proposed designation of the District and the proposed Development Program for the District to the Department for review and approval pursuant to the requirements of 30-A M.R.S.A. § 5226.
- Section 4. The foregoing designation of the District and approval of the Development Program shall automatically become final and shall take full force and effect upon receipt by the Town of approval of the designation of the District and adoption of the Development Program by the Department, without requirement of further action by the Town, the Town Council, or any other party.
- Section 5. The Town Manager, or his duly appointed representative, is hereby authorized and empowered, at his/her discretion, from time to time, to make such revisions to the Development Program as the Town Manager, or his duly appointed representative, deems reasonably necessary or convenient in order to facilitate the process for review and approval of the District and/or the Development Program by the Department, or for any other reason, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the District and the Development Program.
- <u>Section 6</u>. The Town Council is hereby authorized to enter into additional credit enhancement agreements, if any, with business entities located within the boundaries of the District, following a duly noticed public hearing, to be in such form and to contain such terms and provisions not inconsistent with the Development Program.

Vote: 5 Yeas. 2 Nays [Chairman Hayes and Councilor Hamill]

Order No. 18-083. Act on the request to approve the Credit Enhancement Agreement with The Downs, d/b/a Crossroads Holdings, LLC as presented and pursuant to Long Form Order. [Town Manager] Thomas J. Hall, Town Manager, gave a brief overview on this Order. Chairman Hayes asked if there were any further public comments. There were no public comments made.

Motion by Councilor Babine, seconded by Councilor Caterina, to move approval on the request to approve the Credit Enhancement Agreement with The Downs, d/b/a Crossroads Holdings, LLC as presented and pursuant to Long Form Order, as follows:

IN TOWN COUNCIL ORDER #18-083

APPROVAL OF CREDIT ENHANCEMENT AGREEMENT WITH OWNER OF SCARBOROUGH DOWNS PROPERTY

WHEREAS, the Town of Scarborough (the "Town") is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended (the "Act"), to designate a specified area within the Town as the Scarborough Downtown Omnibus Municipal Development and Tax Increment Financing District (the "District") and adopt a development program (the "Development Program") for the District pursuant to the Act; and

WHEREAS, in order to designate a so-called "downtown" tax increment financing district, the Act requires such district to be related to the Town's downtown redevelopment plan (the "Downtown Redevelopment Plan") that describes the Town's comprehensive plan for the physical and economic redevelopment of its downtown; and

WHEREAS, there is a need for economic development in the Town of Scarborough, in the surrounding region, and in the State of Maine; and

WHEREAS, there is a need to improve and broaden the tax base of the Town; and to improve the general economy of the Town and the surrounding region; and

WHEREAS, designation of the District and adoption of the Development Program will help to improve and broaden the tax base in the Town and improve the economy of the Town and the region by attracting business development to the District; and

WHEREAS, there is a need to implement continued economic development initiatives in those areas of Scarborough in and near the District area through the establishment of the District in accordance with the provisions of Act; and

WHEREAS, the Town desires to designate the District and adopt the Development Program; and

WHEREAS, it is expected that approval will be obtained from the State of Maine Department of Economic and Community Development (the "<u>Department</u>"), approving the designation of the District and adoption of the Development Program.

ORDERED AS FOLLOWS:

The Town Manager is hereby authorized and directed to enter into the specific credit enhancement agreement with the owners of the Scarborough Downs property in substantially the form as presented to the Town Council and consistent with the terms of the credit enhancement agreement that are described in the Development Program.

Vote: 4 Yeas. 3 Nays [Chairman Hayes, Councilors Hamill and Johnson].

Item 8. Non Action Items. None at this time.

Item 9. Standing and Special Committee Reports and Liaison Reports.

- Councilor Foley gave a brief overview on the Conservation Commission.
- Chairman Hayes gave a brief overview on the Shellfish Commission.

Item 10. Town Manager Report. Thomas J. Hall, Town Manager, gave the following updates:

- The 3rd Annual Thanksgiving Dinner that had been held and over 300 individuals were served and 50 meals were sent home.
- The town had received confirmation from FEMA that they had received the appeal that the Town had filed and he would keep everyone updated as information comes in.
- The Town would be involved with a Route One corridor study. There would be held on Thursday, December 13th here at town hall.
- Santa in the Park would be held on Saturday, December 1st from 5:00 to 6:30 p.m.
- Spectrum has gone all digital and users would need a converter box in order to view channels. The local access channels are 1302 for the School and the public access is 1301.
- A new Police Lieutenant had been named, that individual being Tim Barker.

Councilor Donovan pointed out that there is a box that could be purchased at Best Buy for \$40.00 that could be attached to your television that allows an individual to view channels.

Item 11. Council Member Comments.

- Councilor Hamill is looking forward to the work ahead.
- Councilor Donovan was also looking forward to the year ahead and felt that the low income process needs to be reviewed. He would conduct an audit to see what had had been process last year before the budget process begins. He would also like to continue discussion around Affordable Housing.
- Councilor Caterina looked forward to working with the new Councilors and on behalf of the Town of Scarborough she would be in Augusta at the MMA Legislative Policy Committee tomorrow.
- Councilor Foley reflected quickly on the vote that had been taken this evening. She would like to see the town not taking sides, but having conversations. Thinking about the holidays and how stressful it can be for other please do something good for someone else.
- Councilor Johnson felt that everyone had been very respectful and noted that he still had a lot to learn. He hoped that the Downs Project goes well for the Developer.
- Councilor Babine apologized for not getting in the assignments and may not be able to attend the next meeting. He too recapped the events of the evening and really hoped that everyone is thankful for what they have. He was excited about moving forward with the Project.
- Chairman Hayes thanked the two new Councilors for coming up to speed. He too was encouraged about the Project and there is a lot of work to do.

Item 12. Adjournment. Motion by Councilor Babine, seconded by Councilor Foley, to move approval to adjourn the regular meeting of the Scarborough Town Council.

Vote: 7 Yeas.

Meeting adjourned at 9:06 p.m.

Respectfully submitted, Yolande P. Justice - Town Clerk

Exhibit G Town Council Orders

PORTION OF MINUTES SCARBOROUGH TOWN COUNCIL WEDNESDAY – NOVEMBER 28, 2018 REGULAR MEETING – 7:00 P.M.

Order No. 18-081. Act on the request to approve the Downtown Redevelopment Plan, as presented and pursuant to Long Form Order. [Town Manager] Thomas J. Hall, Town Manager, gave a brief overview and suggested that when the public speaks they speak on all relating Orders at this time.

The following individuals spoke on the Orders:

- Art Dillon of Black Point Road and current President of the Scarborough Chamber of Commerce spoke in support of the Downs Project. He noted that he had read a letter of support at the public hearing from the Scarborough Chamber and urged the Town Council to vote in support of this Project.
- Liam Somers of the Holmes Road spoke on his work with large companies and how they diluted
 their product. He asked the Council if they believed Scarborough was a good location for this
 Project. This TIF would impact everyone in town and went on to asked each Councilor to sign a
 no-compete letter showing that they would not work for this company in the coming years.
- Kevin Freeman of Sterling Wood Drive comes before the Council as a private citizen and went on to voice his support of the Project. Every community uses TIFs and this is something that is good for the town. This TIF was not rushed into and is a tool that is used to make projects happen.
- John David Dittmer of Woodside Drive stated that he asked a lot of questions on this project. This is this a good deal, it is in the developer's interest to build. What happens if this is turned down? The town longer has a say in the project and would become just an overseer and would send a negative message to the business owners. He urged the Town council to support the Project.
- Michael Foley, a current Councilor from Westbrook, spoke on when this developer came to Westbrook and built a residential development. They were faced with more challenging items in Westbrook than here. They are invested in what they build and for the long term. To have an investor like Risbara Brothers is good. TIFs are a win/win for the Town. The TIF would be a benefit in many ways.
- Carroll Gautreau of Jameco Mill Road felt the project could be beneficial to the town, please
 make a good decision. The developers have invested \$6 million in the Downs Project. He went
 on to suggest that the Council remove the 40% given to the developer and put it toward the
 residential build. He asked that the Council vote to ensure that everything is equally fair.
- Dennis Meehan of Jameco Mill Road spoke on his research on the TIF and there were two ways
 the town could go; bond the money for the infrastructure or a TIF. These developers are in for
 the long term and amendments can be made along the way, if needed. He felt that this would be
 good for the town.
- Dave Merrill of Jameco Mill Road noted that he was a taxpayer and have been involved on many
 committees here in town. This is an incredible opportunity and we should take. They have the
 best interest for the town. The project would only help the build-out around it. This is a wise and
 efficient way to develop the town. He hoped the Council would support

- Tim Boardman a local business owner spoke in favor of the project and echoed everything that has been said this evening. The mix use is good for the tax base. He hoped the Council supported the project.
- Rocco Risbara one of the owners of Crossroad Holdings, LLC and Scarborough resident of Black Point Road spoke on the project. He noted that the Downs property had been under contract 17 times and all went through. He went on to give an overview on the project and how it came to what we are looking at this evening. There have been numerous hours spent on informational meetings for residents; many emails and endorsements for this Project. A vote of 7 affirmative votes would show unity.
- Barry Tibbets of Berry Road felt the project was a really good project and felt the documents were well balanced. He has lived in Scarborough over 40 and there has been a lot of talk about the Downs and nothing became of it. This developer has a good plan. TIFs are not uncommon for residential development. The TIF is the only economic tool that a municipality has. This is the right time and all the pieces of the puzzle are in place.

There being no further comments, the public comment period was closed at 7:38 p.m. Karen Martin, President of Sedco and Shana Cook Mueller, Town Attorney, responded to questions from the Town Council.

Motion by Councilor Babine, seconded by Councilor Foley, to move approval on the request to approve the Downtown Redevelopment Plan, as presented and pursuant to Long Form Order, as follows:

IN TOWN COUNCIL ORDER #<u>18-081</u> APPROVAL OF DOWNTOWN REDEVELOPMENT PLAN

WHEREAS, the Town of Scarborough (the "Town") is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended (the "Act"), to designate a specified area within the Town as the Scarborough Downtown Omnibus Municipal Development and Tax Increment Financing District (the "District") and adopt a development program (the "Development Program") for the District pursuant to the Act; and

WHEREAS, in order to designate a so-called "downtown" tax increment financing district, the Act requires such district to be related to the Town's downtown redevelopment plan (the "Downtown Redevelopment Plan") that describes the Town's comprehensive plan for the physical and economic redevelopment of its downtown.

ORDERED AS FOLLOWS:

The Town of Scarborough hereby adopts the **Town of Scarborough Downtown Redevelopment Plan** in such form and as presented to the Town Council.

Vote: 5 Yeas. 2 Nays [Chairman Hayes and Councilor Hamill]

State of Maine County of Cumberland

I do hereby attest that this is a true reflection of the Order that was voted on by the Town Council on Wednesday, November 28, 2018.

Dated this 30th day of November, 2018.

Yolande P. Justice, Town Clerk/Notary Public

Notary Commission Expires: 10/31/2022

PORTION OF MINUTES SCARBOROUGH TOWN COUNCIL WEDNESDAY – NOVEMBER 28, 2018 REGULAR MEETING – 7:00 P.M.

Order No. 18-082. Act on the request to adopt the Scarborough Downtown Omnibus Municipal Development and Tax Increment Financing District and adopt the Development Program for such District as presented and pursuant to Long Form Order. [Town Manager] Chairman Hayes asked if there were any further public comments. There were no public comments made.

Motion by Councilor Babine, seconded by Councilor Foley, to move approval on the request to adopt the Scarborough Downtown Omnibus Municipal Development and Tax Increment Financing District and adopt the Development Program for such District as presented and pursuant to Long Form Order, as follows:

IN TOWN COUNCIL ORDER #18-082

ADOPTION OF SCARBOROUGH DOWNTOWN OMNIBUS MUNICIPAL DEVELOPMENT AND TAX INCREMENT FINANCING DISTRICT AND ADOPTION OF DEVELOPMENT PROGRAM FOR SUCH DISTRICT

WHEREAS, the Town of Scarborough (the "Town") is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended (the "Act"), to designate a specified area within the Town as the Scarborough Downtown Omnibus Municipal Development and Tax Increment Financing District (the "District") and adopt a development program (the "Development Program") for the District pursuant to the Act; and

WHEREAS, in order to designate a so-called "downtown" tax increment financing district, the Act requires such district to be related to the Town's downtown redevelopment plan (the "Downtown Redevelopment Plan") that describes the Town's comprehensive plan for the physical and economic redevelopment of its downtown; and

WHEREAS, there is a need for economic development in the Town of Scarborough, in the surrounding region, and in the State of Maine; and

WHEREAS, there is a need to improve and broaden the tax base of the Town; and to improve the general economy of the Town and the surrounding region; and

WHEREAS, designation of the District and adoption of the Development Program will help to improve and broaden the tax base in the Town and improve the economy of the Town and the region by attracting business development to the District; and

WHEREAS, there is a need to implement continued economic development initiatives in those areas of Scarborough in and near the District area through the establishment of the District in accordance with the provisions of Act; and

WHEREAS, the Town desires to designate the District and adopt the Development Program; and

WHEREAS, it is expected that approval will be obtained from the State of Maine Department of Economic and Community Development (the "<u>Department</u>"), approving the designation of the District and adoption of the Development Program.

ORDERED AS FOLLOWS:

<u>Section 1.</u> The Town of Scarborough hereby designates the **Scarborough Downtown Omnibus Municipal Development and Tax Increment Financing District** and hereby adopts the Development Program for said District; such designation and adoption to be pursuant to the following findings, terms, and provisions:

Section 2. The Town Council hereby finds and determines that:

- (a) The designation of the District and adoption of the related Development Program will make a contribution to the economic growth and well-being of the Town of Scarborough and the surrounding region, and will contribute to the betterment of the health, welfare and safety of the inhabitants of the Town of Scarborough, including a broadened and improved tax base and economic stimulus, and therefore constitutes a good and valid public purpose.
- (b) The Town Council has considered all evidence, if any, presented to it with regard to any adverse economic effect on or detriment to any existing business and has found and determined that such adverse economic effect on or detriment to any existing business, if any, is outweighed by the contribution expected to be made through the District and the Development Program. Pursuant to Title 30-A M.R.S.A. Section 5223(3)(D), downtown tax increment financing districts are exempt from certain statutory requirements and thresholds, including valuation and acreage caps.
- <u>Section 3.</u> The Town Manager, or his duly appointed representative, is hereby authorized, empowered and directed to submit the proposed designation of the District and the proposed Development Program for the District to the Department for review and approval pursuant to the requirements of 30-A M.R.S.A. § 5226.
- Section 4. The foregoing designation of the District and approval of the Development Program shall automatically become final and shall take full force and effect upon receipt by the Town of approval of the designation of the District and adoption of the Development Program by the Department, without requirement of further action by the Town, the Town Council, or any other party.
- Section 5. The Town Manager, or his duly appointed representative, is hereby authorized and empowered, at his/her discretion, from time to time, to make such revisions to the Development Program as the Town Manager, or his duly appointed representative, deems reasonably necessary or convenient in order to facilitate the process for review and approval of the District and/or the Development Program by the Department, or for any other reason, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the District and the Development Program.
- <u>Section 6</u>. The Town Council is hereby authorized to enter into additional credit enhancement agreements, if any, with business entities located within the boundaries of the District, following a duly noticed public hearing, to be in such form and to contain such terms and provisions not inconsistent with the Development Program.

Vote: 5 Yeas. 2 Nays [Chairman Hayes and Councilor Hamill]

State of Maine County of Cumberland

I do hereby attest that this is a true reflection of the Order that was voted on by the Town Council on Wednesday, November 28, 2018.

Dated this 30th day of November, 2018.

Yolande P. Justice, Town Clerk/Notary Public

Notary Commission Expires: 10/31/2022

PORTION OF MINUTES SCARBOROUGH TOWN COUNCIL WEDNESDAY – NOVEMBER 28, 2018 REGULAR MEETING – 7:00 P.M.

Order No. 18-083. Act on the request to approve the Credit Enhancement Agreement with The Downs, d/b/a Crossroads Holdings, LLC as presented and pursuant to Long Form Order. [Town Manager] Thomas J. Hall, Town Manager, gave a brief overview on this Order. Chairman Hayes asked if there were any further public comments. There were no public comments made.

Motion by Councilor Babine, seconded by Councilor Caterina, to move approval on the request to approve the Credit Enhancement Agreement with The Downs, d/b/a Crossroads Holdings, LLC as presented and pursuant to Long Form Order, as follows:

IN TOWN COUNCIL ORDER #18-083

APPROVAL OF CREDIT ENHANCEMENT AGREEMENT WITH OWNER OF SCARBOROUGH DOWNS PROPERTY

WHEREAS, the Town of Scarborough (the "Town") is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended (the "Act"), to designate a specified area within the Town as the Scarborough Downtown Omnibus Municipal Development and Tax Increment Financing District (the "District") and adopt a development program (the "Development Program") for the District pursuant to the Act; and

WHEREAS, in order to designate a so-called "downtown" tax increment financing district, the Act requires such district to be related to the Town's downtown redevelopment plan (the "Downtown Redevelopment Plan") that describes the Town's comprehensive plan for the physical and economic redevelopment of its downtown; and

WHEREAS, there is a need for economic development in the Town of Scarborough, in the surrounding region, and in the State of Maine; and

WHEREAS, there is a need to improve and broaden the tax base of the Town; and to improve the general economy of the Town and the surrounding region; and

WHEREAS, designation of the District and adoption of the Development Program will help to improve and broaden the tax base in the Town and improve the economy of the Town and the region by attracting business development to the District; and

WHEREAS, there is a need to implement continued economic development initiatives in those areas of Scarborough in and near the District area through the establishment of the District in accordance with the provisions of Act; and

WHEREAS, the Town desires to designate the District and adopt the Development Program; and

WHEREAS, it is expected that approval will be obtained from the State of Maine Department of Economic and Community Development (the "<u>Department</u>"), approving the designation of the District and adoption of the Development Program.

ORDERED AS FOLLOWS:

The Town Manager is hereby authorized and directed to enter into the specific credit enhancement agreement with the owners of the Scarborough Downs property in substantially the form as presented to the Town Council and consistent with the terms of the credit enhancement agreement that are described in the Development Program.

Vote: 4 Yeas. 3 Nays [Chairman Hayes, Councilors Hamill and Johnson].

State of Maine County of Cumberland

I do hereby attest that this is a true reflection of the Order that was voted on by the Town Council on Wednesday, November 28, 2018.

Dated this 30th day of November, 2018.

Yolande P. Justice, Town Clerk/Notary Public

Notary Commission Expires: 10/31/2022

Exhibit H Downtown Redevelopment Plan

A Downtown for Scarborough: Connecting Scarborough Downs and Oak Hill

Adopted November 28, 2018

Coordinated by Scarborough Economic Development Corporation
Contributions by:
Planning & Code Enforcement
Town Manager's Office
Gorrill Palmer
Camoin & Associates
Scarborough GIS

1.0 | A DOWNTOWN FOR SCARBOROUGH

Overview:

Scarborough is at a pivotal point in the town's development, with a rare and unique opportunity to re-imagine the concept of downtown, blending existing development with the creation of a new "Main Street".

Historically, the town has evolved around a series of villages, partly due to the town's geography and natural resource base. The Scarborough Marsh and its associated waterways geographically divide Scarborough and influenced the development of multiple villages within the town, rather than a single downtown.

Residents are generally comfortable with the multiple village concept, but they have noted that there are few central gathering places that create a sense of one community that you find in towns with a unique village center. Residents often identify with their village rather than the Town of Scarborough.

The largest and most central of the villages is Oak Hill. The area flanks the municipal campus (Town Hall, Public Library library, the majority of the school buildings) to the north. While Oak Hill has often been referred to as the "downtown", Route 1 bisects the area, introducing significant traffic congestion. There are small shops and offices, but few communal spaces for people to gather and cross paths. Walkability is currently limited in Oak Hill, mostly due to the pass through traffic on Route 1.

The 2006 Comprehensive Plan outlined a new zoning strategy that emphasized design and building strategies to encourage village style development in Oak Hill. These zoning changes are in place and the area is slowly encouraging a mix of local stores and restaurants, consistent with a downtown, however that main street concept and the places for people to gather, sit and chat are rare.

In early 2018, an opportunity to reimagine the downtown area of Scarborough emerged. After 40-years of ownership, the operator of the Scarborough Downs Harness Race Track, sold the 500-acre parcel to a group of local investors, who live and work in Scarborough. This mostly undeveloped parcel is located in the geographic center of town, just south of the Town's municipal campus, and connected to Oak Hill through the Route One corridor.

The Town has long envisioned the potential of the Scarborough Downs property. In anticipation of the site's development, the Town created a zoning district specifically for the property. Known as the Crossroads Planned Development District, the zoning ordinance gave immense flexibility in the types of uses in exchange for the creation of a "vibrant center for development in the heart of Scarborough."

The local developers have embraced the concepts outlined in the 2006 Comprehensive Plan and developed a masterplan that illustrates how the parcel could be developed. In particular, it addresses the concept of a main street.

The purpose of this strategy is to blend the masterplan for Scarborough Downs with the concepts identified in previous studies and plans for the Oak Hill area.

The strategy brings together initiatives identified in the existing 2006 Comprehensive Plan, existing studies such as the Oak Hill Pedestrian Plan, the 2005 Transportation Study, The Comprehensive Energy and Sustainability Plan and the current draft of the 2018 update. Given the proximity of Oak Hill, the municipal campus and Scarborough Downs, Scarborough has the rare opportunity of blending the history their village origins with the potential development of a new main street at Scarborough Downs.

2.0 | CURRENT CONDITIONS

At 54 square miles (34,560 square acres), Scarborough is a geographically large community, with multiple activity centers throughout the town.

Oak Hill serves as the largest of those existing activity centers with village like qualities. Oak Hill is generally developed although there are pockets of vacant parcels as well as tremendous opportunity for redevelopment. Most of the development is in smaller retail, office and service buildings. However, Hannaford has a flagship store in area, which recently underwent interior renovations.

Recent development in Oakhill includes a state-of-the-art, open concept office building which houses the Town & Country Federal Credit Union's administrative offices. This office is currently at 20,000 square feet but is expected to grow by an additional 20,000 square feet. The area is also home to a new Martin's Point Health Care facility, which opened in January of 2017.

The municipal campus, including the Public Library, the Town Hall, and several school facilities, is in the center of the study area flanked to the north by Oak Hill and to the south by Scarborough Downs. The Town's current public safety building, located in Oak Hill, on the opposite side of the street from Town Hall, is currently up for sale. A new facility is under construction on the municipal campus, adjacent to Town Hall. The existing public safety building represents a significant redevelopment opportunity and the chance to turn public sector land into private, taxable property.

By far, the greatest opportunity for new development in the heart of Scarborough is on the Scarborough Down's property. This property includes approximately 500 acres, with approximately 375 buildable acres. The property had been held in single ownership for the last 40 years and has been home to the Scarborough Downs Harness Race Track. The track opened in 1950 and is still in operation. The track uses less than 100 of the 500 acres.

In January of 2018, the property was purchased by Crossroads LLC, a new partnership of Scarborough-based investors. Prior to the purchase by Crossroads, LLC., the property had been under contract 17 times. The sale fell with previous potential buyers due to a variety of reasons. In several cases, the potential owner was depending on the ability to build a casino on the property, which required state legislation. Despite several attempts, such legislation never occurred. In other cases, the project fell through during the due diligence phase of each sale.

When Crossroads, LLC purchased the property, they understood the local landscape and the community. They did what none of the other potential buyers did, they completed the sale.

With a locally-based team of developers for Scarborough Downs, an existing center ripe for redevelopment, a municipal campus and a major public property ready to be sold to the private sector, the opportunity to look at this area as a cohesive downtown for Scarborough is now.

This section of the plan outlines the current conditions in the study area, including the boundaries of the sturdy area, the demographics of the town, the history of zoning in the area and the infrastructure. It also addresses current plans that have been completed and plans underway

2.1 | Boundaries of the Study Area

This strategy covers the commercial areas of Oak Hill included in the Town and Village Center zones, the Scarborough Downs area, the municipal campus and a portion of Route 1. The area includes approximately 955 acres or 2.8% of the Town's total acreage.

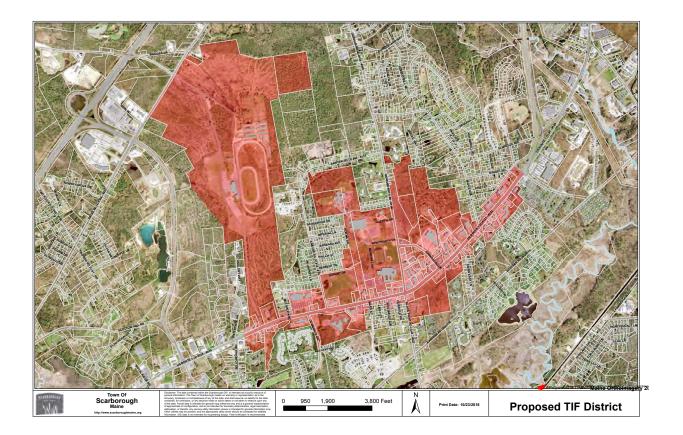
The map of Scarborough's downtown concept shows the municipal campus in the center with Oak Hill to the North of the campus and The Downs to the south. The Oak Hill areas were selected because of their current zoning designations of Town & Village Center (TVC and TVC2). The area also picks up a small segment of Route 1 which will run in front of the new public safety building and includes small retailers, services and churches. For the purpose of this plan, we have included the full property whenever a property was split by the zoning designations except for map and lot R052004 where 55 acres are already included in the Haigis Parkway District.

The proposed Downtown Area Includes:

- 424 acres of The Downs property (a single parcel)
- 143 acres of the Municipal campus including Town Hall, Schools, the Public Library and a park
- 338 acres in Oak Hill including small shops, restaurants, coffee shops, churches, banks, offices and the Post Office
- 50 acres along Route 1 in a business district that includes churches, medium sized offices and services
- The Oak Hill boundaries were determined by the existing Town and Village Center Zoning Districts
- The Oak Hill area has potential for infill development on vacant parcels and redevelopment on existing lots.
- The Downs and Oak Hill are within walkable distances to the municipal campus.
- The strategy area represents just over 955 acres in the Downtown area represents

This area was discussed and reviewed by the Town's Long Range Planning Committee.

Map 1: The Downtown Area displays the boundary of the study area.



2.2 | Demographics of the Town and Area

Population: Scarborough's population topped 20,000 for the first time in 2016, making the community the ninth largest in the State. Since 2010, the town has added over 1,000 new residents, more than any other community in the State during this time period.

This attractiveness to new residents is nothing new. Scarborough's population more than doubled during the post World War II time period, increasing from 2,842 residents in 1940 to 6,418 residents in 1960. Between 1960 and 1980, population increased 77% with 11,347 residents. By 2000, population hit 16,970. In 2016, the latest year for which the US Census Bureau has community level estimates, the population reached 20,023.

Scarborough's population increase should be no surprise based on the town's favorable logistics and amenities. Scarborough's natural landscape shaped by the Scarborough Marsh and the rivers contributing to the marsh create stunning vistas. Coastal access is plentiful with four beaches open to the public.

Transportation logistics play another large factor in Scarborough's attractiveness to residents. With the addition of the I-295-Connector, Scarborough is 10 minutes to downtown Portland, making for a short commute to the State's biggest job market. Scarborough enjoys direct access to the Maine Turnpike, providing easy commuting south to York County and north to the Lewiston -Auburn market. Other features attracting residents to Scarborough include a quality school system

and a growing employer base, providing residents with more opportunities to work and live in the same community.

Within Scarborough, the Census Bureau defines a subset of the town under the "Census Designated Place (CDP)" program. The Scarborough CDP approximates the Oak Hill area but includes surrounding neighborhoods adjacent to the planning area. According to the 2016 estimates, approximately 1,988 households (5,268 people) are located in the neighborhoods surrounding the Oak Hill business area. The Oak Hill area represents 27% of Scarborough's population. Nearly 50% of the 2,583 workers commute into Portland for work.

The demographic data suggests that a vibrant downtown can pull in people from all over Scarborough, but it can also depend on the close proximity, potentially walkable, of over 5,000 people. For the Scarborough Downs property, current proposals could house approximately 3,600 residents.

Economy: Scarborough's economic base is strong and diversified. Business is drawn to Scarborough for many of the same reasons that people are drawn to the community - great logistics and abundant amenities.

Scarborough's major employers include the Hannaford Corporate headquarters, Abbott Laboratories, Maine Health, Cabelas, Piper Shores, and the US Postal Service Distribution Center. Each of the employers comes from a different industrial sector, providing a level of diversification for the community.

Since 2010, major new employers include Sun Life Financial, an international disability insurance company, Martin's Point Health Care, Town & Country Federal Credit Union's Administrative Headquarters, and over 100,000 square feet of new retail space at Scarborough Gallery. Along with new large employers, small to mid sized companies like Fluid Imaging are also choosing Scarborough as their new home.

One of the standard measurements of economic success is job growth. Scarborough added 1,169 new wage and salary jobs between 2010 and 2016, which is slightly more than our population increase (1,113 people) for the same period.

Wage and salary jobs refer to the Maine Department of Labor's Covered Employment Series. This series includes companies which are required to pay unemployment insurance. This data series does not include the self-employed or contract workers, which require additional data sources to estimate.

While population increased 5.9% from 2010 to 2016, wage and salary jobs increased by 8.2%. The data also tracks establishments and wages. Establishments refer to business locations. A single company, like Hannaford, may have many establishments throughout the state. This series indicates that we've had a net increase of 140 new businesses in Scarborough in the first six years of the current decade, resulting in a healthy increase of 14.1%.

Total wages have also increased. According to the Main department of labor, the annual total of all wages paid to workers increased 17.5% from 2010 to 2016.

