



STATE OF MAINE
DEPARTMENT OF ECONOMIC
AND COMMUNITY DEVELOPMENT



JANET T. MILLS
GOVERNOR

HEATHER JOHNSON
COMMISSIONER

April 8, 2022

Thomas Hall
Town Manager
TOWN OF SCARBOROUGH
295 US Route One
Scarborough, Maine 04070

RE: The Gateway at Scarborough- Haigis Parkway Municipal *Tax Increment Financing* (TIF) District and Development Program *Second Amendment* (AMD-2)

A P P R O V E D

Dear Mr. Hall,

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 Development Program (Program). Based on the application, DECD notes/approves:

- a. District term of 30 years, ending June 30, 2033;
- b. Real property Increased Assessed Value (IAV) capture of 100%, effective July 1, 2022;

Per March 19, 2003 original designation and previous amendment approvals, DECD restates:

- a. District taxable Original Assessed Value of \$8,563,500, as of March 31, 2003 (April 1, 2002)—acreage 375.80;
- b. District revenues deposited/held in dedicated accounts and applied ONLY toward approved activities/projects due completion BEFORE/BY JUNE 30, 2033,
 - i) Project Cost accounts to reimburse The New England Expedition-Scarborough, LLC, 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;
- c. New England Expedition-Scarborough, LLC, reimbursement limited to incremental taxes from NEW actual value of up to \$825,000 annually, for a term that reaches the global cap of \$8,250,000, within the District term;
- d. AFTER EXECUTION, TOWN MUST FORWARD A COPY of any associated credit enhancement agreement and its amendment(s) or assignment(s) to DECD;
- e. TOWN may NOT negotiate/execute reimbursement agreements with any other company/developer, other than The New England Expedition-Scarborough, LLC, without due public process and future amendment;
- f. Any non-captured incremental property values resulting in General Fund revenue/deposits MUST be included/reported with Town equalized assessed value;
- g. Any future amendment MUST comply with 30-A M.R.S.A. §§ 5221-5235 and DECD rules;
- h. When District expires, or is terminated, SCARBOROUGH MUST NOTIFY DECD IN WRITING.

As further described in the Program, Town revenue allocation may facilitate funding for 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, 2033. 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



JANET T. MILLS
GOVERNOR



HEATHER JOHNSON
COMMISSIONER

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 DISTRICT Ψ

- i. Sewer installation on Payne Road and along Haigis Parkway/ Wastewater pumping stations; Route 1-Oak Hill area interceptor sewer of a 15-inch interceptor sewer installation on northerly side of Route 1, including a new sewerage force main from Willowdale Road pumping station along Route 1 to a new interceptor sewer near Commerce Drive \$7,021,000;
- j. Water main installation along Haigis Parkway from existing water main on Payne Road to existing main near Scottow Hill Road \$500,000;
- k. Power & communications of conduits for underground power, telephone, and cable installation along Haigis Parkway from Payne Road to Scottow Hill Road \$1,375,000;
- l. Natural gas line installation along Haigis Parkway, from Payne Road to existing main in the Industrial Park \$475,000;

WITHIN MUNICIPALITY

- m. SEDCO personnel and operational costs as it relates to the development, oversight, marketing, and business attraction efforts for this District's projects.

DECD notes Scarborough is obligated to verify proper statutory 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, 2033.

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

* 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.

EXCLUDING FOLLOWING COSTS/FUNDING:

- Ψ Private residential distribution line(s)

MTIF: Application Synopsis for Commissioner Consideration

■ DISTRICT DATA: PREVIOUS DATA GRAY

MUNICIPALITY	Scarborough	COUNTY	Cumberland	TERM	25 30
DISTRICT NAME	The Gateway at Scarborough- Haigis Parkway				
ORIGINAL DISTRICT (OD): Y/N	N	AMENDED: Y/N	Y	# AMD	2
DOWNTOWN EXEMPT: Y/N	N	TRANSIT-ORIENTED DISTRICT: Y/N	N	PAPER MILL EXEMPT: Y/N	N
APPLICATION BASIS	To adopt/designate/confirm a 100% capture of IAV to use for municipal projects, and to extend term to by 5 years, to total a 30-year District term. Town approved January 19, 2022				
HISTORY	<p>[2/23/2007] AMD-1: District name change from Haigis Parkway to "The Gateway at Scarborough- Haigis Parkway," extend District term by 5 years, and to authorize a CEA with New England Expedition (NEX) Gateway to support its construction/financing costs related to its District project. Assessor corrected/adjusted District OAV & acreage to match District footprint. Town AMD-1 approved December 20, 2006.</p> <p>[6/3/2003] OD: To provide public infrastructure: sewer, water, electricity, natural gas and telecommunication facilities in an area of Payne Road and the Haigis Parkway to allow for the private development of commercial and industrial projects. 20-year term. Acreage of 365, with OAV of \$5,988,850. No CEAs contemplated/allowed, without further amendment</p>				
RP CAPTURE	<p>AMD-2: 100%, effective FY 2023.</p> <p>AMD-1: Once the municipal debt service is paid off, and the Town has been fully reimbursed, the Town will retain 50% of the IAV.</p> <p>OD, page 9 Section IV (B): Each year the Town shall retain as CAV that percentage of IAV that will generate tax increment revenues in an amount sufficient, together with any earnings on the amount, to (a) satisfy all annual debt service on bonds and notes issued under 30-A M.R.S.A. §5231 and the Financial Plan of this Program; and (b) an amount sufficient, together with any earnings on the amount, to satisfy all other annual project cost to be paid from the Project Cost Account; Expected to average 57% over the District term.</p>				
TERM DATES	START: July 1, 2003- June 30, 2004 (FY 2004)		END: July 1, 2027- June 30, 2028 (FY 2028) July 1, 2032- June 30, 2033 (FY 2033)		
DESIGNATION DATE OF ORIGINAL DISTRICT AND DEVELOPMENT PLAN:				March 19, 2003	

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

■ COMPANY OR DEVELOPER DATA

ENTITY ADDRESS	The New England Expedition-Scarborough, LLC, owned by Feldco Scarborough, LLC 220 Elm Street, Suite 104, New Canaan, CT 06840					
PROJECT	<p>A 396,600 square foot development on 84.11 acres within the District to consist of 2 sections:</p> <p>1. The first called The Gateway Shoppes at Scarborough, featuring 130,000 square feet Cabela's Superstore, as well as 48,000 square feet of in-line retail stores, a full-service, 4,000 square foot bank facility and a 6,000 square foot family-style, sit-down restaurant; and</p> <p>2. The second called Gateway Square at Scarborough, featuring a 200 room, four story hotel, 3 x 20,000 square feet office buildings, a full-service 4,000 square foot bank facility, 20,000 square foot of in-line retail stores, 2 free-standing 6,000 square foot family-style restaurants, and a full-service 33,000 square foot banquet and catering facility.</p> <p>Total project located on Tax Map 40, Lots 5-9, 11A, 13, 14 and 27.</p>					
NEW INVSTMNT	\$74,000,000	FT JOBS NEW	60	50	120	395
NEW PAYROLL	\$31,850,000	AVG WAGE/YR	\$75,000	\$60,000	\$40,000	\$40,000

MTIF: Application Synopsis for Commissioner Consideration

#NEW JOBS	800	FT JOBS NEW	75	100	FT JOBS RETAINED	n/app
AVGE WAGE	\$39,812.50	AVG WAGE/YR	\$30,000	\$15,000	AVG WAGE/YR	n/app

Company (CO); Developer (DEV)

■ STATUTORY REQUIREMENTS

WITHIN ACREAGE CAP?	OD: 365 [3/31/2003] AMD-1*: 375.80	Y	MUNICIPAL BONDS ISSUED? Y/N/MAY	Y
ON SUITABLE PROPERTY?		Y	TAX SHIFTS CALCULATED?	Y
OAV CERTIFIED?	OD: \$5,988,850 AMD-1*: \$8,563,500	Y	PUBLIC NOTICE AND HEARING?	Y
WITHIN VALUE CAP?		Y	PASSED BY MAJORITY VOTE? 7/0	Y

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

*A correction by the Assessor to proper acreage & OAV for the District footprint.

■ PLANNED REVENUE DISTRIBUTION

TO GENERAL FUND (NON-TIF)?	\$0 \$3,793,559 \$516,958 \$0 \$4,310,517	Actual for FY 2004-2006 Projected for FY 2007-2019 Actual for FY 2020-2022 <u>Projected for FY 2023-2028</u> Total				
FOR MUNICIPAL DEBT?	AMD-1: \$15,698,531	IF AMD, ANY BONDS TO DATE?	AMD-1: \$15,698,531			
FOR CREDIT ENHANCEMENT AGREEMENT?	\$8,250,000, capped (actual FY 2009-2022: \$7,702,811)		OMNIBUS DISTRICT	N	TIF POLICY	
REIMBURSEMENT SCHEDULE	<p>AMD-1: New England Expedition for a 10- year term, capped at a total of \$8,250,000. Payments as follows, beginning with the first fiscal year after the April 1, 2008 assessing date on which the Current Project values is \$55,000,000 or more, in each FY an amount of IAV equal to: the lesser of (i) \$825,000, or (ii) all (100%) of the Tax Increment Revenues. Term FY 2009-2018.</p> <p>[6/26/2008] CEA amended to remove valuation threshold of \$55,000,000</p> <p>[3/18/2009]: CEA amended to remove 10-year term. CEA ends when the capped amount reimbursed, or FY 2028, which ever one comes first.</p>					
FOR BONA-FIDE ECONOMIC DEVELOPMENT?	\$1,744,591 <u>\$15,335,070</u> \$17,079,661	Actual for FY 2004-2022 <u>Projected for FY 2023-2028</u> Total				
PUBLIC PROJECTS/COSTS	<p>[\$9,371,000]</p> <p>(T1) Sewer installation on Payne Road and along Haigis Parkway/Wastewater pumping stations/Route 1-Oak Hill area interceptor sewer of a 15-inch interceptor sewer installation on northerly side of Route 1, including a new sewerage force main from Willowdale Road pumping station along Route 1 to a new interceptor sewer near Commerce Drive \$7,021,000 Ψ; Water main installation along Haigis Parkway from existing water main on Payne Road to existing main near Scottow Hill Road \$500,000 Ψ; Power & communications conduits for underground power, telephone and cable installation along Haigis Parkway from Payne Road to Scottow Hill Road \$1,375,000 Ψ; Natural gas line installation along Haigis Parkway, from Payne Road to existing main in the Industrial Park \$475,000 Ψ;</p> <p>(T3) SEDCO personnel and operational costs as it relates to the development, oversight, marketing and business attraction efforts for this District's projects.</p> <p><u>EXCLUDING ANY COSTS/FUNDING FOR:</u> Ψ Private residential distribution line(s)/benefit residential users</p>					

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	<i>T.M.</i>	4/8/2022
APPLICATION RECEIPT DATE	1/28/2022	CHECK AFTER DATA ENTRY <input type="checkbox"/>	

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.: 7758 8825 0306**

January 27, 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 Gateway at Scarborough – Haigis
Parkway Municipal Development and Tax Increment Financing
District
Town of Scarborough**

Dear Tina:

Enclosed with this letter please find the application for the Second Amendment to The Gateway at Scarborough – Haigis Parkway Municipal Development and Tax Increment Financing District as approved by the Town of Scarborough on January 19, 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



TOWN OF
SCARBOROUGH, MAINE

January 20, 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 Gateway at Scarborough – Haigis Parkway Municipal Development Tax Increment Financing District Development Program

Dear Commissioner Johnson,

On behalf of the Town of Scarborough, I am submitting the application for the *Second Amendment to The Gateway at Scarborough – Haigis Parkway Municipal Development Tax Increment Financing District Development Program* approved by the Town of Scarborough on January 19, 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

Office of the Town Manager

259 US Route One | PO Box 360 | Scarborough, Maine 04070 | P: 207.730.4030 | scarboroughmaine.org

**ECONOMIC DEVELOPMENT
TOWN OF SCARBOROUGH, MAINE**

An Application for a Municipal Development and Tax Increment Financing District

**SECOND AMENDMENT TO
THE GATEWAY AT SCARBOROUGH – HAIGIS PARKWAY MUNICIPAL
DEVELOPMENT AND TAX INCREMENT FINANCING DISTRICT DEVELOPMENT
PROGRAM**

Approved by:
TOWN OF SCARBOROUGH
January 19, 2022

Presented to:

Maine Department of Economic and
Community Development

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EXHIBITS:

- EXHIBIT A FIRST AMENDED AND RESTATED DISTRICT AND DEVELOPMENT PROGRAM MATERIALS
- EXHIBIT B ESTIMATED INCREASED ASSESSED VALUES FOR DISTRICT & ESTIMATED TAX SHIFT BENEFITS
- EXHIBIT C NOTICE OF PUBLIC HEARING
- EXHIBIT D CERTIFIED COPY OF THE PUBLIC HEARING MINUTES
- EXHIBIT E TOWN COUNCIL ORDER
- EXHIBIT F DECD APPLICATION COVER SHEET
- EXHIBIT G DECD STATUTORY REQUIREMENTS AND THRESHOLDS FORM

I. Introduction

A. Summary of the Second Amendment to The Gateway at Scarborough – Haigis Parkway TIF Development Program

The Town of Scarborough (the “Town”) seeks its second amendment (“Second Amendment”) to The Gateway at Scarborough – Haigis Parkway Tax Increment Financing (“TIF”) District (“District”) Development Program (“Development Program”), attached hereto as Exhibit A (the “First Amended and Restated Development Program”). This Second Amendment adopts, designates and confirms that going forward the Town will capture 100% of the increased assessed value as captured assessed value and use all TIF revenues for municipal project costs, other than those obligated to be paid under a 2008 credit enhancement agreement with New England Expedition – Scarborough, LLC. Also, the Town will extend the term of the District to the full maximum term of 30 years through the end of Fiscal Year 2032-2033, or June 30, 2033.

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 First Amended and Restated Development Program, such previously approved document remains in full force and effect. Please note that the First Amended and Restated Development Program for the District is 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 “TIF Statute”).

B. The Existing District and Development Program

In March 2003 the Town designated the Haigis Parkway 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 in June 2003. The Town created the District in order to provide public infrastructure in the area of Payne Road and Haigis Parkway to allow for private development of commercial and industrial projects. The original term of the District was twenty (20) years. The acreage of the District was 365 acres and the original assessed value was \$5,988,850.

In December 2006, the Town approved an amendment to the District and its Development Program. DECD approved the First Amended and Restated District and the First Amended and Restated Development Program in February 2007. The purpose of this first amendment was to change the name of the District to The Gateway at Scarborough – Haigis Parkway TIF, increase the term of the District by five years, totaling 25 years, and to authorize funding construction and/or financing costs of the New England Gateway Expedition project through a credit enhancement agreement with the developer of such project, New England Expedition – Scarborough, LLC. The developer is entitled to receive a capped annual payment through Fiscal Year 2028 up to a total maximum cap, currently projected to be reached during the 2022-2023 Fiscal Year. The Town Assessor prepared acreage and original assessed value corrections, establishing a higher original assessed value (\$8,563,500) from the initial value (\$5,988,850). The acreage was increased to 375.80 acres from the initial 365 acres.

II. Development Program Second Amendment Narrative

A. Duration of Development Program

The Town is extending the term of the District by another five (5) years bringing the total District term to thirty (30) years. The amended District will terminate on June 30, 2033.

B. Financial Plan

Beginning at the start of Fiscal Year 2022-2023, the Town will "capture" 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 Exhibit B is a table showing the estimated increased assessed value for the District for each year of the future and extension years of the District, as well as the portion of the increased assessed value expected to be applied to the remaining obligations under the existing credit enhancement agreement, the Town's Project Cost Subaccount of the District's Development Program Fund. In addition, Exhibit B also includes a table showing the estimated tax shift benefits for the future and extension years of the District.

III. Approval Process for Second 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 on the First Amendment. The public hearing on the Second Amendment was held on January 19, 2022, in accordance with the requirements of 30-A M.R.S.A. § 5226(1).

B. Minutes of Public Hearing

Attached as Exhibit D, is a certified copy of the minutes of the public hearing held on January 19, 2022, at which time the proposed First Amendment was discussed by the public.

C. Authorizing Votes

Attached as Exhibit E 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 January 19, 2022, approving the First Amendment to the Development Program.

