



STATE OF MAINE  
DEPARTMENT OF ECONOMIC  
AND COMMUNITY DEVELOPMENT



JANET T. MILLS  
GOVERNOR

HEATHER JOHNSON  
COMMISSIONER

March 10, 2023

Diane Barnes  
Town Manager  
TOWN OF NORTH YARMOUTH  
10 Village Square Road  
North Yarmouth, Maine 04097

RE: Village Omnibus Municipal *Tax Increment Financing* (TIF) District and Development Program *First Amendment* (AMD-1)

**A P P R O V E D**

Dear Ms. Barnes,

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

- a. District taxable Original Assessed Value of \$15,520,200 for real property, consisting of \$15,520,200, as of March 31, 2019 (April 1, 2018) and \$0 as of March 31, 2022 (April 1, 2021)—acreage 154.96;

Per April 6, 2019 original designation approval, DECD restates:

- b. District term of 30 years, ending June 30, 2049;
- c. Real property Increased Assessed Value (IAV) capture of up to 100%;
- d. District revenues deposited/held in a dedicated Development Program Fund account, applied ONLY toward approved activities/projects due completion BEFORE/BY JUNE 30, 2049, consisting of [a]:
  - i) Project Cost account[s] 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 AND/OR fund public activities/projects,
  - ii) Sinking Fund Account to retire associated public debt, if any;
- e. Company/Developer payments are limited to incremental taxes from NEW actual value and may include up to 100% reimbursement of company/developer's District project, during District term, subject to Town Meeting approval following a public hearing;
- f. 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**;
- g. Any non-captured incremental property values resulting in General Fund revenue/deposits MUST be included/reported with Town equalized assessed value;
- h. Any future amendment MUST comply with 30-A M.R.S.A. §§ 5221-5235 and DECD rules;
- i. When District expires, or is terminated, NORTH YARMOUTH MUST NOTIFY DECD IN WRITING.

As further described in the Program, Town revenue allocation projected at \$9,036,412 may facilitate funding for an estimated \$23,350,000 in public costs and associated debt—if any. This funding MUST comply with already established North Yarmouth appropriation process—with activities/projects due



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completion BEFORE/BY JUNE 30, 2049. DECD restates/approves public activities/projects costs listed below, with AMD-1 changes/additions underlined:

**WITHIN DISTRICT**

- j. Professional service costs \$750,000;
- k. Administrative Costs \$750,000;
- l. Land assembly redevelopment costs for business redevelopment \$1,000,000;

**WITHIN DISTRICT/MUNICIPALITY**

- m. Recreational trails having significant potential to promote economic development \$1,000,000; Φ
- n. Welcome Center capital and programmatic costs ~~\$400,000~~ \$100,000; ‡
- o. Wireless service/broadband/3-Phase Power capital costs related to supporting businesses \$750,000; Ψ

**WITHIN MUNICIPALITY**

- p. Environmental Improvements Projects for commercial district use or related to such activities \$750,000; Ψ
- q. Permanent economic development revolving loan funds, investment funds and grants programs per § 5225(1)(C)(3) for costs authorized by 30-A M.R.S.A. § 5225 and DECD rules as amended from time to time and grant matching related to 30-A M.R.S.A. §§ 5221-5235 economic development activities \$3,000,000;
- r. Economic Development Programs and other associated costs \$1,500,000;

**WITHIN/OUTSIDE DISTRICT ◊**

- s. Street-related public safety measures and Village area amenities \$3,500,000; Ψ
- t. Sidewalks and streetscape projects related to District commercial/business development/activities \$1,000,000; Ψ
- u. Water infrastructure capital costs/related expenses for commercial/business users \$1,500,000; Ψ
- v. Utilities relocation costs \$750,000; Ψ

**WITHIN/OUTSIDE DISTRICT ◊/WITHIN MUNICIPALITY**

- w. Public safety and fire protection capital expenditures related to fire truck, public safety/fire equipment, and ~~facilities~~ other capital costs related to public safety and fire protection attributable to commercial/industrial development and construction or operation of municipal public safety facilities, the need for which is related to general economic development within the Town, not to exceed 15% of the District CAV \$4,000,000; Ψ
- x. Affordable Housing, as defined by MRS 30-A §5222 (1-C), project costs as strictly permitted pursuant to MRS 30-A §5225 (1)(A)(9), MRS 30-A §5225 (1)(B)(4), MRS 30-A §5225 (1)(C)(11) and MRS 30-A §5225 (1)(E) \$3,000,000.