6 year Increase (2010-2016)		
Jobs	1,169	8.2%
Establishments	140	14.1%
Ave Weekly Wages	\$70	8.6%
Total Annual wages	\$106,553,557	17.5%
1 Year Increase (2015-2016)		
Jobs	664	4.5%
Establishments	31	2.8%
Ave Weekly Wages	\$68	8.3%
Total Annual wages	\$82,996,938	13.1%

Within Oak Hill, two of the larger new employers over this period, Martin's Point Health Care and Town & Country Federal Credit Union have built new built new buildings and brought new employment to the area. Town & Country anticipates building an additional 20,000 Square Feet within the next five years. Between these two companies, employment could reach 150 at full potential.

In keeping with village style development, restaurants are thriving in Oak Hill. O'Riley's Cure, El Rayo, Bite Into Maine, 21 Taps Wood Fired Grill and The Egg and I have located in Oak hill within the last ten years.

The Oak Hill Hardware store, a key player in the retail at Oak Hill, recently expanded their foot print.

Lastly, the Town's existing public safety building, located in Oak Hill is up for sale. In 2020, the public safety functions will move to a new structure next to Town Hall. The public safety building in on the market and is located in the Town & Village Center District, which allows mixed use, retail, office, restaurants and some housing. This building has a prominent location and a sizeable lot fronting Route 1.

2.3 | Current Zoning

Of the many villages, Oak Hill is the largest and most central. Like Scarborough Downs, Oak Hill flanks the municipal campus, but to the north. The municipal campus includes the Town Hall, the High School, the middle schools and the public library. A municipal park is located behind the Town Hall and to the south.

While Oak Hill has often been referred to as the "downtown", Route 1 bisects the area, introducing significant traffic congestion. There are small shops and offices, but few communal spaces for people to gather and cross paths. The area had long developed in a suburban style, auto-centic development pattern customary of many communities that

surrounded city hubs, such as Portland. However, as Scarborough has grown, residents sought a new pathway forward that could build of the town's historic character to create our own distinctive place.

In an effort to encourage the Oak Hill area to evolve in a more traditional village formation, the 2006 Comprehensive Plan established a renewed vision for the area that has been incorporated in the Oak Hill zoning regulations and design standards. The 2018 Update to the Comprehensive Plan continues to envision Oak Hill as a central part of a downtown, but acknowledges the challenges of retrofitting such gathering spaces into the area.

Zoning Character

The intent of the zoning provisions for the properties within Oak Hill is to provide for and encourage the evolution and maintenance of a town center within Scarborough that exhibits a village style development and offers a range of commercial activities, personal and health-related services, employment opportunities, a variety of housing choices, and civic amenities in an environment conducive to both pedestrians and motorists.

The zoning districts provide qualitative standards that are intended to promote flexible and innovative design solutions that further the purpose of the zoning districts. Buildings, parking, pedestrian amenities, landscaping and streets to be arranged in a village-style development pattern that exhibits a human scale and a mix of land uses to reinforce the district as a town or village center. The zoning standards promote the area as places for local shopping, business, dining, entertainment and civic activities primarily for residents of Scarborough and the immediate region.

To achieve these goals the Oak Hill zoning designations are as follows:

• Town and Village Centers (TVC)

Within the TVC the scale and intensity of uses are consistent with the characteristics of a town center. The TVC district is intended to serve as places for local shopping, business, dining, entertainment and civic activities primarily for residents of Scarborough and the immediate region. A diversity of residential uses are also intended to be integral elements of this district enabling walk-ability, convenience, and human activity and vibrancy.

• Town and Village Centers Transition District (TVC-2)

The goal of the TVC-2 district is to supplement the TVC District in encouraging the creation and persistence of Scarborough's town and village centers, with development at a scale and uses at an intensity, which are compatible with surrounding areas. This medium intensity mixed use district allows a range of land uses that are intended to compliment the core development pattern and uses in our town and village centers as well as serve as a transition to surrounding residential areas.

Crossroads Planned Development District (CPD)

The purpose of the CPD district is to allow a mix of uses, guided by design standards and a conceptual master plan, which results in a vibrant center for development located in the heart of Scarborough. This largely undeveloped area, within the center of the town, offers a unique opportunity for town representatives to work cooperatively with the area's single land-owner, allowing mixed use development to evolve, while ensuring open space, preservation of natural resources, an efficient land use pattern for pedestrian, bicycle and transit use, a coordinated street plan and a cost effective extension of

needed utilities. The mix of uses and efficient land development patterns are also intended to promote a number of community places, where people can gather, meet and cross paths.

Residence and Professional Office District (RPO)

The intent of the RPO district is to provide a transitional or buffer area between residential areas and more intensive commercial districts. It is a district generally limited to small and moderate scale business and professional office uses located in buildings compatible with adjacent residential areas.

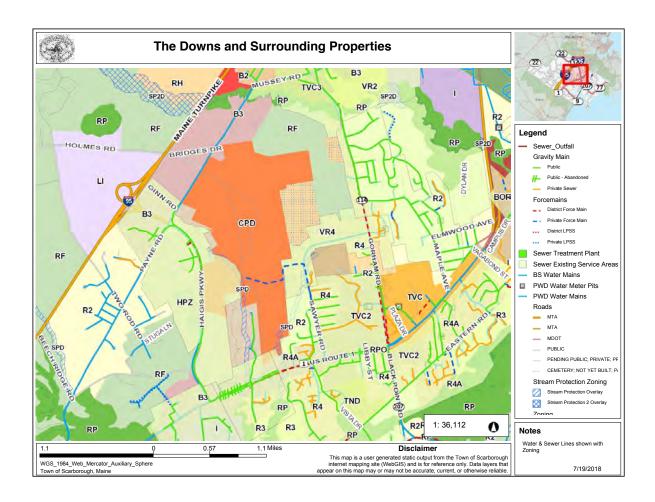
General Business District (B3)

The purpose of this district is to provide for and encourage general retail, office, service, lodging, and civic uses along a portion of Route 1 in Oak Hill. This district is intended to accommodate a wide range of non-residential activities that primarily serve the residents of Scarborough and the immediate region. As development and/or redevelopment occur within the district, the visual environment is enhanced, traffic flow and safety are improved, and provisions for pedestrians are made. Master planning for larger parcels, uses, and buildings, as well as mixed-use developments enable flexibility, creativity, conservation and residential uses in this district fostering areas of increased activity, vibrancy and sustainability.

Recent development within the Oak Hill area has begun to incorporate the zoning elements described above and the transition from strip mall, auto dependent development pattern to a diverse and vibrant center has begun to take shape. This is evidenced by both public and private investments in the area. The town's reconstruction Gorham Rd. is an example of public investment. The redesign of the roadway is a complete streets project incorporating traffic calming measures, streetscape amenities, and dedicated, off-road bike/pedestrian pathways. In addition, private developers are also beginning to take advantage of the development allowance. Prime example of this is the approved mixed-use, residential /office building within the Oak Hill Plaza which makes more efficient use of land area to reduce development cost through shared parking and reduced infrastructure while creating an attractive, functional and vibrant activity center.

2.4 | Current Infrastructure

All of Oak Hill is served by water and sewer. Within Oak Hill, there are still opportunities for infill and redevelopment. The Downs project will need to extend water and sewer throughout the property including the Main Street area. The Downs property will be planned from the start as a core part of the Town's evolving downtown.



Transportation and traffic management concerns are high on the list of priorities for many Scarborough residents and business owners.

As previously mentioned, Route One bisects the Oak Hill area challenging both cars, bikes and pedestrians. With two lanes in each direction, Route one is a major commuter pathway between Portland and communities to the south of Scarborough.

The 2005 Town-wide Transportation Study conducted capacity analysis for Oak Hill intersections of Route 1, Route 114 and Black Point Road. The study acknowledged that the intersection has some of the highest hourly total entering volumes in Scarborough.

The plan recognized the inability to widen the road for additional capacity since it would not be in character with the Town and land use impacts would be significant given the location of businesses along Route 1 in Oak Hill.

The study does recommend alternatives to widening including identification of new connector roads and increasing access for alternative means of transportation. The study identifies the completion of the Eastern Trail, the provision of bicycle and pedestrian facilities and adding better crosswalk markings, signage, signal crossing hardware, and lighting. Many of these items were studied in more detail in the Oak Hill Pedestrian Study.

Technology infrastructure including innovations in sustainability, energy, and broadband are also critical to the future of Scarborough. The Town's Energy Committee recently completed the Comprehensive Energy and Sustainability Plan, which suggest that the town look for ways to provide incentives for businesses to use alternative energy.

Lastly, every town is seeking to understand the demands on their current broadband service. All of Scarborough is technically served by what the state defines as broadband service. But as demand for speed and capacity continues to grow for businesses and residential, the draft Comprehensive Plan update identifies the need to consider "extreme speed "broadband service. Opportunities for exploring these options exist since the Three-Ring Binder project installed fiber along a large section of Route One in Scarborough. The potential for upgrading broadband services is certainly possible for Scarborough and would be an important economic asset for the Downtown area described in this study.

2.5 | Vacant Land and Redevelopment Potential

Within Oak Hill, the area has a few pockets of vacant land as well as the potential for redevelopment.

Just over 50 acres are currently vacant. A major portion of this acreage is located off of Route 1 near Little Dolphin Drive. This area combined with some underutilized parcels along Route 1 have great potential for new office development. Another 15 acres of smaller pockets of vacant land also exist.

Within the Scarborough Down's property, approximately 300 acres are buildable.

2.5 | Current Plans

This plan draws upon several previously completed studies as well as the current draft of the 2018 Comprehensive Plan update. The plans and studies used for this plan include the Oak Hill Pedestrian Plan, The 2005 Transportation Study, the 2006 Comprehensive Plan, The Vision, and the Comprehensive Energy and Sustainability Plan.

The plan also draws upon an approved infrastructure plan submitted to the Planning Board for the Scarborough Down's Property and includes a comprehensive master plan of the new development at Scarborough Downs.

3.0 | MARKET CONDITIONS

To understand the development potential for Scarborough and the Downtown area, we've identified market conditions for new development.

3.1 | Residential

As a desirable suburban residential community with a strong school district, Scarborough has historically been a top choice for raising families. This is evidenced by the high proportion of single-family homes (76%) relative to the greater

housing market area¹ (53%) as well as the dominance of owner- versus renter-occupied units (78% in Scarborough compared to 57% in the housing market area). However, efforts to broaden the appeal of the community to other demographic groups, particularly young adults and seniors, has resulted in an abrupt increase in multifamily housing building permits issued over the last year. New permits for single-family construction have remained steady since 2013, averaging 81 permits per year. Multi-family permits, in contrast, have soared recently. The 132 permits issued in 2017 well exceed permits for all years between 2013 and 2016 combined; only 34 multi-family permits were issued over this period. A large number of multifamily rental housing developments are approved or planned for Scarborough in the coming years, which collectively would account for upwards of 800 new units. The largest development is the 288-units at Gateway Commons off of Haigis Parkway, which is under construction and should be ready for occupancy in Fall 2018. Single-family home sales in the Cumberland County declined by 3.8% between 2016 and 2017 and stayed flat in York County. Lack of inventory has been the driving force behind this decline in home sales. As a result, median home prices were driven up in virtually every town and the days on market were at their lowest level ever recorded.

3.2 | Target Populations

Households in all income categories below \$50,000 are expected to decrease while \$50,000+ households will increase. Focusing on the \$50,000+ income categories, the town is expected to see a net gain of 851 households as resident incomes rise.

There is a difference in household growth with respect to age cohort, with growth at the older and younger ends of the spectrum and decline in the middle. Senior households (those age 55+) are projected to drive the increase with nearly 800 new households, with young adults (age 25-34) also contributing to the increase with 266 new households. Households in the 35-44 range are projected to show almost no growth, while the town is expected to see a net loss of over 200 households in the 45-54 range.

Therefore, the largest target populations for new housing units in the near term are younger adults (25-40) and seniors (65+). Older Millennials are now entering the housing market, seeking to purchase their first property. This new generation of homebuyers is faced with a variety of factors affecting their housing preferences. As a result of trends including tighter lending policies, fast-rising home prices and rents, high student loan debt, and putting off marriage and children, a single-family home is unattainable or simply undesirable for many individuals, even if they have decent full-time jobs. Therefore, many Millennials are looking towards more affordable and realistic, if not smaller, options, including apartments or condominiums. They are willing to accept smaller living space as a tradeoff for greater access to amenities and services located in a convenient geography, which fits well with the Downtown walkable/mixed-use concept.

Baby Boomers have been a large force in the economy for over fifty years. This generation is now having a substantial impact on the real estate market across the country because they are staying in the workforce longer than the typical retirement age and increasingly are able to live independently for a longer period of time. At a rate almost as rapid as Millennials, Baby Boomers are seeking alternatives to the single-family home to continue living independently. An apartment or condominium allows the independence Baby Boomers desire without the added maintenance efforts that a

11

¹ The Housing Market Area consists of Scarborough and the surrounding municipalities of Buxton, Cape Elizabeth, Gorham, Old Orchard Beach, Portland, Saco, South Portland, and Westbrook.

single-family house requires. Rental apartments or condo units may also offer a single-story living space, which is ideal for aging individuals who may have trouble going up the stairs.

In sum, the critical differentiating factor of the Downtown relative to much of Scarborough's existing housing stock will be its walkable, mixed-use environment with connectivity to services, shopping, dining, and entertainment. Residential development should be built in a way that maximizes the mixed-use potential, incorporating design that enhances the pedestrian experience and de-prioritizes the automobile.

3.3 | Senior Living

The aging of the population in Cumberland County and Maine overall is a very real trend that will continue to impact the demand for housing locally and statewide. According to population projections from the State of Maine Office of Policy and Management, Cumberland County's population above the age of 55 will grow from roughly 89,000 in 2014 to nearly 114,000 in 2034, an increase of nearly 25,000 individuals, or 28%. Assuming Scarborough will absorb a similar share of the increase in seniors by 2034, Scarborough could add 1,600 seniors, all of whom will require housing across the senior living spectrum that accommodates their needs. Estimating 1.5 seniors per household, there could be demand for over 1,000 new senior housing units in the town by 2034 as these seniors downsize from their current homes.

Demand for senior housing will exist across the continuum of care, from independent living to assisted living to nursing care, memory care, and hospice. Whereas many senior living communities in the region tend to be self-contained, Downtown development, including the Downs site and Oak Hill offer a unique opportunity to incorporate senior-oriented housing into a fully mixed-use area. This will appeal to a subset of seniors who want housing that not only accommodates their care needs, mobility challenges, and desire for amenities, but is also integrated into a true multi-generational community where daily interaction is not limited to only other seniors. In the mixed-use village center setting, seniors who are unable to drive can live car-free and still be able to get around independently and buy groceries, run errands, etc., either by walking, using motorized equipment such as scooters, or taking transit. Seniors tend to make most of their purchases locally, helping to support retail and service businesses within the Downtown. Connections to onsite and offsite community amenities, such as a senior center, recreation center, or library, will also appeal to seniors.

For independent seniors, housing offerings may include accessible rental apartments, or for-sale single-story cottages or duplexes, under a condominium or co-op model. Such units may be clustered in a central area and specifically reserved for seniors or may be more integrated with other housing types throughout the development. Accessible and well-lit paths with benches would help to make the development senior-friendly, while still appealing to the broader market.

For seniors relying on assisted living and nursing care services, proximity to other onsite uses and amenities may be less essential; these units could potentially be sited in a less central location.

3.4 | Retail

Transformation of the Scarborough Downs site into a mixed-use village center and continuation of mixed use development in the Downtown has the potential to create a distinctive shopping district that would be unique to the region's suburban communities. Currently, the Scarborough regional retail trade area is primarily served by national chain stores and restaurants located in the Scarborough Gallery and Maine Mall areas. Convenience-type retail catering to

Scarborough residents is clustered along automobile-oriented Route 1. Scarborough does not have a traditional downtown, and a walkable, town center-style development with retail shops and eateries has the potential to fill this void.

In order to be successful in the market, retail square footage at Scarborough Downs and Oak Hill would need to be substantial enough to rise to the level of a regional shopping, dining, and/or entertainment destination... A critical mass of retail businesses, likely in combination with another large anchor use(s), would ensure a steady flow of customers.

According to current retail supply and demand data, the Scarborough regional and local trade areas are experiencing minimal sales leakage. This indicates that residents' retail needs are largely served by existing businesses in the area, and that there is minimal need for additional retail. Much of the recent retail construction has been build-to-suit and has included some reshuffling of tenants rather than attracting new retailers, with some notable exceptions, including Duluth Trading in South Portland. A new 500,000 SF retail development known as Dirigo Plaza, anchored by Market Basket, will be under construction in Westbrook.

As ecommerce continues to gain retail market share, concern about "over-retailing" and the "retail apocalypse" has pervaded communities around the country. To be successful, retailers are repositioning themselves to navigate the changing shopping environment as retail becomes more "experiential" and less transaction-based. With online shopping just a click away, consumers need a compelling reason to visit a physical store. A village center at Scarborough Downs integrated within a Downtown District has the potential to become a unique and enjoyable setting for customers to shop, dine, and spend their leisure time, supporting the resilience of retailers located there in the face of national trends.

3.5 | Recreation and Entertainment

An onsite indoor sports facility has the potential to serve as a critical anchor for the Downs development within a Downtown development, drawing in customers who will also patronize retail businesses, fill hotel rooms, and contribute to the overall vibrancy of the Oak Hill and the Downs. Most indoor sports facilities existing in the region serve their immediate communities and do not draw patrons from beyond the region, leaving an opportunity in the market for a high-quality, highly amenitized facility that hosts tournaments and draws athletes and sports enthusiasts from beyond the Portland region. The most successful facilities tend to be large, adaptable, and able to accommodate a wide range of sports as the popularity of different activities fluctuates. Popular indoor sports housed in such facilities include soccer, ice hockey, tennis, lacrosse, baseball, basketball, flag football, swimming, and athletic training.

Siting indoor sports facilities together with other complementary uses, such as entertainment options and hotels, tends to increase their appeal. Family members and friends accompanying athletes to sports events as well as other spectators value access to restaurants and other entertainment venues. A diversity of entertainment and recreation options at Scarborough Downs and the Downtown would help to position the site as a leisure destination within the region. Facilities such as state-of-the-art batting cages, paintball centers, miniature golf courses, driving ranges, bowling centers, arcades, and other unique offerings that are well integrated with eating and drinking options would complement an indoor sports complex. An assortment of these sorts of recreational activities will also appeal to summertime visitors and allow Scarborough to capture tourism dollars that are currently spent at beach destinations and in downtown Portland.

3.6 | Office

While office vacancy in the South Portland/Scarborough submarket is low (3.24% for all space, and 2.56% for Class A), demand for new office space of any scale has remained minimal. New office space construction has been concentrated in downtown Portland, where office users are willing to pay the premium for new-build space. Smaller users in the 5,000 to 10,000 SF range in search of space do exist in the suburban market and are typically able to find suitable space.

An analysis of future office space demand based on employment growth in office-utilizing industries points to relatively little future need for additional office space. In the Portland Labor Market Area as a whole—an area encompassing the towns from Kennebunk northeastward to Freeport and inland to cover most of Cumberland County and northeastern York County—900 new office jobs are projected over the next 5 years, which will require roughly 175,000 SF of new space. Of those jobs, 175 are expected to be located in Scarborough, requiring about 25,000 SF of new space over 5 years.

Without a committed large office tenant for the District, it is recommended that office uses be developed as small, flexible blocks of space that can be aggregated or sub-divided as needed in response to tenant demand. Given projected growth in professional services industries, logical offices tenants would be lawyers, accountants, architects, financial consultants, etc. These tenants tend to require relatively small spaces and are common in downtown and village-center-style developments. Moreover, having these types of high-paying jobs on-site would help support retail and restaurant uses.

3.7 | Medical Office

Despite uncertainty in the healthcare industry with the continued speculation around the future of the Affordable Care Act (ACA), nationally the aging population and increasing number of people that are insured is driving an increase in demand. In response, the healthcare industry continues to grow and medical office building (MOB) vacancy rates have fallen. These trends are mirrored locally, where medical office space shows stronger potential compared to standard office space.

Medical office buildings are trending towards flexible space (flex space) and multi-specialty offices. This allows for the incorporation of a range of medical technology and equipment used in procedures and appointments. Additionally, the amount of technological equipment being used in procedures and appointments has been increasing, further adding to the demand for efficient space. Flex space allows for adaptability as technology changes or the needs of patients change.

Medical office space in Greater Portland has remained scarce through 2017, with vacancy falling to just 1.57%. There was only one vacancy across 36 Class A buildings in the region, resulting in some medical practices leasing Class B office buildings and retail buildings. An examination of regional employment trends in ambulatory care and outpatient services suggests demand for 377,000 SF of new medical office space in the region over the next 5 years, of which roughly 45,000 SF would be needed in Scarborough.

Over the past 10-20 years Scarborough, and in particular the area to be designated as the Downtown, has benefited from numerous medical office developments including new builds and expansions. Continuing attracting medical office users to the Downtown would be a considerable advantage, as these uses would sustain a significant number of relatively well-paying on-site jobs, as well as serving patients who could double as customers at retail and restaurant businesses.

3.8 | Light Industrial

Overall vacancy rates in the Portland regional industrial market remain at all-time lows, leading to numerous build-to-suit properties being constructed. Lack of supply has meant industrial users have had to be flexible in terms of location or be willing to pay a premium for a desired locale. There were numerous lease transactions in 20,000-60,000 SF range in 2017, including several in Scarborough. Small industrial spaces under 10,000 SF (and as low as 1,500-3,000 SF range) have also been in demand and difficult to find.

The industrial vacancy rate in the Portland area is extremely low at just 1.25%, with only 230,000 SF available across 566 buildings totaling 18.6 million + SF. Scarborough accounts for 2.6 million SF of total industrial space (about 14%). The town's industrial vacancy rate is slightly higher than the market overall at 1.9%, with 48,900 SF of space available.

A range of light industrial space types and sizes would be a strong possibility for the Downs site and Downtown District from a market demand perspective. However, it will be important to ensure that businesses occupying such spaces are compatible with residential and village-center uses. Small users (1,000–5,000 SF), such as boutique food producers, brewers, winemakers, and other "makers" would be an optimal fit and could potentially be integrated into the village center itself. Larger light industrial and flex spaces (10,000-60,000 SF) for manufacturing, assembly, warehousing, etc. would be viable along the edges of the site in areas where truck traffic would not detract from the pedestrian experience.

3.8 | Hotel

The Scarborough Downtown area covered in this study is located in the middle of a regional cluster of hotels stretching along I-95/Rt. 1 from Biddeford to Portland. There are 106 +/- hotel properties and 2,464 +/- rooms in this market, with an average room count of 70. Independent hotels make up 59% of properties and 33% of rooms, and are comparatively smaller, with an average of 39 rooms per property. Economy hotels account for about 11% of rooms, midscale/upper midscale account for 28%, and upscale/upper upscale 29%.

Market-wide, both hotel occupancy and revenue per available room (RevPAR) have been rising over the last several years. The latest hotel added to the market was Tru by Hilton near Portland Airport in South Portland, which opened in December 2017 with 98 rooms. Tru is a new mid-scale brand that Hilton debuted in 2016 targeting Millennials. Other notable properties added in recent years include The Press Hotel, Hyatt Place Old Port, and Courtyard Downtown Waterfront, all three of which opened in downtown Portland between 2014 and 2015, collectively adding 372 rooms.

Portland is currently experiencing a hotel construction boom, with seven new hotels and 900+ rooms in various stages of planning. A small 50-room boutique hotel is also planned for Saco Island in Saco. Collectively, these 963 rooms would represent a 13% increase in the market-wide room supply. While hotel demand has been growing regionally, it has been increasing at a declining rate each year since 2014. Demand would have to pick up in order for these new projects to be absorbed into the market without negatively impacting occupancy rates.

A hotel integrated into a village center at Scarborough Downs and the Downtown would be a strong fit from a development mix perspective. A steady population of hotel guests would help to support onsite restaurants, retail, and services, sustaining foot traffic and contributing to a sense of vibrancy in the village center and Downtown. While hotel market fundamentals are strong, the large number of rooms in the development pipeline is concerning. A visitor-oriented anchor use on-site, such as athletic tournament facilities, would be highly desirable for supporting hotel rooms. It is recommended that any hotel construction happen concurrent with the development of such a use. A boutique-style and/or

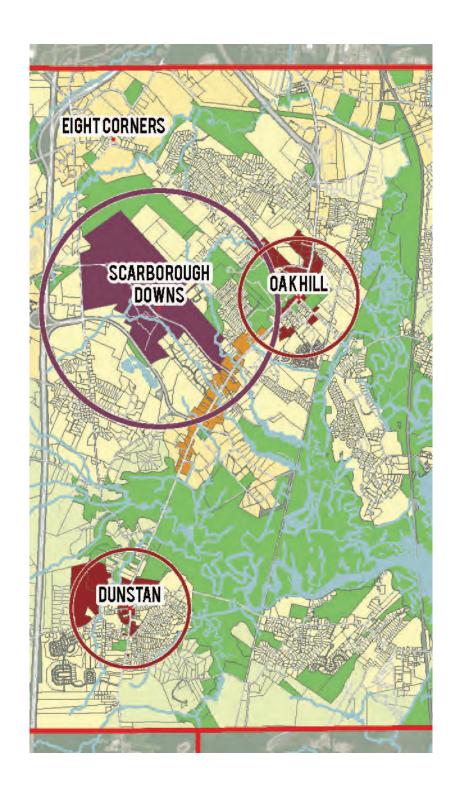
"themed" hotel of 40-70 rooms (potentially consistent with the visitor-oriented anchor use) could potentially be successful in differentiating the property from the existing generic chain hotels that dominate the immediate Scarborough market area. The unique village center/Downtown location of a potential hotel would also likely appeal generally to tourists in the region who do not want to stay along the beach or in downtown Portland.

4.0 | THE OPPORTUNITY

The 2006 Comprehensive Plan identified Oak Hill as the largest of the Scarborough villages. As already detailed, the area's zoning was updated to reflect a village center approach, and the Town is seeing the impact on building location and architecture. The Downs was also rezoned with the idea of fostering a mixed use village style development.

The 2018 Comprehensive Plan Update draft reaffirms these principals and shows the Scarborough Downs Property as a major activity center on the Future Land Use Map. The Map shows the proximity of the two areas with the municipal campus in the overlapping areas.

With a specific development plan for the Downs, the town can begin to have a vision of the historic Oak Hill area and Emerging Scarborough Downs Property.



4.2 | THE DOWNS

The Downs portion of the Downtown area described in this strategy is located adjacent to Payne Road to its north, less than 1,000 feet from Exit 42 for the Maine Turnpike (I-95) and adjacent to Haigis Parkway to the west and U.S. Route 1 to the south, all of which makes this is a prime location within the Town of Scarborough for compact, mixed-use development that is characteristic of a downtown, while also exhibiting convenient access to and from the Maine Turnpike at Exit 42 and surrounding communities, the City of Portland, and the larger region.

The Town has received a master plan and mixed-use development vision for the Downs by the new ownership team of this large, centrally located 500+ acre parcel. The new owners have proposed a forward-thinking mixed-use development plan that is envisioned by the Crossroads Planned Development Zoning District. Its goal is to include a more urban center for the Town that affords compact residential, commercial, and civic development in a framework that includes conserved and recreational open space and an active network of pedestrian, bicycle and transit connections.

In addition, the Town's Comprehensive Plan from 2006 called for this mixed-use development and laid the groundwork for the Crossroads Zoning District to complement the Town's existing central business and municipal hub at Oak Hill. Further, the Town is in the process of completing a comprehensive planning update process that identifies the Downs as the focal point of the Town's Regional Activity Center, anticipating the creation of an authentic and complete town center characterized as a mixed-use and walkable area where people would live, shop, work and play.



This contemporary downtown would include a wide range of public focused amenities, including: a new town common; a Main Street for shopping, dining, entertainment, employment, and residences; a re-purposed Grandstand that is a landmark building that will be repurposed with both public and private uses and activities; public recreation and civic space, including a location for a potential new community and recreation center; as well as new buildings, streets and urban fabric that is high quality and high value and will be an attraction for town residents, visitors, and employers and can serve as an economic, civic and cultural hub for the Town and the region. This new center is expected to complement the Town's other centers, such as Oak Hill, but with a core and character that the other locations cannot accommodate or achieve given the current built environment and constraints.

The following types of development are anticipated for the Down's portion of the Downtown: traditional and lifestyle retail, restaurants, indoor and outdoor entertainment, offices, hospitality, a town park and other community/municipal uses, light manufacturing, research and industrial, outdoor recreational areas as well as a variety of different types of residential development organized around a central downtown area.

Surrounding the Main Street activity at the Downs, will be other employment opportunities with flexible production space targeted to research and development, laboratories and light industrial users. The demand for this space is great.

To complete the Downtown concept on the Downs Property, the developers are requesting financial assistance from the town as part of a Tax Increment Financing District (TIF). Such an agreement was contemplated in the 2006 Comprehensive Plan. While a TIF was contemplated, the specific purpose and details are up to the Town Council.

Renderings of the Main Street Concept for Scarborough Scarborough Down's Proposed Concepts.



4.3 | OAK HILL

The Oak Hill portion of the district is located along Route 1 and Gorham Road bounded to the east by Maple Avenue and to the north by Pin Oak and the west by the Downs. The District also includes the municipal campus that includes Town Hall, Scarborough Public Library, High School, Middle School, Intermediate School as well as parks, ballfields and open space.

Oak Hill serves as a significant center for the Town and offers many of the businesses, services, civic uses and surrounding residential development associated with a downtown. As evident for some time and recently articulated in the 2018 comprehensive planning process, Oak Hill has physical challenges that make it difficult to be a traditional downtown center without integration with, and development by, the Downs and surrounding sites. Oak Hill as it is currently configured, is impacted by the highway nature of Route 1 and its use and footprint, as well as the more highway-oriented development that exists.

As identified in the Plan, this particular area (combining Oak Hill and the Downs) has great bones and presents an opportunity to create a "true" town center that would be a more walkable, compact environment with a mix of uses. It can be a place where one could park their car once and walk to several businesses to shop, visit services, work, use the municipal campus, and potentially live in and around the downtown. (2018 Comp. Plan, Plan Framework, pg. 108) In order to realize this, a significant investment in infrastructure and downtown-focused amenities is needed. The Comprehensive Plan excerpts highlighted below indicate that the Oak Hill center in Scarborough is a priority growth area for the community and should be a recipient of future economic assistance.