IV. Maine Department of Economic and Community Development Forms

A. Application Cover & Employment Goals form

Attached as Exhibit F is a completed application cover sheet & employment goals form for the First Amendment.

B. Statutory Requirements & Thresholds form

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

Exhibit A

**(First Amended and Restated District and Development
Program Materials)**

File Copy
EXP. 6-2-2028

JOHN ELIAS BALDACCI
GOVERNOR

STATE OF MAINE
DEPARTMENT OF
ECONOMIC AND COMMUNITY DEVELOPMENT
59 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0059



JOHN RICHARDSON
COMMISSIONER

February 23, 2007

Ronald W. Owens
Town Manager
Town of Scarborough
PO Box 360
Scarborough, ME 04070-0360

Dear Mr. Owens:

Ron!

The Maine Department of Economic and Community Development ("the department") has reviewed and approved the Town of Scarborough's designation of the first amendment to the previously approved Haigis Parkway Municipal Development & Tax Increment Financing District ("the district"). The district's original approval letter is dated June 3, 2003, and is for a period of twenty (20) years.

Based on the Town of Scarborough's amended and restated application, the department notes and approves the following: the district name is changed to The Gateway at Scarborough - Haigis Parkway Municipal Development & Tax Increment Financing District, the district term is extended by five years totaling twenty-five (25) years through and including the Town's fiscal year 2028, and approved project costs shall include a portion of the construction or financing costs of the New England Expedition (NEX) Gateway project, as set forth in the amended and restated application, subject to the following: CEA reimbursement of retained tax increment revenues for the NEX Gateway project pursuant to a credit enhancement agreement shall not exceed \$8,250,000, and all other corrective and conforming changes within the amended and restated development program.



PRINTED ON RECYCLED PAPER

Ronald W. Owens
February 23, 2007

Page 2

All other material aspects of the original Haigis Parkway TIF proposal not specifically amended, including its development program, its financial plan and the department's approval letter dated June 3, 2003, remain in effect.

Approval remains subject to the following provision: should any business in this district receive TIF payments that exceed \$10,000 in a calendar year, **it must submit an annual written report no later than August 1st of the following year, in accordance with 5 MRSA §13070-J(3).**

If you have questions regarding this approval, or the applicability of the economic development incentive reporting requirements, please do not hesitate to contact Daniel Stevenson at 624-7415.

Sincerely,

A handwritten signature in black ink that reads "John Richardson". The signature is written in a cursive style with a large, prominent "J" and "R".

John Richardson
Commissioner

cc: Jerome Gerard, Acting State Tax Assessor
David Ledew, Director of Property Tax
F. Paul Frinsko, Esq.
James M. Saffian, Esq.

TIF: DISTRICT SYNOPSIS FOR COMMISSIONER'S CONSIDERATION

District Data

Municipality:	Scarborough	County:	Cumberland	Term:	25
District Name:	Haigis Parkway – The Gateway				
Company Name and Address:	Feldoco Scarborough, LLC				
Original District: Y/N	No	Amended: Y/N	Yes	#	1
Downtown Exclusion: Y/N	No	Paper Mill Exclusion: Y/N	No	Pine Tree Zone Exclusion: Y/N	No
<p>Project Description: The proposed amended and restated application changes the district name to The Gateway at Scarborough – Haigis Parkway TIF, increases the term of the district by five years totaling 25 years, and establishes a credit enhancement agreement with the developer, Feldco Scarborough, LLC up to a maximum of \$8,250,000.</p> <p>The town assessor prepared acreage and OAV adjustments establishing a higher OAV (\$8,563,500) from the initial OAV (\$5,988,850) contained within the original application. The development program and financial plan reflects these changes.</p>					

Job Goals

Full Time Jobs Created:	1,000	Average Annual Wage:	\$15,000-75,000
Full Time Jobs Retained:	N/A	Average Annual Wage:	N/A

Statutory Requirements

Acreage Limit Met?	Yes	Value Limit Met?	Yes
Municipal Bonds Issued?	Yes	Five Year Limit in Effect?	Yes
Below County Debt Cap?	Yes	On Suitable Property?	Yes
OAV Certified?	Yes	Tax Shifts Calculated?	Yes
Public Notice & Hearing?	Yes	Passed by Majority Vote?	Yes

Planned Revenue Distribution

To General Fund (non-TIF)?		\$
For Municipal Debt?		\$ 15,698,531
For Credit Enhancement Agreement?		\$ 8,250,000
<i>Reimbursement Schedule:</i>		
For Bona-Fide Economic Development?		\$ 166,563 (a portion)
<i>Brief description of municipal activities/projects planned and associated costs:</i>		
<i>Pay bond debt for public infrastructure & Pay portion of personnel costs at SEDCO</i>		

Date Received:	2/5/07	Date Approval Letter Prepared:	2/23/07
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TIF: DISTRICT SYNOPSIS FOR COMMISSIONER'S CONSIDERATION
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Staff Recommendation

The Program Manager has reviewed the municipal TIF application and provides this advice to assist the Commissioner: Approve as submitted.
--

Recommend Commissioner Approval?	Yes	Initials: DBS
----------------------------------	-----	---------------

Date Received:	
----------------	--

Date Approval Letter Prepared:	
--------------------------------	--



Town of Scarborough, Maine

P.O. BOX 360 • SCARBOROUGH, MAINE 04070-0360

January 30, 2007

John Richardson, Commissioner
Maine Department of Economic and
Community Development
State House Station 59
Augusta, ME 04333-0059

Re: The Gateway at Scarborough-Haigis Parkway, Maine Municipal Development
and Tax Increment Financing District Application (Amended and Restated)

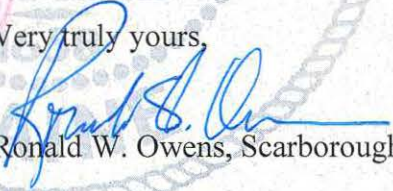
Dear Commissioner Richardson:

On behalf of the Town of Scarborough, Maine, I am pleased to enclose for your review and approval pursuant to the provisions of 30-A M.R.S.A. Section 5226(2), the following documents relating to The Gateway at Scarborough-Haigis Parkway, Maine Municipal Development and Tax Increment Financing District Application (Amended and Restated) as approved by the Town at a Town Meeting held on December 20, 2006:

1. Application Cover Sheet
2. Development Program with Supporting Exhibits A through J.

We look forward to your response and should you or your staff have any questions, please contact me at your convenience.

Very truly yours,


Ronald W. Owens, Scarborough Town Manager

cc: F. Paul Frinsko, Esq.
Harvey Rosenfeld
Barry Feldman
James M. Saffian, Esq.

Department of Economic and Community Development

**MUNICIPAL TAX INCREMENT
APPLICATION COVER SHEET**

A. General Information

1. *Municipality Name:* Town of Scarborough
2. *Address:* P.O. Box 360, Scarborough, ME 04070-0360
3. *Telephone:* (207) 730-4000 *Fax:* (207) 730-4033 *Email:* ROwens@ci.scarborough.me.us
4. *Project Contact Person:* Mr. Ronald W. Owens *Date:*

-
5. *Business Name:* The New England Expedition – Scarborough, LLC
 6. *Address:* 220 Elm Street, Suite 104, New Canaan, CT 06840
 7. *Telephone:* (203) 966-9933 *Fax:* (203) 966-1434 *Email:* feldco@optonline.net
 8. *Principal Place of Business:* 220 Elm Street, Suite 104, New Canaan, CT 06840
 9. *Company Structure (e.g. Corporation, sub-chapter @, etc.):* limited liability company
 10. *Place of Incorporation:* Maine
 11. *Names of Officers.* Barry Feldman and Gene Beaudoin, members of Feldco Scarborough, LLC
 12. *Principal Owner(s) Name and Address:* Feldco Scarborough, LLC is the sole member, 220 Elm Street, Suite 104, New Canaan, CT 06840
 13. *Project Contact Person:* Barry E. Feldman

B. Disclosure (attach separate sheets if necessary)

14. Check the public purpose (any that apply) that will be served by the business through the use of the TIF incentive.
 job creation job retention capital investment training investment
 tax base improvement public facilities improvement other: _____
15. Check the specific use (any that apply) to which the TIF revenues will be put:
 real estate purchase machinery & equipment purchase training costs debt reduction
 other: _____
16. List the company's goals for the number, type and wage levels of jobs to be created or retained as a result of the TIF revenues received (*please use next page*).
17. Does the business anticipate receiving more than \$10,000 in TIF revenues in any calendar year during the term of the TIF development program? Yes No (*If so, please review example of annual report at back of manual*).

16. Company Goals for Job Creation and Job Retention (from previous page).

EMPLOYMENT GOALS

A. Job Creation Goals (Attributable to Approval of TIF District)

<i>Occupational Cluster*</i>	<i>Full-time</i>	<i>Part-time</i>	<i>Wage Level</i>
1. Executive, Administrative & Managerial	60		\$75,000
2. Professional Specialty	50		\$60,000
3. Technicians & Related Support	120		\$40,000
4. Marketing & Sales	395		\$40,000
5. Administrative Support, including Clerical	75		\$30,000
6. Service	100		\$15,000
7. Agriculture, Forestry & Fishing			\$
8. Mechanics, Installers & Repairers			\$
9. Construction Trades & Extractive			\$
10. Production			\$
11. Transportation & Material Moving			\$
12. Handlers, Equip. Cleaners, Helpers & Lab'rs			\$

B. Job Retention Goals (Attributable to Approval of TIF District)

<i>Occupational Cluster*</i>	<i>Full-time</i>	<i>Part-time</i>	<i>Wage Level</i>
1. Executive, Administrative & Managerial			\$
2. Professional Specialty			\$
3. Technicians & Related Support			\$
4. Marketing & Sales			\$
5. Administrative Support, including Clerical			\$
6. Service			\$
7. Agriculture, Forestry & Fishing			\$
8. Mechanics, Installers & Repairers			\$
9. Construction Trades & Extractive			\$
10. Production			\$
11. Transportation & Material Moving			\$
12. Handlers, Equip. Cleaners, Helpers & Lab'rs			\$

**Please use the Occupational Cluster descriptions on the next page to complete this form.*

INSTRUCTIONS

A. Job Creation Goals. Please list the number, type and wage level of jobs created as a result of the economic development incentive. NOTE: For this form, “*full-time*” employment means 30 hours or more; “*part-time*” employment means less than 30 hours. “*Wage level*” means the average annual wage paid for jobs created within an occupational cluster, e.g. either their annual salary, or their hourly wage times their annual hours. Also, “*type*” means “*occupational cluster*” which refers to the 12 categories defined below. Please include the number of your employees (both full-time and part-time) working within the category that most closely reflects their job duties.

B. Job Retention Goals. Please list the number, type and wage level of jobs retained as a result of the economic development incentive. Part B should be completed using same definitions in Part A.

OCCUPATIONAL CLUSTERS

(for use in completing Parts A & B above)

1. **Executive, administrative and managerial.** Workers in executive, administrative and managerial occupations establish policies, make plans, determine staffing requirements, and direct the activities of businesses and other organizations. Workers in management support occupations, such as accountant and auditor or underwriter, provide technical assistance to managers.
2. **Professional specialty.** This group includes engineers; architects and surveyors; computer, mathematical, and operations research occupations; life, physical, and social scientists; lawyers and judges; social, recreational, and religious workers; teachers, librarians, and counselors; health diagnosing, assessment, and treating occupations; and communications, visual arts, and performing arts occupations.
3. **Technicians and related support.** This group includes health technologists and technicians, engineering and science technicians, computer programmers, tool programmers, aircraft pilots, air traffic controllers, paralegals, broadcast technicians, and library technicians.
4. **Marketing and sales.** Workers in this group sell goods and services, purchase commodities and property resale, and stimulate consumer interest.
5. **Administrative support, including clerical.** Workers in this group prepare and record memos, letters, and reports; collect accounts; gather and distribute information; operate office machines; and handle other administrative tasks.
6. **Service.** This group includes a wide range of workers in protective, food and beverage preparation, health, personal, private household, and cleaning and building services.
7. **Agriculture, forestry and fishing.** Workers in these occupations cultivate plants, breed and raise animals, and catch fish.
8. **Mechanics, installers, and repairers.** Workers in this group adjust, maintain, and repair automobiles, industrial equipment, computers, and many other types of machinery.
9. **Construction trades and extractive.** Workers in this group construct, alter, and maintain – buildings and other structures or operate drilling and mining equipment.
10. **Production.** These workers set up, adjust, operate, and tend machinery and/or use handtools and hand-held power tools to make goods and assemble products.
11. **Transportation and material moving.** Workers in this group operate the equipment used to move people and materials.
12. **Handlers, equipment cleaners, helpers, and laborers.** Workers in these occupations assist skilled workers and perform routine tasks.

The Gateway at Scarborough

**Haigis Parkway Municipal Development
& Tax Increment Financing District**

Application
(Amended and Restated)

Prepared by:

The Scarborough Economic Development Corporation (SEDCO)
7 Oak Hill Terrace – Post Office Box 550
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- Exhibit A (Replacement) – TIF Projections
- Exhibit B – Debt Service Schedule
- Exhibit C – Tax Shift Methodology
- Exhibit D (Replacement) – Certificate of Assessor
- Exhibit E – Plan Showing District
- Exhibit F – Plan Showing General Location
- Exhibit G-1 – Notice of Public Hearing – Original Adoption
- Exhibit G-2 – Notice of Public Hearing – Amendment
- Exhibit H-1 – Minutes of Public Hearing – Original Adoption
- Exhibit H-2 – Minutes of Public Hearing – Amendment
- Exhibit I – Haigis Parkway Project Locus
- Exhibit J – Cumberland County TIF Bonds

I. DEVELOPMENT PROGRAM NARRATIVE

Introduction

The Town of Scarborough, Maine is one of the fastest growing residential communities in Maine. Scarborough has become a magnet for residential development partly due to its unique location just to the south of Portland. As industrial and commercial development in the Greater Portland area began to grow in the early to middle 1980's, many families located in Scarborough. This unprecedented demand for improvements to the educational, municipal and recreation services was clearly recognized in 1985 and Scarborough became particularly aggressive in its economic development efforts. This effort continues today and Scarborough is now home to approximately 900 business.

Scarborough is a community covering some 54 square miles. It is bisected south to north by the Maine Turnpike. The majority of the land west of the Turnpike is residentially zoned and is not served by public infrastructure. Nonetheless, this area is seeing unprecedented residential growth. The area east of the turnpike is a mixture of residential, commercial, and industrial property. Scarborough also has the largest salt-water marsh system in the State, miles of saltwater frontage, extensive wetlands and open space that contributes to the quality of life in this community.

As residential development continues to grow, it becomes necessary for the Town to broaden its tax base in order to meet the needs of its residents. Education, public safety, public works and recreation services are continually pressed by this growth. Scarborough has attempted to meet this challenge by continuing to develop strategies for industrial and commercial development. Scarborough has utilized Tax Increment Financing ("TIF") in the past to develop the catalysts necessary to achieve its goals. Scarborough currently has three TIF districts: The Town Center, Eight Corners, and Enterprise Business Park Municipal Financing District. The three districts were created to fund the development of public infrastructure to allow the development of industrial and commercial endeavors.

Several years ago a joint project of the Maine Turnpike Authority and the State of Maine resulted in the construction of Maine Turnpike Exit 6 and the Haigis Parkway. The long awaited exit replaced a privately owned, seasonal exit and directed traffic to the Payne Road in Scarborough. The Haigis Parkway, a limited access state highway connects the Payne Road and U.S. Route One. The Parkway runs through and opened up a vast stretch of undeveloped land. Realizing the development potential, both residential and commercial of this property, the Town directed the Town staff in conjunction with the Scarborough Economic Development Corporation ("SEDCO") to study and make recommendations for the highest and best utilization of this area. Based on this research, the Scarborough Town Council determined that the highest and best use for the property would be of a commercial nature. Of concern to the Council was that the area contained fragile and valuable natural resources that should be protected and accessible. In addition, it was realized that this area would become the "gateway" to Scarborough and steps would have to be taken to insure that development would be of high quality. To this end,

the Council approved a rezoning of this area and a creation of a new district and overly to accomplish that goal. The zoning requirements have been continually upgraded.