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. North Yarmouth 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.

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

cc: via e-mail only

Senator Teresa S. Pierce (SD-25)—131<sup>st</sup> Legislature  
Representative Anne P. Graham (HD-105)—131<sup>st</sup> Legislature



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Peter Lacy, MRS Director Property Tax Division  
Benjamin Thompson, Cumberland County Assessor  
Alyssa C. Tibbetts, Jensen Baird Attorneys at Law

◊ To the extent a project is outside the District, North Yarmouth 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)

Ψ Private residential distribution line(s)

‡ Unauthorized project costs as defined under 30-A M.R.S.A 5225 (2)

## MTIF: Application Synopsis for Commissioner Consideration

### ■ DISTRICT DATA: PREVIOUS DATA GRAY

MUNICIPALITY	North Yarmouth			COUNTY			Cumberland		TERM	30
DISTRICT NAME	Village Omnibus									
ORIGINAL DISTRICT (OD): Y/N		N	AMENDED: Y/N		Y	# AMD	1	RP CAPTURE%	up to 100%	
DOWNTOWN EXEMPT: Y/N		N	TRANSIT-ORIENTED DISTRICT: Y/N				N	PAPER MILL EXEMPT: Y/N		N
APPLICATION BASIS	Correct District acreage and OAV discrepancies, amend District footprint and amend/add public projects costs. No CEAs executed to date. AMD-1 Town approved: February 4, 2023									
HISTORY	[8/5/2020] OD technical revision: OD District map accurate but provide OAV and acreages were incorrect. This technical revision corrected to OAV to \$16,651,400 and 263.92 acres. [7/29/2019] OD: To capture IAV of locations where Town hopes to see development occur and include areas which need investment or infrastructure improvements to promote economic development. Original OAV \$16,630,200 as of 3/31/2019, 231.21 acreage.									
TERM DATES	START: During FY 2020, with DECD Commissioner approval letter of 7/29/2019 (July 1, 2019- June 30, 2020)					END: July 1, 2048- June 30, 2049 (FY 2049)				
DESIGNATION DATE OF ORIGINAL DISTRICT AND DEVELOPMENT PLAN:							April 6, 2019			

Increased Assessed Value (IAV); Real/Personal Property (RP/PP)

### ■ COMPANY OR DEVELOPER DATA

ENTITY ADDRESS	TBD					
PROJECT						
NEW INVSTMT \$		FT JOBS NEW	n/app	-	-	-
NEW PAYROLL \$	n/app	AVG WAGE/YR	n/app	-	-	-
#NEW JOBS	n/app	FT JOBS RETAINED	n/app	-	-	-
AVGE WAGE \$	n/app	AVG WAGE/YR	n/app	-	-	-

Company (CO); Developer (DEV)

### ■ STATUTORY REQUIREMENTS

WITHIN ACREAGE CAP?	OD: <del>231.21</del> OD technical revision: <del>263.92</del> AMD-1 acreage correction to OD 268.49 - AMD-1 parcels removal 114.53 <u>- AMD-1 parcels removal 1.00</u> 154.96	Y	MUNICIPAL BONDS ISSUED? Y/N/MAY	M
ON SUITABLE PROPERTY?		Y	TAX SHIFTS CALCULATED?	Y
OAV CERTIFIED?	OD: <del>\$16,630,200 3/31/2019</del> OD technical revision: <del>\$16,651,400 (3/31/2019)</del> AMD-1 OAV correction to OD: \$16,289,500 (3/31/2019) - AMD-1 \$769,300 (3/31/2019) <u>+ AMD-1 \$0 (3/31/2022)</u> TOTAL: \$15,520,200	Y	PUBLIC NOTICE AND HEARING?	Y
WITHIN VALUE CAP?		Y	PASSED BY MAJORITY VOTE?	Y