The 2018 Comprehensive Plan recommends among other improvements new street connections and a central village square. Enhancements such as these can play a key role in enabling a more walkable, activated downtown while diffusing traffic congestion at the Route 1/Gorham/Black Point Road intersection, and providing alternatives to Route 1 as a regional arterial corridor. While the Oak Hill portion of the Downtown is fairly developed, there is still a significant amount of new and infill development that can occur over the next decade that will translate into an increase to the local and state economy. As evident from the District Map, Oak Hill, the Municipal Campus and the Downs are very close and connected in geography. This proximity provides for a tremendous opportunity to create a downtown area in Scarborough that is distinct in offering a wide mix of commercial activities alongside community amenities in a walkable and multi-modal setting. By including these areas within one downtown district a greater captured tax revenue is leveraged that is needed for the necessary improvements and enhancements anticipated by the Town for this activity center in Scarborough.

4.4 | PROXIMITY TO THE MUNICIPAL CAMPUS

The Downs Property can be as little as a 10 to 15-minute walk to the Town's municipal campus with the appropriate sidewalk and pathway infrastructure in place. The Sawyer Road neighborhood and its adjacent street connections could allow pedestrians and cyclists a safe, short and comfortable trip between the Downs and the municipal campus and the Oak Hill core. Via a motor vehicle it is a short trip down Route 1 to the Downs. Further, the Town is in the process of studying the expansion of transit service in and around Oak Hill and the Downs, and a Downtown TIF can be a key component to facilitating connections within and from the Downtown District for all ages and physical abilities.

The development plans for the Downs also includes sidewalk, pathway and street connections to many adjacent properties and neighborhoods, including pedestrian connections to Sawyer Road and trail connections to the Warren Woods land trust property to the north and northeast.





4.5 | JOBS AND SENSE OF PLACE

The development plan for the Scarborough Downs includes the creation of a unique, contemporary downtown in the heart of the Downs. According to the developer, the plan was designed in direct response to the Town's 2006 Comprehensive Plan and the Crossroads Zoning District.

This downtown will include a wide range of public focused amenities, including: a new town common; a Main Street for shopping, dining, entertainment, employment and residences; and civic uses and activities.

In addition, other amenities include the existing Grandstand, that is a landmark building, proposed with renovations to include both public and private space; public recreation space, including a location for a potential new community and recreation center; as well as new buildings, streets and urban fabric that is designed and constructed with high quality and high value in mind.

With these amenities in place, this site and district will be a very attractive place for economic development and job creation. Market conditions suggest that modern day businesses and employers are locating in active, mixed use places that have amenities for their employees and customers.

Further, Oak Hill and the Downs are ideally located for logistics with easy access to Route 1, Payne Rd, and the Maine Turnpike, as well as in a central location for use by Town residents. In addition, with a walkable design with complete streets and future transit service, this district will also enable easy access to new businesses for a wide range of employees. As called for in the Town's comprehensive plans, this downtown district is poised to be an economic and civic hub for both the Town and the region.

Based on potential new square footage of non-residential development, employment on Scarborough Downs alone could reach 2,300 to 3,400.

A Sense of Place for Scarborough: Main Street at the Downs with Potential Community Center, Town Square and Redeveloped Grandstand.



5.0 | STRATEGY

To foster the development of downtown described in this strategy, the town will need to consider actions in the following categories: Infrastructure Improvements, Streetscape, Technology, Resiliency and Sustainability, Municipal Facilities, Fiscal Sustainability, and Business Development. Specific projects are listed from other studies, but specific feasibility studies may be necessary.

5.1 | Infrastructure Improvements

5.1.1 | Transportation

There are significant transportation needs and demands in the Oak Hill and Route 1 corridor, as the street system relies heavily on Route 1 as an arterial street, and Gorham and Black Point Roads as major collectors, given the lack of an interconnected street grid and transportation choices beyond motor vehicles. This hierarchical approach to streets has exacerbated traffic congestion on these primary streets and is stressing the system. Further, the existing road infrastructure is significant in lanes and footprint, with limited area for expansion given existing development and natural resource constraints.

Given the demands, stresses and congestion on this existing road infrastructure, the Town has been studying improvements and alternatives for a number of years. These studies have included the Oak Hill Pedestrian Plan; the Town-wide Transportation Plan; and a variety of plans and designs focused on traffic signal improvements, safety improvements, capacity improvements, and initiatives for alternative transportation, including expansion of transit service.

In addition to these past studies and objectives, the Downs master plan includes a new interconnected, network of streets that can play a primary role in transforming the current transportation system in and around Oak Hill and the downtown district.

This new network of streets that is planned for the Downs will provide the necessary support and service for the anticipated growth at the Downs and will connect to the major surrounding streets, such as Route 1, Haigis Parkway, and Payne Rd. These connections will warrant intersection improvements that improve and expand the capacity of these transportation nodes and will enable the streets within the Downs to be used by development within the project but also the larger community and provide much needed alternatives to the existing streets in the area, and better distribute traffic and travel in the community.

Further, these new streets are planned and designed to accommodate **multiple modes** of transportation including bus transit and safe pedestrian and bicycle facilities. With a project the size and type of the Downs, coupled with the current and future activity in Oak Hill, transit can be a primary transportation option and strategy moving forward and can play a key role in relieving existing traffic congestion and demand for future capacity.

Lastly, resident and businesses alike have identified traffic as a major concern. Traffic congestion has been a theme in every public meeting held in the last year for the Comprehensive Plan update and in informational sessions on the Down's masterplan.

Municipal projects for transportation to support the district should include traffic management and traffic calming activities, the potential development of additional connector roads, sidewalks, bike lanes and support of transit.

 Intersection and related street improvements to improve congestion, efficiency and safety along Route 1, Gorham Rd, Black Point, Hannaford Drive, as well as the larger street network to spur and accommodate economic development

- Bicycle, pedestrian and related alternative transportation improvements to make the downtown district safer and more friendly to walking and biking and to encourage economic development
- Transit improvements and expansion to service, including bus shelters, amenities etc. to provides transportation choices and access for economic development
- Transportation connectivity between sites and development areas within the downtown district

Specific Projects from current studies are listed below:

Traffic Signal Projects along Route One

Includes signal equipment Smart technology Communication Controllers

Potential Transit Shelters

Commerce Drive
West of Gorham Road and Route 1
North of Route 1 and Portland Farms Road

Geometry and Lane Improvements

Along Route One.

Pedestrian Improvements

Sidewalk network improvements including infill and new sidewalks Crosswalks

Bicycle Improvements -

Bike Lanes

Access Management Improvements

Route One Corridor Project Study Curb Cut analysis

Traffic Calming

Route 1 from Sawyer Road to Gorham Road to from Quentin drive to Hannaford Gorham Road from Route 1 to Eastern Road Route 1 from Hannaford to Down East Lane Eastern Road

Route 1 at Scarborough Downs

Signal Modifications, Including Pedestrian Provisions Construct Sidewalk on both sides of Route 1

Route 1 at Commerce Drive

Construct Sidewalks on both sides of Route 1 Signal Modifications

Route 1 at Sawyer Road

Construct Sidewalk (Commerce Way to Ward Street)
Extend Left Turn Lane for Route 1 NB
Remove Slip Lane for Route 1 NB (?)
Signal Modifications
Extend Right Turn Lane for Sawyer approach
Construct Paved Shoulders on Sawyer Road

Route 1 at Ward Street

Extend Left Turn Lane with restriping for Route 1 NB Signal Modifications
Construct Sidewalk on east side of Route 1

Route 1 at Black Point Road/Route 114

Signal Modifications
Construct Shoulders/Sidewalks to Hannaford Drive on Route 114
Construct Sidewalks on all approaches
Reconstruct Route 114 (In process)
Remove Right Turn Lane onto Route 114
Reconstruct Black Point Road (Done)

Route 114 at Hannaford Drive

Reconfigure Intersection
Construct exclusive left and right turn lanes for Route 114 NB approach (Possibly)
Construct Sidewalks to School (in process now)
Install New Pedestrian Signal

Route 1 at Hannaford Drive

Construct By-Pass Road Install New Signal Construct Raised Island for Hannaford approach Construct Flush Concrete Island for Route 1 SB approach Construct Sidewalk for Route 1, Hannaford

Black Point Road at Eastern Road/New Road

Construct New Road (Property Owner to reconstruct some of road)
Install New Signal
Construct Sidewalks to Route 1

5.1.2 | Utilities

Utility expansion and upgrades are key components to economic development within the downtown as well as creating a modern economy. As transportation improvements are made and linkages occur between properties and developments, utilities will also need to be extended and upgraded. For example, waterlines will be looped and capacity increased, as will sanitary sewer, electrical and communication systems. Further, expanding fiber optic lines and communication is a fundamental strategy throughout the downtown district to give this activity center a competitive advantage in the marketplace

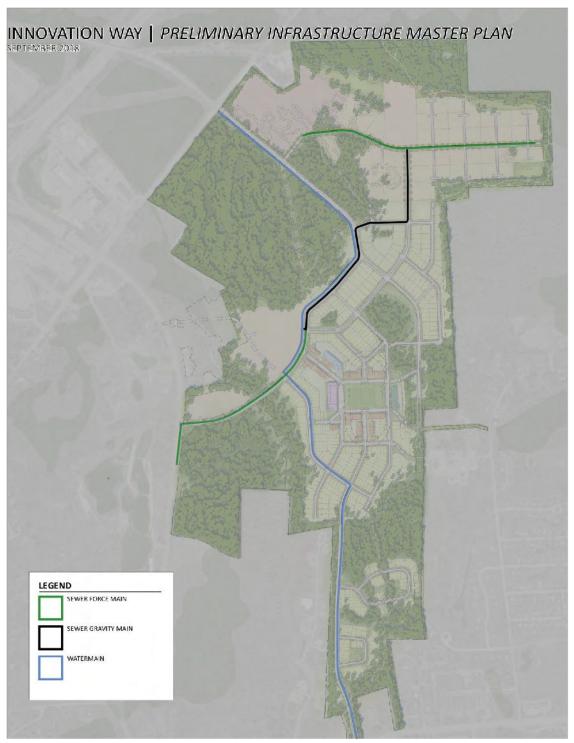
More specific to the Downs the following utility expansion and investment are necessary to support the targeted growth for projected by the developer for the district:

- New sewer mains throughout the 500 acre parcel, including connections from Haigis Parkway to Payne Road and through the northern portion of the Downs and the planned Innovation District (light industrial/manufacturing); connection from Route 1 to the core of the property; connections to the abutting infrastructure, including Sawyer Rd and Enterprise Business Park
- New Sewer Pump Stations in the core of the Downs to serve the demand of the site
- New trunkline water mains from Route 1 to Payne Rd through the Downs property and the Innovation District; connections to Haigis Parkway; and Sawyer Rd and throughout the district
- Natural Gas Extension from Route 1 and Haigis Parkway creating a gas network in the district
- New Electrical and Communication from Route 1 through to Payne Rd and out to Haigis Parkway, upgrading the grid in this area of Scarborough and providing contemporary fiber optic communication throughout the district
- Comprehensive stormwater management system and strategy that manages stormwater in a low-impact development manner, utilizing green infrastructure and distributed stormwater approaches
- Open space, greenway network that buffers wetlands and interconnects valuable open spaces in and around the district to provide for a green-infrastructure system and plan for the downtown and its surroundings.

The improvements listed above are part of the developer's improvement program. To achieve this level of improvements, the developer is seeking some financial partnership with the Town.

General Utility & Environmental Infrastructure

• Stormwater Treatment of Town-Owned Right-of-Way and Infrastructure Including biorention cells, vegetated underdrains, and other filter systems that will provide water quality treatment.





5.2 | Streetscape

A crucial element of any downtown are the streetscape elements that bring a sense of identity and sense of place. These elements are particularly true for this study area where we are blending an existing area with a new build area.

How do we provide cohesiveness between the two areas? Streetscape improvements will include:

- Identity signage
- Wayfinding signs,
- Lighting
- Plantings
- Street furniture
- Seasonal and Event flags and other markers can also play a role.

5.3 | Technology

Technology plays a critical role in any town's vision of the future. Whether it's contemplating the technology improvements to deliver better municipal services or contemplating the impact of driverless cars, technology matters. For the downtown area, broadband speed and capacity are critical to the Town's ability to attract business.

While broadband is available in the Downtown area, the demand continues to grow for faster and better service. For Scarborough these services are provided by the private sector. Some communities such as South Portland have formed partnerships with providers to deliver extreme internet speeds.

Scarborough will need to evaluate the role of the municipality in nurturing the development of these higher speeds. The Downtown area described in this study should be considered a prime place to start evaluating options. Tasks include

- Inventory current and future needs of existing businesses for Broadband
- Work with local technology providers to understand the potential of the fiber located along Route One

5.4 | Resiliency and Sustainability

Scarborough's Energy Committee completed their sustainability plan in 2017. The committee defined sustainability as the balancing of energy and environmental stewardship, social responsibility and economic vitality to meet present needs while ensuring the ability of future residents to meet their needs.

As part of their plan, they would like to

- Develop incentives for Scarborough businesses which deploy sustainable energy measures.
- Work with the Scarborough Economic Development Corporation to attract sustainable businesses to Scarborough.

• Expand regional bus infrastructure to promote transit. Such options have a greater chance of success in a denser area such as the Downtown described in this plan.

5.5 | Municipal Facilities

The municipal campus plays a central role in this expanded vision of Scarborough's downtown. It is part of the glue that blends Oak Hill and the Downs development together to create new opportunities for a cohesive center of town.

As previously mentioned, the movement of the Public Safety departments into a new structure next door to the Town Hall, creates a real development opportunity for Oak Hill. The current public safety building is on the market. It is subject to the Town & Village center Zoning District and is located on a key lot within Oak Hill. It is also transitional in many ways since it fronts Route One and is a sizable lot. The lot is on the stretch of Route one that connects Oak Hill to the Downs Property. The Town has not restricted the use of the facility or lot – other than what is allowed in the current zone.

The Scarborough Public Library has recently begun to study expansion scenarios and will be looking for approval of these plans within the next few years.

The town is also facing another question with respect to municipal facilities – the demand for a community center. The Town does not currently have a community center nor a town owned senior center. There may be an opportunity to develop such a center on the developing Downs Property.

To assess the need/feasibility and cost of a community center, the town will:

- Establish a citizen process to identify the components of such facility
- Determine the affordability of a center
- Look for models of affordability including public-private partnerships.

5.6 | Fiscal Sustainability

Citizen engagement through the Comprehensive Plan process consistently identifies the need for fiscal responsibility and sustainability. While many tasks and investments are outlined in this strategy to develop the downtown, identifying funding sources that minimize the impact on the tax payers is critical.

Tax Increment Financing Districts (TIF) can be an effective way to both guide development and finance needed improvements with new tax dollars. A municipality may designate an area as a special district and use net new tax revenues to complete studies and projects that benefit economic development within the district. These districts can also shelter the new taxable value which is created in a district from impacting negatively on the State's School Funding Formula, County Tax Formulas and State Revenue Sharing Formulas. Since new taxable value in a community can negatively affect these funding formulas, sheltering the new dollars for a period of years can be beneficial.

Given the potential revenues to be generated by the Scarborough Downs development, a TIF district makes sense as both a financing tool and a planning tool.

The developer of the downs is also seeking a financial investment from the Town in the form of a Credit Enhancement Agreement (CEA). The CEA is tool that a municipality may use within a designated TIF District to refund some of the new property tax revenues that are generated back to the developer.

This CEA arrangement is used to promote economic development and is often used to pay a developer back for extraordinary costs in the development process.

The Town should

- Consider a downtown TIF for the development area outlined in this study
- Consider the use of Credit Enhancement Agreements as part of a TIF District for the Downtown area.

5.7 | Business Development

Given opportunities presented by both redevelopment and new development in the district area, staffing for economic development support for business development will critical.

Staffing may come from the Town staff in the form of the Town Manager and his staff, the Planning Staff, including the town engineer and the sustainability coordinator. Such staffing for economic development activities such as working with new and expanding businesses in the downtown area will also come from the Scarborough Economic Development Corporation which markets the town and provides assistance to local businesses. Business support may include the development of a microsite within SEDCO's website that features the downtown areas attributes.

- Support Business Attraction and Retention in the Downtown Area
- Develop targeted information for business attraction on the SEDCO Website, possibly a microsite featuring the district as described in this plan
- Continue to support business expansion in the area
- Consider the development of a business association within the area to support private sector investments.

6.0 | PUBLIC INPUT

6.1 | Planapalooza™

In September 2017, the Town hosted a four-day charrette, inviting the community in to talk about and design their vision of Scarborough. The Charrette, known as Planapalooza™, was run by the Town's comprehensive plan consultants, TPUDC.

A team of consultants, including specialists in urban design, transportation, land use, and resiliency moved into a vacant commercial space above a local coffee shop, located across the street from the Town Hall. Town planning and economic development staff also "moved in" for the four days. The "studio" was open from 9am to 9pm and residents and business owners could drop in at any time during those hours to ask questions or review work in progress.

There was a kick-off session where participants worked with maps of the town to identify areas of opportunity as well as areas of concern. Scarborough Downs figured prominently in the participants discussions of opportunity for the town. The proximity to Oak Hill, the Central location, and the proximity to the Turnpike were all opportunities for the town.

All the maps produced for the kick-off session were available for inspection and review. Folks who visited the studio were invited to add their thoughts to the maps. All the maps were on display at the studio, then added to a separate website, specific to the Comprehensive Plan – ScarboroughEngaged.org. Residents and businesses were all invited to comment further on the website.

The input from Planapalooza™ and Scarborough Engaged all formed the basis for the draft 2018 Comprehensive Plan update.

6.2 | 2018 Comprehensive Plan Survey

The Comprehensive Plan Survey was conducted in July and August of 2018. A survey was published in the *Scarborough Leader* which is mailed to every household in Scarborough. Residents and businesses representatives could fill out the paper survey and return to the public library or town hall. They also had the option of filling out the survey online through the town's engagement website (ScarboroughEngaged.org) In total, 564 respondents took part in the survey.

The survey asked respondents to consider the nine guiding principles used to develop the draft 2018 Comprehensive Plan. They were asked to choose the three principles that were most important to them as we plan the future. Here are the guiding principles most frequently selected by respondents as one of their three choices:

Fiscal Sustainability: Deliver excellent municipal services to our entire community in a fiscally sustainable manner to minimize the impacts and costs for tax payers. (68% of respondents)

Healthy: Maintain a healthy community with parks, beaches, natural areas, public spaces and facilities that provide a range of amenities and experience via a safe, inviting and connected system. (42% of respondents)

Stewardship: Operate in a manner that conserves and safeguards natural resources, becoming a model of environmental stewardship and managing the Town's resources wisely to support present and future generations. (32% of respondents)

When asked about developing a community center facility which would attract all ages to a central location, 40% of residents agreed. Another 33% were on the fence - they answered maybe. The survey did not ask a follow-up to determine why they answered "maybe". One potential answer is that a community center can have many definitions and many price points. The development of a community center could be well received, but more work will need to be done to ascertain the right balance of services, facilities and price point.

The survey also asked respondents about strategies for maintaining and fostering a sense of community identity within Scarborough. When asked whether the town should provide for vibrant and diverse activity centers that draw the community together, providing areas to meet, work, shop, dine and socialize, 43% of respondents "agreed". Another 33% responded with "maybe".

The survey also captured written comments. These comments provide more insight into some of the respondents views on the development potential at Scarborough Downs, the role of a downtown and the desire for a community center. The following are excerpts from written comments:

Scarborough needs to develop some features of a true New England town. It currently consists of a cluster of far-flung "neighborhoods" with no cohesion and that are difficult to safely access without a motor vehicle.

The recent sale of the Scarborough Downs property is a one-time opportunity to create a town center that could give Scarborough some semblance of a classic New England community. This is not an opportunity for the next ten to twenty years - this is an opportunity to forever improve the quality and appearance of this town.

We need to establish a well-planned, aesthetically pleasing town center that would speak to our New England heritage. I would suggest a place that has a town common with plenty of open space for town functions and gatherings. Some town related buildings could be there as well - maybe an expanded library, a new school, and/or a place of worship... I hope that you carefully evaluate the opportunities our community currently has before it. I hope that we can see careful and thoughtful development within the Downs property that will preserve and not strain the resources our community has, will improve the atmosphere and quality of life in Scarborough, and create within it the features of a true New England town.

This property should not be used for the development of more shopping malls with their excess of parking lots and potential for traffic. We have several big box stores already and we do not need any more. This should be considered with an eye to the future. With the growth in on-line shopping, the need for shopping malls and plazas is going to decrease, and we will be dismayed in the future by the vacant store fronts. If additional consumer space is necessary, look first to Route 1. [The respondent is also concerned about additional gas stations, stating that they are potentially unsightly or unnecessary at Scarborough Downs.]

A community center with a pool and fitness center would be a nice idea, but the \$20 million price tag seems excessive.

High density housing in the Oak Hill area would require substantial wetland mitigation and further strain school resources and other infrastructure. Scarborough has grown at a substantially faster pace than the rest of Maine. It is time to focus on infrastructure before allowing additional growth. It makes more sense to continue to build commercial and town center facilities in Oak Hill where much infrastructure exists and focus future residential growth in the Scarborough Downs area where grid travel and higher density development can be easily accomplished without impacting existing neighborhoods.

If Scarborough Downs is to be developed, then let that be the place for higher density housing. putting it in Oak Hill will create severe wetland mitigation, disrupt existing neighborhoods, increase already high noise levels and make currently overtaxed school resources even worse.

The sale of The Scarborough Downs property provides an opportunity for this town to create a true town center. It is my hope that it does not simply become a land of more housing. There is enough space in there to do some mixed use housing, but also create a walk-able area to shop, dine, and hangout. It could truly be a place where people go for entertainment. I also think it is an ideal location to bring some small industry into the mix.

While I love the idea of a nice downtown area and dislike the tacky look of Rt. 1 as it is, traffic is a major issue in the summer and traveling Rt. 1 is essential for beach access. Though a great idea in theory, I think lowering the speed limit or reducing the number of lanes on Rt. 1 would be disastrous and a royal pain in the butt for residents. I think moving our downtown area away from Rt. 1 makes much more sense than trying to reconstruct Rt. 1. Unless you were to tear down all the hodgepodge businesses and buildings that currently line Rt. 1 and start all over, I think it would be putting "lipstick on a pig" to try to make it look pretty. Better to focus on the

Scarborough Downs area and maybe make another road running parallel to Rt. 1 to give locals an alternative route to get from one side of town to the other.

Create a walkable "Downtown" type area at the Scarborough Downs property with a community center for all ages.

As a resident, I love the idea of a community center and a nice shopping/social area. However.... As a town, we seem incapable of managing our resources appropriately and every year there is never enough to cover expenses without a constant tax hike.

Concerned that over development especially in Scarborough Downs area will affect school enrollments and place bigger burden on the school budget. We need to increase business growth to help offset the tax rate.

I'd love to see a downtown that has a walkable area constructed at Scarborough Downs with small business

Scarborough should guide the growth and development of the Scarborough Downs real estate to become a walking town center with the associated parking areas to serve as the focus to tie together the two separated areas of Dunstan and Oak Hill. In my opinion it is the best chance to have a true town center for Scarborough rather than continued development along route 1 that will not lead to a traditional downtown.

I love Scarborough but more should be done to promote and plan for a consistent look and feel in the town. For instance, buildings that house cheese iron, Starbucks plaza present a clean look with character. Walgreens is an eye sore. Better aesthetic planning needed. A town center is sorely needed which I understand may come in time with the Scarborough downs area. Please consider appropriate planning with a consistent feel; not hodgepodge.

A community center (with a pool, multi-purpose meeting rooms, etc) is sorely needed for all ages in Scarborough. Please prioritize. I feel strongly that the community needs a central place for people of all ages to meet, connect and interact. I would love to see plans for a community center in the works. It would also be amazing to have a large, central independent playground (i.e. not connected to a school) alongside restroom facilities and food services, so that families can congregate centrally. Lastly, I'd love to see improved walkability/sidewalks on main roads, particularly near the schools.

As an 18-month resident, it has been difficult to make connections in Scarborough as we do not work in the town, nor do we have kids in the school system. I would love to see a community center with a variety of activities, such as gym, pool, fitness, and meeting rooms. Perhaps bring a YMCA type of business in, or build a town center.

A community center like South Portland's Rec Center would be amazing! There has been so much turmoil among Scarborough residents since we moved here in 2014 - over the budget, school board, etc. I think a community center would do wonders towards centralizing our collective desire to all be good citizens and neighbors and foster a much stronger community feel. Just this winter I had to poll friends outside of Scarborough to find out where we could go for a snowy afternoon open gym. What a wonderful thing it would be for our town to be known for things like this, instead of it being one of the things we are most lacking.

Having moved to Scarborough a year ago with my family (4 children) we were incredibly surprised that there wasn't a pre exsisting community center here. This is a large town full of families and older adults! We fully support the development and building of a community center in Scarborough!

Stop building new police /fire /community centers/library,/administrator buildings and make do with the buildings we have -at least for the next 10 years-until I have moved out of Scarborough.

I am leery of any major investments due to their potential impact on our seniors and most vulnerable citizens. I am also leery of too much additional housing putting burdens on the schools and resources that we already struggle to fund. This town's current debt is also of grave concern. If we can figure out how to properly fund this type of project and improvements to our town while maintaining fiscal responsibility, I would love to see it happen, but given our town's history, I am distrustful as are many of the town's citizens. I am cautiously optimistic about the long-term plan for Scarborough, but would like to see us pay our debts and get our spending under control before taking on any major projects.

I would love a community center but what is the cost and how much will this raise our taxes??

A new community center may be desirable, but how do we pay for it? We can't continue to spend money we don't have on nonessential projects. Perhaps the town should promote well planned, responsible commercial development to increase revenue so that debts can be paid - or at least reduced - before we incur more.

This town needs a community center. A resource for all age groups. A place to bring by everyone together. If we can create this space within a "town center" with walkable shops, restaurants, etc it would be an amazing asset. Please give the community what they are looking for.

I wish I could strongly agree with the need for a community center, with a pool. I would also strongly agree for the need for sidewalks. I'd add that I wish prioritizing and protecting the schools was an option under some of these - great schools is one of our primary characteristics as a place families want to move.

We need a community center and pool just like South Portland and Cape Elizabeth. Those places really pull the community together and encourage healthy habits.

Community center with pool. Splash pad. Park with playground equipment. A central downtown area with food and shops. Maintaining affordability to live here once all is said and done.

I DO NOT WANT A NEW COMMUNITY CENTER PAID FOR BY TIF. I WANT A STEADY OR LOWER TAX RATE AND ABATEMENT FOR PEOPLE WHO NEED TO MAINTAIN SEAWALLS.

Also, circumventing the voters/taxpayers is not a good idea when it comes to building a Community Center.

I'd love to see our town continue to support our public library and allow it the resources they need to grow. The library IS a multigenerational community center that the town already has and they need our support.

Concerned that over development especially in Scarborough Downs area will affect school enrollments and place bigger burden on the school budget. We need to increase business growth to help offset the tax rate.

If I could have checked "Fiscal Sustainability" three times in response to the first item, I would have. A new community center may be desirable, but how do we pay for it? We can't continue to spend money we don't have on nonessential projects.

"I understand this is a general survey but once costs are known, taxpayer's opinions of how these things will affect their taxes may change. I would have had more definitive answers had the costs been known, how it would affect taxes and what other sources of funds would be available to accomplish the tasks. Under no circumstance would I agree with any of the changes above if large bond issues are required nor if taxes were affected by more than the cost of inflation on a regular basis.

Who decided that walk-ability was so high a priority to the future of this town when our winter season is so long, so harsh, and the general distances are so great?

Recognize and plan accordingly that in 20 years fleets of self-driving electric vehicles will dramatically reduce the need for parking, eliminate the need for most public transit, and eliminate the "non-driver" class.

Integrate Town owned infrastructure (town hall, schools, public safety buildings) with the development of co-working spaces, entrepreneur support, and ongoing education & job training for the community.

6.3 | Public Information Sessions

As part of this strategy, the Town is contemplating a Tax Increment Financing District encompassing Oak Hill and Scarborough Downs. The Town may also contemplate a credit enhancement agreement with the developer.

The Town of Scarborough has reached out to the community regarding the proposed TIF district and possible credit enhancement agreement (CEA) through public information sessions and a dedicated section of the Town's website.

The public information sessions were held at various locations and at both daytime and evening hours to ensure as much public access as possible. Attendance was strong with over 100 unique individuals attending at least one session. Each session included an overview of the process for formation of a TIF district and CEA. The meetings also explained the development proposed at the Downs. Attendees were encouraged to ask questions throughout the presentation.

Dates and locations of sessions:
Tuesday, September 18, Scarborough Town Hall
Monday, September 24, Scarborough Public Library
Wednesday, September 26, Scarborough Downs Grandstand
Tuesday, October 9, Dunstan Fire Station
Monday, October 15, Scarborough Town Hall
Tuesday, October 30, Scarborough Town Hall

The webpage added to the Town's website includes links to every Town Council and Planning Board meeting and workshop where the Downs project, TIF district, and CEA were discussed. Also included are documents and slide presentations that accompanied these meetings and workshops.

6.3 | Future Processes

As previously noted, one element of this strategy requires additional input from the community – the planning and funding of a community center. A community process will need to identify what should be in the center – pool, meeting rooms, skating areas, senior facilities, and indoor sports are a few of the items that may be desired by the community. The ability to fund the center will be another critical factor for citizens to weigh in on.

The Town will engage the residents of Scarborough through listening sessions, scheduled during daytime, evening, and weekend hours, to hear people's thoughts and ideas regarding a community center and potential location in the downtown area. These listening sessions will provide staff with direction to draft possible scenarios to then bring back to

the public though workshop sessions where proposals can be critiqued and amended. Town Council will then decide on the best way to move the conversation from ideas to final proposal, most likely creating an ad hoc committee of residents.