This application will propose the development of a new TIF district, to be known as The Gateway at Scarborough - Haigis Parkway Municipal Development and Tax Increment Financing District (the "District"). The District will provide tax increment revenues to fund the Municipal Projects described in Section II.A and II.B below, including but not limited to public infrastructure; sewer, water, electricity, natural gas and telecommunication facilities in an area of Payne Road and the Haigis Parkway to allow for the private development of commercial and industrial projects. Tax increment revenues will also be used to finance a portion of the costs of the NEX Gateway Project described in Section II.C below.

II. DEVELOPMENT PROGRAM

A. The Municipal Project

The Town of Scarborough is proposing to develop infrastructure on a portion of Payne Road and the Haigis Parkway in order to promote private commercial development on properties adjacent to these two thoroughfares (the "Municipal Project"). The Municipal Project will include the installation of electric, water, telephone, sanitary sewer, natural gas, and any necessary upgrades to the existing infrastructure systems to facilitate the new construction. The completion of the Municipal Project and the anticipated commercial and industrial development will:

- Provide sites for high quality commercial and industrial projects;
- Develop extensive high quality job opportunities;
- Strengthen and diversify the tax base of the community;
- Increase property tax revenue; and
- Create minimal demand for local services.

The Gateway at Scarborough - Haigis Parkway Municipal Development and Tax Increment Financing District will serve not only the interests of the Town of Scarborough and the business endeavors that locate here but will also greatly benefit the Greater Portland region and the State of Maine by providing an environment conducive to biotech, high-tech and professional office development that will foster a more diverse economy.

The Municipal Project will be financed pursuant to Maine Statute 30-A M.R.S.A. §5257 (repealed and replaced as 30-A M.R.S.A §5231), which allows the municipality to authorize, issue and sell bonds. In addition, pursuant to 30-A M.R.S.A. §5255 (repealed and replaced by 30-A M.R.S.A §5228) the Town will establish a development assessment upon the lots and property within the District.

B. Haigis Parkway Utility Project Summary

The Municipal Project involves the installation of sewer, water, power, gas and telecommunications utilities along the Haigis Parkway, running from Payne Road to Route 1; new sewers along a portion of Route 1, from Haigis Parkway to Willowdale Road; a replacement sewer interceptor from Route 1 to Scarborough Sanitary District's (the "Sanitary District") pumping station #4, and a new sewer along a short stretch of Payne Road, North and South of the Haigis Parkway intersection. Also included in the Municipal Project is a new wastewater pumping station, two replacement-pumping stations and the upgrade/expansion of another pumping station.

All of this sewer infrastructure work is necessary to convey the expected wastewater flows generated from the Haigis Parkway Zone to the Sanitary District's wastewater treatment facility.

Haigis Parkway Utility Installation

A list of the specific utilities to be installed a part of the Project follow:

Sewers- 2,600 feet of sewer will be installed on Payne Road, (the "Payne Road Sewer"), and along the entire length of the Haigis Parkway (the "Haigis Parkway Sewer"). The Payne Road Sewer will serve an area 800 ft to the north and 1,800 ft to the south of the Haigis Parkway/Payne Road intersection. This area is all within the Haigis Parkway Zone. The Haigis Parkway Sewer will service all property abutting and within the Haigis Parkway Zone along the Parkway. A new wastewater pumping station is required, and will be installed at the northern ed of the Parkway.

Water- A 12-inch diameter ductile iron water main will be installed along Haigis Parkway, from the existing water main on Payne Road, to the existing main near Scottow Hill Road.

Power & Communications- Conduits for underground power, telephone and cable will be installed along Haigis Parkway, from the existing overhead lines on Payne Road, to the existing overhead lines near the Scottow Hill Road.

Natural Gas- A new gas line will be installed by Northern Utilities along Haigis Parkway, from Payne Road to the existing main in the Industrial Park which is north of the intersection of Lincoln and Washington Avenues.

Wastewater Pumping Stations- Three (3) new wastewater pumping stations will be constructed as part of the Project. One (1) pumping station will be a new addition to the system and two (2) others will replace existing pumping stations. The Project will also include a modification of a fourth (4th) pumping station.

Route 1/Oak Hill Area Interceptor Sewer- A 15-inch interceptor sewer on the northerly side of Route 1, eastward from Haigis Parkway, will be installed as part of the

Project, as will a new sewerage force main, which will run from the replacement pumping station on Willowdale Road along Route 1, to a new interceptor sewer near Commerce Drive.

C. The NEX Gateway Project

The New England Expedition – Scarborough, LLC proposes a 396,600 square foot development on approximately eighty-four (84) acres within the District (the “NEX Gateway Project”). The NEX Gateway Project will consist of two (2) harmonious sections, the first called The Gateway Shoppes at Scarborough and the second called The Gateway Square at Scarborough. The Gateway Shoppes will be located at the southwest corner of the Haigis Parkway and Payne Road and will feature 130,000 square foot Cabela’s Superstore, as well as 48,000 square feet of in-line retail stores, a full-service, 4,000 square foot bank facility and a 6,000 square foot family-style, sit-down restaurant. The Gateway Square will be located on the southeast corner of the Haigis Parkway and Payne Road and will feature a 200 room, four (4) story hotel, three (3) 20,000 square foot office buildings, a full-service 4,000 square foot bank facility, 20,000 square feet of in-line retail stores, two (2) free-standing 6,000 square foot family-style restaurants, and a full-service 33,000 square foot banquet and catering facility.

The NEX Gateway Project is currently budgeted to cost approximately \$74,000,000 and is scheduled to be completed and open for business to the public in June 2008. Upon full occupancy, the NEX Gateway Project is expected to provide 1,000 jobs and to provide substantial additional real estate tax revenue. A portion of the tax increment revenue generated by the NEX Gateway Project will be allocated to Feldco Scarborough, LLC or its designee, (the “Developer”), to help offset unusually high construction costs and financing costs associated with a project of this quality and magnitude.

D. The Development Program

The Town of Scarborough has determined that the highest and best use of the property along the Payne Road in the vicinity of the Maine Turnpike Exit 6 and the land abutting both sides of the Haigis Parkway is high quality, well-planned, environmentally friendly commercial, retail and industrial development, including but not limited to the NEX Gateway Project described below. It is envisioned that this area will attract biotech, high-tech, and information technology, light industrial and office developments and supporting retail and hospitality businesses. To develop businesses of the quality and size envisioned by the Town, public infrastructure must be developed.

The Town of Scarborough’s adoption of this Development Program creates a single municipal TIF District in order to capture improvements made within the District and permit tax increment financing to finance the project costs contained within the District as contemplated by the Development Program. The TIF District will apply only to a portion of the increase in assessed value as a result of this Project. The District will capture an average of 62% of the increased assessed value as captured assessed value (See Exhibit A (Replacement)). The tax increment will only be used to retire the debt for

the public improvements within the District, a portion of the costs of the NEX Gateway Project and other related costs under 30-A M.R.S.A. §5225.

The benefits to the Town of Scarborough from creating this Tax Increment Financing District include the following:

- Development of infrastructure in the public way will allow for commercial and industrial development of the Haigis Parkway District;
- The infrastructure development will not impact on the existing tax base of the municipality, since only new taxable value will be used to retire debt, and;
- Expanded tax base;
- Anticipated creation of approximately 1,000 new jobs;
- Sheltering a portion of the new municipal value from impacting overall state valuation, thereby minimizing potential decreases in school funding and state revenue sharing, and potential increases in county tax assessments.

E. Statement of Means and Objectives

The Town of Scarborough has long realized the importance of well-planned industrial and commercial development in maintaining the health and diversity of the community. Its economic development efforts have been targeted to retain and attract businesses that create jobs and enhance the municipal tax base. Scarborough has been successful in this endeavor. However, Scarborough continues to grow residentially and continues to face all of the costs associated with rapid and extensive growth. Scarborough's historic industrial and commercial areas are very close to capacity. Among the areas of concern are:

- All municipally owned lots in the Scarborough Industrial Park have been sold and built out;
- The Pleasant Hill Road area, the community's first industrial zone is close to capacity;
- U.S. Route One, traditionally the location of retail and office development serving local needs, is quickly filling up;
- Payne Road, from the South Portland line to Route 114 has attracted large and small retailers, a hospitality facility and is very close to capacity; and
- The supply of vacant, built space throughout town is minimal.

Faced with this dilemma, the Town of Scarborough decided that the area surrounding Exit 6 and the Haigis Parkway is best suited for high-end industrial and commercial development.

In brief, the means and objectives of the Development Program are to provide the necessary public infrastructure to enable the private development of industrial and commercial facilities within the designated area. This will further benefit the Town of Scarborough by providing employment opportunities and taxable property.

F. Municipal Use of TIF Revenues

The Town of Scarborough currently funds the Scarborough Economic Development Corporation a quasi-public non-profit development corporation. SEDCO currently employs two full time employees and provides a full range of economic development services to the community. The budget for the corporation for FY 2003 was \$ 166,563.00. It is anticipated that for the next several years, the staff of the corporation will spend a minimum of fifty percent (50%) of their time on the development, oversight, marketing and business attraction efforts for projects within the District. Scarborough requests that a portion of annual TIF revenues from this development program be applied toward personnel and operational costs of SEDCO. The Town also intends to use tax increment revenues to retire the debt services incurred to fund the infrastructure improvements listed immediately below. The Town also plans to allocate TIF revenue to future municipal infrastructure and economic development activities that fall within the definition of "Project Costs" as defined in 30-A, §5225(1). The Town recognizes that, other than the specific municipal projects described above, such additional municipal projects will need to be reviewed and approved by DECD.

In addition, a portion of the TIF revenues from the NEX Gateway Project will be allocated to the Developer pursuant to a Credit Enhancement Agreement to be entered into by the Town and the Developer.

G. Description of Improvements to the Public Infrastructure

Sewer Construction	\$ 7,021,000.
Water Line Construction	500,000.
Gas Line Construction	475,000.
Electric and Communication	1,375,000.
Total	\$ 9,371,000.

H. Uses of Private Property

All facilities constructed within the District will be located within the public right of way. There are no private commercial facilities, improvements or projects included in the Municipal Project.

The NEX Gateway Project will be located on Tax Map 40, Lots 5-9, 11A, 13, 14 and 27 within the District.

I. Environmental Controls

All improvements will comply with all federal, state and local rules and regulations and applicable land use requirements.

J. Operation of the District

During the life of the Exit 6/Haigis Parkway Municipal Development and Tax Increment Financing District, the Town of Scarborough Town Manager, or designee, will be responsible for the administration of the Development Program and the District.

K. Other Considerations

1. Relocation of Displaced Persons

Not applicable.

2. Transportation Improvements

Not applicable

III. PHYSICAL DESCRIPTION

Lot Information

1. Total Acreage of the Municipality	34,560 Acres
2. Total Acreage of the Proposed Municipal TIF District	375.80 Acres
3. Percentage of Total Acreage in the Proposed Municipal TIF District (cannot exceed 2%)	1.09%
4. Total Acreage of <u>all</u> Existing and Proposed Municipal TIF Districts in the Municipality	1,266.80 Acres
5. Percentage of Total Acreage in all Existing and Proposed Municipal TIF Districts (cannot exceed 5%)	3.67%
6. Not less than 25%, by area, of the real property within the District Shall meet at least one of the following criteria:	
a. Blighted areas	
b. Acreage in need of rehabilitation, redevelopment or conservation work	
c. Acreage suitable for commercial uses (Must equal or exceed 25%)	100%

**HAIGIS PARKWAY DISTRICT
LOT INFORMATION**

NEX GATEWAY PROJECT

<u>Map/Lot</u>	<u>Area (Acres)</u>	<u>Current Value (3/31/03)</u>
R40/5	22.89	\$188,400
R40/6	0.62	112,200
R40/7	1.20	78,000
R40/8	9.30	139,900
R40/9	0.93	70,700
R40/11A	7.67	189,700
R40/13	6.23	115,500
R40/14	32.65	331,900
R40/27	2.62	72,000
Sub-Total	84.11	\$1,298,300

OTHER LOTS IN DISTRICT

<u>Map/Lot</u>	<u>Area (Acres)</u>	<u>Current Value (3/31/03)</u>
R39/1	7.53	\$595,000
R39/1A	2.49	505,500
R39/2	6.80	986,500
R40/3	2.30	175,600
R40/4	0.52	130,900
R40/11	9.42	984,800
R40/11B	2.35	683,100
R40/11C	1.30	199,900
R40/12A	2.80	263,000
R40/12B	2.94	161,400
R40/15	0.66	131,400
R40/16	0.52	133,700
R40/17	0.55	139,100
R40/18	0.48	136,800
R40/19	1.00	158,200
R40/26	51.70	175,100
R50/24, R50/24C	34.39	330,400
R50/33, R50/34A, R51/1	78.48	681,500
R52/4	55.00	489,500
R52/5	17.07	144,600
R52/6	13.39	58,900
Sub-Total	291.69	\$7,265,200
TOTAL	375.80	\$8,563,500

IV. FINANCIAL PLAN

A. Costs and Sources of Revenue

The proposed Tax Increment Financing District will encompass approximately 376 acres of taxable property with a current base value of \$8,563,500 as of March 31, 2003. Industrial and commercial development in this District will produce an estimated \$260,000,000 of new value to the Town over the twenty-five (25)-year life span of the District.

The Development Program provides for an average of approximately 62% of the increased assessed value to be captured assessed value each year. All (100%) of the new tax revenue generated by the captured assessed value in the District will be designated as TIF revenues. The Town will use these TIF revenues to retire debt service related to the Project development and construction costs listed on Exhibit B, as well as to fund a portion of SEDCO's annual budget, to make Credit Enhancement Payments to the Developer and to finance other approved projects and related eligible costs in connection with the development and approval of the District. Once the municipal debt service is paid off, and the Town has been fully reimbursed, the Town will continue to retain 50% of the increased assessed value as captured assessed value and expend such monies on qualified Project Costs within the meaning of 30-A, §5225(1). The Town will obtain DECD approval for Project Costs for municipal projects not specifically described in this Development Program. The remaining tax increment revenues generated form the portion of the increased assessed value that is not captured as captured assessed value will be deposited in the Town's general fund.

Table 1 is an engineering estimate of costs of development and (including debt service costs) is included for demonstration purposes only.

Table 1
Haigis Parkway District Development Costs

Activity	Municipal TIF Proceeds	Total
1. Land Acquisition		
2. Building Acquisition		
3. Relocation Cost		
4. Clearance/Demolition		
5. Street/Site Improvements		
6. Water/Sewer*	\$15,698,531	\$15,698,531
7. Building Construction	\$ 8,250,000	\$ 8,250,000
8. Parking Facilities		
9. Capital Equipment		
10. Professional Fees		
11. Administrative Costs		
12. Discretionary Payments		
13. Other Costs**	\$ 1,850,000**	\$ 1,850,000
Total	\$18,373,531	\$18,373,531

*Includes other infrastructure development, electric, telecommunications and natural gas, together with the SEDCO payments.** Includes debt service on the municipal debt issued for the Municipal Project.

**Includes debt service on the municipal debt issued for the Municipal Project.

B. Development Program Fund

This Development Program requires the establishment of a development program fund consisting of a development sinking fund account that is pledged to and charged with the payment of other project costs in the manner outlined in 30-A M.R.S.A. §5227(3)(A)(2), and a project cost account (with appropriate subaccounting) that is pledged to and charged with the payment of the project costs in the manner outlined in 30-A M.R.S.A. §5227(3)(A)(1). The Town will agree in the Credit Enhancement Agreement with the Developer that the Town will deposit sufficient other funds in the Sinking Fund to pay debt service on the municipal debt issued to finance the Municipal Project in order to use TIF revenues to pay the Developer the amount required under the Credit Enhancement Agreement.

Thus, The Gateway at Scarborough Haigis Parkway TIF District Development Program Fund (the "Development Program Fund") is established consisting of a Sinking Fund account pledged to and charged with the payment of debt service on any municipal debt issued to finance the infrastructure improvements described in this Development Program, and a Project Cost Account (with appropriate subaccounts) pledged to and charged with the payment of a portion of the personnel and operational cost of SEDCO, to make Credit Enhancement payments to the Developer and any other non-debt service costs associated with the District.