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

# MTIF: Application Synopsis for Commissioner Consideration

## ■ PLANNED REVENUE DISTRIBUTION

TO GENERAL FUND (NON-TIF)?		\$0			
FOR MUNICIPAL DEBT?		TBD		IF AMD, ANY BONDS TO DATE? No	
FOR CREDIT ENHANCEMENT AGREEMENT?		TBD/as of AMD-1-None		OMNIBUS DISTRICT	Y
REIMBURSEMENT SCHEDULE		Up to 100% to a developer or company related to its District project, up to the full District term with Town Meeting approval, following a public hearing (OD DP, Section II (A), page 2).			
FOR BONA-FIDE ECONOMIC DEVELOPMENT?		\$1,199,342	Actual for TIF years 1-4		
		\$7,837,070	Projected for TIF years 5-30		
		\$9,036,412	Total		
PUBLIC PROJECTS/COSTS	<p>[<del>\$20,650,000</del> \$23,350,000]</p> <p>(T1) Professional service costs \$750,000; Administrative Costs \$750,000; Land assembly redevelopment costs for business redevelopment \$1,000,000;</p> <p>(T1/T2) Street-related public safety measures and Village area amenities \$3,500,000 Ψ; Sidewalks and streetscape projects related to District commercial/business development/activities \$1,000,000 Ψ; Water infrastructure capital costs/related expenses for commercial/business users \$1,500,000 Ψ; Utilities relocation costs \$750,000 Ψ;</p> <p>(T1/T3) Recreational trails having significant potential to promote economic development \$1,000,000 Φ; Welcome Center capital and programmatic costs <del>\$400,000</del> \$100,000 ‡; Wireless service/broadband/3-Phase Power capital costs related to supporting businesses \$750,000 Ψ;</p> <p>(T3) Environmental Improvements projects for commercial district use or related to such activities \$750,000 Ψ; Permanent economic development revolving loan funds, investment funds &amp; grants programs per §5225(1)(C)(3) for costs authorized by 30-A M.R.S.A. § 5225 and DECD rules as amended from time to time and grant matching related to 30-A M.R.S.A. §§ 5221-5235 economic development activities \$3,000,000; Economic Development Programs and other associated costs \$1,500,000;</p> <p>(T1/T2/T3) Public safety and fire protection capital expenditures related to fire truck, public safety/fire equipment, and <u>other capital costs related to public safety and fire protection facilities</u> attributable to commercial/industrial development and <u>construction or operation of municipal public safety facilities, the need for which is related to general economic development within the Town, not to exceed 15% of the District CAV \$4,000,000Ψ; Affordable Housing, as defined by MRS 30-A §5222 (1-C), project costs as strictly permitted pursuant to MRS 30-A §5225 (1)(A)(9), MRS 30-A §5225 (1)(B)(4), MRS 30-A §5225 (1)(C)(11) and MRS 30-A §5225 (1)(E) \$3,000,000.</u></p> <p><u>EXCLUDING ANY COSTS/FUNDING FOR:</u></p> <p>Φ Public park(s)</p> <p>Ψ Private residential distribution line(s)/benefit residential users</p> <p>‡ Unauthorized project costs as defined under 30-A M.R.S.A 5225 (2)</p> <p>Projects unique to this District/Program? [X] YES [ ] NO</p>				

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.	3/10/2023
APPLICATION RECEIPT DATE	2/17/2023	CHECK AFTER DATA ENTRY <input type="checkbox"/>	

Form revised 5/14/2020