The Town will also need additional input from the community as the downtown area develops. A Downtown committee can help guide future investments in this area and ensure that connections between the Oak Hill area and Scarborough Downs continue.

<u>Appendix</u>

Excerpts from Comprehensive Plans

The 2018 Plan designates Oak Hill and Dunstan as Community Activity Centers while the Downs is identified as being part of what should be the Town's Regional Activity Center. The following are some of the key excerpts from the 2006 Plan and the draft 2018 Plan:

The Scarborough Downs area and the Running Hill area present opportunities to create mixed-use centers for the community. The Town should cooperate with property owners in these areas to establish visionary development plans for each area.

(See 2006 Comp. Plan, Ch. 6: Future Land Use Plan, Sec. 6-3, pgs. 53-54.)

The Future Land Use Plan envisions that infrastructure will need to be provided to facilitate development in the Running Hill Road area and in the Crossroads area. In addition, the extension of infrastructure into the Gorham Road area west of the Turnpike may also be necessary. While the private development community will be responsible for all or most of these costs, the Town may need to facilitate the funding of these improvements through the use of TIF's or impact fees.

(See 2006 Comp. Plan, Ch. 8: Capital Investment Strategy, Secs. 8-2, 8-3 pgs. 123-124.)

Work with property owners, developers, the Scarborough Sanitary District, and the Portland Water District to provide appropriate infrastructure to serve economic growth within these areas. The Town should continue to use outside funding through grants and the Tax Increment Financing (TIFs) and impact fees to fund the extension or expansion of needed infrastructure including roads, sewers, and water.

(See 2006 Comp. Plan, Ch. 5: Policy Objectives and Actions, Sec. B. Local Economy, pgs. 21-22.)

The Town will need to review these recommendations and formulate a transportation plan for addressing this issue. While many of the identified projects are system-wide improvements or are intended to address current deficiencies, there are a number of areas where transportation improvements are likely to be necessary to accommodate anticipated development. These include the Dunstan area, Oak Hill, the Crossroads area (especially if a Haigis Parkway/Gorham Road connector is developed) and the Running Hill Road area. The nature and extent of the improvements will somewhat be a function of the proposed development. Funding for these projects will likely include a mix of sources including developer funding, state and local funds, and a municipal share in some projects. Use of impact fees or TIFs to fund part of the cost of these improvements may be desirable.

(See 2006 Comp. Plan, Ch. 8: Capital Investment Strategy, Secs. 8-2, 8-3 pgs. 123-124.)

The Planapalooza™ process also recognized Scarborough Downs as one of the most under-utilized properties in Scarborough. With its proximity to Oak Hill and the Town's main arterials, Scarborough Downs has the potential to be redeveloped at a higher intensity than the Community Activity Centers. It has been categorized as a Regional Activity Center.

(See 2018 Comp. Plan, Built Environment, pgs. 52-53.)

The community overwhelmingly supports the idea of preserving Scarborough's natural environment while recognizing the need for targeted development at the Scarborough Downs, Oak Hill and Dunstan.

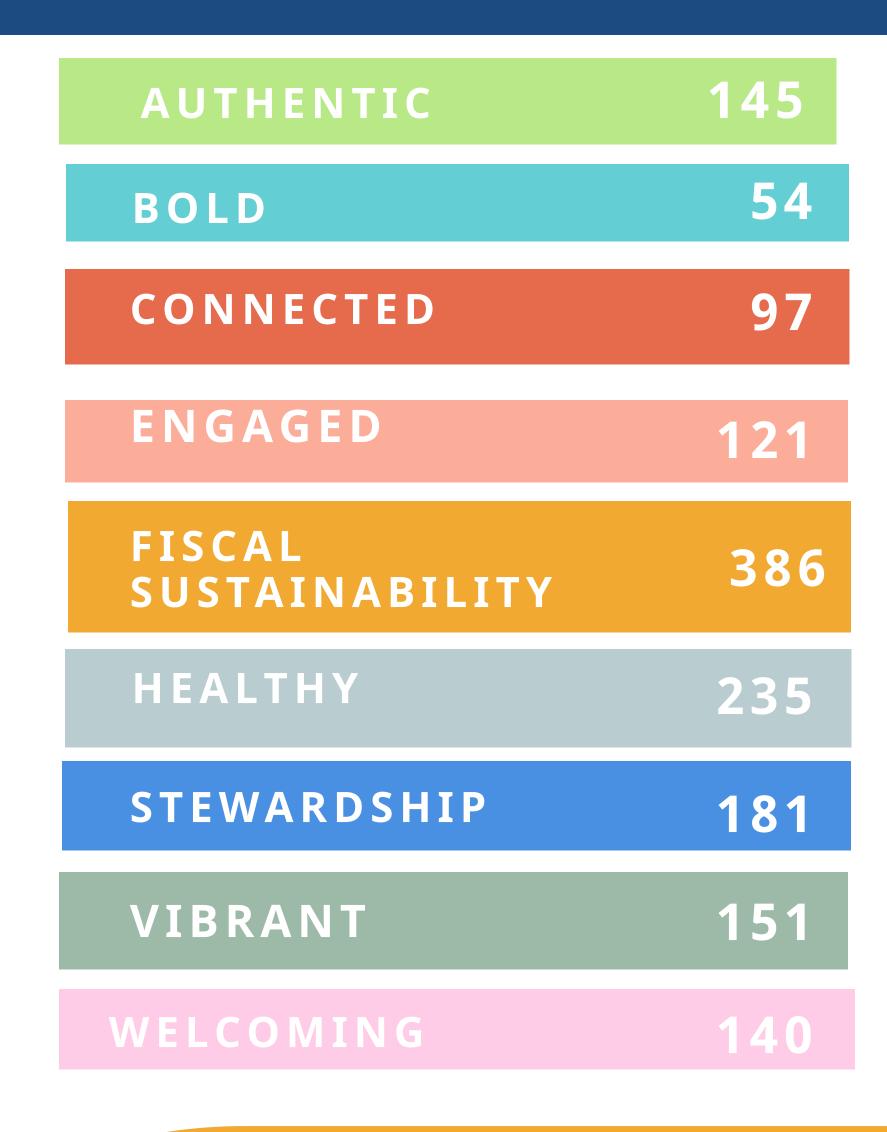
(See 2018 Comp. Plan, Plan Framework, pg. 100.)

Proactive, town-initiated TIF districts have encouraged economic development and Scarborough should continue using this helpful tool to help fund public investments in certain areas of the community. Especially as the Town begins increasing density and intensity of mixed-use development within the activity centers, both regional (Scarborough Downs) and community (Oak Hill & Dunstan), investments will be necessary to invite and incentivize private investment.

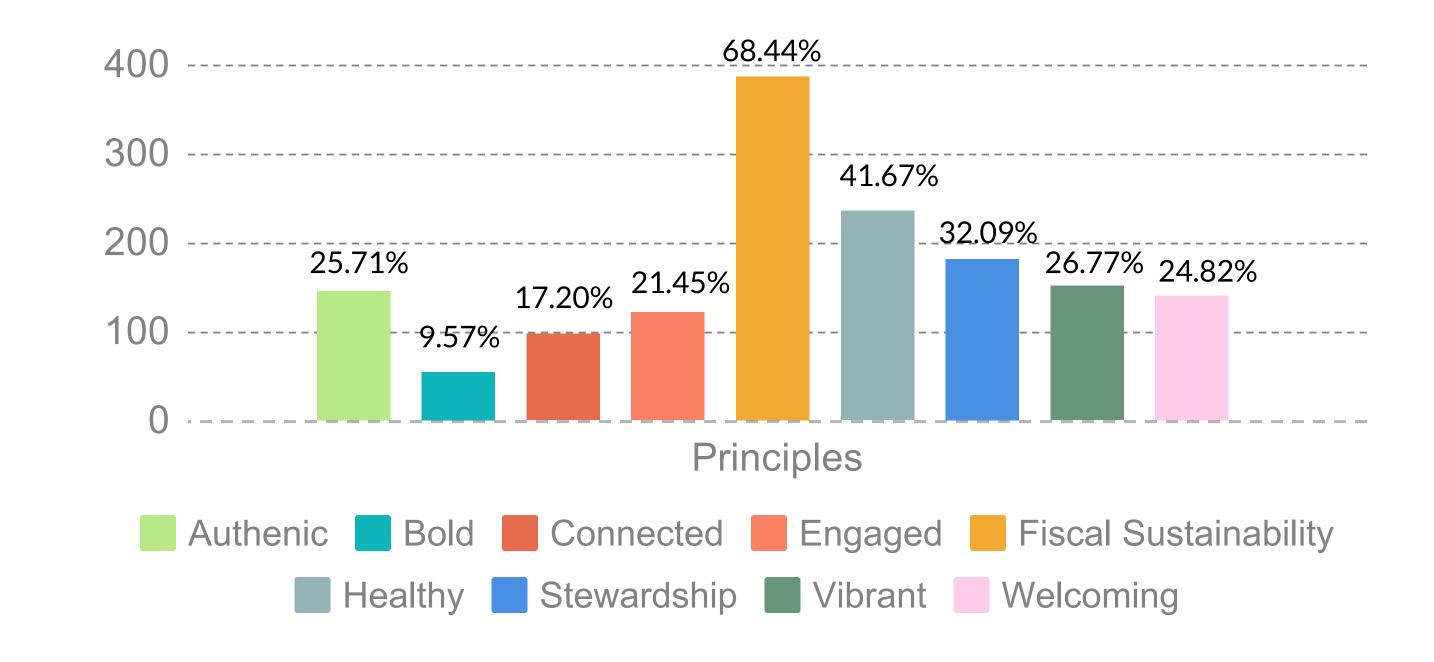
(See 2018 Comp. Plan, Livable & Resilient Scarborough, pg. 142.)

Comprehensive Plan Survey Results

All RESPONSES: 564



Nine Guiding Principles emerged from discussions at Planapalooza. The Town would like to know which three (3) principles are most important to you over the next 10 to 20 years. Please check the three principles which most resonate with you.

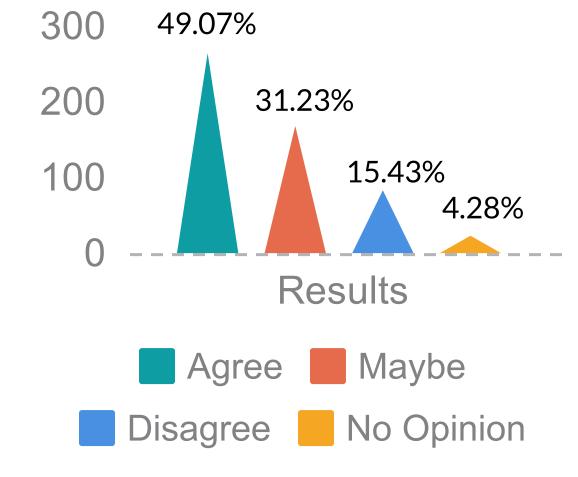


Q2.

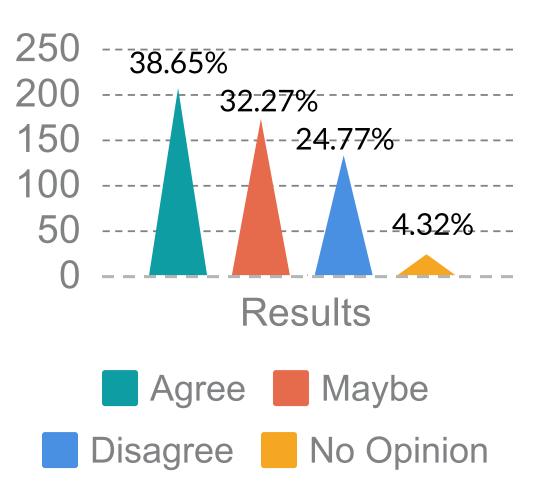
Based on input at Planapalooza, traffic is a major concern for residents.

Please choose whether or not you agree with the following ideas regarding traffic along Route 1.

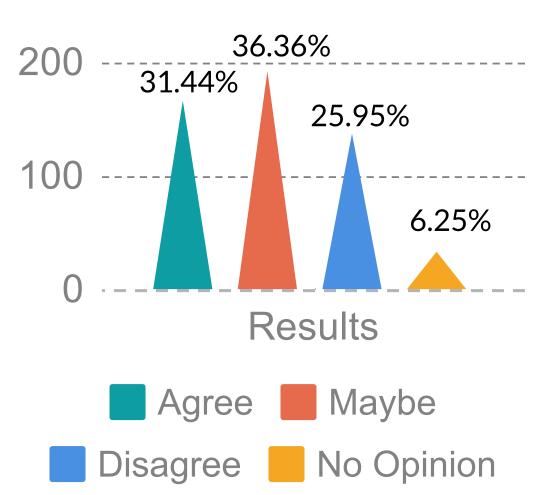
Provide alternative routes for passthrough commuters, avoiding congested areas of Town.



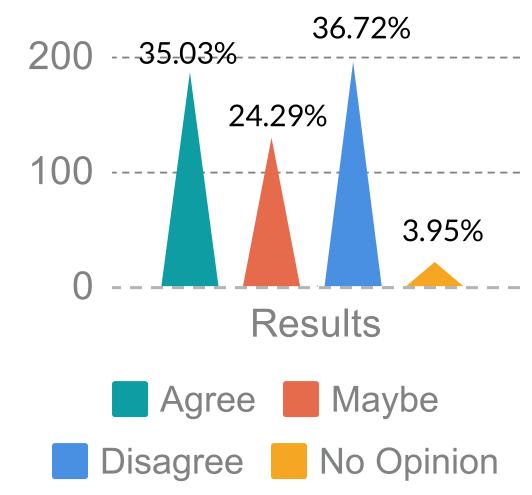
Improve intersections to accommodate the heaviest traffic flows, focusing on the needs of the pass-through commuter.



Improve traffic for moderate flows, somewhat inconveniencing pass-through traffic.



Slow traffic down to promote walkability in the village areas, emphasizing local needs over pass-through commuter needs.



Q3

At Planapalooza, participants identified the diversity(location, style and price) in our neighborhoods as a strength. Please indicate your level of agreement with the following strategies:

Ensure that a variety of housing types can be built within the community.



Encourage development of housing in a variety of price ranges.

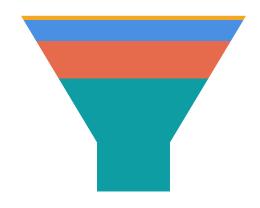


Agree (49.91%)

Maybe (25.79%)

Discourse (21.31%)

Encourage housing attractive to all.



Agree (63.69%)

Maybe (21.60%)

Agree (38.43%)
Maybe (28.54%)
Disagree (32.28%)
No Opinion (0.75%)

Allow higher density in

some areas to increase

affordability and conserve

land.

Promote walkability through a series of connected sidewalks and trails.



Agree (62.64%)

Maybe (23.98%)

Maybe (23.98%)Disagree (12.08%)No Opinion (1.30%)

Maybe (26.72%)Disagree (20.22%)No Opinion (4.27%)

Agree (48.79%)

Disagree (21.31%)

No Opinion (2.99%)

Disagree (11.92%)

No Opinion (2.79%)

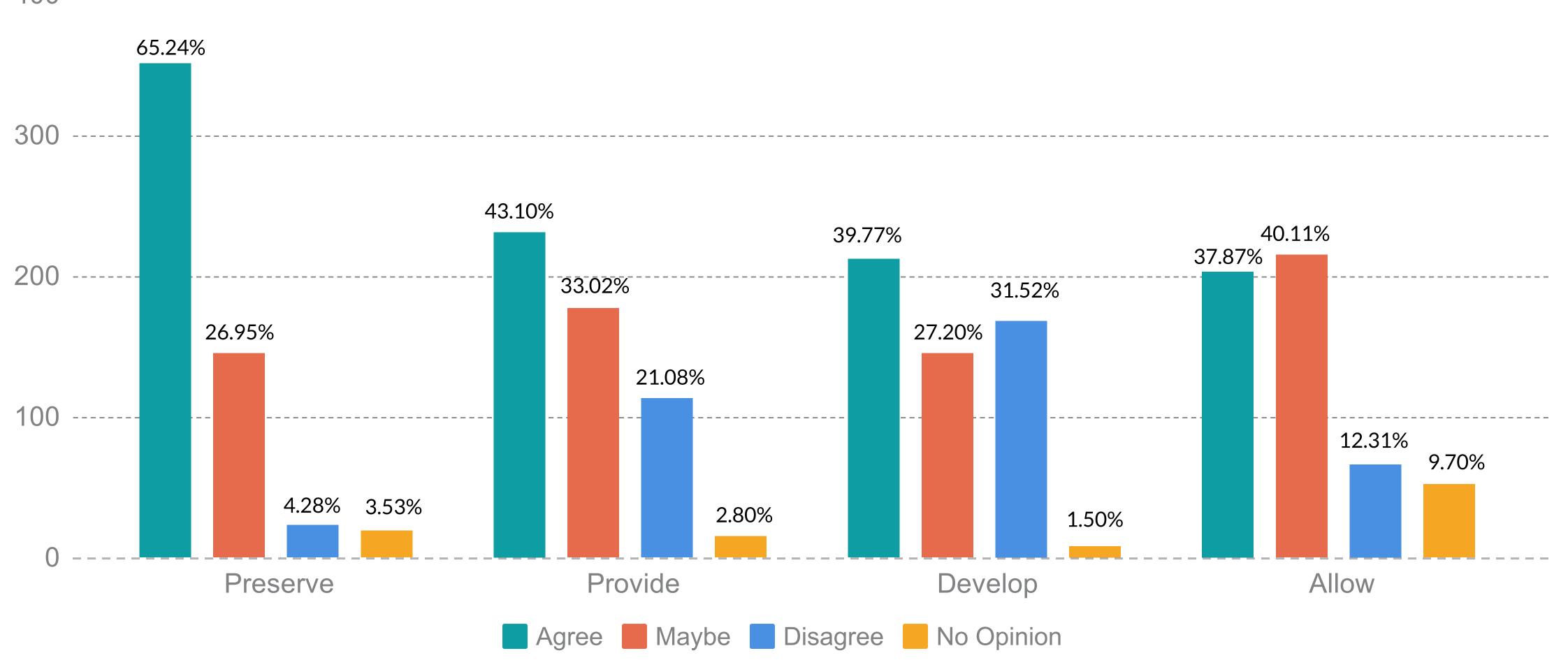
At Planapalooza, participants identified the importance of maintaining and fostering a sense of community identity within Scarborough. Please indicate your level of agreement with the following strategies:

Preserve the remaining historic resources of value to the community.

Provide for vibrant and diverse activity centers that draw the community together, providing areas to meet, work, shop, dine and socialize.

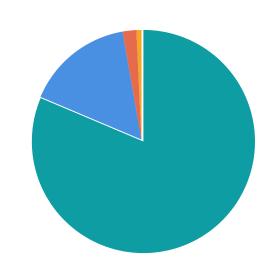
Develop a community center facility, attracting all ages to a central location.

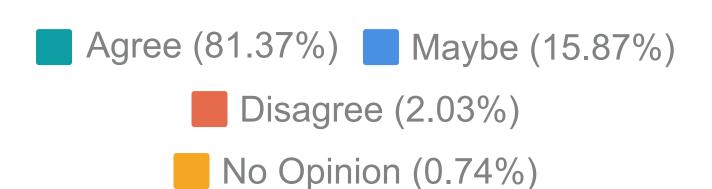
Allow development patterns that build upon distinctive characteristics of existing neighborhoods and villages.



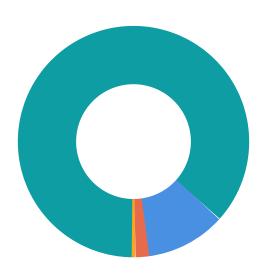
Planapalooza participants identified the protection of the natural resource base as a fundamental to the future of Scarborough. Please identify your level of agreement with the following strategies.

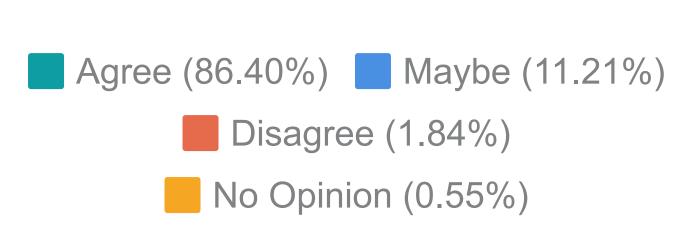
Preserve elements of the Town's rural character and significant vistas.



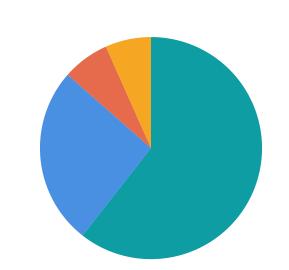


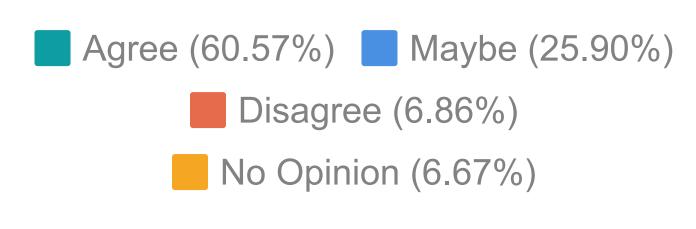
Protect the Scarborough Marsh's ecosystem through the preservation of water courses and undeveloped blocks of land that are significant to wild life habitat and low impact recreation opportunities.



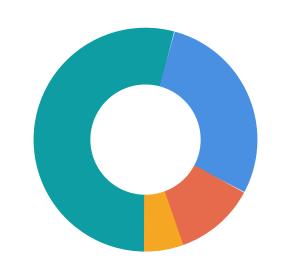


Communicate the importance and value of the Town's resource base to residents, students, businesses and visitors.

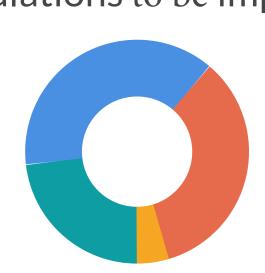


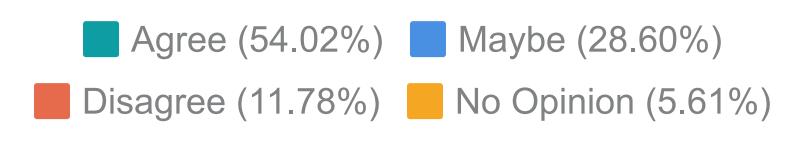


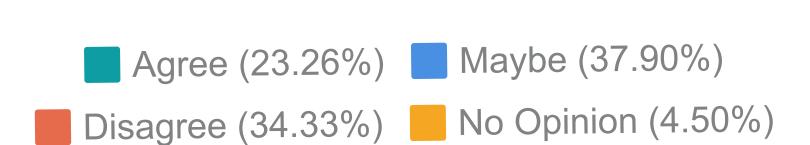
Engage in resiliency planning related to increased rainfalls and rising sea levels.



To preserve rural character, continue to allow development in areas which take advantage of existing infrastructure, even though the ecosystems in these areas may be more fragile and may require additional controls and regulations to be implemented.









STATE OF MAINE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT



HEATHER JOHNSON COMMISSIONER

July 30, 2021

Thomas Hall Town Manager TOWN OF SCARBOROUGH 259 U.S. Route 1 Scarborough, Maine 04074

RE: Scarborough Downtown Omnibus Municipal *Tax Increment Financing* (TIF) District and development Program *First Amendment* (AMD-1)

APPROVED

Dear Mr. Hall,

The Maine Department of Economic and Community Development (DECD) reviewed and <u>EFFECTIVE TODAY APPROVED</u> the application to amend the above-referenced Downtown Municipal TIF District and Development Program (Program). Based on the application, DECD notes/approves:

a. Effective July 1, 2022, with property tax year April 1, 2022, District taxable Original Assessed Value of \$95,622,900, consisting of \$95,622,900, as of March 31, 2018 (April 1, 2017) and \$0, as of March 31, 2021 (April 1, 2020) — acreage 948.13;

Per November 28, 2018 original designation approval, DECD restates:

- b. District term of 30 years, ending June 30, 2049;
- District taxable Original Assessed Value of \$95,622,900, as of March 31, 2018 (April 1, 2017) acreage 947.91;
- d. Real property Increased Assessed Value (IAV) capture** of 3% on entire District plus,
 - i) For Scarborough Downs portion of District (Map R52 Lot 4) only, 40% for TIF years 1-10, 25% or 40% for TIF years 11-20, contingent on Performance Standard Incentives, and for TIF years 21-30, 10% for Bonus Option; *
 - ii) For rest of District, up to 100% of a developer /owner's property, within District term.
 - Portage of revenue from other Scarborough Municipal TIF districts, is not allowable until capture is amended to 100% per § 5225(1)(B)(3)(b) and such portage is an approved project cost for the other district:
- e. District revenues deposited/held in dedicated account[s] and applied <u>ONLY</u> toward approved activities/projects due completion <u>BEFORE/BY JUNE</u> 30, 2049,

- Project Cost accounts to reimburse Company/Developer for costs authorized by 30-A M.R.S.A. § 5225(1)(A) and DECD rules as amended from time to time <u>AND/OR</u> fund public activities/projects,
- ii) Sinking Fund Account to retire associated public debt, if any;
- f. Crossroads Holdings, LLC reimbursement limited to incremental taxes from NEW actual value of 40% annually for TIF years 1-10, for TIF years 11-20, either 25%, capped at \$55,000,000 for initial non-bonus reimbursement, or 40%, contingent on Performance Standard Incentives, and for TIF years 21-30, as a Bonus Option, 10%, capped at \$2,000,000 annually, for achieving "desired development" by end of year 20, defined in Program, page 10; *
- g. Company/Developer payments within sole Town Council discretion, limited to incremental taxes from <u>NEW</u> actual value and may include up to 100% reimbursement of Company/Developer's individual property during District term, following minimum one public hearing; ***





HEATHER JOHNSON COMMISSIONER

- h. <u>AFTER EXECUTION, TOWN MUST FORWARD A COPY</u> of any associated credit enhancement agreement and its amendment(s) or assignment(s) to DECD—enclosing completed matching **Application Cover Sheet** with detailed private project description and (if Company and not Developer) **Employment Goals Form**;
- Any non-captured incremental property values resulting in General Fund revenue/deposits <u>MUST</u> be included/reported with Town equalized assessed value;
- j. Any future amendment <u>MUST</u> comply with 30-A M.R.S.A. §§ 5221-5235 and DECD rules;
- k. When District expires, or is terminated, SCARBOROUGH MUST NOTIFY DECD IN WRITING.

As further described in the Program, Town revenue allocation projected at \$12,308,402 may facilitate funding for an estimated \$8,190,000 in public costs and associated debt—if any. This funding MUST comply with already established Scarborough appropriation process —with activities/projects due completion BEFORE/BY JUNE 30, 2049. Please note, pursuant to 30-A M.R.S.A. § 5227(D), the Town shall annually return to the General Fund any tax increment revenues remaining in development program fund, in excess of those estimated to be required to satisfy payment of approved project costs, outlined in the Program, plus any related debt service.*** DECD restates/approves public activities/projects costs listed below:

WITHIN/OUTSIDE DISTRICT 0

I. Traffic-Related Improvements \$7,000,000; $\Psi \times$

WITHIN DISTRICT/MUNICIPALITY

m. General Economic Development: prorated salaries and overhead costs associated with economic development (ED) staff/Scarborough Economic Development Corporation costs/economic development and planning studies and plans/consultants & legal costs related to TIF & ED \$1,190,000.

DECD notes while the Program may list multiple statutory citations with the public project costs in the application, not all citations apply to all activities/projects described within each cost description. Scarborough is obligated to verify proper authorization for each project cost to be undertaken. DECD advises Town to plan for debt retirement to coincide with District term end of June 30, 2049.

DECD encourages Scarborough to review/consider Maine Department of Agriculture, Conservation and Forestry (MDOACF) and Maine Department of Transportation (MDOT) advisories **ahead of public projects/activities implementation** for this District and prior to any future update of existing downtown redevelopment plan ("Downtown Redevelopment Plan/Adopted November 28, 2018).

Please contact Development Program Officer Tina Mullins with questions about this certification.

The Department extends best wishes for the District's success.

Sincerely, Hoshu Mu

Heather Johnson Commissioner Cc: via email only

Senator Anne Carney (SD-29)—130th Legislature





HEATHER JOHNSON
COMMISSIONER

Senator Stacy Brenner (SD-30)—130th Legislature
Representative Kyle R. Bailey (HD-27)—130th Legislature
Representative Christopher James Caiazzo (HD-28)—130th Legislature
Representative Sophia B. Warren (HD-29)—130th Legislature
Peter Lacy, MRS Acting Director Property Tax Division
Nicholas T. Cloutier, Scarborough Assessor
Shana Cook Mueller, Bernstein, Shur, Sawyer & Nelson, P.A.

encl: MDACF/MDOT advisories

- * See Development Plan, Section IV. (C), page 9, for Performance Standard Incentive requirements and page 10, for Bonus CEA Option for this Developer Achieving "desired development." The Town Council is authorized, following a public hearing, to vote to amend the terms of the CEA with the Scarborough Downs Developer (Program, page 10).
- ** Over 4/1/2018 assessed value of \$124,303,200 due to a 2018 commercial revaluation (Program, page 8)
- *** Please refer to 30-A M.R.S.A. § 5227(D) for further procedures related to managing excess tax increment revenues. Additional options include, by vote of Town council, to decrease the annual captured assessed value, or formally amend Program to add allowable projects costs.
- ♦ To the extent a project is outside the District, Scarborough must prorate/allocate costs not directly related to or made necessary by establishment/ operation of this District to other funding sources.