Pursuant to 30-A M.R.S.A. Section 5227, the Town hereby adopts the following method or formula for determination of the percentage of increased assessed value to be retained as captured assessed value in accordance with the Development Program: During each year of the District, the specific percentage of increased assessed value to be retained as captured assessed value shall be determined by the Town according to the following formula. Each year the Town shall retain as captured assessed value that percentage of increased assessed value that will generate tax increment revenues in an amount sufficient, together with any earnings on the amount, to (a) satisfy all annual debt service on bonds and notes issued under 30-A M.R.S.A. §5231 and the Financial Plan of this Development Program, which sum, together with other funds available for this purpose, shall be deposited into the Sinking Fund Account; and (b) an amount sufficient, together with any earnings on the amount, to satisfy all other annual project costs to be paid from the Project Cost Account (including payments to the Developer), which sum shall be deposited into the Project Cost Account. Deposits into the Development Program Fund shall be made first to the Sinking Fund Account to the extent there are insufficient revenues on deposit to fund the Town's debt service payments, and then, if there remain additional tax increment revenues generated from the captured assessed value in the District, to the Project Cost Account.

C. Financing Plan

The TIF District will encompass approximately 376 acres of taxable property. The value of the property within the District is established as the original assessed value as certified in the Assessor's Certificate (See Exhibit D (Replacement)).

The development of the Project will add approximately \$260,000,000 in new real property value during the twenty-five (25) year life of the district.

D. Financial Data

1. Total value of taxable property in the municipality as of April 1, 2003:
\$1,930,576,300.
2. Original assessed value of all properties in all existing and proposed tax increment financing districts:

Existing Districts	\$ 10,701,800
Proposed District	<u>8,563,500</u>
Total	\$ 19,265,300

- 2a. Line 2 divided by line 1: 0.998%
3. Estimate of increased assessed value by year after implementation of the development program: (See Exhibit A (Replacement))
4. Estimated average percentage of increased assessed value to be applied to the development program fund: 62% (annual average over 25-year life of District)
5. Estimated annual tax increment: \$1,078,854.
6. Total annual value of the development sinking fund: (See Exhibit A (Replacement))
7. Annual principal and interest payment of bonded indebtedness: (See Exhibit B)
8. Statement of estimated impact of TIF on taxing jurisdictions, financial assumptions and safeguards:

The Town of Scarborough is guaranteeing payment of the debt service issued with respect to the Municipal Projects.

9. Aggregate Value of municipal general obligation indebtedness financed by the proceeds from existing tax increment financing districts within Cumberland County does not exceed \$50,000,000. See Exhibit J.

V. TAX SHIFTS

The estimated tax shifts from the establishment of the District have been identified, using a formula supplied by the Department of Economic and Community Development : See Exhibit C.

Average Annual Amount

General Purpose Aid to Education Tax Shift	\$ 626,161
Municipal Revenue Sharing Tax Shift	\$ 32,913
County Tax Shift	<u>\$ 80,728</u>
Total Average Annual Tax Shift	\$739,802

Projected Annual Tax Shift: See Exhibit A (Replacement)

Town of Scarborough
The Gateway at Scarborough
Haigis Parkway - Payne Road Development
TIF Projections

Exhibit A (Replacement)

TIF Year	Assessing Date	Fiscal Year	Increase in Value	Pro Forma Captured Value %	Mill Rate (3% Increase on rolling 3 year cycle)	Total New Tax Revenues	Credit Enhancement	Revenues to Town		Total Revenue	Haigis Parkway Debt Service	Annual v Surplus / (Shortfall)	Cumulative Net Town Surplus / Shortfall	
								TIF Revenues	General Fund					TIF Assessments
1	04/01/03	2004	\$6,700	100%	17.34	\$116		\$116		\$116	\$387,226			
2		2005	\$73,050	100%	\$11.30	\$625		\$625		\$625	\$504,321			
3		2006	\$2,821,200	100%	\$11.46	\$32,367		\$32,367		\$295,277	\$502,193			
4		2007	\$6,859,000	100%	\$11.82	\$81,104		\$51,104	1,336,701	\$1,417,805	\$500,567	\$917,238	\$917,238	
5		2008	\$10,893,370	100%	\$12.18	\$132,672		\$132,672	389,501	\$522,173	\$583,615	(\$61,442)	\$855,796	
6		2009	\$65,349,262	100%	\$11.30	\$964,447	\$825,000	\$139,447	389,501	\$526,948	\$584,278	(\$55,330)	\$800,466	
7		2010	\$96,514,714	91%	\$11.64	\$1,123,335	\$825,000	\$196,829	\$101,506	\$687,836	\$586,330	\$101,506	\$901,972	
8		2011	\$107,873,170	82%	\$11.99	\$1,293,202	\$825,000	\$239,426	\$228,776	\$687,703	\$628,927	\$228,776	\$1,130,749	
9		2012	\$119,231,626	82%	\$11.30	\$1,347,317	\$825,000	\$284,166	\$238,152	\$911,819	\$673,667	\$238,152	\$1,368,901	
10		2013	\$130,580,082	76%	\$11.64	\$1,519,938	\$825,000	\$330,596	\$364,342	\$1,084,439	\$720,097	\$364,342	\$1,733,243	
11		2014	\$141,948,538	92%	\$11.99	\$1,701,703	\$825,000	\$739,351	\$137,352	\$876,703	\$739,351	\$137,352	\$1,870,595	
12		2015	\$153,500,000	89%	\$11.30	\$1,734,550	\$825,000	\$713,580	\$195,970	\$909,550	\$713,580	\$195,970	\$2,066,565	
13		2016	\$164,719,912	83%	\$11.64	\$1,917,175	\$825,000	\$774,880	\$317,295	\$1,092,175	\$774,880	\$317,295	\$2,383,860	
14		2017	\$190,191,903	73%	\$11.99	\$2,280,053	\$825,000	\$847,461	\$607,592	\$1,455,053	\$847,461	\$607,592	\$2,991,452	
15		2018	\$190,191,903	81%	\$11.30	\$2,148,169	\$825,000	\$925,792	\$398,377	\$1,324,169	\$925,792	\$398,377	\$3,389,829	
16		2019	\$190,191,903	46%	\$11.64	\$2,213,644		\$1,009,449	\$1,204,195	\$2,213,644	\$1,009,449	\$1,204,195	\$4,594,023	
17		2020	\$215,932,202	42%	\$11.99	\$2,588,632		\$1,098,005	\$1,490,627	\$2,588,632	\$1,098,005	\$1,490,627	\$6,084,650	
18		2021	\$215,932,202	49%	\$11.30	\$2,440,034		\$1,195,930	\$1,244,104	\$2,440,034	\$1,195,930	\$1,244,104	\$7,328,754	
19		2022	\$215,932,202	52%	\$11.64	\$2,513,235		\$1,302,282	\$1,210,953	\$2,513,235	\$1,302,282	\$1,210,953	\$8,539,707	
20		2023	\$236,525,202	50%	\$11.99	\$2,835,504		\$1,420,580	\$1,414,924	\$2,835,504	\$1,420,580	\$1,414,924	\$9,954,631	
21		2024	\$236,525,422	50%	\$11.30	\$2,672,737		\$1,336,369	\$1,336,369	\$2,672,737		\$2,672,737	\$12,627,369	
22		2025	\$236,525,422	50%	\$11.64	\$2,752,919		\$1,376,480	\$1,376,480	\$2,752,919		\$2,752,919	\$15,380,288	
23		2026	\$260,177,964	50%	\$11.99	\$3,119,058		\$1,559,529	\$1,559,529	\$3,119,058		\$3,119,058	\$18,499,346	
24		2027	\$260,177,964	50%	\$11.30	\$2,940,011		\$1,470,005	\$1,470,005	\$2,940,011		\$2,940,011	\$21,439,357	
25		2028	\$260,177,964	50%	\$11.64	\$3,028,211		\$1,514,106	\$1,514,106	\$3,028,211		\$3,028,211	\$24,467,568	
			\$3,728,862,877	62%		\$43,981,978	\$8,250,000	\$18,721,345	\$16,410,653	\$3,936,600	\$39,068,578	\$16,698,531	\$24,467,568	

TIF Year	Tax Shift Benefits			
	Total	Education Shift	Rev. Sharing Shift	County Tax Shift
1	\$0	\$0	\$0	\$0
2	\$0	\$0	\$0	\$0
3	\$0	\$0	\$0	\$0
4	\$0	\$0	\$0	\$0
5	\$58	\$51	\$3	\$4
6	\$633	\$555	\$30	\$47
7	\$24,486	\$21,441	\$1,158	\$1,887
8	\$59,664	\$52,128	\$2,812	\$4,724
9	\$94,975	\$82,790	\$4,459	\$7,726
10	\$744,919	\$648,654	\$34,069	\$62,195
11	\$768,137	\$667,231	\$35,016	\$65,890
12	\$778,837	\$674,801	\$35,402	\$68,634
13	\$863,127	\$745,987	\$39,014	\$78,126
14	\$875,418	\$754,577	\$39,449	\$81,392
15	\$1,153,116	\$991,733	\$51,315	\$110,068
16	\$1,206,511	\$1,034,797	\$53,443	\$118,270
17	\$1,221,592	\$1,044,685	\$53,931	\$122,976
18	\$1,243,514	\$1,060,271	\$54,699	\$128,545
19	\$1,384,933	\$1,177,524	\$60,442	\$146,967
20	\$778,677	\$659,147	\$34,604	\$84,926
21	\$824,934	\$696,089	\$36,484	\$92,361
22	\$956,175	\$804,342	\$41,959	\$109,873
23	\$1,014,250	\$850,360	\$44,271	\$119,619
24	\$1,077,828	\$900,588	\$46,783	\$130,456
25	\$1,106,392	\$898,797	\$51,163	\$156,432
26	\$1,111,083	\$898,797	\$51,163	\$161,123
27	\$1,205,795	\$988,676	\$51,163	\$165,956
Total	\$18,495,054	\$15,654,023	\$822,834	\$2,018,197
Avg. Annual	\$739,802	\$626,161	\$32,913	\$80,728

**TOWN OF SCARBOROUGH
2003 GENERAL OBLIGATION BONDS
(HAIGIS PARKWAY - CONSOLIDATED)**

EXHIBIT B

DEBT SERVIC SCHEDULE

DATE	PRINCIPAL	COUPON	INTEREST	PERIOD TOTAL	FISCAL TOTAL
12/01/03			213,727.44	213,727.44	
06/01/04	24,050	4.750000	213,727.44	237,777.44	451,504.88
12/01/04			213,156.25	213,156.25	
06/01/05	25,000	4.750000	213,156.25	238,156.25	451,312.50
12/01/05			212,562.50	212,562.50	
06/01/06	25,000	4.750000	212,562.50	212,562.50	450,125.00
12/01/06			211,968.75	211,968.75	
06/01/07	30,000	4.750000	211,968.75	241,968.75	453,937.50
12/01/07			211,256.25	211,256.25	
06/01/08	115,000	4.750000	211,256.25	326,256.25	537,512.50
12/01/08			208,525.00	208,525.00	
06/01/09	120,000	4.750000	208,525.00	328,525.00	537,050.00
12/01/09			205,675.00	205,675.00	
06/01/10	125,000	4.750000	205,675.00	330,675.00	536,350.00
12/01/10			202,706.25	202,706.25	
06/01/11	175,000	4.750000	202,706.25	377,706.25	580,412.50
12/01/11			198,550.00	198,550.00	
06/01/12	230,000	4.750000	198,550.00	428,550.00	627,100.00
12/01/12			193,087.50	193,087.50	
06/01/13	290,000	4.750000	193,087.50	483,087.50	676,175.00
12/01/13			186,200.00	186,200.00	
06/01/14	325,000	4.750000	186,200.00	511,200.00	697,400.00
12/01/14			178,481.25	178,481.25	
06/01/15	400,000	4.750000	178,481.25	578,481.25	756,962.50
12/01/15			168,981.25	168,981.25	
06/01/16	480,000	4.750000	168,981.25	648,981.25	817,962.50
12/01/16			157,581.25	157,581.25	
06/01/17	575,000	4.750000	157,581.25	732,581.25	890,162.50
12/01/17			143,925.00	143,925.00	
06/01/18	680,000	4.750000	143,925.00	823,925.00	967,850.00
12/01/18			127,775.00	127,775.00	
06/01/19	795,000	4.750000	127,775.00	922,775.00	1,050,550.00
12/01/19			108,893.75	108,893.75	
06/01/20	920,000	4.750000	108,893.75	2,028,893.75	1,137,787.50
12/01/20			87,043.75	87,043.75	
06/01/21	1,060,000	4.750000	87,043.75	1,147,043.75	1,234,087.50
12/01/21			61,868.75	61,868.75	
06/01/22	1,215,000	4.750000	61,868.75	1,276,868.75	1,338,737.50
12/01/22			33,012.50	33,012.50	
06/01/23	<u>1,390,000</u>	4.750000	<u>33,012.50</u>	<u>1,423,012.50</u>	1,456,025.00
	8,999,050		6,649,954.88	15,649,004.88	
ACCRUED			29,684.37	29,684.37	
	8,999,050		6,620,270.51	15,619,320.15	

Exhibit C

TAX INCREMENT FINANCING TAX SHIFT FORMULAS

Creation of a Tax Increment Financing District results in tax shifts in State Aid to Education, Municipal Revenue Sharing, and Municipal Share of County Taxes, each of which use local property tax valuation as a basis for calculation. Presented below are the formulas used in the calculation of each of these tax shifts resulting from the creation of the District.

State Aid to Education Tax Shift

The current state education subsidy formula is adjusted each year of the District designation to include the increased valuation within the municipality based on the annual Captured Assessed Value. All other factors affecting the subsidy calculation are held constant. The difference in the actual education subsidy and the adjusted education represents the projected State Aid to Education Tax Shift for that year.

Revenue Sharing Shifts

To determine the Revenue Sharing Tax Shifts, collect the following information, available from the State Treasurer's office (www.state.me.us/treasurer/revenue):

1. Projected Total Municipal Revenue Share Pool for the current fiscal year;
2. Town's "current factor";
3. Town's "computed number," and the three figures used to calculate the current computed number: Town Population, Local Assessment, and Town's State Local Valuation;

With this information in hand, proceed through the steps outlined below:

STEP ONE

Calculate the *Aggregate Computed Number*:

$$\frac{\text{Computed Number}}{\text{Current Factor}}$$

STEP TWO

Calculate the *Adjusted Local Computed Number*. (CAV=Captured Assessed Value)

$$\frac{\text{Town Population} \times \text{Local Assessment}}{\text{State Local Valuation} + \text{Projected Annual CAV}}$$

STEP THREE

Calculate the *Adjusted Aggregate Computed Number*.

Aggregate Computed Number– Computed Number + Adjusted Local Computed Number

STEP FOUR

Calculate the *State's Adjusted Current Factor*:

$$\frac{\text{Adjusted Local Computed Number}}{\text{Adjusted Aggregate Computed Number}}$$

STEP FIVE

Calculate *Town's Projected Revenue Sharing amounts*:

$$\begin{aligned} &\text{Projected Total Municipal Revenue Sharing Pool} \\ &\times \text{Town's Adjusted Current Factor} \end{aligned}$$

STEP SIX

Calculate the *Projected Municipal Revenue Sharing for each year*:

$$\begin{aligned} &\text{Step 5 in given TIF year} \\ &- \text{Step 5 in the Base Year} \end{aligned}$$

Repeat for each year's Projected Annual CAV.

Note that the Projected Municipal Revenue Sharing calculation for the base year should be the same as the Town's Current Projected Municipal Revenue Share.

County Tax Shift

Determining the County Tax Shift requires information from the State Bureau of Taxation and from the County Office within which the municipality is located.

From the State Bureau of Taxation, obtain the most recent State County Valuation and the State Local Valuation. From the County office obtain the County Tax Levy and the County budget for the current year and five or more years past.

STEP ONE

Calculate the *Current Municipal Percent of County Value*):

$$\frac{\text{Current State Local Valuation}}{\text{Current State County Valuation}}$$

STEP TWO

Calculate the *Projected County Budget*:

Using current budget and historic County budgets, calculate the average annual increase in the county budget. Using the average annual increase, project the annual budget for each year of the TIF.

STEP THREE

Calculate the Municipal Share of County Tax Without CAV (Captured Assessed Value):

Current Percent of County Value X Projected County Budget

STEP FOUR

Adjust the projected State County Valuation and the State Municipal Valuation to include the projected CAV.

STEP FIVE

Using values from Step Four, calculate the Adjusted Municipal Percent of County Value.

STEP SIX

Calculate the average Municipal Share of County Tax with the CAV:

**Adjusted Municipal Percent of County Value
X Projected County Budget**

STEP SEVEN

Calculate the County Tax Shift:

**Municipal Share of County Tax with CAV
- Municipal Share of County Tax without CAV**

Repeat for each year's Projected Annual CAV.

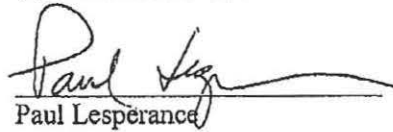
EXHIBIT D (REPLACEMENT)

**CERTIFICATE
TOWN OF SCARBOROUGH, MAINE
TOWN ASSESSOR**

The undersigned Town Assessor for the Town of Scarborough, Maine, does hereby certify pursuant to the provisions of 30-A M.R.S.A. §5227(d) that the assessed value of The Gateway at Scarborough -- Haigis Parkway Municipal Development and Tax Increment Financing District as described in the Development Program to which this Certificate is attached as of March 31, 2003 is \$8,563,500.

IN WITNESS WHEREOF, this Certificate has been executed as of this 29th day of November, 2006.

TOWN ASSESSOR


Paul Lesperance

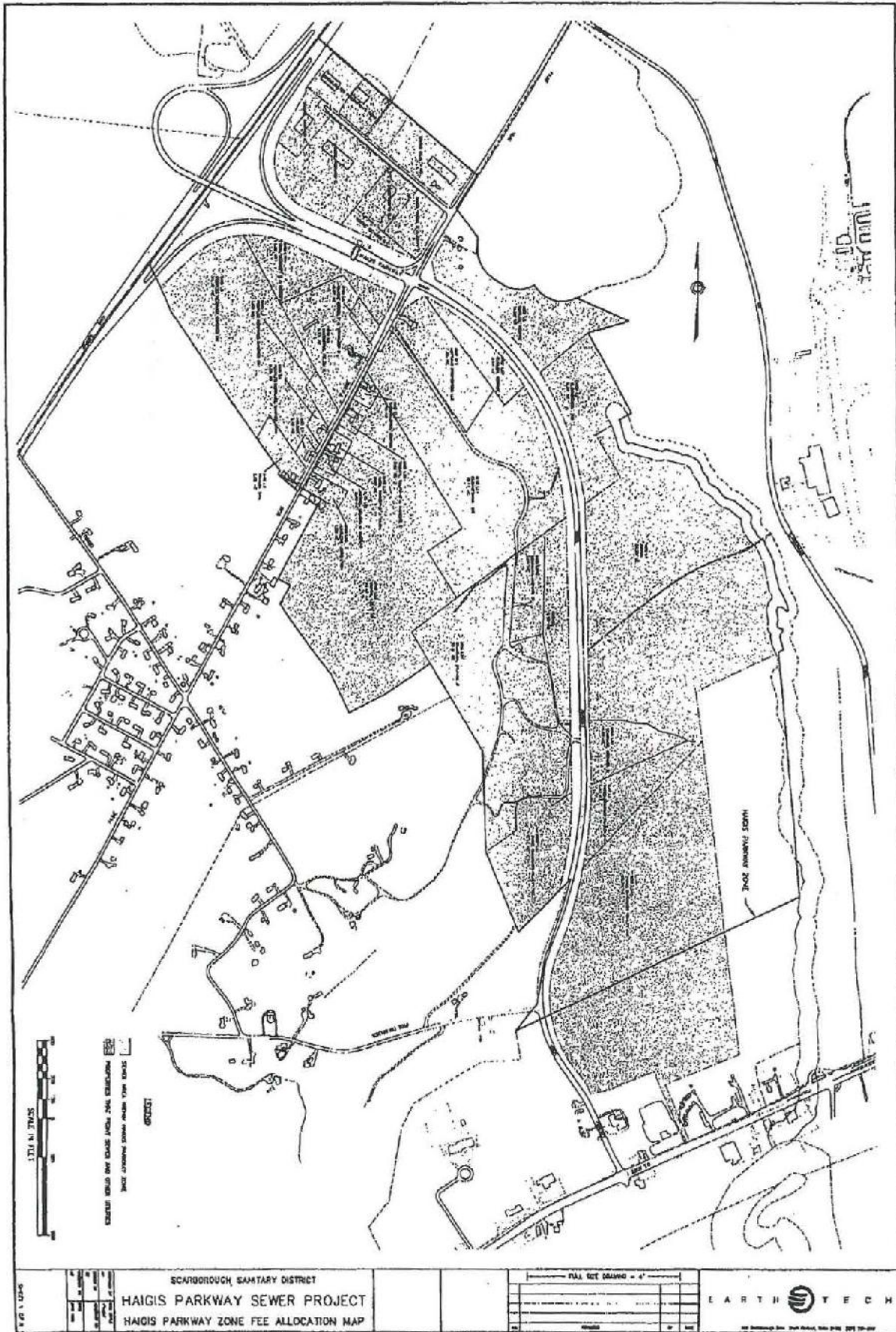
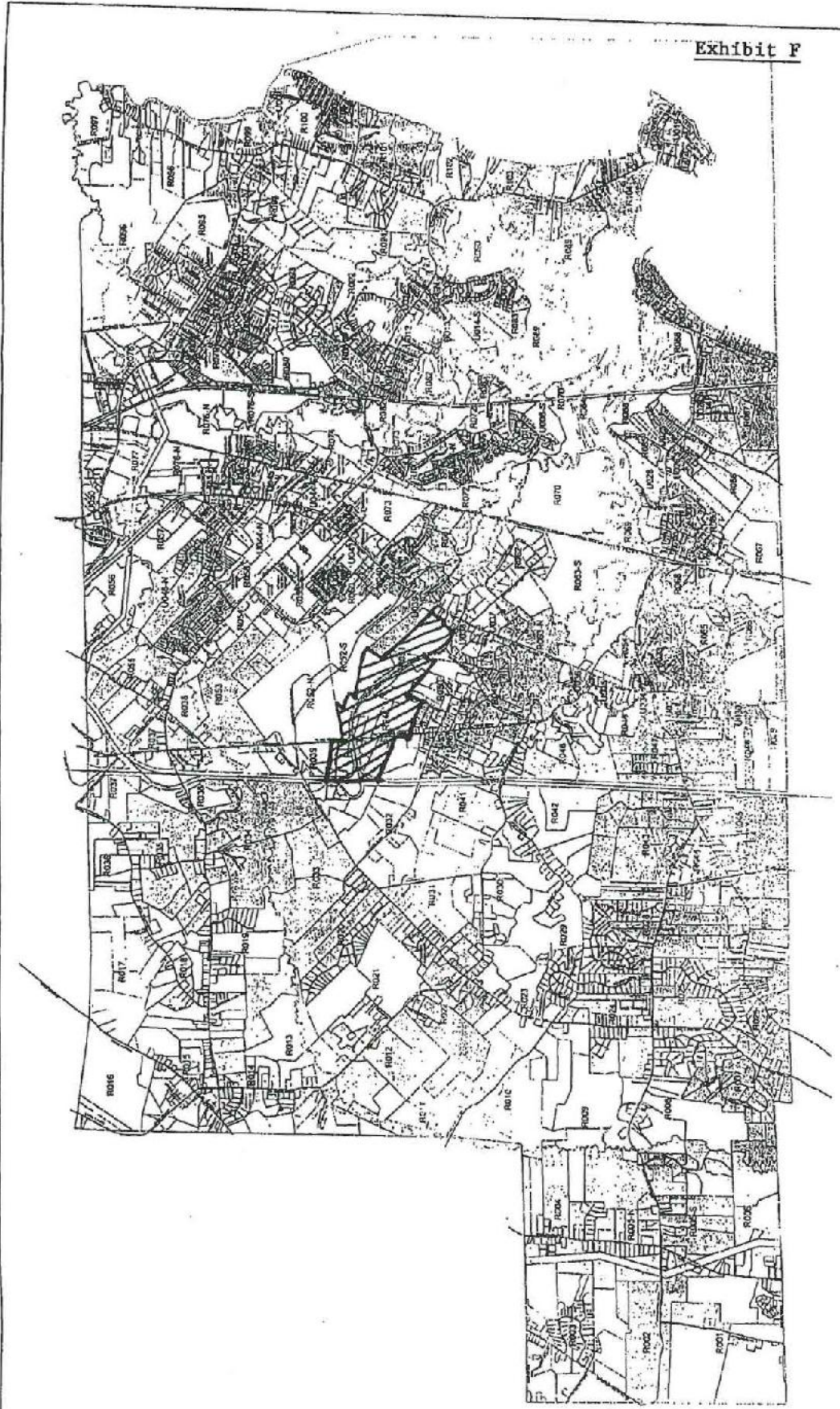


EXHIBIT F

Exhibit F



Index Map

Town of Scarborough, Maine

1700 0 1700 3600 5100 Feet
Scale: 1 inch = 1700 feet

For Assessing Purposes Only
April 1, 2001

1214616

3242
MARCH 20 11:55 AM
1.85
124.8

PORTLAND
Press Herald

TO PLACE A CLASSIFIED AD:

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(Toll-free in Maine 1-800-894-0041)

Fax: 791-6910

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classified@pressherald.com

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P.O. Box 1460
Portland, ME 04104

Classified

www.maineclassified.com

Help Wanted Pages 6	Announcements Pages 7	Financial Page 7	Auto & SUV Page
Service Directory Page 7	Real Estate for Rent Page 7	Real Estate for Sale Page 8	Transportation Page

The Press Herald/Telegram reserves the right to convert all advertisements in the Press Herald/Telegram into digital.

LEGAL ADVERTISEMENT LEGAL ADVERTISEMENT LEGAL ADVERTISEMENT

NOTICE TO BUILDING CONTRACTORS (PUBLIC SCHOOL PROJECTS) LONG FORM (Advertisement)

Sealed proposals in envelopes plainly marked,
Proposal For:
**CONSTRUCTION OF THE SABATTUS MIDDLE SCHOOL
Sabattus, Maine**

Addressed to: Mr. Paul Malinski, Superintendent, SU #44
871 Gardiner Road, Wales, ME 04280
P.O. Box 220
Sabattus, Maine 04280
Telephone: (207) 375-4273

Will be opened and read aloud at the SU #44 Superintendent's Office at 871 Gardiner Road (Route 126), Wales, Maine at 3:00 PM Prevailing Time on Wednesday, April 9, 2003.

General contract proposals must be accompanied by a certified or cashier's check for 5% of the proposal or a satisfactory bid bond (2-C1) in a similar amount. The owner reserves the right to waive all formalities, and reject any and all proposals or to accept any proposal. Proposals shall be submitted upon the form provided by the architect.

The selected general contractor will be required to furnish a 100% contract performance bond and a 100% contract payment bond to cover the execution of the work which shall be in conformity with the form of bonds contained in section 2-C of the specifications and for the contract amount.

Subcontractors submitting proposals to General contractors for work listed on general contractor's proposal form (2B-1) and the notice to contractors form (2-A), are required to send or deliver a copy of their proposals to the Maine Construction Bid Depository, Whitten Road, Box N, Augusta, Maine, and to be considered valid, must be received in the bid depository on or before 3:00 PM on Wednesday April 2, 2003 in accordance with the instructions to bidders, Section 1-A, and the general conditions and regulations of the Maine Construction Bid Depository, on the form provided by the architect.

Subcontract proposals filed with the bid depository must be accompanied by a satisfactory bid bond, in conformity with the form of bond contained in Section 2-D1, made out to the Owner, for 5% of the sub-proposal amount, and filed separately in the WHITE envelope.

The selected subcontractors, required to file their sub-proposals with the bid depository, will also be required to furnish the selected general contractor with a 100% performance bond and a 100% payment bond, for their portion of the work, in conformity with the form of bonds contained in section 2-D2 and 2-D3.

Subcontractors required to file their sub-proposals and bid bonds with the bid depository are as follows:

1. Sitework-Division 2: All Divisions
2. Cold Formed Metal Framing & Exterior Sheathing Section 05400, Gypsum Board Assemblies 09255, Gypsum Board Sheet-Wall Assemblies Section 09025.
3. Unit Masonry Assemblies Section 04810.
4. Planning, Heating & Ventilation-Division 15: All Sections except 16500 Automatic Fire Protection
5. Electrical Systems-Division 16: All Sections

Official forms and envelopes for sub-proposals may be obtained from either the architect, or the office of the Maine Construction Bid Depository, Whitten Road, P.O. Box N, Augusta, Maine 04330.

1. Plans and specifications should be available on or about March 10, 2003 and may be obtained from:

Masterpiece Reprographics
605 Congress Street
P.O. Box 4
Portland, Maine 04101
Telephone: (207) 828-4648
Fax: (207) 772-4823
E-Mail: master2@mainer.com

2. Plans and specifications may be examined at:

- | | | |
|--|---|---|
| The Architect's Office
10 Danforth Street
Portland, ME 04101 | The Dunlap Agency
31 Court Street
Auburn, ME 04210 | Works in Progress
FMC CADD
75 Bishop St Site #3
Portland, ME 04103 |
| Office of the Superintendent
SU #44
871 Gardiner Road
Wales, ME 04280 | The Dunlap Agency
250 Harlow Street
Bangor, ME 04401 | Dodge Reports
47 Atlantic Place
S. Portland, ME 04106 |
| Construction Summary of Maine
74 Gilman Road | Construction Summary
734 Chestnut Street
Manchester, NH 03102 | Associated Constructors of ME
188 Whitten Road |

LEGAL ADVERTISEMENT NOTICE OF PUBLIC HEARING

TOWN OF SCARBOROUGH, MAINE

Halgie Parkway Municipal Development and Tax Increment Financing District notice is hereby given that the Town Council of the Town of Scarborough, Maine will hold a public hearing on Wednesday, March 19, 2003, at the Scarborough Municipal Building, 250 U.S. Route 1, Oak Hill, Scarborough at 7:30 p.m. for the purpose of receiving public comments on the proposed designation of the Halgie Parkway Municipal Development and Tax Increment Financing District and the adoption of a development program for the proposed District, pursuant to the provisions of Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended and supplemented to date.

The proposed municipal development tax increment financing district consist of approximately 323 acres of land located along Halgie Parkway and Payne Road in Scarborough, Maine and is further identified in the proposed development program for the district.

A copy of the proposed development program for the district will be on file with the Town Clerk prior to the public hearing and will be given an opportunity to be heard at that time.
Yolanda P. Justice, Town Clerk
1214555

LEGAL ADVERTISEMENT PUBLIC NOTICE

NOTICE OF INTENT TO FILE

Please take notice that City of Portland, Department of Public Works, 55 Portland, ME 04101 Telephone (207) 874-8848 is intending to file a National Resource Protection Act permit application with the Maine Department of Environmental Protection pursuant to the provisions of 30 M.R.S.A. §§ 480-A through 480-Z on or about March 7, 2003.