EXCLUDING FOLLOWING COSTS/FUNDING:

Ψ Private residential distribution line(s)

× § 5225(1)(A)(1)(a)(i), (8) and (C)(7)(b) Transit-Oriented Development projects

MTIF: Application Synopsis for Commissioner Consideration

■ DISTRICT DATA: PREVIOUS DATA GRAY

MUNICIPALITY	Scarborou	gh	COUN	ΓY	Cumberland		TERM	30
DISTRICT NAME Scarborough Downtown Omnibus								
ORIGINAL DISTRICT (OD): Y/N N AMENDED: Y/N Y # AMD 1						1		
DOWNTOWN	EXEMPT: Y/N	Υ	PAPE	₹ IV	IILL EXEMPT: Y/N	N		
To adjust District acreage to add parcel U043-66 to make area available for Town Council consideration/approval of a CEA related to an affordable rental housing project. AMD-1 effective on July 1, 2022. Town approved June 30, 2021.								
	-							
Note: Town al	lso approved	d a new CEA, ur	nder Omnibus	са	pacity, on same dat	te.		
[10/1/2020) OD Technical Revision: to remove a 7.15-acre parcel, which was mistakenly included in this TIF footprint which it was already part of the Bessey School Affordable TIF. OAV corrected/revised to be \$95,622,900, as of March 31, 2018/acreage 947.91. [3/29/2019] OD: To help accomplish the goals of Scarborough's Downtown Redevelopment Plan and to fund various municipal and economic development projects.								
3% of entire District for its own municipal uses, plus a) For Scarborough Downs portion of District, for TIF years: 1-10 40% to fulfill a CEA planned with property owner Crossroads Holdings LLC; 11-20, 25%, capped at \$55,000,000 for initial non-bonus reimbursement, or 40%, depending upon whether developer achieves certain standards; 21-30 10% as a possible "Bonus Option" b) For rest of District, for any a developer/owner's property, up to 100% within District term, after a public hearing.								
TERM DATES START: July 1, 2019- June 30, 2020 (FY 2020) END: July 1, 2049- June 30, 2049 (FY 2049)								
DOW	NTOWN REDE	VELOPMENT PLAN	TOWN ADOPTE	D:	November 28, 2018	3		
IGNATION DATE	OF ORIGINAL	DISTRICT AND DEV	/ELOPMENT PLA	N:	November 28, 2018	3		
	DISTRICT NAME DOWNTOWN To adjust Districtions deration, on July 1, 202 Town approve Note: Town a 10/1/2020) (and to fund versions) for Scarbe 1-10 40% 11-20, 25 depending 21-30 10% b) For rest cafter a put **all over 4/1/DATES START:	DISTRICT NAME PRIGINAL DISTRICT (OD): Y/N DOWNTOWN EXEMPT: Y/N To adjust District acreage consideration/approval of on July 1, 2022. Town approved June 30, 2000 Town also approved June 30, 2000 Town also approved June 30, 2000 Town also approved June 30, 2000 Town approved Jule 30, 2000 Town approved Jule 30, 2000 Town approved Jule 30, 2000 Town appr	DOWNTOWN EXEMPT: Y/N DOWNTOWN EXEMPT: Y/N To adjust District acreage to add parcel to consideration/approval of a CEA related to July 1, 2022. Town approved June 30, 2021. Note: Town also approved a new CEA, ure consideration approved a new CEA, ure corrected/revised to be \$95,622,900, as corrected/revised to be \$95,622,	DISTRICT NAME CRIGINAL DISTRICT (OD): Y/N DOWNTOWN EXEMPT: Y/N To adjust District acreage to add parcel U043-66 to mathematical consideration/approval of a CEA related to an affordabe on July 1, 2022. Town approved June 30, 2021. Note: Town also approved a new CEA, under Omnibus (10/1/2020) OD Technical Revision: to remove a 7.15 included in this TIF footprint which it was already part corrected/revised to be \$95,622,900, as of March 31, 23/29/2019] OD: To help accomplish the goals of Scarland to fund various municipal and economic developming 3% of entire District for its own municipal uses, plus a) For Scarborough Downs portion of District, for TIF 1-10 40% to fulfill a CEA planned with property ow 11-20, 25%, capped at \$55,000,000 for initial non-depending upon whether developer achieves certain 21-30 10% as a possible "Bonus Option" b) For rest of District, for any a developer/owner's prafter a public hearing. ***all over 4/1/18 assessed value due to a 2018 commercial and the composition of the	DISTRICT NAME CRIGINAL DISTRICT (OD): Y/N DOWNTOWN EXEMPT: Y/N To adjust District acreage to add parcel U043-66 to make consideration/approval of a CEA related to an affordable on July 1, 2022. Town approved June 30, 2021. Note: Town also approved a new CEA, under Omnibus cancided in this TIF footprint which it was already part of corrected/revised to be \$95,622,900, as of March 31, 20 (3/29/2019) OD: To help accomplish the goals of Scarbo and to fund various municipal and economic developments and for formal part of the funding part o	DISTRICT NAME Scarborough Downtown Omnibus PRIGINAL DISTRICT (OD): Y/N DOWNTOWN EXEMPT: Y/N PAPER MILL EXEMPT: Y/N To adjust District acreage to add parcel U043-66 to make area available for consideration/approval of a CEA related to an affordable rental housing project on July 1, 2022. Town approved June 30, 2021. Note: Town also approved a new CEA, under Omnibus capacity, on same data (10/1/2020) OD Technical Revision: to remove a 7.15-acre parcel, which we necluded in this TIF footprint which it was already part of the Bessey School of corrected/revised to be \$95,622,900, as of March 31, 2018/acreage 947.91. (3/29/2019) OD: To help accomplish the goals of Scarborough's Downtown and to fund various municipal and economic development projects. 3% of entire District for its own municipal uses, plus a) For Scarborough Downs portion of District, for TIF years: 1-10 40% to fulfill a CEA planned with property owner Crossroads Holdin 11-20, 25%, capped at \$55,000,000 for initial non-bonus reimbursement depending upon whether developer achieves certain standards; 21-30 10% as a possible "Bonus Option" b) For rest of District, for any a developer/owner's property, up to 100% we after a public hearing. ***all over 4/1/18 assessed value due to a 2018 commercial revaluation (per Program DATES START: July 1, 2019- June 30, 2020 (FY 2020) END: July 1, 2049- June 30 DOWNTOWN REDEVELOPMENT PLAN TOWN ADOPTED: November 28, 2018 GNATION DATE OF ORIGINAL DISTRICT AND DEVELOPMENT PLAN: November 28, 2018 GNATION DATE OF ORIGINAL DISTRICT AND DEVELOPMENT PLAN: November 28, 2018 GNATION DATE OF ORIGINAL DISTRICT AND DEVELOPMENT PLAN: November 28, 2018 GNATION DATE OF ORIGINAL DISTRICT AND DEVELOPMENT PLAN: November 28, 2018 GNATION DATE OF ORIGINAL DISTRICT AND DEVELOPMENT PLAN: November 28, 2018 GNATION DATE OF ORIGINAL DISTRICT AND DEVELOPMENT PLAN: November 28, 2018 GNATION DATE OF ORIGINAL DISTRICT AND DEVELOPMENT PLAN: November 28, 2018 GNATION DATE OF ORIGINAL DISTRICT AND DEVELOPMENT PLAN: November 28, 2018 GNATIO	DISTRICT NAME Scarborough Downtown Omnibus DRIGINAL DISTRICT (OD): Y/N DOWNTOWN EXEMPT: Y/N DOWNTOWN EXEMPT: Y/N To adjust District acreage to add parcel U043-66 to make area available for Tow consideration/approval of a CEA related to an affordable rental housing project. Town approved June 30, 2021. Note: Town also approved a new CEA, under Omnibus capacity, on same date. 10/1/2020) OD Technical Revision: to remove a 7.15-acre parcel, which was mucluded in this TIF footprint which it was already part of the Bessey School Afformerected/revised to be \$95,622,900, as of March 31, 2018/acreage 947.91. (3/29/2019] OD: To help accomplish the goals of Scarborough's Downtown Reducted of fund various municipal and economic development projects. 3% of entire District for its own municipal uses, plus a) For Scarborough Downs portion of District, for TIF years: 1-10 40% to fulfill a CEA planned with property owner Crossroads Holdings In 11-20, 25%, capped at \$55,000,000 for initial non-bonus reimbursement, or depending upon whether developer achieves certain standards; 21-30 10% as a possible "Bonus Option" b) For rest of District, for any a developer/owner's property, up to 100% within after a public hearing. **all over 4/1/18 assessed value due to a 2018 commercial revaluation (per Program, pa DATES START: July 1, 2019- June 30, 2020 (FY 2020) END: July 1, 2049- June 30, 2000 (FY 2020) END: July 1, 2049- June 30, 2000 (FY 2020) END: July 1, 2049- June 30, 2000 (FY 2020) END: July 1, 2049- June 30, 2000 (FY 2020) END: July 1, 2049- June 30, 2000 (FY 2020) END: July 1, 2049- June 30, 2000 (FY 2020) END: July 1, 2049- June 30, 2000 (FY 2020) END: July 1, 2049- June 30, 2000 (FY 2020) END: July 1, 2049- June 30, 2000 (FY 2020) END: July 1, 2049- June 30, 2000 (FY 2020) END: July 1, 2049- June 30, 2000 (FY 2020) END: July 1, 2049- June 30, 2000 (FY 2020) END: July 2, 2049- June 30, 2000 (FY 2020) END: July 3, 2049- June 30, 2040 (FY 2020) END: July 3, 2049- June 30, 2040 (FY 2020) END: July 4, 2049- June 30, 2040	DISTRICT NAME Scarborough Downtown Omnibus PRIGINAL DISTRICT (OD): Y/N N AMENDED: Y/N Y # AMD DOWNTOWN EXEMPT: Y/N V PAPER MILL EXEMPT: Y/N N To adjust District acreage to add parcel U043-66 to make area available for Town Courconsideration/approval of a CEA related to an affordable rental housing project. AMD-1 on July 1, 2022. Town approved June 30, 2021. Note: Town also approved a new CEA, under Omnibus capacity, on same date. 10/1/2020) OD Technical Revision: to remove a 7.15-acre parcel, which was mistake included in this TIF footprint which it was already part of the Bessey School Affordable corrected/revised to be \$95,622,900, as of March 31, 2018/acreage 947.91. 13/29/2019] OD: To help accomplish the goals of Scarborough's Downtown Redevelopment of fund various municipal and economic development projects. 3% of entire District for its own municipal uses, plus a) For Scarborough Downs portion of District, for TIF years: 1-10 40% to fulfill a CEA planned with property owner Crossroads Holdings LLC; 11-20, 25%, capped at \$55,000,000 for initial non-bonus reimbursement, or 40%, depending upon whether developer achieves certain standards; 21-30 10% as a possible "Bonus Option" b) For rest of District, for any a developer/owner's property, up to 100% within Distriafter a public hearing. **all over 4/1/18 assessed value due to a 2018 commercial revaluation (per Program, page 8). DATES START: July 1, 2019- June 30, 2020 (FY 2020) END: July 1, 2049- June 30, 2049 (FN DOWNTOWN REDEVELOPMENT PLAN TOWN ADOPTED: November 28, 2018

Increased Assessed Value (IAV); Real/Personal Property (RP/PP)

*See Reimbursement Schedule below for additional requirements.

■ COMPANY OR DEVELOPER DATA

		Crossroads Holding, LLC P.O. Box 485, Scarborough, Maine 04070				
Develop parcel of land with small lot single family homes, apartments and duplexes, a main street area with a town square, community center and small restaurants, stores, and offices. (Map R52 Lot 4)						
	ENTITY WEX, INC. ADDRESS One Hancock Street, Portland, ME 04101					
PROJECT Center Street Partners, LLC to construct an approximately 200,000 square foot facility to be leased to WEX, which will house certain WEX corporate offices operations, with a planned opening by early-to-mid 2022. (Map 052 Lot 004)						
NEW INVST	MNT \$		FT JOBS NEW	100	100	100
#NEV	V JOBS	300	AVG WAGE/YR	\$30,000-\$150,000	30,000-\$150,000	30,000-\$150,000

MTIF: Application Synopsis for Commissioner Consideration

AVESTA US Route One LP (0.44 portion of Map U043 Lot 056)
307 Cumberland Avenue, Portland, ME 04101

PROJECT 31-unit affordable housing development.

Company (CO); Developer (DEV)

■ STATUTORY REQUIREMENTS

WITHIN ACREAGE CAP?	OD: 947.91 + AMD-1 0.22 Total 948.13	EX	MUNICIPAL BONDS ISSUED? Y/N/MAY	М
ON	SUITABLE PROPERTY?	Υ	TAX SHIFTS CALCULATED?	Υ
OAV CERTIFIED?	OD: \$95,622,900 + AMD-1 \$0 Total \$95,622,900	EX	PUBLIC NOTICE AND HEARING?	Υ
WITHIN VALUE CAP?		EX	PASSED BY MAJORITY VOTE? 6/1	Υ

^{*}Downtown; Transit-Oriented Development; Community Wind Power; Single Taxpayer/High Valuation exemptions may apply (EX*).

■ PLANNED REVENUE DISTRIBUTION

TO GENERAL FUND (NON-TIF)?		\$319,897,212				
FOR	FOR MUNICIPAL DEBT?		IF AMD, ANY BONDS TO DATE? n/app			
FOR CREDIT ENHANCEMENT AGREEMENT? Downs Prop		perty \$78,074,456	OMNIBUS DISTRICT	Y TIF POLICY		
REIMBURSEMENT SCHEDULE (ALL FOR IAV AS OF 4/1/2018 OF \$124,303,200 DUE TO A 2018 COMMERICAL REVALUATION (SEE PROGRAM, PAGE 8)	WEX, INC: 15-year Scarborough Dow 4)- For TIF years: 1-10: 40%, 11-20: If perform If perform 21-30: Bonus Opti	ance standards not met, 2! nance standards met, 40%.	to town, capped at 150 nly (Crossroads Holdin 5%, capped at \$55,000, Section III (C), for personal to the personal program, page 10.	0,000. gs LLC, Map R52 Lot 0,000; erformance standards) chieving "desired		
	Omnibus feature: Up to 100% of IAV of an individual developer/owner's property, at the Town Council's discretion, after a public hearing.					
FOR BONA-FIDE ECONO	MIC DEVELOPMENT	\$12,308,402				
[\$8,190,000]						

(T1/T2) Trai
(T1/T3) Ger
developmen
planning stu

<u>EXCLUE</u>

Ψ Priva

× § 522

(T1/T2) Traffic-Related Improvements \$7,000,000 $\Psi \times$;

(T1/T3) General Economic Development: prorated salaries and overhead costs associated with economic development (ED) staff/Scarborough Economic Development Corporation costs/economic development and planning studies and plans/consultants & legal costs related to TIF & ED \$1,190,000.

EXCLUDING ANY COSTS/FUNDING FOR:

Ψ Private residential distribution line(s)

 \times § 5225(1)(A)(1)(a)(i) and (A)(8) and (C)(7)(b) Transit-Oriented Development costs

Projects unique to this District/Program? [x] YES [] NO

Over TIF Term (OTT); §5225(1) (A-C) = Tier (T) 1-3

MTIF: Application Synopsis for Commissioner Consideration

■ STAFF RECOMMENDATION

DEVELOPMENT PROGRAM OFFICER (DPO) REVIEWED APPLICATION AND OFFERS THIS OPINION:	Recommend approval to the best of my knowledge; no concerns.		
DPO RECOMMENDS COMMISSIONER APPROVAL? Y/N/OTHER	Y	T.M.	7/30/2021
APPLICATION RECEIPT DATE	7/14/2021	CHECK AFTER DATA	A ENTRY

Form revised 5/14/2020



STATE OF MAINE

DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY

BUREAU OF RESOURCE INFORMATION & LAND USE PLANNING 93 STATE HOUSE STATION AUGUSTA, MAINE 04333

AMANDA E. BEAL COMMISSIONER

To:

Tina Mullins, Development Project Officer, Tax Incentives Program Director, DECD

From:

Phil Carey, Senior Planner, Municipal Planning Assistance Program

Date:

3/6/2019

Re:

Comments on Scarborough Downtown TIF Application

Thank you for the opportunity to review and comment on the Town of Scarborough *Downtown Omnibus Municipal Development and Tax Increment Financing District* application, dated 12/5/2018.

Our comments are limited to those areas of the application that relate to land use planning. We hope you find them helpful.

Downtown Plan The plan entitled, *A Downtown for Scarborough: Connecting Scarborough Downs and Oak Hill*, adopted 11/28/2018, is included in the application as Exhibit H. We have concluded that this plan meets the definition of a "Downtown redevelopment plan" found in section 1(B) of DECD's Municipal TIF Rule.

District Boundaries The area described by the proposed district boundaries shown on the maps presented in Exhibit A of the application corresponds exactly with the area addressed in the Town's downtown plan. In our opinion, the geography of the proposed Downtown TIF Development District is generally consistent with the Town's "Downtown" as defined in 30-A M.R.S.A. Chapter 206, Section 5222. While the Downs property is not immediately adjacent to other downtown properties, the development scheme proposed for it, with its mix of uses, public spaces, and infrastructure improvements, distinguish it from the intervening residential neighborhood. These same distinguishing features, taken with its proximity to Oak Hill and the municipal government campus, support the position that the Downs can become an integral part of a Scarborough downtown.

Development Program and Project List The application's Table 1 describes two general types of work to which TIF revenues may be applied, and an estimate of how much TIF money will be applied to each: Traffic Related Improvements (\$7,000,000), and Economic Development (\$1.190.000). The table also includes references to pages in the downtown plan which provide additional background and, in the

maine Agriculture Conservation & Forestry

Received

MAR 1 1 2019

ECD

22 State House Station 18 Elkins Lane, HArlow Building

MUNICIPAL PLANNING ASSISTANCE PROGRAM

AUGUSTA, ME 04333

PHONE: (207) 287-3860

WWW.MAINE.GOV/DACF/MUNICIPALPLANNING

case of Transportation Improvements, identification of some specific projects. While additional specificity would make the application stronger, we expect that the projects, as described, would contribute to the vitality of the Scarborough's downtown area, and that the implementation of the entire development program would make a very significant contribution.

We have no further comments. Again, thank you for the opportunity to review the application. Please don't hesitate to call or email if you have any questions.



STATE OF MAINE DEPARTMENT OF TRANSPORTATION 16 STATE HOUSE STATION AUGUSTA, MAINE 04333-0016

Bruce A. Van Note

Memorandum

To: Tina Mullins

From: Jennifer Brickett, Regional Planner, Bureau of Planning, MaineDOT

Date: February 22, 2019

Re: Scarborough Downtown Omnibus Municipal Development and TIF District

On behalf of MaineDOT, I have reviewed the Town of Scarborough's application for the *Scarborough Downtown Omnibus Municipal Development and Tax Increment Financing District* and have found the application to be acceptable.

The proposed TIF district supports the goals of the Town of Scarborough's Downtown Redevelopment Plan, which includes the existing Oak Hill area, the municipal campus, and the proposed redevelopment of the Scarborough Downs property to the south. The redevelopment of the Scarborough Downs property creates a unique opportunity to blend the Oak Hill area with a potential new main street at Scarborough Downs, which would include a town square, community center, small restaurants, stores, offices, and residential neighborhoods. The established TIF district will enable the town to capture amounts paid on increased assessed value of property in the district and use the revenues toward infrastructure improvements, economic development initiatives, and credit enhancement agreements with developers of property in the District.

The MaineDOT supports the Town of Scarborough's decision to use TIF revenues toward traffic-related improvements like design and construction of roads, sidewalks, signalization, utilities affected by road work, streetscape, and traffic calming measures. Statutorily, TIF revenues can also be used towards transit oriented development (TOD). The Department sees benefit in using TIF revenues towards TOD in Scarborough due to increasing congestion along Route 1 and demand for transit services, but defers to the town on the best use of their revenues for the downtown redevelopment.

The proposed area of the Downtown Redevelopment Plan and TIF district includes potential projects that are associated with the state transportation systems (Payne Rd., Route 1, Gorham Rd./Rt. 114, and Black Point Rd/Rt. 207). If the Town of Scarborough intends to seek MaineDOT financial participation on any projects along these roads, or if any projects will occur within the State right-of-way, the town should closely coordinate with MaineDOT and make formal funding requests through the MaineDOT Work Plan. MaineDOT will work with the town upon request to coordinate and consider the proposed transportation improvements.

Lastly, it should also be noted that the Portland Area Comprehensive Transportation System (PACTs) is sponsoring a Saco/Scarborough Route 1 Complete Streets Plan that is currently underway. This planning study will explore ways to make the corridor more accessible for all modes and to help mitigate congestion and improve safety for all users. MaineDOT recommends that the town consult the plan as infrastructure investments are made within the TIF district.

Thank you for the opportunity to comment on this TIF application.



Bernstein, Shur, Sawyer & Nelson, P.A.

100 Middle Street PO Box 9729 Portland, ME 04104-5029

T (207) 774 - 1200 **F** (207) 774 - 1127

Shana Cook Mueller (207) 228-7134 direct smueller@bernsteinshur.com

Sent via FedEx Tracking No.: 7742 5583 3420

July 14, 2021

Tina M. Mullins Department of Economic and Community Development 111 Sewall Street Burton Cross Building, 3rd Floor Augusta, ME 04330

> First Amendment to Scarborough Downtown Omnibus Municipal Re: **Development and Tax Increment Financing District Town of Scarborough**

Dear Tina:

Enclosed with this letter please find the application for the First Amendment to Scarborough Downtown Omnibus Municipal Development and Tax Increment Financing District as approved by the Town of Scarborough on June 30, 2021.

Please note that while the First Amendment was undertaken to adjust the acreage of the district, the Council also held a hearing and vote on approving a new credit enhancement agreement under its omnibus capacity. We have enclosed a copy of the credit enhancement agreement that will be the version substantially the same as that which is executed between the parties. The Town will submit a copy of the executed credit enhancement agreement following its execution.

As always, thank you for your assistance in this regard. If you have any questions or concerns, please do not hesitate to contact me at any time.

Sincerely, Man (et Muller Shana Cook Mueller

Enclosures

Thomas Hall, Town Manager cc:

June 30, 2021

Heather Johnson, Commissioner Maine Department of Economic and Community Development State House Station 59 Burton Cross Building, 3rd Floor Augusta ME 04333

> First Amendment to Scarborough Downtown Omnibus Municipal Development Tax Re: Increment Financing District Development Program

Dear Commissioner Johnson,

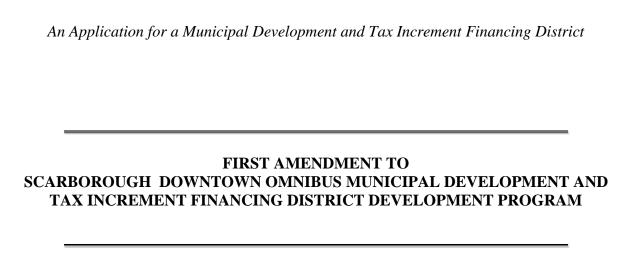
On behalf of the Town of Scarborough, I am submitting the application for the *First Amendment to* Scarborough Downtown Omnibus Municipal Development Tax Increment Financing District Development Program approved by the Town of Scarborough on June 30, 2021.

With this letter, I certify that all information contained in this application is true and correct to the best of my knowledge.

Sincerely,

1 Lebel Town Manager

ECONOMIC DEVELOPMENT SCARBOROUGH, MAINE



Presented to:

SCARBOROUGH TOWN COUNCIL

June 9, 2021 – Council First Reading
June 16, 2021 – Public Hearing
June 30, 2021 – Council Second Reading and Vote

APPLICATION COVER SHEET

MUNICIPAL TAX INCREMENT FINANCING

A. General Information 1. Municipality Name: Town of Scarborough 2. Address: 259 U.S. Route 1, PO Box 360, Scarborough, ME 04070-360 4. Fax: 207-730-4033 3. Telephone: 207-730-4031 5. Email: thall@scarboroughmaine.org 6. Municipal Contact Person: Thomas Hall, Town Manager 7. Business Name: 8. Address: 9. Telephone: 10. Fax: 11. Email: 12. Business Contact Person: 13. Principal Place of Business: 14. Company Structure (e.g. corporation, sub-chapter S, etc.): 15. Place of Incorporation: 16. Names of Officers: 17. Principal Owner(s) Name: 18. Address: **B.** Disclosure 1. Check the public purpose that will be met by the business using this incentive (any that apply): iob retention job creation capital investment training investment tax base improvement public facilities improvement other (list): 2. Check the specific items for which TIF revenues will be used (any that apply): real estate purchase machinery & equipment purchase training costs

C. Employment Data

List the company's goals for the number, type and wage levels of jobs to be created or retained as part of this TIF development project (*please use next page*).

⊠other (list): Please see Project Costs Table.

N/A

debt reduction

TABLE OF CONTENTS

<u>Page</u>
I. Development Program Amendment Narrative1
A. Introduction/Summary of the Amendment to the Scarborough Downtown Omnibus
TIF Development Program1
B. The Existing District and Development Program1
C. Physical Description and Original Assessed Value1
D. Special Procedural Explanation2
•
II. Evidence of Public Hearing and Vote for Amendment2
A. Notice of Public Hearing2
B. Minutes of Public Hearing2
C. Authorizing Votes2
D. Statutory Requirements & Thresholds form2
EXHIBITS:
EXHIBIT A AMENDED MAP OF THE DISTRICT
EXHIBIT B1 AMENDED ASSESSOR'S CERTIFICATE
EXHIBIT B2 AMENDED TAXABLE ASSESSED VALUES
EXHIBIT C NOTICE OF PUBLIC HEARING
EXHIBIT D CERTIFIED COPY OF THE PUBLIC HEARING MINUTES
EXHIBIT E TOWN COUNCIL ORDER
EXHIBIT F STATUTORY REQUIREMENTS AND THRESHOLDS FORM

I. Development Program Amendment Narrative

A. Introduction/ Summary of the Amendment to the Scarborough Downtown Omnibus TIF Development Program

The Town seeks an amendment to the Scarborough Downtown Omnibus Tax Increment Financing District (the "<u>District</u>") and Development Program (the "<u>Amendment</u>" and, the "<u>Development Program</u>").

This Amendment adds acreage from Town Tax Map parcel U043-66 to the District in order to make the area available for the Council to consider approval of a credit enhancement agreement relating to an affordable rental housing project. This Amendment shall be effective on July 1, 2022.

This Amendment is structured and proposed pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended.

B. The Existing District and Development Program

In November 2018, the Town of Scarborough (the "<u>Town</u>") designated the Downtown Omnibus Development and Tax Increment Financing District and adopted the Development Program for the District. The Department of Economic and Community Development ("<u>DECD</u>") approved the original District and the original Development Program on March 29, 2019. The Town created the District in order to capture new taxable investment primarily from commercial development occurring within Downtown Scarborough and to fund a variety of public facilities and improvements as well as City economic development projects and activities. The term of the District is thirty (30) years.

C. Physical Description and Original Assessed Value

Prior to this Amendment, the District was comprised of 947.91 acres and had an original assessed value of \$95,622,900. Following the addition of the acreage proposed to be developed into an affordable housing project, the entirety of the parcel currently identified on Town Tax Maps as U043-66, the District will be comprised of 948.13¹ acres and will have an original assessed value of \$95,622,900 (there is no change to the original assessed value because the portion of the district being added had a taxable assessed value as of April 1, 2020 (March 31,

Please note that the overall District acreage is increasing by a total of .22 acres. As of April 1, 2020, the parcel currently identified as U043-56 was two separate parcels identified as U043-56 (2.27 acres) and U043-66 (.31 acres). When these two parcels merged following a real estate transaction occurring later in 2020, the two parcels merged into one lot now identified as U043-56. Given the updated survey undertaken in connection with this transaction, the Town was able to correct the acreage for the lot formerly identified as U043-56 from 2.27 acres to 2.18 acres. For this reason, the overall adjustment to the District acreage is the addition of .22 acres (following the addition of the .31 lot formerly known as U043-66 and the reduction in the acreage of the lot formerly identified as U043-56 from 2.27 acres to 2.18 acres).

2021) of zero dollars (\$0)). Please see <u>Exhibit A</u> for an amended map of the District and <u>Exhibit</u> B-1 for an amended Assessor's Certificate for the District.²

D. Special Procedural Explanation

Please note that this Amendment is also presented to the Town Council on the same date as a proposal for a credit enhancement agreement for an affordable housing development project by Avesta US Route One LP. Pursuant to the existing authorizations and structure of the Downtown Omnibus TIF District and Development Program, the Town Council has authority to authorize credit enhancement agreements with developers in the District.

II. Evidence of Public Hearing and Vote for Amendment

A. Notice of Public Hearing

Attached as Exhibit C is a copy of the Notice of Public Hearing published in the *Portland Press Herald*, a newspaper of general circulation in the Town, a date at least ten (10) days prior to the public hearing. The public hearing was held on June 16, 2021, in accordance with the requirements of 30-A M.R.S.A. § 5226(1).

B. Minutes of Public Hearing

Attached as <u>Exhibit D</u>, is a certified copy of the minutes of the public hearing held on June 16, 2021, at which time the proposed District was discussed by the public.

C. Authorizing Votes

Attached as <u>Exhibit E</u> is an attested copy of the Scarborough Town Council Order, which was approved by the Town Council at a Town Council meeting duly called and held on June 16, 2021 adopting the Amendment to the Development Program.

D. Statutory Requirements & Thresholds form

Attached as Exhibit F, is a completed statutory requirements and thresholds form for the District.

Please note that Exhibit B-2 shows the Amended Taxable Assessed Values as of the year following the original assessed value year for the Downtown Omnibus Development and Tax Increment Financing District. This is included because increased assessed value in the District is only captured over the Exhibit B-2 values per the Town's original approval of the District and Development Program.