The application is for the installation of a new storm drain discharge pipe into Back Cove adjacent to CSO #8 and the replacement of an existing inlet pipe with a catch basin structure at the wet weather inlet to the combined sewer system off Silverwood Street. This project is brought about by future separation of sewer/storm water flows within the watershed. The application is in anticipation of work scheduled for

LEGAL ADVERTISEMENT TOWN OF SCARBOROUGH NOTICE OF PUBLIC HEARING

The Scarborough Town Council will conduct a public hearing on Wednesday, March 19, 2003 at 7:30 p.m. at the Municipal Building. The purpose of the public hearing will be to receive comments, both oral and written on the renewal request of Robert Whiting d/b/a Willowdale Golf Club, Inc. for a full-time liquor license. 1212003

LEGAL ADVERTISEMENT

The Plaintiff Brandy Jones of 21 Veranda St., Portland, ME 04103 has filed an action for divorce against the Defendant David McConnell of parts unknown. The Ninth District Court at 205 Newbury St., Portland, ME 04101, has hereby ordered the Defendant to appear and serve an Answer to the Plaintiff at her said address 41 days after the first publication of this order and to also file his Answer with the Court. FAILURE TO DO SO MAY RESULT IN A JUDGEMENT BY DEFAULT AGAINST HIM FOR THE RELIEF GRANTED IN THE COMPLAINT.
1215177

LEGAL ADVERTISEMENT CITY OF

SOUTH PORTLAND, MAINE Sealed bids will be received at the Office of the Purchasing Agent, Room 102, City Hall, 25 College Road, South Portland, Maine until 2:00 P.M., on the following date, at which time they will be publicly opened and read aloud for:
Bid #203048
LINE STRIPING FOR BITUMINOUS AND PORTLAND CEMENT CONCRETE PAVEMENTS
2:00 P.M., Mar. 27
Bid forms may be obtained at the office of the Purchasing Agent or may be viewed on-line at
www.southportland.org
City Departments, Purchasing, FY2003.
Robert D. Coombs
Controller
1216257

LEGAL ADVERTISEMENT

MAINE PUBLIC UTILITIES COMMISSION
NOTICE OF PROPOSED CHANGE IN COST OF GAS ADJUSTMENT BY NORTHERN UTILITIES, INC.
Docket No. 2002-483

LEGAL ADVERTISEMENT

The Route Soco Rev Bridge b Biddford construct night Mar 10:00 PM adjust y according

LEGAL ADVERTISEMENT

Appeals of WI March 20 to hear 10:10 AM Applicat

LEGAL ADVERTISEMENT

Pamela A. TOTAL AMOUNT DUE \$124.8

LEGAL ADVERTISEMENT

On-site 19th, me tee Shop

LEGAL ADVERTISEMENT

NOTICE OF PUBLIC HEARING

TOWN OF SCARBOROUGH, MAINE, Superior No. C NOTICE MUSSE abouts as ordination 2003, N GIVEN COMPAS suit aggr for Co along a in the County Maine, file in attorney AND ANSWER no late You of serv) aring a, by mail Debra C case Co 100 MH Maine attorney origina the of Clerk (Box 5 04112, someb served INC: 1 Annu, state22 Dalia, Annab

PUBLIC NOTICES

PUBLIC NOTICE

The Town of Standish is seeking a professional planning and design consultant to work with the Town and the public in conducting a design study of the Standish Village area as recommended by the Comprehensive Plan. The design will address such items as visual preferences for architectural designs, sidewalks, pedestrian access and safety, public green space, integrity of neighborhoods, commercial design guidelines for arterial, historic resources, regional or farmers' markets and integration of an ongoing roadway action plan. Copies of the bid procedures and specifics can be obtained at the Municipal Center, 175 North East Road, Standish, Maine.

2643993

Visit our Website!

www.pressherald.com/placead

PUBLIC NOTICE

The Town of Scarborough will be accepting sealed bids to be received at the Scarborough Municipal Building, 259 US Route One, Scarborough, Maine 04070-0360. Bids must be received no later than December 1, 2006 at 11:00 am at which time they will be publicly opened for sale.

ITB 0062007/GMC CANYON PICK-UP TRUCK

Bids can also be mailed but must be received by December 1st to the following address:

Attention: ITB#0062007/
GMC CANYON PICK-UP TRUCK
PO Box 360
Scarborough, ME
04070-0360

Bid specifications may be obtained at the office of the Purchasing Agent, by calling (207) 830-4089, or may be viewed on-line at www.scarborough.me.us. --> Purchasing --> Open Bids

Kelth Matherne
Purchasing Agent
2634020

PUBLIC NOTICE

REQUEST FOR BID PROPOSALS RESIDENTIAL MORTGAGE WHOLE LOAN POOL PURCHASE

Mainstream Finance is seeking to obtain sealed bids to purchase whole residential loans consistent with its mission as a Community Development Financial Institution to supplement loan origination activities and achieve balance sheet growth objectives sooner than by origination activities only.

This is to be a \$2 million residential whole loan pool, with individual loans and a collective pool. The specific criteria is available at www.mainstream-finance.org.

Mainstream Finance, a Community Development Financial Institution, is a subsidiary of Pennells C.A.P., Inc., dedicated to promoting community development through financial training and financing activities that will specifically benefit low and moderate income residents of...

PUBLIC NOTICE

REQUEST FOR BID PROPOSALS POOLED LOAN FUNDING FACILITY

Mainstream Finance is seeking to obtain sealed bids for pooled loan funding sources to complement public grant and philanthropic capital to build its loan portfolio to a level that will support operational overhead and service initiatives.

Mainstream Finance, a Community Development Financial Institution, is a subsidiary of Pennells C.A.P., Inc., dedicated to promoting community development through financial training and financing activities that will specifically benefit low and moderate income residents of Maine.

The criteria for this RFP is: Minimum term of 36 months; secured by assignment of residential first mortgage loans; interest only, monthly; Principal due, monthly, as received from underlying pooled loans; balance due at maturity.

The Terms and Conditions are available at www.mainstream-finance.org.

To obtain a bid package including a full description of the proposal, contact Kevin Washburn, Mainstream Finance Executive Director at (207) 973-3663 or www.mainstream-finance.org. Sealed bids must be received by 3:00 p.m. on December 15, 2006 at Mainstream Finance, P.O. Box 1162, 262 Harlow St., Bangor ME 04402. Faxed or emailed bids are not acceptable.

2643131

PUBLIC NOTICE

NOTICE OF PUBLIC HEARING TOWN OF SCARBOROUGH, MAINE Proposed Amendment to the Halgis Parkway Municipal Development and Tax Increment Financing District

Notice is hereby given that the Town Council of the Town of Scarborough, Maine, will hold a public hearing on Wednesday, December 6, 2006 at the Scarborough Municipal Building, 259 US Route 1, Oak Hill, Scarborough, Maine at 7:30 p.m. for the purpose of receiving public comments on the proposed amendment to the Halgis Parkway Municipal Development and Tax Increment Financing District development program and the adoption of an amended and restated development program for the District, pursuant to the provisions of chapter 206 of Title 30-A of the Maine Revised Statutes, as amended and supplemented to date.

A copy of the proposed amended development program for the District will be on file with the Town Clerk prior to the public hearing and may be reviewed at the office of the town clerk during normal business hours.

All interested persons are invited to attend the public hearing and will be given an opportunity to be heard at that time.

Yolande P. Justice
Town Clerk
2643055

PUBLIC NOTICE

NOTICE TO ARCHITECTS/ENGINEERS

The State of Maine Bureau of General Services is interested in procuring professional services for the programming and renovation design of a state office building approximately 41,000 square feet in area.

Services requested for this two-phase project include, in Phase One: an existing conditions and code analysis, site planning, space programming, schematic design, cost and schedule estimating, and presentations to the legislature. Phase Two will include construction documents and construction administration. The selected firm may be required to coordinate work with other consultants contracted by the Bureau.

Interested firms should submit six copies of their qualifications package on or before 4:00 p.m., 4 December 2006 to: Peter Glasow, Architect, Bureau of General Services, 77 State House Station, 111 Sewall Street, 4th floor, Augusta, Maine 04333-0077. Re: 19 Union Street Project.

Submitted responses should include the firm's qualifications and the composition of the design team, experience with cost control, recently completed similar projects clearly showing each team member's responsibility, profiles of personnel and their proposed role in this project, present workload and availability, LEED experience, and references. Include information about all firms on the proposed design team.

Responding firms will be screened and inter-

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RIENDEAU'S AUCTION SERVICE
TUESDAY, NOVEMBER 28, 2006
EXHIBITION HALL, TOPSHAM FAIR GROUNDS,
TOPSHAM, MAINE

PLEASE NOTE, NO PRE-AUCTION THIS SALE
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 Listing is Subject To Error. All Items Are Sold As Is. No Return Privilege.
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A great lot from a Saco estate w/no outside additions, sample listing: Period tilt-top table, other tilt-top table, walnut side lock chest, M,T stand, nice empire chest, unusual swing-top D.L. mah. dining table, six mah. dining chairs, bamboo stand, nice Victorian piano lamp, Rayo lamp, marble mantle clock, chest of sterling flatware, Italian silver chest of flatware, lot sterling items, lot silver plate, edo, Vict. velvet mirrored frame, good wall mirrors & pictures, framed needlework, chalk bust, Paisley, collection elephants, quality elec. sewing machine, old Boston bull dogs door stop, diogen pencil sharpener, copper bound chest, lot tin & wood boxes, oriental figurines, lrg carved china man, carved wood India art, some coins, power hand tools & others, linens, old post cards, collection lighters, old books, ideal doll, Roseville pitcher, carnival, silver overlay, irons & bone tureens w/u.p., pewter, pottery, Bristol, lot cut pressed and pattern glass, German cannister set, lot flying turkey, toleware, lot English china & platters. *Loads more glass & china, as this home was really packed for one of the best auctions we have seen in a long time. You should check this one out!*

Auctioneer Harold Sutherland Lic. #110
 12.5% Buyers Prem w/2.5% Discount for Cash/Good check
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RURAL DI
GOVERNMENT
MINIMUM



3 Bedroom, 1 Bath located at 22 Pond to be held December offices of the USD, Goddard Road in purchase price by sale payable to Rur due within 30 day contact Rural Dev 530 or Ext. 204 o www.resales.usda.gov

JAMES D. JULIA Inc.
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December 1 & 2, 2006 F
 Commencing at 10 am each auction day in Fairfield Maine Preview: Thur No

PARTIAL MINUTES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY, MARCH 19, 2003
REGULAR MEETING - 7:30 P.M.

03-36, 7:30 p.m. Public hearing and action on the proposed designation of the Haigis Parkway Municipal Development and Tax Increment Financing District, pursuant to the provisions of Chapter 207 of Title 30-A of the Maine Revised Statutes, as amended. Harvey Rosenfeld, President of Scarborough Economic Development Corporation, gave an overview. He referred to a map for further explanation of the district and the new draft application. He noted some changes that should be made to tonight's application draft which will be reflected in the ongoing draft applications. He also stated that there are two items not included in this application presently. He stated that the statute requires that he also calculate a tax shift for educational aid, county tax, and state revenue-sharing by year which has not yet been completed. He stated he has included the average tax shift for the life of the project. Secondly, he stated that by statute it is required that there be documentation in the application that there is less than \$50 million of indebtedness for TIF districts in Cumberland County. He stated he has been assured by the State that a list will be forthcoming to him. He referred to Exhibit A (TIF Projections) in his overview.

Chairman O'Reilly reconvened the public hearing at 8:22 p.m.

Bradford Bowman, Attorney from the law firm of Thompson, Bull, Furey, Bass & MacColl, spoke on behalf of Scarborough Downs and referred to a map and handout. He expressed concern about the value of the utilities along Haigis Parkway to the Scarborough Downs property and respectfully asserted that the utilities will be of no benefit to the Scarborough Downs property and explained his reasons why. He further contended there are actually 25 acres of actual upland buildable Scarborough Downs property within the Haigis Parkway Zone because of a conservation easement, wetlands, and property that was taken by the State some years ago. He stated that would constitute about 6.7 or 6.8% of the total acreage in the Haigis Parkway. He asked the Town to reconsider how it will calculate the assessment on Scarborough Downs.

Chairman O'Reilly stated his comments would be addressed as the Council works through the document. He reminded attendees that what is before the Council currently is the TIF document and the makeup of how the assessment will be determined and that the Council is not specifically looking at the levy on individual parcels at this point.

Lee Lowry, Attorney with Jensen & Baird in Portland and here on behalf of Eastern Development, gave some background for Eastern Development. He stated that as a developer they understand the benefit of having infrastructure serving their property. Because property owners under this program will be expected to bear a substantial portion of the cost, they ask the Council to carefully consider the assessment costs and added it is their hope the Council will bring the Haigis Parkway owners together in committee for discussion of the methods before enactment.

As there were no further comments, Chairman O'Reilly closed the public hearing at 8:35 p.m.

Motion by Chairman O'Reilly, seconded by Councillor Messer, to move approval of the proposed designation of the Haigis Parkway Municipal Development and Tax Increment Financing District, pursuant to the provisions of Chapter 207 of Title 30-A of the Maine Revised Statutes, as amended, as follows:

**ORDER AUTHORIZING ISSUANCE OF UP TO \$8,700,000 BONDS OF THE TOWN TO
FUND PUBLIC UTILITY AND INFRASTRUCTURE IMPROVEMENTS FOR THE HAIGIS
PARKWAY MUNICIPAL DEVELOPMENT AND TAX INCREMENT FINANCING
DISTRICT**

BE IT ORDERED by the Town Council by the Town of Scarborough, Maine, in Town Council assembled, as follows:

That under and pursuant to the provisions of Title 30-A, Sections 5721, 5723, 5728 and 5772, as amended, and the Charter of the Town of Scarborough, Maine, a public capital improvement project consisting of the construction and equipping of public utilities and infrastructure improvements for the Haigis Parkway Municipal Development and Tax Increment Financing District (the "District"), all as more particularly described in the Development Program for the District and as presented to this meeting of the Town Council, is hereby approved; and

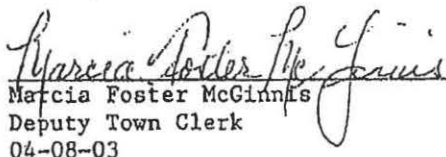
That a sum not to exceed \$8,700,000 is hereby appropriated to provide for the costs of this project; and

That to fund said appropriation, the Treasurer and the Chairman of the Town Council are hereby authorized to issue, at one time or from time to time, general obligation securities of the Town of Scarborough, Maine, including temporary notes in anticipation of the sale thereof, in an aggregate principal amount not to exceed \$8,700,000 and the discretion to fix the date(s), maturity(ies), denomination(s), interest rate(s), place(s) of payment call(s) for redemption, form(s), and other details of said securities, including execution and delivery of said securities against payment therefor, and to provide for the sale thereof, is hereby delegated to the Treasurer and the Chairman of the Town Council.

There was lengthy Council discussion regarding the following: The TIF application and the revised assessment reflecting the decision to use a 50-percent split between frontage and area, Mr. Rosenfeld's summary, buildable acreage, bringing owners together prior to a decision by the Council, and the fact that the special assessment is a work in progress. Mr. Owens, Town Manager, and Mr. Rosenfeld answered questions from some of the councillors. It was noted that there were a few typographical errors in the draft application this evening and Chairman O'Reilly will give the clerk his copy with noted corrections.

Vote: 7 yeas.

I hereby certify that the foregoing are partial minutes of a true and original document which is in my official custody.


Marcia Foster McGinnis
Deputy Town Clerk
04-08-03

**MINUTES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – DECEMBER 20, 2006
RECEPTION FOR MIKE WOOD – 7:00 P.M.
REGULAR MEETING – 7:30 P.M.**

Item 1. Call to Order. Chairman Messer called the regular meeting of the Scarborough Town Council to order at 7:34 p.m.

Item 2. Pledge of Allegiance.

Item 3. Moment in honor with respect to a fallen member, James J. Durant. Pastor Dwayne Hopkins gave a brief testament on the life of James J. Durant whom lost his life in the line of duty.

Item 4. Roll Call. Roll was called by Yolande P. Justice, Town Clerk. Ronald W. Owens, Town Manager, was also present.

Ronald D. Ahlquist	Patrick J. O'Reilly
Richard J. Sullivan, Jr.	Sylvia J. Most
Carol S. Rancourt	Shawn A. Babine, Vice Chair
Jeffrey A. Messer, Chair	

Item 5. Minutes: December 6, 2006. Motion by Chairman Messer, seconded by Councillor Babine, to move approval of the minutes of the December 6, 2006, Town Council meeting as written.

Vote: 7 yeas.

Item 6. Items to be signed: a. Treasurer's Warrants. Treasurer's warrants were signed during the meeting.

Order No. 06-143, 7:30 p.m. Public hearing on the renewal request for a liquor license from Van Reeo, Inc., d/b/a Pizza Time/Dimitris Restaurant, located at 185 US Route One. Chairman Messer opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:39 p.m.

Motion by Councillor Babine, seconded by Councillor O'Reilly, to move approval on the renewal request for a liquor license from Van Reeo, Inc., d/b/a Pizza Time/Dimitris Restaurant, located at 185 US Route One.

Vote: 7 yeas.

Order No. 06-148, 7:30 p.m. Public hearing on the following requests for a Combined Massage Establishment/Massage Therapist License: Jolene Leighton, d/b/a Majestic Massage, located at 605 U.S. Route One; Gina Cass, d/b/a Coastal Therapeutic Massage, located at 136 U.S. Route One and Debra Shaw, d/b/a Majestic Massage, 605 U.S. Route One, Corner Suite 20 and on the following request for a Massage Therapist License from Virginia L. Esposito at Calm Waters Spa & Salon, located at 144 U.S. Route One. Chairman Messer opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:40 p.m.