Exhibit A

(Amended Map of the District)

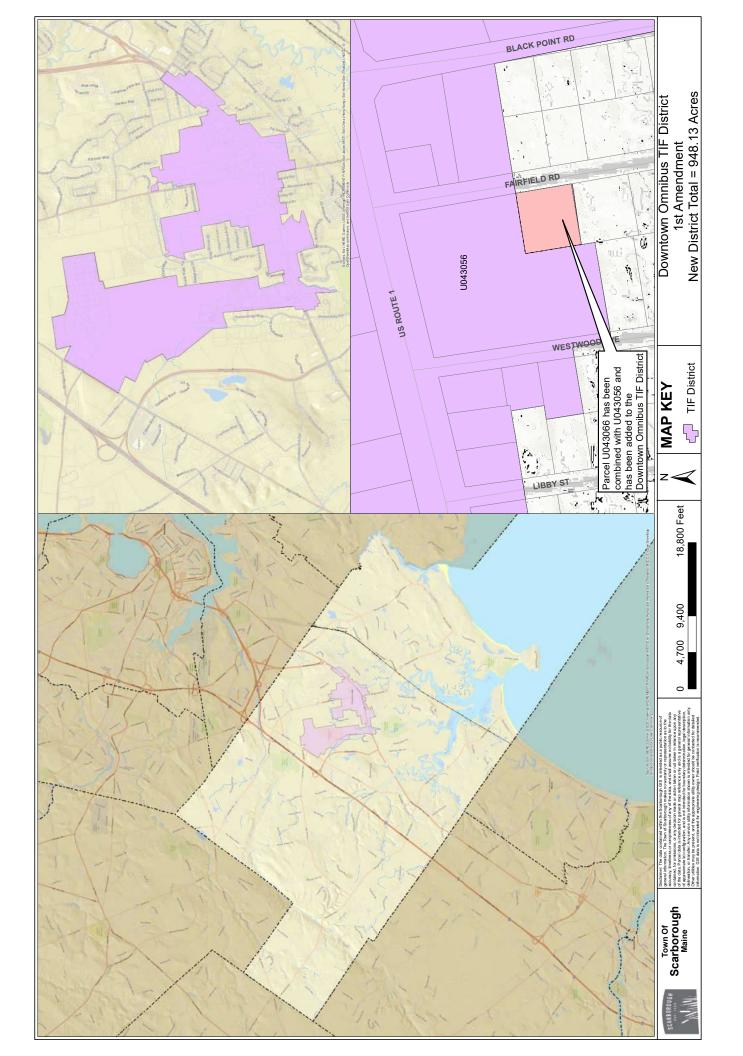


Exhibit B-1

(Amended Assessor's Certificate)

TOWN OF SCARBOROUGH FIRST AMENDMENT TO SCARBOROUGH DOWNTOWN OMNIBUS MUNICIPAL DEVELOPMENT AND TAX INCREMENT FINANCING DISTRICT

ASSESSOR CERTIFICATE

The undersigned Assessor for the Town of Scarborough does hereby certify pursuant to the provisions of M.R.S.A. Title 30-A § 5227(2), that the assessed value of taxable real property in the First Amendment to the Scarborough Downtown Omnibus Municipal Development and Tax Increment Financing District as described in the Development Program to which this certificate is attached, was \$95,622,900 as of March 31, 2018 (April 1, 2017) [Note that the portion of the District being added in the First Amendment has an original assessed value date of March 31, 2021 (April 1, 2020) and an original assessed value of \$0]. A table showing the original assessed value by parcel is provided below.

IN WITNESS THEREOF, this Certificate has been executed this ____ day of ____ 2021.

Assessor, Town of Scarborough

Nicholas T. Cloutier, CAA

ODICINAL ASSESSED VALUE PARCEL TABLE

		Original Assessed Value as of
Tax Map and Lot Number	Acreage	March 31, 2018 (April 1, 2017)
R052004	423.64	\$7,888,900
R053002	2.6	\$211,000
R053003	15	\$30,000
R058028D	16.23	\$82,800
R058032	16.3	\$752,800
R058032D	0.69	\$197,700
R058032E	0.69	\$162,200
R058032F	0.69	\$163,000
R058032H	0	\$28,400
R058032A	0.78	\$1,451,000
R058032B	0.9	\$425,200
R058032C	2.5	\$841,300
R058032J	0.68	\$493,700
R058032K	0.28	\$166,400
R058032M	1.5	\$795,600
R058032N	0.6	\$401,000
R058032P	1.6	\$834,300
R058032Q	1.19	\$561,600
R058032R	1	\$958,400
R058032S	4.7	\$500
R058032T	8	\$800

23.34	\$0	
	\$0	
	\$0	
9	\$0	
16	\$0	
0.43	\$219,000	
0.18	\$130,500	
0.37	\$127,400	
0.73	\$276,300	
5.02	\$0	
0.76	\$268,700	
0.92	\$291,400	
0.7	\$416,900	
4.72	\$2,363,900	
1.33	\$84,000	
0.59	\$234,600	
0.79	\$341,600	
6.8	\$221,200	
5.72	\$2,885,300	
1.34	\$825,000	
0.5	\$626,200	
14.51	\$0	
1.27	\$0	
0.9	\$150,300	
1.85	\$2,002,400	
22	\$0	
	\$1,440,900	
25.6	\$0	
0.6	\$0	
	\$0	
0.19	\$0	
5.7	\$0	
3.97	\$0	
2.66	\$0	
	\$668,200	
	\$513,800	
	\$365,400	
	\$723,100	
0.83	\$233,800	
	\$121,600	
	\$261,800	
0.83	\$156,400	
0.5	\$0	
	1.3 53.3 9 16 0.43 0.18 0.37 0.73 5.02 0.76 0.92 0.7 4.72 1.33 0.59 0.79 6.8 5.72 1.34 0.5 14.51 1.27 0.9 1.85 22 2.44 25.6 0.6 1.22 0.19 5.7 3.97 2.66 1.01 0.83 0.33 0.75 0.83 0.83 0.83	

U043009A U043010	1.44 0.42	\$0 \$337,200
U043011	1.38	\$179,500
U043033	0.19	\$190,700
U043034	0.19	\$177,400 \$278,500
U043035	0.18	
U043040	0.59 0.31	\$238,500 \$0
U043042		· ·
U043043	0.23	\$238,700
U043054	0.25	\$217,900
U043054A	0.14	\$144,900
U043054B	0.19	\$167,900
U043055	0.24	\$226,200
U043056	2.18 ¹	\$0
U043069	0.2	\$0
U043077	0.56	\$285,300
Ú043078	0.55	\$432,000
U044001	1.51	\$1,521,600
U044002	1.6	\$1,115,500
U044003	0.99	\$1,169,200
U044004	0.64	\$192,000
U044005	0.19	\$219,500
U044006	0.8	\$388,100
U044007	3.32	\$1,400,000
U044007A	0	\$140,900
U044008	35.6	\$537,700
U044008A	1.41	\$696,100
U044008B	18.19	\$6,165,100
U044008C	0	\$317,700
U044008D	0.6	\$76,200
U044009	1.64	\$1,146,600
U044011	2.87	\$1,260,400
U044012	0.78	\$377,500
U044014	1.03	\$727,800
U044015	6.43	\$2,289,700
U044016	2.6	\$1,610,300
U044017	21.33	\$0
U044017A	8.3	\$7,979,600
U044018	1.26	\$500,800
U045001	2.31	\$309,800
U045001B	2.57	\$155,900
U045001A	2.57	\$1,761,000
U045002	0.42	\$252,800
U045003A	2.1	\$1,180,900
U045004	3.96	\$1,724,900

This is a partial lot acreage – an additional .31 acres of Lot U043056 was added to the District in this First Amendment and noted below. The overall District acreage is increasing by a total of .22 acres. As of April 1, 2020, the parcel currently identified as U043-56 was two separate parcels identified as U043-56 (2.27 acres) and U043-66 (.31 acres). When these two parcels merged following a real estate transaction occurring later in 2020, the two parcels merged into one lot now identified as U043-56. Given the updated survey undertaken in connection with this transaction, the Town was able to correct the acreage for the lot formerly identified as U043-56 from 2.27 acres to 2.18 acres. For this reason, the overall adjustment to the District acreage is the addition of .22 acres (following the addition of the .31 lot formerly known as U043-66 and the reduction in the acreage of the lot formerly identified as U043-56 from 2.27 acres to 2.18 acres).

	Totals	948.13	\$95,622,900
U043056	.312		\$0
			Original Assessed Value as of March 31, 2021 (April 1, 2020)
Roads	46.5		\$0
U047094	5.83		\$3,226,100
U047092	1.91		\$3,982,100
U047091	0.94		\$484,100
U047069	1.05		\$717,300
U046004	6.05		\$3,346,200
U046003	1.34		\$1,619,600
U046002	0.92		\$392,600
U046001	3.1		\$0
U0452101	0.25		\$153,600
U045036	0.39		\$265,000
U045035	0.23		\$194,500
U045022 U045025	1.17		\$420,800
U045020	0.95 1.17		\$406,400 \$788,800
U045019	0.51		\$390,700
U045018B			· · ·
U045018A	0.93		\$366,500 \$499,100
U045018	0.5 0.33		\$245,300
U045017	0.71		\$801,700
U045013C	2.1		\$1,937,300
U045013B	1.08		\$812,500
U045013A	1.5		\$1,041,600
U045006	0.84		\$436,100
U045005	3.9		\$1,548,900
U045004A	5.68		\$305,100

² This is a partial lot the rest of which is noted in the table above. Because this .31 acres was added to the District in the First Amendment, it has a different Original Assessed Value date.

Exhibit B-2

(Amended Taxable Assessed Values)

TOWN OF SCARBOROUGH SCARBOROUGH DOWNTOWN OMNIBUS MUNICIPAL DEVELOPMENT AND TAX INCREMENT FINANCING DISTRICT AMENDED APRIL 1, 2018 TAXABLE ASSESSED VALUES

Explanatory Note: In light of a 2018 commercial revaluation, the Town has elected to begin capturing increased assessed value at April 1, 2018 taxable assessed values instead of beginning to capture applicable percentages at the original assessed values for parcels that are identified in Exhibit B-1. For purposes of assisting the Town in capturing the appropriate amount of increased assessed value, this Exhibit B-2 shows taxable assessed values of District properties as of April 1, 2018.

APRIL 1, 2018 TAXABLE ASSESSED VALUES - PARCEL TABLE

AFRIL 1, 2016 TAXABLE ASSESSED VALUES - FARCEL TABLE					
		Taxable Assessed Value as			
Tax Map and Lot Number	Acreage	of April 1, 2018			
R052004	423.64	\$7,265,700			
R053002	2.6	\$211,000			
R053003	15	\$30,000			
R058028D	16.23	\$32,500			
R058032	16.3	\$752,800			
R058032A	0.78	\$2,003,100			
R058032B	0.9	\$612,800			
R058032C	2.5	\$1,855,200			
R058032D	0.69	\$470,600			
R058032E	0.69	\$327,200			
R058032F	0.69	\$385,300			
R058032H	0	\$65,500			
R058032J	0.68	\$668,200			
R058032K	0.28	\$467,100			
R058032M	1.5	\$1,242,800			
R058032N	0.6	\$724,800			
R058032P	1.6	\$1,246,100			
R058032Q	1.19	\$652,300			
R058032R	1	\$1,029,800			
R058032S	4.7	\$16,900			
R058032T	8	\$16,000			
R059016	23.34	\$0			
R059021	1.3	\$0			
R059024	53.3	\$0			
R059025	9	\$0			
R059026	16	\$0			
U039001	0.43	\$276,800			
U039002	0.18	\$130,500			
U039003	0.37	\$127,400			
U039006	0.73	\$289,100			

11020010	F 03	ćo
U039010	5.02	\$0
U039048	0.76	\$359,300
U039049	0.92	\$447,400
U039050	0.7	\$613,800
U040002	4.72	\$3,049,600
U040004	1.33	\$227,300
U040005	0.59	\$283,500
U040006	0.79	\$345,900
U040007	6.8	\$221,200
U040008	5.72	\$4,029,700
U040009	1.34	\$867,000
U040023	0.5	\$797,500
U040025	14.51	\$0
U040025A	1.27	\$0
U040031	0.9	\$192,300
U041001	1.85	\$2,790,900
U041002A	22	\$0
U041005	2.44	\$1,518,600
U041006	25.6	\$0
U041010	0.6	\$0
U041011	1.22	\$0
U041012	0.19	\$0
U041013	5.7	\$0
U042067	3.97	\$0
U043001	2.66	\$0
U043002	1.01	\$938,800
U043003	0.83	\$521,800
U043005	0.33	\$417,200
U043006	0.75	\$694,300
U043008	0.5	\$0
U043009	0.77	\$519,600
U043009A	1.44	\$0
U043010	0.42	\$451,100
U043011	1.38	\$179,500
U043033	0.19	\$248,800
U043034	0.19	\$230,400
U043035	0.18	\$274,900
U043040	0.59	\$389,900
U043042	0.31	\$0
U043043	0.23	\$344,000
U043054	0.25	\$254,500
U043054A	0.14	\$144,900
U043054B	0.19	\$167,900
		+-0.,500

	T	1 4000 000
U043055	0.24	\$238,000
U043056	2.18 ²	\$0
U043069	0.2	\$0
U043077	0.56	\$285,300
U043078	0.55	\$597,000
U043701	0.83	\$248,500
U043702	0.83	\$248,500
U043703	0.83	\$248,500
U043704	0.83	\$248,500
U044001	1.51	\$2,290,000
U044002	1.6	\$2,251,500
U044003	0.99	\$1,138,500
U044004	0.64	\$156,100
U044005	0.19	\$219,500
U044006	0.8	\$515,100
U044007	3.32	\$1,153,900
U044007A	0	\$248,000
U044008	35.6	\$537,700
U044008A	1.41	\$846,200
U044008B	18.19	\$7,235,200
U044008C	0	\$416,800
U044008D	0.6	\$76,200
U044009	1.64	\$1,258,700
U044011	2.87	\$1,715,300
U044012	0.78	\$465,300
U044014	1.03	\$1,033,000
U044015	6.43	\$2,787,300
U044016	2.6	\$1,766,800
U044017	21.33	\$0
U044017A	8.3	\$13,992,500
U044018	1.26	\$769,200
U045001	2.31	\$713,200
U045001A	2.57	\$2,763,200
U045001B	2.57	\$2,763,200
U045002	0.42	\$450,500
U045003A	2.1	\$1,065,400
U045004	3.96	\$2,195,900
U045004A	5.68	\$834,500
U045005	3.9	\$1,790,500
U045006	0.84	\$523,300
U045013A	1.5	\$1,526,800
U045013B	1.08	\$1,060,600
U045013C	2.1	\$2,180,700

 $^{^{2}}$ This portion of this parcel's acreage was corrected in the First Amendment.

Totals	948.13	\$124,303,200
U043056 ¹	.31	\$0
Roads	46.5	0
U047094	5.83	\$4,095,700
U047092	1.91	\$3,651,500
U047091	0.94	\$592,200
U047069	1.05	\$641,000
U046004	6.05	\$3,677,200
U046003	1.34	\$2,147,700
U046002	0.92	\$471,600
U046001	3.1	\$0
U0452101	0.25	\$153,600
U045036	0.39	\$353,800
U045035	0.23	\$194,500
U045025	1.02	\$436,600
U045022	1.17	\$945,900
U045020	0.95	\$627,500
U045019	0.51	\$606,000
U045018B	0.93	\$598,600
U045018A	0.33	\$572,100
U045018	0.5	\$391,700
U045017	0.71	\$870,000

 $^{^{\}mathrm{1}}$ This portion of this parcel was added in the First Amendment to the District.

Exhibit C

(Notice of Public Hearing)

NOTICE OF PUBLIC HEARINGS TOWN OF SCARBOROUGH

Regarding

The Approval of the First Amendment to the "Scarborough Downtown Omnibus Municipal Development and Tax Increment Financing District" and the Development Program therefor, and

The Approval of a Credit Enhancement Agreement between the Town of Scarborough and Avesta US Route One LP

Notice is hereby given that the Town of Scarborough will hold two public hearings at its Town Council Meeting on

Wednesday, June 16, 2021 Via Zoom and in Person At the Scarborough Municipal Building located at 259 US-1, Scarborough, ME 04074 at 7:00 p.m.

The purpose of the public hearings is to receive public comments on each of the items identified above, all pursuant to the provisions of Chapter 206 of Title 30-A of the Maine Revised Statues, as amended.

The proposed first amendment to the Scarborough Downtown Omnibus TIF seeks to change the District's acreage by adding a portion to the area identified on Town of Scarborough Tax Map U043, Lot 56 in order to make it available for the Town Council to consider approval of a credit enhancement agreement relating to a proposed affordable housing project identified below.

The proposed credit enhancement agreement would be by and between the Town of Scarborough and Avesta US Route One LP relating to a proposed 31-unit affordable housing development to be located within the Amended Scarborough Downtown Omnibus Municipal Tax Increment Financing District.

A copy of the materials relating to the amendment to the Downtown Omnibus TIF District and the proposed credit enhancement agreement will be on file with the Town Clerk prior to the public hearings. All interested persons are invited to attend the public hearing and will be given an opportunity to be heard at that time. Copies of the proposed applications are available at the Town Clerk's Office and can also be obtained by calling the Town Clerk at 207-730-4000 during normal business hours and requesting that a copy be mailed to you. All interested persons are invited to participate in the public hearing and will be given an opportunity to be heard.

The Scarborough Town Council will hold these public hearings both remotely using Zoom and in person. Virtual meetings are allowed using emergency legislation approved by LD 2167; Title 1 M.R.S. §403A, that authorizes towns to conduct meetings online. If members of the public prefer to participate remotely, allow your computer to install the free Zoom app to get the best meeting experience.

ZOOM MEETING INSTRUCTIONS: The link to the on-line meeting will be posted on the 'town calendar' on the Town's website: scarboroughmaine.org

Public comments will be taken at the meeting and written comments should be submitted to clerksoffice@scarboroughmaine.org.

PRIMAINE ELAND COUNTY I, do hureby attest that this document is AN ORIGINAL PORTION OF THE MAINE SUN DAY TELEGRAM. DATED THIS IST DAY OF JULY 2021

Golande Gustice

in the ass I ever had to deal also blankant, and in

ind alcohol in the nd then a long and us mending over

with in my life," Dan Crewe said of his brother, whom

I don't honor that, I am being selfish."

Maine Sunday Telegram / Sunday, June 6, 2021 A13

United States District Court District of Maine PUBLIC NOTICE FOR APPOINTMENT OF NEW MAGISTRATE JUDGE Location: Portland, Maine

On April 1, 2022, U.S. Magistrate Judge John H. Rich III will retire from service to the Court. The Judicial Conference of the United States has authorized the appointment of a full-time United States Magistrate Judge for the United States District Court for the District of Maine. The essential function of courts is to dispense justice. An important component of this function is the creation and maintenance of diversity in the court system. A community's belief that a court dispenses justice is heightened when the court reflects the community's racial, ethnic, and gender diversity.

The duties of this position are demanding and wide-ranging and include: (1) conducting most preliminary proceedings in criminal cases; (2) trial and disposition of misdemeanor cases; (3) conducting various pretrial matters and evidentiary proceedings on delegation from a district judge; and (4) trial and disposition of civil cases upon consent of the litigants. The basic authority of a United States magistrate judge is specified in 28 U.S.C. § 636.

To be qualified for appointment an applicant must:

- (1) Be, and have been for at least five years, a member in good standing of the bar of the highest court of a state, the District of Columbia, the Commonwealth of Puerto Rico, the Territory of Guam, the Commonwealth of the Northern Mariana Islands, or the Virgin Islands of the United States, and have been engaged in the active practice of law for a period of at least five years (with some substitutes authorized);
- (2) Be competent to perform all of the duties of the office; be of good moral character; be emotionally stable and mature; be committed to equal justice under the law; be in good health; be patient and courteous; and be capable of deliberation and decisiveness;
- (3) Be less than seventy years old; and
- (4) Not be related to a judge of the district court.

A Merit Selection Panel composed of attorneys and other members of the community will review all of the applications and recommend five persons it considers to be the best qualified for the position to the Judges of the U.S. District Court of the District of Maine in confidence. An affirmative effort will be made to give due consideration to all qualified applicants without regard to race, color, age (40 and over), gender, religion, national origin, or disability. The current annual salary for this position is \$201,122.00. The term of office is eight years.

After a complete FBI full-field investigation and an IRS tax check of the selected applicant, and after approval by the Judges of the U.S. District Court of the District of Maine, the court will make the appointment. The individual selected must comply with the financial disclosure requirements pursuant to the Ethics in Government Act of 1978, Pub. L. No. 95-521, 92 Stat. 1824 (1978) (codified at 5 U.S.C. app. §§ 101-111) as implemented by the Judicial Conference of the United States.

Application forms and more information on the magistrate judge position may be obtained from Christa K. Berry, Clerk of Court. The form is also available on the court's website at www.med.

Applications must only be submitted by applicants personally and must be received by June 30, 2021.

All applications will be kept confidential, unless the applicant consents to disclosure, and all applications will only be examined by members of the Merit Selection Panel and the Judges of the U.S. District Court of the District of Maine. The panel's deliberations will remain confidential.

DTICES

Information regarding the Request for Qualifications may be obtained at: Maine https://umaine.edu/
ations of m/contractors/
advertisements/ UNIVERSITY OF MAINE Joanne Yestramski, Joanne Yestramski, Interim Vice President and Chief Business Officer, for University of Maine System Board of AND II be

ublic Notice

2021. Maine S Trustees

United States District Court strict of Main

CE FOR REAPPOINTMENT
IMBENT MAGISTRATE
E JOHN C. NIVISON
May 5, 2021

m of office of United States je John C. Nivison at Bangor on January 26, 2022. s District Court is required by a panel of citizens to consider nent of Magistrate Judge v eight-year term. The duties judge are demanding and nich include:

inary and Felony Pretrial Proceedings rrest Warrants

al Appearances **Arraignments** ention Hearings eliminary Exams rial Conferences entiary Hearings otion Hearings dispositive Motions commended Decisions on oositive Motions

Civil Cases soner Litigation covery Disputes dispositive Motions otion Hearings rial Conferences ment Conferences entiary Hearings commended Decisions on positive Motions osition of Civil Cases upon ent of the Litigants

Other Matters Jury Proceedings earch Warrants position of Misdemeanor

Charges y Empanelment members of the bar and the ed as to whether incumbent le John C. Nivison should be by a panel for reappointment a should be directed to: sta K. Berry, Clerk 3. District Court strict of Maine 5 Federal Street tland, ME 04101

be received by June 7, 2021

erry@med.uscourts.gov

Public Notice

NOTICE OF PUBLIC HEARINGS TOWN OF SCARBOROUGH

Regarding
The Approval of the First Amendment to
the "Scarborough Downtown Omnibus
Municipal Development and Tax Increment Financing District" and the Development Program therefor,

and The Approval of a Credit Enhancement Agreement between the Town of Scarborough and Avesta US Route One LP

Notice is hereby given that the Town of Scarborough will hold two public hearings at its Town Council Meeting on

Wednesday, June 16, 2021
Via Zoom and in Person
At the Scarborough Municipal Building
located at 259 US-1, Scarborough, ME
04074 at 7:00 p.m.

The purpose of the public hearings is to receive public comments on each of the items identified above, all pursuant to the provisions of Chapter 206 of Title 30-A of the Maine Revised Statues, as amended.

The proposed first amendment to the Scarborough Downtown Omnibus TIF seeks to change the District's acreage by adding a portion to the area identified on Town of Scarborough Tax Map U043, Lot 56 in order to make it available for the Town Council to consider approval of a credit enhancement relating to a proposed affordable agreement relating to a proposed affordable housing project identified below.

The proposed credit enhancement agreement would be by and between the Town of Scarborough and Avesta US Route One LP relating to a proposed 31-unit affordable housing development to be located within the Amended Scarborough Downtown Omnibus Municipal Tax Increment Financing District.

A copy of the materials relating to the amendment to the Downtown Omnibus TIF District and the proposed credit enhancement agreement will be on file with the Town Clerk prior to the public hearings. All interested persons are invited to attend the public hearing and will be given an opportunity to be heard at that time. Copies of the proposed applications are available at the Town Clerk's Office and can also be obtained by calling the Town Clerk at 207-730-4000 during normal

the Town Clerk at 207-730-4000 during normal business hours and requesting that a copy be mailed to you. All interested persons are invited to participate in the public hearing and will be given an opportunity to be heard. The Scarborough Town Council will hold these public hearings both remotely using Zoom and in person. Virtual meetings are allowed using emergency legislation approved by LD 2167; Title 1 M.R.S. §403A, that authorizes towns to conduct meetings online. If members of the public prefer to participate remotely, allow your computer to install the free Zoom app to get the best meeting experience.

the best meeting experience.

ZOOM MEETING INSTRUCTIONS: The link to the on-line meeting will be posted on the 'town calendar' on the Town's website: scarboroughmaine.org

Public comments will be taken at the meeting and written comments should be submitted to

and written comments should be submitted to clerksoffice@scarboroughmaine.org.

Exhibit D

(Certified Copy of Public Hearing Minutes)

Town of Soarborough, Maine

US ROUTE ONE. PO BOX 360 SCARBOROUGH, MAINE • 04070-0360

PORTION OF MINUTES SCARBOROUGH TOWN COUNCIL WEDNESDAY – JUNE 16, 2021 VIRTUAL/HYBRID REGULAR TOWN COUNCIL MEETING - 7:00 P.M.

Item 1. Call to Order. Chairman Johnson called the regular meeting of the Scarborough Town Council at 7:00 p.m.

Item 2. Pledge of Allegiance.

Item 3. Roll Call. Roll was called by Yolande P. Justice, Town Clerk. Thomas J. Hall, Town Manager was also present. The following Councilors were present:

Councilor John R. Cloutier

Councilor Jean-Marie Caterina

Councilor Betsy B. Gleysteen

Councilor Kenneth M. Johnson

Councilor Jonathan E. Anderson

Councilor Donald R. Hamill - Vice Chair

Chairman Paul M. Johnson

Order No. 21-055, 7:00 p.m. Public Hearing on the first amendment to the "Scarborough Downtown Omnibus Municipal Development and Tax Increment Financing District" and the Development Program therefor, and the approval of a Credit Enhancement Agreement with Avesta US Route One LP relating to a proposed affordable housing project. /Town Managerl Chairman Johnson opened the public hearing. There being no comments either for or against, the hearing was closed at 7:21 p.m. The second reading on this Order will be scheduled for Wednesday, June 30, 2021.

State of Maine Cumberland County

I, do hereby attest, the above information reflects the action of the Town Council at its June 16, 2021, Town Council meeting.

Dated this 1st day of July, 2021.

Yolande P. Justice, Town Clerk/Notary Public

Notary Commission Expires: 10/31/2022

Exhibit E

(Town Council Order)

IN TOWN COUNCIL ORDER #21-055

Amendment to the Scarborough Downtown Omnibus Municipal Development and Tax Increment Financing District and Development Program and

Approving the Credit Enhancement Agreement between the Town of Scarborough and Avesta US Route One LP

WHEREAS, the Town of Scarborough (the "Town") is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to amend the specified area within the Town designated as the *Scarborough Downtown Omnibus Municipal Development and Tax Increment Financing District* (the "Downtown District") and amend the development program (the "Downtown Development Program") for the Downtown District; and

WHEREAS, the Downtown District was first approved by DECD on March 29, 2019; and

WHEREAS, the Town desires to amend the Downtown District by adding land to make it possible for the Town to enter into a credit enhancement agreement with the developers of a proposed affordable housing development project on such land; and

WHEREAS, the Development Program authorized the Town Council to enter into future credit enhancement agreements with any party owning or developing property in the District so long as such credit enhancement agreement is the subject of a public hearing held by the Town Council and the Town Council votes to approve such agreement(s): and

WHEREAS, such credit enhancement agreements may include a reimbursement percentage of up to 100% of the increased assessed value of the developer/owner's property for up to the full remaining term of the District at the Town Council's discretion; and

WHEREAS, there is a need for economic development and affordable housing in the Town of Scarborough, in the surrounding region, and in the State of Maine; and

WHEREAS, there is a need to improve and broaden the tax base of the Town; and to improve the general economy of the Town and the surrounding region; and

WHEREAS, Avesta US Route One LP (the "Developer") has proposed to construct an affordable housing development project within the District and has proposed a credit enhancement agreement (the "Credit Enhancement Agreement") be approved by the Town and entered into by the Town and the Developer to provide the Developer's project with the best chances for success; and

WHEREAS, the Town desires to enter into the Credit Enhancement Agreement with the Developer; and

WHEREAS, the Town has held public hearings on the amendment to the Downtown District and its Development Program, and on the Credit Enhancement Agreement with the Developer in accordance with the requirements of 30-A M.R.S.A. § 5226 and contained in the Development Program,

upon at least ten (10) days prior notice published in a newspaper of general circulation within the Town; and

WHEREAS, it is expected that approval will be obtained from the Maine Department of Economic and Community Development (the "Department") approving the amendment to the Downtown District.

ORDERED AS FOLLOWS:

<u>Section 1.</u> The Town of Scarborough hereby approves the First Amendment to the Scarborough Downtown Omnibus Municipal Development and Tax Increment Financing District and the Downtown Development Program in such form and as presented to the Town Council, such amendment to be pursuant to the following findings, terms, and provisions.

Section 2. The Town Council hereby finds and determines that:

- (a) The amendment to the **Scarborough Downtown Omnibus Municipal Development and Tax Increment Financing District** will not result in the District falling out of compliance with any of the conditions of 30-A M.R.S.A. Section 5223(3) (Pursuant to Title 30-A M.R.S.A. Section 5223(3)(D), downtown tax increment financing districts are exempt from certain statutory requirements and thresholds, including valuation and acreage caps); and (b) The Town Council has considered all evidence, if any, presented to it with regard to any adverse economic effect on or detriment to any existing business and has found and determined that such adverse economic effect on or detriment to any existing business, if any, is outweighed by the contribution expected to be made through the Downtown District and the Downtown Development Program.
- <u>Section 3.</u> The Town Manager, or his duly appointed representative, is hereby authorized, empowered and directed to submit the proposed amendment of the Downtown District and the proposed amendment to the Downtown Development Program for the District to the Department for review and approval pursuant to the requirements of 30-A M.R.S.A. § 5226.
- <u>Section 4.</u> The foregoing amendment of the Downtown District and approval of the amendment to the Downtown Development Program shall automatically become final and shall take full force and effect upon receipt by the Town of approvals thereof by the Department, without requirement of further action by the Town, the Town Council, or any other party.
- Section 5. The Town Manager, or his duly appointed representative, is hereby authorized and empowered, at his/her discretion, from time to time, to make such revisions to the Downtown Development Program as the Town Manager, or his duly appointed representative, deems reasonably necessary or convenient in order to facilitate the process for review and approval of the amendment to the Downtown District and/or the Downtown Development Program by the Department, or for any other reason, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the Downtown District and the Downtown Development Program.