Motion by Chairman Messer, seconded by Councillor Babine, to move approval on the following requests for a Combined Massage Establishment/Massage Therapist License: Jolene Leighton, d/b/a Majestic Massage, located at 605 U.S. Route One; Gina Cass, d/b/a Coastal Therapeutic Massage, located at 136 U.S. Route One and Debra Shaw, d/b/a Majestic Massage, 605 U.S. Route One, Corner Suite 20 and on the following request for a Massage Therapist License from Virginia L. Esposito at Calm Waters Spa & Salon, located at 144 U.S. Route One.

Vote: 7 yeas.

Resolution 06-17. Recognizing Mike Wood for his dedication and service to the Town of Scarborough. Motion by Chairman Messer, seconded by Councillor Babine, to move approval of the Resolution 06-17, recognizing Mike Wood for his dedication and service to the Town of Scarborough, as follows: **Resolution 06-17**

***Recognition of Michael J. Wood
For his Outstanding Contributions to
The Town of Scarborough***

BE IT RESOLVED, by the Council of the Town of Scarborough, Maine, in Town Council assembled that,

Whereas, from time to time an individual demonstrates an extraordinary level of commitment to the Town of Scarborough; and,

Whereas, Michael Wood has served the Town with honor and distinction as a member of the Planning Board since January, 1998 to the present; and,

Whereas, Michael Wood has displayed excellent leadership skills in his service as Chairman of the Planning Board for three years and vice chairman for an additional five years; and,

Whereas, Michael Wood has previously served the Town as a member of the Open Space Committee, Oak Hill Traffic Committee, YMCA Building Committee and currently serves as a member of the Personnel Appeals Board and School Building Committee; and,

Whereas, Michael Wood has worked diligently to help make Scarborough a better place to work and live; and,

Now, Therefore, Be It Resolved, by the Scarborough Town Council in Town Council assembled, that the Town of Scarborough does hereby recognize and honor Michael Wood for his outstanding contributions to the Scarborough Community.

Signed and dated this 20th day of December, 2006 on behalf of the Scarborough Town Council and the Town Manager of Scarborough, Maine. Signed by: Jeffrey A. Messer, Council Chair and attested by Yolande P. Justice, Town Clerk.

The following individuals spoke: Susan Auglis, current Chair of the Planning Board and Rick Shinay and Harold Clough, prior members of the Planning Board.

Vote: 7 yeas.

OLD BUSINESS:

Order No. 06-136. Second reading on a Contract Zone Application from New England Expedition. Ron Owens, Town Manager, gave a brief overview on this item. Rob Crawford, Town Attorney gave a brief overview on memorandum that had been presented to the Council this evening and on the proposed contract zone agreement and responded to questions from the Council.

Motion by Councillor Babine, seconded by Chairman Messer, to Move approval of the second reading on a Contract Zone Application from New England Expedition to include the following findings and directives:

1. that the Contract Zoning Agreement and authorizations therein are found to be consistent with the Town's Comprehensive Plan, consistent with the existing and permitted uses in the Haigis Parkway District, in the public interest, will have beneficial effects on the Town as a whole which would not result if the property were developed under the existing zoning district classification; and
2. that the Official Zoning Map be changed to show the contract zone; and
3. that the Town Manager be directed to execute the Contract Zoning Agreement, subject to any minor final changes as suggested by Town Attorney.

Motion by Chairman Messer, seconded by Councillor Babine, to move approval to amend the main motion to substitute the document received previously and use the document submitted this evening from the Town Attorney as the working document.

Vote on amendment: 7 yeas.

Vote on main motion as amended:

**CONTRACT ZONING AGREEMENT
BETWEEN THE TOWN OF SCARBOROUGH AND THE NEW ENGLAND
EXPEDITION – SCARBOROUGH, LLC
THE GATEWAY AT SCARBOROUGH**

This Contract Zoning Agreement (hereinafter, this "Agreement") is made as of the ____ day of _____, 200__ by and between the TOWN OF SCARBOROUGH, a body corporate and politic, located in the County of Cumberland and State of Maine (hereinafter, the "Town"), and THE NEW ENGLAND EXPEDITION – SCARBOROUGH, LLC, a Maine limited liability company with an office at 220 Elm Street, Suite 104, New Canaan, Connecticut 06840 (hereinafter, "New England Expedition"), pursuant to the Contract Zoning provisions of Section II, Subsection I of the Zoning Ordinance of the Town of Scarborough (hereinafter, the "Zoning Ordinance").

WHEREAS, New England Expedition intends to purchase certain lots or parcels of land located on Payne Road and Haigis Parkway in Scarborough, Maine, consisting of (a) the premises currently owned by 262 Payne Road, LLC, et al., located at 262 and 274 Payne Road comprising Lots 8 and 11A shown on Town of Scarborough Tax Map R-40 and described in deeds to 262 Payne Road, LLC, et al., recorded in the Cumberland County Registry of Deeds in Book 3630, Page 199, Book 21070, Page 169 and Book 22791, Page 266, (b) the premises currently owned by TD Banknorth, N.A., located at 246, 248 and 250 Payne Road comprising Lots 5, 6 and 7 shown on Town of Scarborough Tax Map R-40 and described in deeds to Peoples Heritage Savings Bank, predecessor to TD Banknorth, N.A.,

recorded in the Cumberland County Registry of Deeds in Book 15215, Page 204 and Book 15272, Page 261, (c) the premises currently owned by 23 Spring Street, LLC located at 264 Payne Road comprising Lot 9 shown on Town of Scarborough Tax Map R-40 and described in deed to 23 Spring Street, LLC recorded in the Cumberland County Registry of Deeds in Book 18263, Page 310, and (d) the premises currently owned by GlennDonna, Inc. located on Haigis Parkway and Payne Road comprising Lot 14 shown on Town of Scarborough Tax Map R-40 and being a portion of the premises described in deed to GlennDonna, Inc. recorded in the Cumberland County Registry of Deeds in Book 7564, Page 223 (hereinafter, collectively referred to as the "Property"), the Property containing approximately seventy-four (74) acres; and,

WHEREAS, New England Expedition intends to develop the Property as a single project to be known as "The Gateway at Scarborough" (hereinafter, the "Project"), with that portion of the Project located on the northwesterly side of Payne Road to be known as "The Gateway Shoppes at Scarborough" and that portion of the Project located on the southeasterly side of Payne Road and the southwesterly side of Haigis Parkway to be known as "The Gateway Square at Scarborough", with construction of the Project anticipated to proceed in phases commencing with The Gateway Shoppes at Scarborough and progressing to The Gateway Square at Scarborough; and,

WHEREAS, the Property is currently located in the Haigis Parkway District, HP (hereinafter, the "HP District") as described in Section XVIII B. of the Zoning Ordinance; and,

WHEREAS, the HP District presently allows, as a permitted use, among other uses, retail sales and services with less than twenty thousand (20,000) square feet of retail floor area per unit of occupancy; and,

WHEREAS, New England Expedition desires to construct multiple facilities on the Property in which will be conducted various permitted uses including, but not limited to, a facility on that portion of the Property comprising The Gateway Shoppes at Scarborough located on the northwesterly side of Payne Road for the retail sale of specialty hunting, fishing and other outdoor recreational equipment by Cabela's Incorporated or its subsidiaries (hereinafter, "Cabela's"), which facility will include, in addition to retail sales space, exhibit and education areas as well as an accessory restaurant for patrons; and,

WHEREAS, Cabela's requires a facility of one hundred thirty thousand (130,000) square feet of retail floor area in order to facilitate the manner in which such facility operates and displays its products and to accommodate the unique exhibit and educational components that are an integral part of such facility; and,

WHEREAS, Cabela's requires certain specific signage attached to and associated with such facility that varies from signage permitted under Section XII of the Zoning Ordinance; and,

WHEREAS, New England Expedition desires to install certain signage, together with related improvements, lighting and landscaping, for the purpose of identifying the Project, off-site on property in the immediate vicinity of the Property; and,

WHEREAS, the sign regulations under Section XII of the Zoning Ordinance impose limitations on the placement of off-site signage relating to the Project; and,

WHEREAS, New England Expedition has requested that, notwithstanding the requirements of Section B6 of the HP District requirements and the sign regulations set forth in Section XII of the Zoning Ordinance, in addition to the other facilities proposed to

be constructed on the Property, the Town permit New England Expedition to construct a facility to be occupied by Cabela's and utilized for the uses permitted under said Section B6 of the HP District requirements containing not more than one hundred thirty thousand (130,000) square feet of retail floor area on that portion of the Property comprising The Gateway Shoppes at Scarborough located on the northwesterly side of Payne Road, together with certain specific signage attached to and associated with such facility, and to install certain signage, together with related improvements, lighting and landscaping, for the purpose of identifying the Project, off-site on property in the immediate vicinity of the Property; and,

WHEREAS, the size, location, configuration and topography of this site permit a level of buffering, landscaping and site design which will mitigate what might otherwise be adverse impacts of the Cabela's facility, and the other facilities proposed for the Property, provided the operation is restricted to the density, scale and intensity proposed by New England Expedition and further provided that the restrictions, provisions and conditions of this Agreement and the site plan and subdivision approval are strictly observed; and,

WHEREAS, the Scarborough Planning Board, pursuant to Section II, Paragraph G Subsection 3 of the Zoning Ordinance and 30-A M.R.S.A. §4352(8), and after notice and hearing and due deliberation thereon, recommended that New England Expedition be permitted to develop the Property so as to include, in addition to the other facilities proposed for the Property, a facility on that portion of the Property comprising The Gateway Shoppes at Scarborough located on the northwesterly side of Payne Road to be occupied by Cabela's and utilized for the uses permitted under said Section B6 containing not more than one hundred thirty thousand (130,000) square feet of retail floor area, together with certain specific signage attached to and associated with such facility, and to install certain signage, together with related improvements, lighting and landscaping, for the purpose of identifying the Project, off-site on property in the immediate vicinity of the Property; and,

WHEREAS, the proposed uses of the Property, being in accordance with the requirements of the HP District, are consistent with the 2006 Update of the Comprehensive Plan of the Town of Scarborough adopted by the Scarborough Town Council on July 19, 2006 (hereinafter, the "Comprehensive Plan") for the area of the Property; and,

WHEREAS, the Town of Scarborough, by and through its Town Council, having determined that the said uses are pursuant to and consistent with the Comprehensive Plan and consistent with the permitted uses within the HP District, authorized the execution of this Agreement on _____, 200__.

NOW THEREFORE, in consideration of the mutual promises made by each party to the other, the parties covenant and agree as follows:

1. The Town will amend the Zoning Map of the Town of Scarborough by adopting the map change amendment shown on Attachment 1.
2. Notwithstanding the provisions of Section B6 of the HP District requirements, New England Expedition shall be permitted to develop the Property so as to include, in addition to the other facilities proposed for the Property, a facility on that portion of the Property comprising The Gateway Shoppes at Scarborough located on the northwesterly side of Payne Road to be occupied by Cabela's and utilized for the uses permitted under Section B6 of the HP District requirements containing not more than one hundred thirty thousand (130,000) square feet of retail floor area.

3. New England Expedition is authorized to construct the Cabela's facility to be used in accordance with the requirements of the HP District, except as amended by this Agreement, together with the other facilities proposed for the Property containing such other uses as are permitted in the HP District.

4. Notwithstanding the provisions of Section XII of the Zoning Ordinance, New England Expedition shall be permitted to include signage attached to and associated with the Cabela's facility as more particularly described and shown on Attachment 2.

5. Notwithstanding the provisions of Section XII of the Zoning Ordinance, New England Expedition shall be permitted to install certain signage, together with related improvements, lighting and landscaping, which signage is generally depicted on Attachment 3, for the purpose of identifying the Project, on the property located between that portion of the Property comprising The Gateway Square at Scarborough located on the southeasterly side of Payne Road and the southwesterly side of Haigis Parkway and said Payne Road and Haigis Parkway, or within the right of way of said Payne Road or Haigis Parkway adjacent to said property, subject, however, to the terms and provisions of any agreements entered into with the owners of said property and/or the Town of Scarborough relating to such signage including, but not limited to, the following terms and provisions:

a. Such signage shall be built in accordance with the Town of Scarborough's specifications and at the expense of New England Expedition;

b. Such signage shall be maintained by New England Expedition; and

c. Except as otherwise amended by this Agreement, such signage shall comply with the requirements of Section XII of the Zoning Ordinance and all other applicable local and state regulations applicable thereto.

6. The Property shall be developed and used only in accordance with the site plan and subdivision plan as finally approved by the Scarborough Planning Board, and as said approved site plan and subdivision plan may be amended from time to time pursuant to the provisions of the Site Plan Review Ordinance of the Town of Scarborough (hereinafter, the "Site Plan Ordinance") and the Subdivision Ordinance of the Town of Scarborough (hereinafter, the "Subdivision Ordinance"), with construction anticipated to proceed in phases commencing with that portion of the Property comprising The Gateway Shoppes at Scarborough located on the northwesterly side of Payne Road and then progressing to that portion of the Property comprising The Gateway Square at Scarborough located on the southeasterly side of Payne Road and the southwesterly side of Haigis Parkway. The phasing of the construction as outlined above shall be subject to the additional requirement that New England Expedition shall "substantially complete" the construction of that portion of the Project which includes the ten (10) buildings and related improvements to be constructed by New England Expedition, (collectively, the "NEE Buildings"), the NEE Buildings designated and shown on Attachment 4. The NEE Buildings shall be substantially complete within two (2) years from the date that New England Expedition receives Planning Board approval for the Project. For purposes hereof, "substantially complete" shall mean the completion of the clearing and rough grading of the Project building sites and related improvement areas and the internal road system, the installation of utilities, storm drains and sanitary sewer lines and the completion and approval of the foundations for the NEE Buildings. In the event that New England Expedition requires additional time to attain substantial completion as described herein, the Town Planner, or if the Town Planner chooses, the Scarborough Planning Board, may, for good cause shown, grant New England Expedition an additional one (1) year period for such purpose.

7. New England Expedition shall record this Agreement in the Cumberland County Registry of Deeds within thirty (30) days after its approval by the Scarborough Town Council.

8. The provisions of this Agreement shall be deemed restrictions on the use of the Property except as this Agreement may be amended by future written agreement of the Town of Scarborough and New England Expedition, or their successors or assigns.

9. Except as the requirements of the HP District and Section XII of the Zoning Ordinance have been amended by this Agreement, and subject to any other restrictions, provisions and conditions set forth herein regarding the development and use of the Property, all other requirements of the underlying HP District and the requirements of Section XII of the Zoning Ordinance shall apply and shall govern the use and development of the Property. Any such restrictions, provisions and conditions are an essential part of the aforesaid modification of the HP District requirements and the requirements of Section XII of the Zoning Ordinance as set forth herein, shall run with the Property, shall bind New England Expedition, its successors and assigns of the Property or any part thereof.

10. Except as expressly modified herein, the use and occupancy of the Property shall be governed by and comply with the provisions of the Zoning Ordinance and any applicable amendments thereto and nothing contained in this Agreement shall be deemed to prohibit or limit the development of the Property in any other manner so long as such development is in compliance with the applicable provisions of the Zoning Ordinance and otherwise approved pursuant to the Site Plan Ordinance, the Subdivision Ordinance and/or other applicable Scarborough Ordinances and, if applicable, State and Federal laws, ordinances and regulations.

11. Notwithstanding anything to the contrary set forth herein or in the Zoning Ordinance, in the event that Cabela's shall, for any reason following its initial occupancy of the facility containing not more than one hundred thirty thousand (130,000) square feet of retail floor area as permitted hereunder to be located on that portion of the Property comprising The Gateway Shoppes at Scarborough located on the northwesterly side of Payne Road, fail to continue to operate its business therein, then:

a. New England Expedition shall, within sixty (60) days of the date that Cabela's ceases its business operations at the facility, remove the signage unique to Cabela's from the buildings and as otherwise permitted under this Agreement;

b. New England Expedition shall, within sixty (60) days of the date that Cabela's ceases its business operations at the facility, report to the Scarborough Town Council on the status of New England Expedition's efforts to secure a substitute tenant, and will continue to update the Council regarding such efforts at intervals not later than every sixty (60) days thereafter, so as to afford the Council the opportunity to comment on any such proposed substitute tenant; and

c. New England Expedition shall have the right to substitute another retailer in such facility so long as such substitute retailer is not a discount store, wholesale club, or home improvement center, the substitute retailer to be subject to such approvals as may be required from the Scarborough Planning Board under applicable Ordinances and regulations and any other State or Federal regulatory bodies having jurisdiction over the development, and provided further, that in the event New England Expedition should seek to substitute another retailer in such facility within the first five (5) years following the date Cabela's commences business operations at the facility, such substitute retailer

shall be subject to the review and approval of the Scarborough Town Council, which approval shall not be unreasonably withheld, conditioned or delayed.