Section 6. The Town Manager is hereby authorized and directed to enter into the specific credit enhancement agreement with Avesta US Route One LP in substantially the form as presented to the Town Council and consistent with the procedural requirements that are described in the Development Program, and to create the accounts and take all the actions described in such agreement, if and when the Town Manager is presented with a written copy of the MaineHousing "Notice to Proceed" with respect to the Developer's project.

Roll Call Vote:

Councilor John R. Cloutier - Yea Councilor Betsy B. Gleysteen - Nay Councilor Jonathan E. Anderson - Yea Councilor Jean-Marie Caterina - Yea Councilor Kenneth M. Johnson - Yea Councilor Donald R. Hamill - Yea

Chairman Paul M. Johnson - Yea

State of Maine Cumberland County

I, do hereby attest, the above information reflects the action of the Town Council at its June 30, 2021, Town Council meeting.

Dated this 1st day of July, 2021.

Yolande P. Justice, Town Clerk/Notary Public Notary Commission Expires: 10/31/2022

Exhibit F

(Statutory Requirements and Thresholds)

STATUTORY REQUIREMENTS AND THRESHOLDS

Scarborough Downtown Omnibus Municipal TIF District – AMD 1

	SECTION A. Acreage Caps			
1.	Total municipal acreage;		34,	560
2.	Acreage of proposed Municipal TIF District;		948.13	
3.	Downtown-designation ¹ acres in proposed Municipal TIF District;		948.13	
4.	Transit-Oriented Development ² acres in proposed Municipal TIF District;			0
5.	Total acreage [=A2-A3-A4] of proposed Municipal TIF District counted towa	rd 2% limit;		0
6.	Percentage [=A5÷A1] of total acreage in proposed Municipal TIF District (CA	ANNOT EXCEED 2%).		0
<i>7</i> .	Total acreage of all <u>existing/proposed</u> Municipal TIF districts in municipality Affordable Housing Development districts: ³	including Municipal	Existing	475.74 ⁴
	Avesta Housing/2.78 Bessey School Affordable Housing (I &II)/7.15 BOR Zone/6.60	Downtown/948.13	Proposed	948.13
	Enterprise Business Park/83.41 Haigis Parkway/375.80		Total:	1,423.87
	30-A § 5223(3) EXEMPTIONS ⁵			
8.	Acreage of an existing/proposed Downtown Municipal TIF district;		948.13	
9. Acreage of all existing/proposed Transit-Oriented Development Municipal TIF districts:				0
10.	Acreage of all existing/proposed Community Wind Power Municipal TIF dist	tricts:	0	
11.	Acreage in all <u>existing/proposed</u> Municipal TIF districts common to ⁶ Pine Tre per 30-A § 5250-I (14)(A) excluding any such acreage also factored in Exemp			0
12.	Total acreage [=A7-A8-A9-A10-A11] of all <u>existing/proposed</u> Municipal TIF of toward 5% limit;	districts counted	47!	5.74
13.	Percentage of total acreage [=A12÷A1] of all <u>existing/proposed</u> Municipal T EXCEED 5%).	1.376%		
14.	Real property in proposed Municipal TIF District that is:	ACRES	% [=Ac	res÷A2]
	a. A blighted area;	0		0
	b. In need of rehabilitation, redevelopment or conservation;	0		0
	c. Suitable for commercial or arts district uses.	892.55	94.	13%
	TOTAL (except for § 5223 (3) exemptions a., b. <u>OR</u> c	. must be at least 25%)		

 $^{^{1}}$ Before final designation, the Commissioner will seek advice from MDOACF and MDOT per 30-A § 5226(2).

² For Transit-Oriented Development (TOD) definitions see 30-A § 5222 sub-§§ 19-24.

³ For AH-TIF acreage requirement see 30-A § 5247(3)(B). Alternatively, Section B. must exclude AH-TIF valuation.

⁴ Even though this Downtown Omnibus District already exists, this SR&T includes its entire acreage in the "Proposed" category only.

⁵ Downtown/TOD overlap nets single acreage/valuation caps exemption.

⁶ PTDZ districts approved through December 31, 2008.

STATUTORY REQUIREMENTS AND THRESHOLDS

Scarborough Downtown Omnibus Municipal TIF District – AMD 1

	SECTION B. Valuation Cap			
1.	Total TAXABLE municipal valuation—use most recent April 1;	\$4,7	27,230,976	
2.	Taxable Original Assessed Value (OAV) of proposed Municipal TIF District as of March 31 preceding municipal designation—same as April 1 prior to such March 31;	\$95,622,900		
3.	Taxable OAV of all existing/proposed Municipal TIF districts in municipality excluding Municipal Affordable Housing Development districts:	Existing \$11,420,3		
	BOR Zone/2,312,000 Enterprise Business Park/544,800 Haigis Parkway/8,563,500	Proposed	\$95,622,900	
	Downtown/95,622,900	Total:	\$107,043,200	
	30-A § 5223(3) EXEMPTIONS			
4.	Taxable OAV of an existing/proposed Downtown Municipal TIF district;	\$9	5,622,900	
5.	Taxable OAV of all <u>existing/proposed</u> Transit-Oriented Development Municipal TIF districts:		0	
6.	Taxable OAV of all existing/proposed Community Wind Power Municipal TIF districts:		0	
7.	Taxable OAV of all existing/proposed Single Taxpayer/High Valuation ⁷ Municipal TIF districts:		0	
8.	Taxable OAV in all <u>existing/proposed</u> Municipal TIF districts common to Pine Tree Development Zones per 30-A § 5250-I (14)(A) excluding any such OAV also factored in Exemptions 4-7 above:		0	
9.	Total taxable OAV [=B3-B4-B5-B6-B7-B8] of all <u>existing/proposed</u> Municipal TIF districts counted toward 5% limit;	\$1	1,420,300	
10.	Percentage of total taxable OAV [=B9÷B1] of all <u>existing/proposed</u> Municipal TIF districts (CANNOT EXCEED 5%).		.24%	

	COMPLETED BY
NAME:	Shana Cook Mueller
DATE:	May 27, 2021

Page 2 of 2 | Revised NOV-10-2015

⁷ For this exemption see 30-A §5223(3)(C) sub-§§ 1-4.

Exhibit B

(Estimated Increased Assessed Values and Tax Shift Benefits)

Exhibit B-1 - Amended Captured Assessed Value & TIF Revenue Projections Downtown Omnibus TIF District - All Increases are Calculated Starting from April 1, 2018 Values

	TIF 'ear	Increased Property Values from Downs Parcel from April 1, 2018	Increased Property Values from Balance of District from April 1, 2018	Increased Property Values from Total TIF District from April 1, 2018	Percentage of Captured Value from the Downs Property for the CEA from April 1, 2018	Percentage of Captured Value from the Total District Used for Down's CEA from April 1, 2018	Percentage of Captured	Total Percent of Captutred Value from	Do	lue Captured from wns Property or CEA from pril 1, 2018	Value Caputured from Total District for Municipal Purposes from April 1, 2018	Ca	otal Value ptured for IF District	Projected Tax Rates	Reve (Do	Projected enues for the CEA from owns Parcel from oril 1, 2018	Projected Revenues for Municipal Purposes based on increased Revenues from April 1, 2018	Rev Captu Vi Di:	Projected venues from ured Assessed falue in TIF istrict from pril 1, 2018	Percentage of Projected Revenues from CAV for Total TIF District from April 1, 2018	F	al Projected Revenues from oril 1, 2018	Percentage of Total new Revenues for General Fund from April 1 2018	Reve Gene f	cal new enues for eral Fund from I 1 2018
2019-2020	1	\$ 11,058,690	\$ -	\$ 10,777,090	40%	41%	3%	44%	\$	4,423,476	\$ 323,313	\$	4,746,789	\$ 14.70	\$	65,025	\$ 4,753	\$	69,778	44%	\$	158,423	56%	\$	88,645
2020-2021	2	\$ 39,143,713	\$ 4,342,900	\$ 43,486,613	40%	36%	3%	39%	\$	15,657,485	\$ 1,304,598	\$	16,962,084	\$ 14.86	\$	232,670	\$ 19,386	\$	252,057	39%	\$	646,211	61%	\$	394,155
2021-2022	3	\$ 67,829,417	\$ 8,507,400	\$ 76,336,817	40%	36%	3%	39%	\$	27,131,767	\$ 2,290,105	\$	29,421,871	\$ 15.02	\$	407,519	\$ 34,397	\$	441,917	39%	\$	1,146,579	61%	\$	704,662
2022-2023	4	\$ 112,381,997	\$ 10,789,822	\$ 123,171,819	40%	36%	64%	100%	\$	44,952,799	\$ 78,219,020.20	\$	123,171,819	\$ 15.47	\$	695,447			1,905,542	100%	\$	1,905,542	0%	\$	-
2023-2024	5	\$ 152,042,580			40%	37%	63%	100%	\$		\$ 104,297,792.00	\$	165,114,824			969,102	\$ 1,661,956		2,631,058	100%	\$	2,631,058	0%	\$	-
2024-2025	6	\$ 216,983,662				37%	63%	100%	\$		\$ 145,787,884.77		232,581,350			1,258,505	\$ 2,113,924		3,372,430	100%	\$	3,372,430	0%	\$	-
2025-2026	7	\$ 247,708,662			40%	36%	64%	100%	\$		\$ 173,460,445.77		272,543,911			1,479,812	\$ 2,590,632		4,070,443	100%	\$	4,070,443	0%	\$	-
		\$ 277,858,662			40%	37%	63%	100%	\$		\$ 192,788,006.77	1	303,931,472			1,709,725			4,675,393	100%	\$	4,675,393	0%	\$	-
		\$ 315,758,662			40%	37%	63%	100%	\$		\$ 216,765,567.77		343,069,033			2,001,220	\$ 3,434,551		5,435,772	100%	\$	5,435,772	0%	\$	-
		\$ 351,508,662			40%	36%	64%	100%	\$		\$ 247,453,128.77	\$	388,056,594			2,294,631			6,333,036	100%	\$	6,333,036	0%	\$	-
		\$ 421,948,442				36%	64%	100%	\$		\$ 294,355,251.85	\$	463,134,629			2,506,374	\$ 4,371,175		6,877,549	100%	\$	6,877,549	0%	\$	-
		\$ 472,623,442			40%	37%	63%	100%	\$		\$ 327,397,812.85	\$	516,447,190			2,891,605	\$ 5,007,713		7,899,318	100%	\$	7,899,318	0%	\$	-
		\$493,898,442			40%	37%	63%	100%	\$		\$ 341,400,373.85	\$	538,959,751	•		3,112,423			8,490,969	100%	\$	8,490,969	0%	\$	-
		\$513,898,442			40%	37%	63%	100%	Ş		\$ 354,637,934.85	Ş	560,197,312	•		3,335,611			9,090,320	100%	\$	9,090,320	0%	Ş	-
		\$533,898,442			40%	37%	63%	100%	\$		\$ 369,275,495.85	\$	582,834,873			3,569,390	\$ 6,171,999		9,741,389	100%	\$	9,741,389	0%	\$	-
		\$ 603,749,302			40%	37%	63%	100%	\$		\$ 416,939,231.97	\$	658,438,953			3,670,796			10,008,272	100%		10,008,272	0%	\$	-
		\$618,749,302			40%	37%	63%	100%	\$		\$ 427,176,792.97	\$	674,676,514	•		3,874,856			10,562,735	100%		10,562,735	0%	\$	-
		\$ 629,376,062			40%	37%	63%	100%	\$		\$ 434,790,410.35	\$	686,540,835			4,059,647			11,070,938	100%		11,070,938	0%	\$	-
		\$ 639,201,062			40%	37%	63%	100%	\$		\$ 441,922,971.35		697,603,396			4,246,711			11,586,809	100%		11,586,809	0%	\$	-
		\$ 653,951,062			40%	37%	63%	100%	\$		\$ 452,010,532.35	\$	713,590,957			4,475,048	\$ 7,732,876		12,207,924	100%		12,207,924	0%	\$	-
		\$712,806,658			10%	9%	91%	100%	\$		\$ 707,882,419.09	\$	779,163,085	•		1,109,840	\$ 11,021,729		12,131,569	100%		12,131,569	0%	\$	-
		\$712,806,658			10%	9%	91%	100%	\$		\$ 709,119,980.09	\$	780,400,646	•		1,143,135	\$ 11,372,228		12,515,363	100%		12,515,363	0%	\$	-
		\$712,806,658			10%	9%	91%	100%	>		\$ 710,357,541.09	>	781,638,207			1,177,429			12,911,266	100%		12,911,266	0%	\$	-
	24	\$ 712,806,658 \$ 712,806,658	,,		10% 10%	9% 9%	91% 91%	100%	>		\$ 711,595,102.09 \$ 712,929,604.80	\$ \$	782,875,768			1,212,752 1,247,436	\$ 12,106,908 \$ 12,493,501		13,319,660 13,740,937	100% 100%		13,319,660 13,740,937	0% 0%	\$	-
						9% 9%		100%	>			\$ \$	784,113,329			1,247,436				100%				\$	-
		\$ 776,959,257					91%	100%	\$		\$ 780,702,291.85	,	856,032,470	•					13,645,158	100%	-	13,645,158	0%	ç	-
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		\$ 776,959,257			10%	9%	91%	100%	¢		\$ 783,286,788.26	¢	860,982,714		¢	1,393,912	\$ 14,052,643	¢	15,446,555	100%		15,446,555	0%	¢	
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Notes/Assumptions:

- 1. Projections show anticipated increased assessed values, captured assessed values, and TIF revenues for future years. The first three rows show actual values and revenues.
- 2. Projections assume a 3% annual mil rate increase (except in assumed Town-wide revaluation years) and Town-wide revaluations every five years which results in an assumed 9% mil rate decrease and property assessed value increase of 9%. Revaluation years are noted with gray highlighting.
- 3. Assumes Scarborough Downs Property meets all of their performance measures pursuant to the CEA.
- 4. The CEA is tied to the Scarborough Downs Property.
- 5. The projections of increased assessed value for the Scarborough Downs Property were based on market analysis and build out scenario provided by the Developer. Town officials arrived at projections of increased value for the remaining acreage of the District.
- 6. Projections are much less likely to be accurate farther into the future and are for demonstrative purposes only.

Exhibit B-2 | Tax Shift Benefits

Downtown Omnibus TIF District - future years

Fiscal Year	TIF Year	State Aid to Education Benefit	County Tax Benefit	State Revenue Sharing Benefit	Total Tax Benefit
2022-2023	4	_	_	_	_
2023-2024	5	_	_	_	_
2024-2025	6	_	\$71,650	\$86,166	\$157,817
2025-2026	7	\$874,520	\$95,973	\$114,557	\$1,085,050
2026-2027	8	\$1,172,315	\$135,017	\$159,256	\$1,466,588
2027-2028	9	\$1,651,328	\$158,098	\$185,185	\$1,994,611
2028-2029	10	\$1,935,062	\$176,202	\$205,273	\$2,316,537
2029-2030	11	\$2,157,913	\$198,746	\$229,986	\$2,586,645
2030-2031	12	\$2,435,790	\$224,619	\$257,943	\$2,918,352
2031-2032	13	\$2,755,202	\$267,701	\$303,561	\$3,326,463
2032-2033	14	\$3,288,256	\$298,220	\$335,190	\$3,921,666
2033-2034	15	\$3,666,775	\$311,089	\$348,361	\$4,326,225
2034-2035	16	\$3,826,614	\$323,220	\$360,686	\$4,510,520
2035-2036	17	\$3,977,401	\$336,139	\$373,720	\$4,687,260
2036-2037	18	\$4,138,128	\$379,209	\$416,485	\$4,933,821
2037-2038	19	\$4,674,917	\$388,443	\$425,519	\$5,488,878
2038-2039	20	\$4,790,203	\$395,187	\$432,086	\$5,617,477
2039-2040	21	\$4,874,440	\$401,472	\$438,185	\$5,714,098
2040-2041	22	\$4,922,510	\$410,551	\$446,958	\$5,780,018
2041-2042	23	\$4,922,510	\$447,732	\$482,421	\$5,852,663
2042-2043	24	\$4,922,510	\$448,433	\$483,083	\$5,854,025
2043-2044	25	\$4,922,510	\$449,133	\$483,744	\$5,855,387
2044-2045	26	\$4,922,510	\$449,834	\$484,405	\$5,856,749
2045-2046	27	\$4,922,510	\$450,535	\$485,066	\$5,858,110
2046-2047	28	\$4,922,510	\$491,203	\$522,972	\$5,936,684
2047-2048	29	\$4,922,510	\$491,902	\$523,616	\$5,938,027
2048-2049	30	\$4,922,510	\$492,601	\$524,259	\$5,939,370
2049-2050		\$4,922,510	\$493,299	\$524,903	\$5,940,712
2050-2051		\$4,922,510	\$493,998	\$525,546	\$5,942,054
2051-2052		\$4,922,510	-	-	\$4,922,510
	Totals:	\$105,288,979	\$9,280,206	\$10,159,132	\$124,728,318
	Averages:	\$3,899,592	\$343,711	\$376,264	\$4,454,583

Assumptions:

- 1. Data sources include the 2021-2022 mil rate/commitment reported by the Town, Cumberland County's FY2021 Tax Distribution Schedule, the State Treasurer's Office Municipal Revenue Sharing projections for FY2022, published 07/02/2021, and the Maine Department of Education 01/18/22 2022-2023 ED 279 form for Scarborough Schools.
- 2. Tax shift losses are comprised of declining subsidies in revenue sharing and increasing obligations to pay county taxes. Tax shift losses occur a couple of years following the year in which the new assessed value is first recognized in the assessment. No tax shift losses occur when a TIF captures all of the new value.
- 3. These projections assume that the formulas and general inputs for state subsidies and county taxes do not change over time and they assume that all other values in other communities are static relative to one another except for the new value assessed. The projections are less likely to be accurate farther into the future.
- 4. Assumes the assessment ratio in the Town is 100% when new property value arrives, such that the market value of new property is used for assessment purposes.
- 5. The projections above assume that no tax increment financing district is put in place, thus the mil rate is reduced by the influx of new value in the Town. This analysis factors in tax shift impacts resulting from the project's new assessed value into future commitments and mil rate calculations to arrive at projected property tax payments.

Exhibit C

(Amended and Restated Municipal Project Cost Table)

AMENDED AND RESTATED TABLE 1 Town of Scarborough's Project Costs

Note: The TIF Revenues from this District are not intended to fully fund each of the projects listed below—the total project cost estimates for the projects listed below may exceed the projected TIF Revenues available from this District. In addition, inclusion on this list does not require the Town to utilize TIF Revenues for these projects. Inclusion on this list makes it permissible for the Council to apply TIF Revenues for these projects if they are undertaken during the term of the District. The Town intends to incorporate TIF Revenue expenditure decisions into an annual budget process but in any event Town Council approval will be required for expenditure of TIF revenues on the project costs identified in this Table 1.

Project	Cost Estimate	Statutory Citation	Responsible Party	Downtown Redevelopment Plan Reference
Traffic-Related Improvements: Design and construction including but not limited to road, sidewalk, signalization, other utilities and services affected by traffic and road work, streetscape and traffic calming measures in various locations either inside the District or projects located outside the District but made necessary by or directly related to the District development. Capital costs for new or expanded transit service.	\$7,000,000	30-A M.R.S.A. §§5225(1)(A), (1)(B)(1) (1)(C)(7)(a)	Town Engineer Public Works Director Economic Development Director Planning Director Town Engineer	Pages 23-25
2. General Economic Development: a. Salary and overhead costs associated with an economic development staff including a prorated portion of staff committed to economic development efforts; b. Costs associated with the Scarborough Economic Development Corporation (SEDCO); c. Support and management of Downtown District business partnerships and associations relating to economic development including but not limited to programming of events, business use of public spaces and marketing; d. Economic development, planning and transit-related studies and plans including market analyses of various types including arts development districts, feasibility and engineering studies related to other approved project costs, design studies, etc.; e. Consultant costs, legal costs as they relate to tax increment financing and economic development; f. Technology purchases related to tracking development and improving efficiency of local permitting prorated to the extent attributable and beneficial for ecnomic development purposes as opposed to general governmental purposes.	\$6,250,000	30-A M.R.S.A. §\$5225(1)(A)(5), (1)(C)(1), §\$5225(1)(A)(5), (1)(C)(1), §\$5225(1)(C)(1) \$\$5225(1)(A)(1), (1)(A)(4), (1)(A)(7), (1)(C)(1), \$\$5225(1)(A)(4), (1)(C)(1), \$\$5225(1)(A)(1), (1)(A)(5), (1)(C)(1)	Town Manager Town Council ED Director Planning Director SEDCO Board of Directors Town Engineer Town Assessor Town Finance Director Code Enforcement Officer Sustainability Coordinator Community Services Director	Pages 28, 30

	Project	Cost Estimate	Statutory Citation	Responsible Party	Downtown Redevelopment Plan Reference
3.	Trail Construction and Improvements: Costs associated with new or existing recreational trails with significant potential to promote economic development including supporting tourism and multimodal opportunities to connect people to business activity including but not limited to acquisition costs, construction and design, signage, and other trail amenities.	\$1,000,000	30-A M.R.S.A. §§5225 (1)(C)(6)	Planning Director Economic Development Director Town Engineer Sustainability Coordinator	Page 9
4.	Environmental Infrastructure which addresses direct and indirect impacts of development within the municipality for commercial use or related to such activities, including water, wastewater management, and watershed management.	\$1,500,000	30-A M.R.S.A. §§5225(1)(C)(2), (1)(B)(1)	Town Manager Town Engineer	Page 26
5.	Public Safety Facilities and Equipment: related to impacts of economic development in the District, including debt service on public safety building located in the District. To the extent the project costs are outside of the District (within the municipality), such costs must be related to economic development within the municipality and limited to 15% of captured assessed value.	\$15,000,000	30-A M.R.S.A. §§5225 (1)(B)(2), (1)(B)(3), (1)(C)(9)	Town Manager Town Engineer	Page 28
6.	Quality Child Care and Adult Care: Cost of facilities, including finance costs and construction, staffing, training, certification and accreditation costs related to child care and adult care.	\$2,500,000	30-A M.R.S.A. §§5225(1)(C)(5)	Community Services Director	Page 29
7.	Wireless Internet: Infrastructure and other associated costs to provide wireless internet access to people and businesses in Downtown District and system improvements to promote economic development.	\$175,000	30-A M.R.S.A. §§5225(1)(C)(10) ; (1)(C)(1)	Town Manager Economic Development Director IT Director	Page 28

Project	Cost Estimate	Statutory Citation	Responsible Party	Downtown Redevelopment Plan Reference
 8. Cost of Constructing or Improving Facilities Leased by the Town within the District: This facility could house a variety of different municipal functions and would serve the purpose of centering community activities in the Downtown District. • This lease could be a low or nominal cost lease. The location of the facility in the Downtown District will bring people to the Downtown area and thus make the Developer's project more successful. • This lease could include a lease-to-own provision. If it does, no TIF Revenues would be paid on this project cost after such time as the ownership has transferred to the Town. • If the uses of such facility are identified in Section 5225(2) of Title 30-A ("unauthorized project costs"), such provision provides an exception for those projects that qualify otherwise under the statute. In this case, Section 5225(1)(D) would provide such qualification. • The Town has not determined the structure or financing approach for this facility or project yet and that could take different forms. In any case, the TIF Revenues would be used for constructing of improving such a facility or paying financing costs related thereto. 	\$33,276,000	30-A M.R.S.A. §§5225(1)(D)	Town Manager Town Council Community Services Director	Page 28
9. Affordable Housing: affordable housing (as defined by 30-A MRS §5246(1)) support including planning, implementation and any other projects authorized under the TIF statute.	\$2,700,000	30-A M.R.S.A. §§5225 (1)(B)(4), (1)(A)(9), (1)(C)(11)	Town Manager Town Council Affordable Housing Alliance	Page 10-12
Total	\$69,401,000			

Exhibit D

(Notice of Public Hearing)

NOTICE OF PUBLIC HEARING TOWN OF SCARBOROUGH

Regarding

The Approval of the Second Amendment to "The Downtown Omnibus Municipal Development and Tax Increment Financing District" and the Development Program therefor.

Notice is hereby given that the Town of Scarborough will hold a public hearing at its Town Council Meeting on

Wednesday, February 16, 2022
Via Zoom and in Person
At the Scarborough Municipal Building
located at 259 US-1, Scarborough, ME 04074 at 7:00 p.m.

The purpose of the public hearing is to receive public comment on the item identified above, pursuant to the provisions of Chapter 206 of Title 30-A of the Maine Revised Statues, as amended.

The proposed second amendment to The Downtown Omnibus TIF will, if approved, result in the Town capturing one hundred percent (100%) of the increased assessed value as captured assessed value and using the increased tax increment revenues for approved municipal project costs. The proposed second amendment will, if approved, add municipal project costs to the development program.

A copy of the materials relating to the second amendment to The Downtown Omnibus TIF District will be on file with the Town Clerk prior to the public hearing. A copy of the proposed application is available at the Town Clerk's Office and can also be obtained by calling the Town Clerk at 207-730-4000 during normal business hours and requesting that a copy be mailed to you. All interested persons are invited to participate in the public hearing and will be given an opportunity to be heard.

The Scarborough Town Council will hold this public hearing remotely using Zoom and in person. If members of the public prefer to participate remotely, allow your computer to install the free Zoom app to get the best meeting experience.

ZOOM MEETING INSTRUCTIONS: The link to the on-line meeting will be posted on the 'town calendar' on the Town's website: scarboroughmaine.org.

Public comments will be taken at the meeting and written comments should be submitted to clerksoffice@scarboroughmaine.org.

CLASSIFIED

INCLUDING At Your Service

Public Notices
Garage Sales
Antiques & Auctions

Saturday, February 5, 2022

Portland Press Herald

SECTION C

at 5:30 PM -Meeting begins at conclusion of workshop 300 Main Street, Second Floor

Auditorium
Please be advised
that on Tuesday,
February 15, 2022,
the Saco Planning
in Board will be holding
public hearings for the
following items:

1. Steven Cecchetti Paul Gadbois, Authorized Agent - for approval of Site plan and Conditional Uses for a proposed multiunit residential project 7 Garfield Street, Map 67 Lot 21, in the MDR Zone. Continued Public Hearing and tabled item from 8/17/2021. 2. Jason LaBonte BH2M (Andew Morrill) Authorized Agent for approval of a 3-lot subdivision. Wyatt Drive,

3. Oce anside
Management, LLC
/ Julie Campbell
- Previous Planning
Board approval of a
Conditional Use Permit
for proposed retail store
was appealed and
remanded to the board
to correct procedural
items. 301 Main St, Map
31 Lot 5 in the Main
& Beach Zone Public
Hearing
Dated:

February 3, 2022

Map 107 Lot 29-1 in the LDR & RC Zones. Public

Hearing

NOTICE OF PUBLIC HEARING TOWN OF SCARBOROUGH Regarding

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Public comments will be taken at the meeting and written comments should be submitted to clerksoffice@scarboroughmaine.org.

ity Management IIc.
Attn: Surekha Kaza,
50 Maine Mall Road,
South Portland ME
04106 or Email: ops@
nghmllc.com or inquire
at the Greater Portland
Career Center • Address: 151 Jetport Blvd,
Portland, ME 04102 •
Phone: (207) 822-3300
or Toll Free: 877-5945627 • Fax: (207) 8220221 TTY users call
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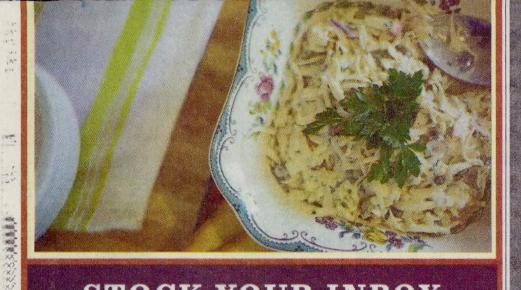


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Exhibit E

(Certified Copy of Public Hearing Minutes)

MINUTES SCARBOROUGH TOWN COUNCIL WEDNESDAY – FEBRUARY 16, 2022 HYBRID REGULAR MEETING - 7:00 P.M.

Item 1. Call to Order. Chairman Cloutier called the regular meeting of the Scarborough Town Council to order at 7:00 p.m.

Item 2. Pledge of Allegiance.

Item 3. Roll Call. Roll was called by Yolande P. Justice, Town Clerk. Thomas J. Hall, Town Manager, was also present. Those Councilors present:

Councilor April V. Sither

Councilor Jonathan E. Anderson

Councilor Jonathan E. Anderson

Councilor Paul M. Johnson Councilor Kenneth M. Johnson - Vice Chair

Chairman John R. Cloutier

Item 4. General Public Comments.

 Nina McKee, Black Point Road, voiced her concerns about growth in Town. She went on to voice her concerns around the exemption request for the Downs Development. We already have a town center, we do not need a new one. She urged the Council to deny the Downs exemption request.

Councilor K. Johnson noted that there is no mandate that the Downs build a town center.

Chairman Cloutier then went on to explain the prior exemption that the Downs received and the process is now harder for a developer to get permits.

Mo Erickson, Pine Point Road, agreed with Councilor Johnson in that the developers will build
what they want. She would like to see a free community pool. She then went on to state that she
would like the town to post public access to all town waterways.

Councilor Johnson agreed with the access to public water ways.

Item 5. Minutes: February 2, 2022 - Town Council Meeting. Motion by Councilor Caterina, seconded by Councilor Sither, to move approval of the meeting of the minutes of the February 2, 2022, regular Town Council Meeting, as written.

Roll Call Vote:

Councilor April V. Sither - Yes
Councilor Jonathan E. Anderson - Yes
Councilor Paul M. Johnson - Yes
Councilor Councilor Caterina - Yes
Councilor Donald R. Hamill - Yes
Councilor Kenneth M. Johnson - Yes

Chairman John R. Cloutier - Yes

- Item 6. Adjustment to the Agenda. None at this time.
- Item 7. Items to be signed: a. Treasurer's Warrants. Treasurer's warrants were signed prior to the meeting.
- Item 8. Town Manager Report. Thomas J. Hall, Town Manager, gave the following updates:
 - The mandate on wearing masks at Town Hall has been lifted, but it is recommended for the public and staff. The school is also looking at this as well.
 - The Tax bills did go out this week.

- The HUB Facility would be receiving a "Facility of Merit Award" from the Maine Department of Parks and Recreation and the for the 16th year the Town received recognition for Excellence in Financial Management.
- At the metro coalition it was noted of the humanitarian crisis in Portland, There are approximately 1,200 people housed in temporary housing. A good opportunity to appreciate the challenges that Portland is facing. He further noted that Asylum seekers cannot work for 12 months.
- Last summer/fall, the Council approved a lease agreement with AT&T for use of the cell tower
 here at the Public Safety Building. AT&T would be installing their equipment and it should be
 operational in mid-March.
- Public Works has experienced a couple of different winter conditions winter in a short period of time. On January 29th we had 14 inches of snow and 140 tons of material was used and the second event in February with 3 inches of sleet there was 40 tons of material used.

Order No. 22-015, 7:00 p.m. Public hearing and action, on the new requests for a Food Handlers License:

- Upward Subs, LLC, d/b/a Subway, located at 594 US Route One and 456 Payne Road.
- GCS Enterprises, LLC d/b/a Aroma Joes' Coffee, located at 25 Saco Street.
- Ronald Lydick, d/b/a McDonalds of Scarborough, located at 221 US Route One.

[Town Clerk] The Town Clerk gave a brief overview on this Order. Chairman Cloutier opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:05 p.m.

Motion by Councilor Caterina, seconded by Councilor Sither, to move approval of Order No. 22-015, as noted above.

Roll Call Vote:

Councilor April V. Sither - Yes
Councilor Jonathan E. Anderson - Yes
Councilor Paul M. Johnson - Yes
Chairman John R. Cloutier - Yes

Councilor Jean-Marie Caterina - Yes
Councilor Donald R. Hamill - Yes
Councilor Kenneth M. Johnson - Yes

Order No. 22-016, 7:00 p.m. Public hearing regarding Council Order approving Second Amendment to The Downtown Omnibus Municipal Development and Tax Increment Financing District and Development Program. [Finance Committee] Chairman Cloutier opened the public hearing. The following spoke on this Order:

Alyson Bristol of Higgins Beach voiced her concerns about the community center and it being
paid for only through TIF monies. She felt the community center did not belong at the Downs
and felt there needed to be further research done on this. She also commented on the workshop
that had been held last week. She appreciates the work that has been done on this.

Councilor P. Johnson, noted that the community center would have to go to the voters and there is no way we would go with the model from the Community Center Group.

Amanda Methot, Town Attorney, further commented on the TIF revenue and how they can only be spent on certain things. She went on to give a brief overview on this amendment and what the results would be. She then went on to explain the process that is followed.

There being no comments either for or against, the hearing was closed at 7:30 p.m.

The final reading on this Order will be scheduled for Wednesday, March 2, 2022.

OLD BUSINESS: None at this time.

NEW BUSINESS: None at this time.

Item 9. Non-Action Item.

a. Scarborough Library Update. Representing the Library: Nancy Crowell, Library Director, Bill Donovan, Chair of the Trustees and John Laning of Demont Associates.

Mr. Lanning gave an overview on what services his company offers the Library. He spoke on proposed outcomes; methods utilized; needs tested and key indicators for success and then major conclusions. He went on to respond to questions from the Town Council.

Bill Donovan thanked the council for letting the Board give an update on the progress that the Library had done thus far.

Nancy Crowell handed out a preliminary set of drawings of the proposed Library addition. They were available for any questions the Council might have. Ms. Crowell responded to questions from the Town Council.

Item 10. Standing and Special Committee Reports and Liaison Reports.

- Councilor Caterina gave an update on the MMA Legislative Policy Committee.
- Councilor Anderson gave an update on the Communications Committee; the Cable TV Committee and the School Facilities Committee.
- Councilor Hamill gave and update on the Appointments/Negotiations Committee and posted the name of Leroy Crocket 2nd Alternate to the Board of Appeals, term to expire on 2022 and to the Housing Alliance as a full voting member with a term to expire in 2024. The Ordinance Committee would be meeting on February 28th at 5:30 p.m.

Item 11. Council Member Comments.

• Councilor Caterina reminded everyone of the Fuel Rally being held this Saturday, February 19th from 10:00 a.m. to noon.

Item 12. Adjournment. Motion by Councilor Caterina, seconded by Councilor Sither, to move approval to adjourn the regular meeting of the Scarborough Town Council.

Roll Call Vote:

Councilor April V. Sither - Yes
Councilor Jonathan E. Anderson - Yes
Councilor Paul M. Johnson - Yes
Chairman John R. Cloutier - Yes

Councilor Jean-Marie Caterina - Yes
Councilor Donald R. Hamill - Yes
Councilor Kenneth M. Johnson - Yes

Meeting adjourned 8:41 p.m.

Respectfully submitted,

Yolande Palmer Justice Town Clerk State of Maine County of Cumberland

I do, hereby attest, that these draft minutes reflect the action of the Town Council at their meeting held on Wednesday, February 16, 2022.

Signed and dated this 24th day of February, 2022.

Yolande Palmer Justice, Town Clerk/Notary Public

Commission Expires: 10/31/2022

MINUTES SCARBOROUGH TOWN COUNCIL WEDNESDAY – MARCH 2, 2022 HYBRID REGULAR MEETING - 7:00 P.M.

Item 1. Call to Order. Chairman Cloutier called the regular meeting of the Scarborough Town Council to order at 7:01 p.m.

Item 2. Pledge of Allegiance.

Item 3. Roll Call. Roll was called by Yolande P. Justice, Town Clerk. Thomas J. Hall, Town Manager, was also present. Those Councilors present:

Councilor April V. Sither

Councilor Donald R. Hamill

Councilor Jonathan E. Anderson

Councilor Jean-Marie Caterina

Councilor Paul M. Johnson

Councilor Kenneth M. Johnson - Vice Chair

Chairman John R. Cloutier

Item 4. General Public Comments.

• David Green of Beech Ridge Road, spoke on his visit with his comments at the last meeting regarding surveys. He did not have any use for surveys. He did not think that surveys were not mandated nor does the Town's Ordinance. He felt that the Landing Reports were better to use to determine the number of shellfish license allocations.

Item 5. Minutes: February 16, 2022 - Town Council Meeting. Motion by Councilor Caterina, seconded by Councilor Anderson, to move approval of the minutes of the February 16, 2022, regular Town Council meeting.

Roll Call Vote:

Councilor April V. Sither - Yea

Councilor Jean-Marie Caterina - Yea Councilor Donald R. Hamill - Yea

Councilor Jonathan E. Anderson - Yea Councilor Paul M. Johnson - Yea

Councilor Kenneth M. Johnson - Yea

Chairman John R. Cloutier - Yea

Item 6. Adjustment to the Agenda. None at this time.

Item 7. Items to be signed: a. Treasurer's Warrants. Treasurer's Warrants were signed prior to the meeting.

Item 8. Town Manager Report. Thomas H. Hall, Town Manager, gave the following updates:

- The staff have been working the budget deadline, which was this past Friday. He had not seen the budget all together as yet, but should be ready very soon. This year there will be discussion around the ARPA Funds.
- The joint presentation of the proposed FY2023 Budget will be scheduled for Wednesday, March 30th and the second reading at the second meeting in May.
- He mention the constant flooding across the marsh and the area near the Audubon Society located on the Pine Point Road. Talks about this issue need to be now and not later. MDOT has started a new conceptual design for these areas. He would keep the Council updated as information comes in.

- AT&T has had crane at the Public Safety Building putting up their communication panels, other equipment is in place and in a couple weeks should be will be up and running. He would like to hear from residents about their service once this goes live.
- There will be a new website launch this Friday and along with this there will be a new software called BoardDocs that would assist with meetings, agendas, minutes, etc. He then introduced Bryan Butler, Webmaster to give a brief presentation. Bryan gave a brief overview of the new site and boarddocs.

Order No. 22-017, 7:00 p.m. Public hearing and first reading on the new request for a Marijuana Licenses from Pamolab, LLC, located at 23 Washington Avenue, for a Medical Marijuana Products Manufacturing Facility and an Adult Marijuana Products Manufacturing Facility and schedule final approval for Wednesday, March 16, 2022. [Assistant Town Manager] Liam Gallagher, Assistant Town Manager, gave a brief overview on this order. Chairman Cloutier opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:29 p.m.

Motion by Councilor Caterina, seconded by Councilor Anderson, to move approval of the first reading the new request for a Marijuana Licenses from Pamolab, LLC, located at 23 Washington Avenue, for a Medical Marijuana Products Manufacturing Facility and an Adult Marijuana Products Manufacturing Facility and schedule the second reading for Wednesday, March 16, 2022.

Roll Call Vote:

Councilor April V. Sither - Yea
Councilor Jonathan E. Anderson - Yea
Councilor Paul M. Johnson - Yea
Chairman John R. Cloutier - Yea

In response to a point of order from Councilor Sither regarding the roll call vote, Chairman Cloutier stated that he could do either, but we have individuals on line and at this time he would prefer the roll call vote so individuals can hear the votes.

Resolution 22-001. Act on the request to support Resolution 22-001, to Make Scarborough More Resilient to a Changing Climate. [Sustainability Committee] Thomas J. Hall, Town Manager, gave a brief overview on this Order. Motion by Councilor Caterina, seconded by Councilor Anderson, to move approval on the request to support Resolution 22-001, as follows:

RESOLUTION #22-001 ACT TO MAKE SCARBOROUGH MORE RESILIENT TO A CHANGING CLIMATE

WHEREAS, the Town of Scarborough experiences coastal flooding, intense rainstorms, riverine flooding, and other natural hazards and seeks to better prepare for future conditions; and,

WHEREAS, planning for community and infrastructure resilience will protect people, preserve businesses and the local economy, and reduce the impact and costs of natural disasters; and,

WHEREAS, among the most vulnerable infrastructure is the section of U.S. Route One across the Scarborough Marsh, which is consistently impacted by coastal flooding; and,

WHEREAS, the State of Maine's four-year climate action plan, *Maine Won't Wait*, seeks to put Maine on a trajectory to decrease greenhouse gas emissions 45% by 2030 and 80% by 2050, and achieve carbon neutrality by 2045; and,

WHEREAS, achieving these emissions and resilience goals will require Maine to act with urgency to slow the causes of climate change and prepare people, communities, and the environment for climate-related impacts to come; and,

WHEREAS, the Community Resilience Partnership provides grants for activities that lower energy expenses, reduce greenhouse gas emissions, and increase community resilience in alignment with the State's climate action plan and goals, and the Town intends to apply for \$50,000 to complement MaineDOT's Route One resiliency study to identify the proper investments to address the effects of climate change into the future; and,

WHEREAS, as prerequisites for the grant, the Town of Scarborough has completed the Community Resilience Partnership's Community Resilience Self-Assessment, reviewed the List of Community Actions, and held a community workshop on February 23, 2022, which prioritized the following action areas: infrastructure resiliency, land conservation, and reducing greenhouse gas emissions.

BE IT RESOLVED, the Town of Scarborough commits to participating in the Community Resilience Partnership, which supports community leadership in increasing resiliency to extreme weather and climate change impacts; and,

BE IT FURTHER RESOLVED, the Town of Scarborough designates its Sustainability Coordinator to coordinate planning, implementation, and monitoring of energy and resilience projects and to be the primary point of contact to the Community Resilience Partnership.

Signed and dated this 2nd day of March 2022, on behalf of the Scarborough Town Council and the Town Manager of Scarborough, Maine. Signed by John Cloutier, Council Chair and attested by Yolande P. Justice, Town Clerk.

Roll Call Vote:

Councilor April V. Sither - Yea
Councilor Jonathan E. Anderson - Yea
Councilor Paul M. Johnson - Yea
Councilor Paul M. Johnson - Yea
Councilor Kenneth M. Johnson - Yea

Chairman John R. Cloutier - Yea

OLD BUSINESS:

Order No. 22-016. Act on the request on the Council Order Approving the Second Amendment to The Downtown Omnibus Municipal Development and Tax Increment Financing District and Development Program. [Finance Committee] Thomas J. Hall, Town Manager, gave a brief overview on this Order. No further comments were made.

Motion by Councilor Caterina, seconded by Councilor Anderson, to move approval of the request on the Council Order Approving the Second Amendment to The Downtown Omnibus Municipal Development and Tax Increment Financing District and Development Program; as follows:

IN TOWN COUNCIL ORDER 22-016

Second Amendment to The Downtown Omnibus Municipal Development and Tax Increment Financing District and Development Program

WHEREAS, the Town of Scarborough (the "Town") is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to amend the term for the district designated as *The Downtown Omnibus Municipal Development and Tax Increment Financing*

District (the "District") and amend the development program (the "Development Program") for the District; and

WHEREAS, the District was first approved by DECD on November 28, 2018; and

WHEREAS, the First amendment to the District was approved on July 30, 2021; and

WHEREAS. the Town desires to increase the capture percentage from three percent (3%) to one hundred percent (100%) for us on municipal project costs; and

WHEREAS, the Town desires to add municipal project costs to the District: Development Program; and

WHEREAS, there is a need for economic development in the Town of Scarborough, in the surrounding region, and in the State of Maine; and

WHEREAS, there is a need to improve and broaden the tax base of the Town; and to improve the general economy of the Town and the surrounding region; and

WHEREAS, the Town has held a public hearing on the proposed amendment (the "Second Amendment") to the District and its Development Program in accordance with the requirements of 30-A M.R.S.A. § 5226, upon at least ten (10) days prior notice published in a newspaper of general circulation within the Town; and

WHEREAS, it is expected that approval will be obtained from the Maine Department of Economic and Community Development (the "Department") approving the Second Amendment to the District.

ORDERED AS FOLLOWS:

Section 1. The Town of Scarborough hereby approves the Second Amendment to The Downtown Omnibus Municipal Development and Tax Increment Financing District and the Development Program in such form and as presented to the Town Council, such amendment to be pursuant to the following findings, terms, and provisions.

Section 2. The Town Council hereby finds and determines that:

(a) The Second Amendment to The **Downtown Omnibus Municipal Development and Tax Increment Financing District** will not result in the District falling out of compliance with any of the conditions of 30-A M.R.S.A. Section 5223(3) (Pursuant to Title 30-A M.R.S.A. Section 5223(3)(O), downtown tax increment financing districts are exempt from certain statutory requirements and thresholds, including valuation and acreage caps); and (b) The Town Council has considered all evidence, if any, presented to it with regard to any adverse economic effect on or detriment to any existing business and has found and determined that such adverse economic effect on or detriment to any existing business, if any, is outweighed by the contribution expected to be made through the District and the Development Program.

Section 3. The Town Manager, or his duly appointed representative, is hereby authorized, empowered and directed to submit the proposed Second Amendment to the Development Program for the District to the Department for review and approval pursuant to the requirements of 30-A M.R.S.A. § 5226.

Section 4. The foregoing Second Amendment of the District and approval of the Second Amendment to the Development Program shall automatically become final and shall take full force and effect upon receipt by the Town of approvals thereof by the Department, without requirement of further action by the Town, the Town Council, or any other party.

Section 5. The Town Manager, or his duly appointed representative, is hereby authorized and empowered, at his/her discretion, from time to time, to make such revisions to the Development Program as the Town Manager, or his duly appointed representative, deems reasonably necessary or convenient in order to facilitate the process for review and approval of the Second Amendment to the District and/or the Development Program by the Department, or for any other reason, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the District and the Development Program.

Roll Call Vote:

Councilor April V. Sither - Yea
Councilor Jonathan E. Anderson - Yea
Councilor Paul M. Johnson - Yea
Councilor Counc

Chairman John R. Cloutier - Yea

Order No. 22-018. Act on the name posted to the Board of Assessment Review and the Scarborough Housing Alliance by the Appointments/Negotiations Committee on February 16, 2022. [Appointments/Negotiations Committee] Motion by Councilor Caterina, seconded by Councilor Anderson, to move approval of the appoint of Leroy Crocket as 2nd Alternate to the Board of Appeals, term to expire in 2022 and to the Housing Alliance as a full voting member with a term to expire in 2024.

Vote: 7 Yeas.

NEW BUSINESS:

Order No. 22-019. Act to authorize the Town Manager to sign a new License Agreement with Ryan McPherson, d/b/a Nonesuch Oysters, LLC, and with Matt Hassler and Sam Nygren, d/b/a Salt Wind Sea Farm, for use of the south side of the Town Pier for working floats. [Town Manager] Thomas J. Hall, Town Manager, gave a brief overview on this Order.

Motion by Councilor Caterina, seconded by Councilor Johnson, to move approval to authorize the Town Manager to sign a new License Agreement with Ryan McPherson, d/b/a Nonesuch Oysters, LLC, and with Matt Hassler and Sam Nygren, d/b/a Salt Wind Sea Farm, for use of the south side of the Town Pier for working floats.

Vote: 7 Yeas.

Order No. 22-020. Act on the request from the Town Manager to authorize the Town Clerk to purchase Voting Booths from the ARPA Funds, in an amount not to exceed \$38,000. [Town Manager] Thomas J. Hall, Town Manager, gave a brief everview on this Order.

Motion by Councilor Caterina, seconded by Councilor Anderson, to move approval on the request from the Town Manager to authorize the Town Clerk to purchase Voting Booths from the ARPA Funds, in an amount not to exceed \$38,000.

Vote: 7 Yeas.

Item 9. Non-Action Item. None at this time.

Item 10. Standing and Special Committee Reports and Liaison Reports.

- Councilor Caterina hearing on striking the home rule from municipalities. Chairman Cloutier noted that had contacted MMA and the Town reps regarding this matter and he would be submitting testimony on this ma
- Councilor Sither noted that she would pass along the Council's interest conservation to the Conservation Commission. The request to merge the Conservation Commission and PMAC would be coming before the full council and the Sustainability Committee is working on Ordinance for the EV Chargers.

Item 11. Council Member Comments. None at this time.

Order No. 22-021. Act on the request for an executive session pursuant to Title 1, M.R.S.A. §405(6)(C), in consultation with Levine Planning Strategies. [Town Manager] Motion by Councilor Caterina, seconded by Councilor Anderson, to move approval on the request for an executive session pursuant to Title 1, M.R.S.A. §405(6)(C), in consultation with Levine Planning Strategies.

Vote: 7 Yeas.

Meeting recessed to executive session at 7:53 p.m. The meeting was reconvened at 9:20 p.m.

Item 12. Adjournment. Motion by Councilor Caterina, seconded by Councilor Anderson, to move approval to adjourn the regular meeting of the Scarborough Town Council.

Vote: 7 Yeas.

Meeting adjourned at 9:20 p.m.

Respectfully submitted,

Yolande Palmer Justice Town Clerk

State of Maine

County of Cumberland

I do, hereby attest, that these draft minutes reflect the action of the Town Council at their meeting held on Wednesday, March 2, 2022.

Signed and dated this 4th day of March, 2022.

Yolande Palmer Justice, Town Clerk/Notary Public

Commission Expires: 10/31/2022

Exhibit F

(Town Council Order)

IN TOWN COUNCIL ORDER 22-016

Second Amendment to The Downtown Omnibus Municipal Development and Tax Increment Financing District and Development Program

WHEREAS, the Town of Scarborough (the "Town") is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to amend the term for the district designated as *The Downtown Omnibus Municipal Development and Tax Increment Financing District* (the "District") and amend the development program (the "Development Program") for the District; and

WHEREAS, the District was first approved by DECD on November 28, 2018; and

WHEREAS, the First amendment to the District was approved on July 30, 2021; and

WHEREAS. the Town desires to increase the capture percentage from three percent (3%) to one hundred percent (100%) for us on municipal project costs; and

WHEREAS, the Town desires to add municipal project costs to the District: Development Program; and

WHEREAS, there is a need for economic development in the Town of Scarborough, in the surrounding region, and in the State of Maine; and

WHEREAS, there is a need to improve and broaden the tax base of the Town; and to improve the general economy of the Town and the surrounding region; and

WHEREAS, the Town has held a public hearing on the proposed amendment (the "Second Amendment") to the District and its Development Program in accordance with the requirements of 30-A M.R.S.A. § 5226, upon at least ten (10) days prior notice published in a newspaper of general circulation within the Town; and

WHEREAS, it is expected that approval will be obtained from the Maine Department of Economic and Community Development (the "Department") approving the Second Amendment to the District.

ORDERED AS FOLLOWS:

Section 1. The Town of Scarborough hereby approves the Second Amendment to The Downtown Omnibus Municipal Development and Tax Increment Financing District and the Development Program in such form and as presented to the Town Council, such amendment to be pursuant to the following findings, terms, and provisions.

Section 2. The Town Council hereby finds and determines that:

(a) The Second Amendment to The **Downtown Omnibus Municipal Development** and Tax Increment Financing District will not result in the District falling out of compliance with any of the conditions of 30-A M.R.S.A. Section 5223(3) (Pursuant to Title 30-A M.R.S.A. Section 5223(3)(0), downtown tax increment financing districts are exempt from certain statutory requirements and thresholds, including valuation and acreage caps); and

(b) The Town Council has considered all evidence, if any, presented to it with regard to any

adverse economic effect on or detriment to any existing business and has found and determined that such adverse economic effect on or detriment to any existing business, if any, is outweighed by the contribution expected to be made through the District and the Development Program.

- **Section 3.** The Town Manager, or his duly appointed representative, is hereby authorized, empowered and directed to submit the proposed Second Amendment to the Development Program for the District to the Department for review and approval pursuant to the requirements of 30-A M.R.S.A. § 5226.
- **Section 4.** The foregoing Second Amendment of the District and approval of the Second Amendment to the Development Program shall automatically become final and shall take full force and effect upon receipt by the Town of approvals thereof by the Department, without requirement of further action by the Town, the Town Council, or any other party.

Section 5. The Town Manager, or his duly appointed representative, is hereby authorized and empowered, at his/her discretion, from time to time, to make such revisions to the Development Program as the Town Manager, or his duly appointed representative, deems reasonably necessary or convenient in order to facilitate the process for review and approval of the Second Amendment to the District and/or the Development Program by the Department, or for any other reason, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the District and the Development Program.

Dated: March 3, 2022

State of Maine County of Cumberland

I do, hereby attest, that Order No. 22-016, was approved the Town Council on Wednesday, March 3, 2022, by a unanimous vote of the Council as noted below:

Roll Call Vote:

Councilor April V. Sither - Yea Councilor Jonathan E. Anderson - Yea Councilor Paul M. Johnson - Yea Councilor Jean-Marie Caterina - Yea Councilor Donald R. Hamill - Yea Councilor Kenneth M. Johnson - Yea

Chairman John R. Cloutier - Yea

Signed and dated this 4th day of March, 2022.

Yolande P. Justice, Town Clerk/Notary

Commission Expires: 10/31/2022

Exhibit G

(DECD Application Cover Sheet)

APPLICATION COVER SHEET

MUNICIPAL TAX INCREMENT FINANCING

A. General Information						
1. Municipality Name: Town of Scarborough						
2. Address: 259 U.S. Route 1, PO	Box 360, Scarborough, ME 04	070-360				
3. Telephone: 207-730-4031	4. Fax: 207-730-4033	5. Email: tha	ll@scarboroughmaine.org			
6. Municipal Contact Person: Thou	mas Hall, Town Manager					
7. Business Name:						
8. Address:						
9. Telephone:	10. Fax:	11. Email:				
12. Business Contact Person:						
13. Principal Place of Business:						
14. Company Structure (e.g. corpor	ration, sub-chapter S, etc.):					
15. Place of Incorporation:						
16. Names of Officers:						
17. Principal Owner(s) Name:						
18. Address:						
B. Disclosure						
1. Check the public purpose that w	ill be met by the business using	g this incentiv	e (any that apply):			
job creation	job retention	⊠capital in	nvestment			
training investment		Dublic f	acilities improvement			
other (list):		•				
2. Check the specific items for whi	2. Check the specific items for which TIF revenues will be used (any that apply):					
real estate purchase	machinery & equipment p	urchase	training costs			
debt reduction	☐ debt reduction ☐ other (list): Please see Project Costs Table.					

C. Employment Data

List the company's goals for the number, type and wage levels of jobs to be created or retained as part of this TIF development project (*please use next page*).

N/A with respect to this Second Amendment

Exhibit H

(DECD Statutory Requirements and Thresholds Form)

STATUTORY REQUIREMENTS AND THRESHOLDS

Scarborough Downtown Omnibus Municipal TIF District | AMD-2

	SECTION A. Acreage Caps			
1.	Total municipal acreage;		34	,560
2.	Acreage of proposed Municipal TIF District;		948.13	
3.	Downtown-designation ¹ acres in proposed Municipal TIF District;		94	8.13
4.	Transit-Oriented Development ² acres in proposed Municipal TIF District;			0
5.	Total acreage [=A2-A3-A4] of proposed Municipal TIF District counted tow	ard 2% limit;		0
6.	Percentage [=A5÷A1] of total acreage in proposed Municipal TIF District (C	CANNOT EXCEED 2%).		0
7.	Total acreage of all <u>existing/proposed</u> Municipal TIF districts in municipalit Affordable Housing Development districts: ³	ry including Municipal	Existing	392.33 ⁴
	Avesta Housing/2.78 Bessey School Affordable Housing (I &II)/7.15 BOR Zone/6.	60* Downtown/948.13	Proposed	948.13
	Haigis Parkway/375.80		Total:	1,340.46
	30-A § 5223(3) EXEMPTIONS ⁵			
8.	Acreage of an existing/proposed Downtown Municipal TIF district;		94	8.13
9. Acreage of all existing/proposed Transit-Oriented Development Municipal TIF districts:			0	
10.	Acreage of all <u>existing/proposed</u> Community Wind Power Municipal TIF di	stricts:		0
11.	Acreage in all <u>existing/proposed</u> Municipal TIF districts common to ⁶ Pine T Zones per 30-A § 5250-I (14)(A) excluding any such acreage also factored i above:			0
12.	Total acreage [=A7-A8-A9-A10-A11] of all <u>existing/proposed</u> Municipal TIF toward 5% limit;	districts counted	39	2.33
13. Percentage of total acreage [=A12÷A1] of all existing/proposed Municipal TIF districts (CANNOT EXCEED 5%).				35%
14.	Real property in proposed Municipal TIF District that is:	ACRES	% [=Ac	res÷A2]
	a. A blighted area;	0		0
	b. In need of rehabilitation, redevelopment or conservation;	0		0
	c. Suitable for commercial or arts district uses.	892.55	94.	13%
	TOTAL (except for § 5223 (3) exemptions a., b. <u>OR</u> c	. must be at least 25%)	94.	13%

^{*}Please note that the original acreage for the BOR TIF in 2009 was mistakenly recorded as 6.0 acres when the parcel comprising the lot is actually 6.6 acres.

¹ Before final designation, the Commissioner will seek advice from MDOACF and MDOT per 30-A § 5226(2).

² For Transit-Oriented Development (TOD) definitions see 30-A § 5222 sub-§§ 19-24.

³ For AH-TIF acreage requirement see 30-A § 5247(3)(B). Alternatively, Section B. must exclude AH-TIF valuation.

⁴ Even though this District already exists, this SR&T includes its entire acreage in the "Proposed" category only.

⁵ Downtown/TOD overlap nets single acreage/valuation caps exemption.

⁶ PTDZ districts approved through December 31, 2008.

Statutory requirements and thresholds Scarborough Downtown Omnibus Municipal TIF District | AMD-2

	SECTION B. Valuation Cap			
1.	Total TAXABLE municipal valuation—use most recent April 1;	\$4,845,682,776		
2.	Taxable Original Assessed Value (OAV) of proposed Municipal TIF District as of March 31 preceding municipal designation—same as April 1 prior to such March 31;	\$9.	5,622,900	
3.	Taxable OAV of all existing/proposed Municipal TIF districts in municipality excluding Municipal Affordable Housing Development districts:		\$10,875,500	
	BOR Zone/2,312,000 Haigis Parkway/8,563,500	Proposed	\$95,622,900	
	Downtown/95,622,900	Total:	\$106,498,400	
	30-A § 5223(3) EXEMPTIONS			
4.	Taxable OAV of an existing/proposed Downtown Municipal TIF district;	\$9!	5,622,900	
5.	Taxable OAV of all existing/proposed Transit-Oriented Development Municipal TIF districts:		0	
6.	Taxable OAV of all existing/proposed Community Wind Power Municipal TIF districts:	0		
7.	Taxable OAV of all existing/proposed Single Taxpayer/High Valuation ⁷ Municipal TIF districts:		0	
8.	Taxable OAV in all <u>existing/proposed</u> Municipal TIF districts common to Pine Tree Development Zones per 30-A § 5250-I (14)(A) excluding any such OAV also factored in Exemptions 4-7 above:		0	
9.	Total taxable OAV [=B3-B4-B5-B6-B7-B8] of all <u>existing/proposed</u> Municipal TIF districts counted toward 5% limit;	\$10),875,500	
10.	Percentage of total taxable OAV [=B9÷B1] of all existing/proposed Municipal TIF districts (CANNOT EXCEED 5%).		.224%	

	COMPLETED BY	Y	
PRINT NAME	Shana Cook Mueller		
SIGNATURE	Gran Col Secl	DATE	01/20/2022
assessor must sign ar	ne completed by the municipal of add the below, acknowledging he/a, and understands the OAV stated of for this District.	she agrees wi	th the information
PRINT NAME	Nicholas Cloutier		
SIGNATURE	me	DATE	02/02/2022

⁷ For this exemption see 30-A §5223(3)(C) sub-§§ 1-4.