12. Any change to the development that results in either an increase in the size of the one hundred thirty thousand (130,000) square foot retail facility permitted hereunder or changes to the signage attached thereto or associated therewith, or any change with respect to the off-site signage permitted hereunder, shall require an amendment to this Agreement approved by the Scarborough Town Council and will also be subject to further Planning Board review, as required, except for any change to signage that results in the signage being in compliance with the requirements of Section XII of the Zoning Ordinance.

13. The Town of Scarborough shall have the power to enforce all conditions and restrictions of this Agreement, both through enforcement action pursuant to Section IV of the Zoning Ordinance and through legal action for specific performance of this Agreement. In the event that New England Expedition or its successors or assigns fail to develop the Project in accordance with this Agreement, or in the event of any other breach hereof, and such failure or breach continues for a period of thirty (30) days after written notice of such failure or breach, or in the event such failure or breach cannot reasonably be remedied or cured within such thirty (30) day period, if New England Expedition, its successors or assigns, fail to commence to cure or remedy such failure or breach within said thirty (30) day period and thereafter fails to diligently prosecute such cure or remedy to completion in a reasonable time taking into account the nature of such failure or breach and the action necessary to cure or remedy same, then this Agreement may be terminated by vote of the Scarborough Town Council. In that event, the Property may then be used only for such uses and according to such zoning requirements as are otherwise allowed by law.

14. In the event any provision of this Agreement is found to be invalid or unenforceable, such finding shall not affect the validity and enforceability of the remaining provisions of this Agreement. The failure of either party to insist upon strict performance of any of the terms or conditions of this Agreement or to exercise any of its rights under the Agreement shall not waive such rights and such party shall have the right to enforce such rights at any time and take such action as may be lawful and authorized under this Agreement, either in law or in equity. This Agreement and the performance thereof shall be governed, interpreted, construed and regulated by the laws of the State of Maine.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first set forth above.

WITNESS:

TOWN OF SCARBOROUGH

By: _____

Ronald W. Owens, its Town Manager (duly authorized by vote of the Scarborough Town Council on _____, 200__)

WITNESS: THE NEW ENGLAND EXPEDITION – SCARBOROUGH, LLC

By: _____

Barry E. Feldman
Its Member

STATE OF MAINE
COUNTY OF CUMBERLAND, ss. _____, 200__

Personally appeared the above named Ronald W. Owens, Town Manager of the Town of Scarborough, and acknowledged the foregoing instrument to be his free act deed in his said capacity and the free act and deed of said Town of Scarborough.

Before me,

Notary Public/Attorney at Law

STATE OF MAINE
COUNTY OF CUMBERLAND, ss.

Personally appeared the above named Barry E. Feldman, Member of The New England Expedition – Scarborough, LLC, and acknowledged the foregoing instrument to be his free act deed in his said capacity and the free act and deed of said The New England Expedition – Scarborough, LLC.

Before me,

Notary Public/Attorney at Law

Print name

Attachment 1

[Map Change Amendment to be attached to final Agreement]

Attachment 2

[Cabela’s signage depiction to be attached to final Agreement]

Attachment 3

[Project off-site signage depiction to be attached to final Agreement]

Attachment 4

[Plan of NEE’ Ten Buildings and Related Improvements]

7 yeas.

Order No. 06-137. Second reading on proposed amendments to Chapter 416, The Haigis Parkway Municipal Development and Tax Increment Finance District. Motion by Chairman Messer, seconded by Councillor Babine, to move approval on the second reading on the proposed amendments to Chapter 416, the Haigis Parkway Municipal Development and Tax Increment Finance District. [Full document on file with Town Clerk’s Office]

Vote: 7 yeas.

Order No. 06-138. Act on the recommendations regarding the names pertaining to the roads identified as part of the Municipal and School campus at Oak Hill. (Tabled from 11/15/06 meeting) Motion by Chairman Messer, seconded by Councillor Babine, to move approval on the following recommendations: from Sawyer Road through Memorial Park – Durant Drive and from Route 114 to the Middle School – Quentin Drive.

Vote: 7 yeas.

NEW BUSINESS: None at this time.

Item 7. Non-Action Items. None at this time.

Item 8. Committee Reports:

1. Standing Committee Reports and 2. Other Committee Reports.

- a. Appointments Committee. No report.
- b. Finance Committee. No report.
- c. Ordinance Committee. Councillor Most stated that the next meeting is scheduled for Wednesday, January 10, 2007, at 7:00 p.m. in Council Chambers.

Councillor Most gave a brief overview on the following:

Comprehensive Plan Implementation Committee: This committee is moving forward with several important proposals that will support the implementation of the Comprehensive Plan. The first is a development transfer proposal. The next step in that process is to hold a focus group. They are also working on density bonuses for affordable housing.

Item 9. Public Comments.

1. Peter Angis 26 Old Blue Point Road – spoke on the Rachel Carsons Refuge boat ramp portage on Spurwink Road regarding a possible boat [moterized boats] ramp for use by commercial shellfish diggers.
2. Timothy Downs, 71 Kings Street – spoke of behalf of the Shellfish Conservation Committee regarding the boat ramp issue.

Item 10. Town Manager Report. None at this time.

Item 11. Council Member Comments. Closing comments were made by Council members.

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

Vote: 7 yeas.

Meeting adjourned at 8:47 p.m.

Respectfully submitted,

Yolande P. Justice, Town Clerk

EXHIBIT I

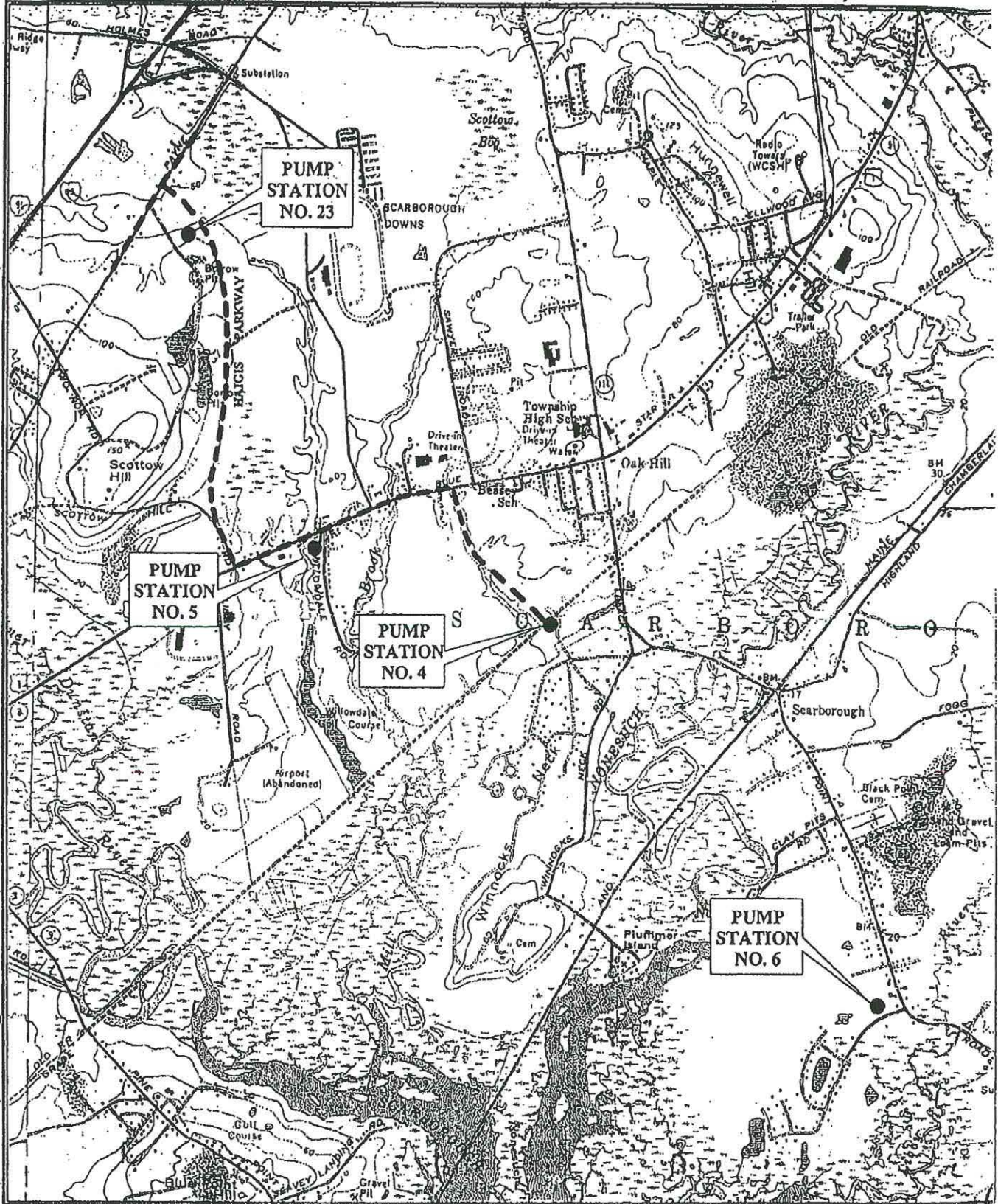


Exhibit J

Cumberland County TIF Bonds (1985-2000)

County	District Name	Municipal TIF Bonds
Cumberland	Pipeline	\$510,000.00
Cumberland	Lanco Assembly	\$0.00
Cumberland	Acadia/Glassworld	\$0.00
Cumberland	Eight Corners	\$7,098,270.00
Cumberland	Longfellow, Inc.	\$0.00
Cumberland	Cummings Rd Business Park	\$0.00
Cumberland	DeLorme Technologies	\$0.00
Cumberland	First Atlantic	\$0.00
Cumberland	Northbrook	\$0.00
Cumberland	North Windham	\$0.00
Cumberland	Desert Road & Downtown	\$3,150,000.00
Cumberland	Nichols-Portland	\$0.00
Cumberland	Durastone	\$0.00
Cumberland	National Semiconductor	\$0.00
Cumberland	Desert Road Industrial Park	\$1,315,000.00
Cumberland	Destination Freeport	\$0.00
Cumberland	D&G Machine	\$0.00
Cumberland	Bramhall Partners/Holt Hall	\$0.00
Cumberland	Westbrook Power	\$0.00
Cumberland	West Falmouth Crossing	\$0.00
Cumberland	Gorham Industrial Park	\$0.00
Cumberland	Gorham Energy Project	\$0.00
Cumberland	Auto Europe	\$0.00
Cumberland	Gambo	\$0.00
Cumberland	UNUM-Provident	\$0.00
Cumberland	Bath Road	\$1,500,000.00
Cumberland	Bookland at Bnyside	\$0.00
Cumberland	Town of Cumberland	\$0.00
Cumberland	Town Center	\$2,500,000.00
Cumberland	Jordan Sysco	\$0.00
Cumberland	Stagecoach, Inc.	\$0.00
Cumberland	Route One South	\$6,750,000.00
Cumberland	Portland Regency	\$0.00
Cumberland	EnvisioNet	\$0.00
Cumberland	Fairchild Semiconductor	\$4,000,000.00
Cumberland	Cargill Park	\$500,000.00
Cumberland	Route 100	\$1,900,000.00
Cumberland	J E Goold & Co.	\$0.00
Cumberland	Route One North	\$2,250,000.00
Cumberland	Portland Natural Gas/Pipeline	\$0.00
Cumberland	Sable Oaks	\$850,000.00
Cumberland	Brunswick Technologies	\$2,285,000.00
Cumberland	Southern Container	\$0.00

Exhibit B

**(Estimated Increased Assessed Values and Tax Shift
Benefits)**

Exhibit B-1 - Captured Assessed Value & TIF Revenue Projections
The Gateway At Scarborough - Haigis Parkway Tax Increment Financing District - Second Amendment

Fiscal Year	TIF Year	CEA Year	TIF Original Assessed Value (OAV)	Projected Total Taxable Assessed Value	Projected Increased Taxable Assessed Value	Percent of Value Captured above OAV	TIF District Projected Captured Assessed Value	Projected Mil Rate (FY22 15.02)	Projected General Fund Revenue 0%	Projected Total TIF Revenue to Dev. for CEA	Projected Total TIF Revenue to Town
2019-2020	17	17	\$8,563,500	\$66,019,610	\$57,456,110	91%	\$52,532,121	14.70	\$72,345	\$654,225	\$118,035
2020-2021	18	18	\$8,563,500	\$86,388,287	\$77,824,787	85%	\$65,979,854	14.86	\$176,054	\$825,000	\$155,422
2021-2022	19	19	\$8,563,500	\$92,179,298	\$83,615,798	79%	\$65,738,740	15.02	\$268,559	\$825,000	\$162,351
2022-2023	20	20	\$8,563,500	\$92,179,298	\$83,615,798	100%	\$83,615,798	15.47	\$0	\$547,190	\$746,397
2023-2024	21		\$8,563,500	\$100,475,435	\$91,141,220	100%	\$91,141,220	14.08	\$0	\$0	\$1,283,268
2024-2025	22		\$8,563,500	\$100,475,435	\$91,911,935	100%	\$91,911,935	14.50	\$0	\$0	\$1,332,944
2025-2026	23		\$8,563,500	\$100,475,435	\$91,911,935	100%	\$91,911,935	14.94	\$0	\$0	\$1,372,932
2026-2027	24		\$8,563,500	\$100,475,435	\$91,911,935	100%	\$91,911,935	15.39	\$0	\$0	\$1,414,120
2027-2028	25		\$8,563,500	\$100,475,435	\$91,911,935	100%	\$91,911,935	15.85	\$0	\$0	\$1,456,544
2028-2029	26		\$8,563,500	\$109,518,224	\$100,954,724	100%	\$100,954,724	14.42	\$0	\$0	\$1,455,767
2029-2030	27		\$8,563,500	\$109,518,224	\$100,954,724	100%	\$100,954,724	14.85	\$0	\$0	\$1,499,440
2030-2031	28		\$8,563,500	\$109,518,224	\$100,954,724	100%	\$100,954,724	15.30	\$0	\$0	\$1,544,423
2031-2032	29		\$8,563,500	\$109,518,224	\$100,954,724	100%	\$100,954,724	15.76	\$0	\$0	\$1,590,756
2032-2033	30		\$8,563,500	\$109,518,224	\$100,954,724	100%	\$100,954,724	16.23	\$0	\$0	\$1,638,479
Future Years Totals:									\$0	\$547,190	\$15,335,069
Future Years Averages:									\$0	\$49,745	\$1,394,097

Assumptions:

1. Projections show anticipated increased assessed values, captured assessed values, and TIF revenues for future years and extension period of District. The first three rows show actual values and revenues for the respective years.
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. Assumes no new improvements within the District.
3. Projections assume 2008 Credit Enhancement Agreement with New England Expedition reaches total payment cap of \$8,250,000 during the 2022-2023 Fiscal Year and ends. For
4. Projections are much less likely to be accurate farther into the future and are for demonstrative purposes only.

Exhibit B-2 | Tax Shift Benefits

The Gateway At Scarborough

Haigis Parkway Tax Increment Financing District - Second Amendment

Fiscal Year	TIF Year	State Aid to Education Benefit	County Tax Benefit	State Revenue Sharing Benefit	Total Tax Benefit
2022-2023	20	-	-	-	-
2023-2024	21	-	-	-	-
2024-2025	22	-	\$48,676	\$58,956	\$107,632
2025-2026	23	\$607,051	\$53,050	\$64,166	\$724,266
2026-2027	24	\$661,685	\$53,497	\$64,699	\$779,881
2027-2028	25	\$667,281	\$53,497	\$64,699	\$785,477
2028-2029	26	\$667,281	\$53,497	\$64,699	\$785,477
2029-2030	27	\$667,281	\$53,497	\$64,699	\$785,477
2030-2031	28	\$667,281	\$58,751	\$70,936	\$796,968
2031-2032	29	\$732,931	\$58,751	\$70,936	\$862,618
2032-2033	30	\$732,931	\$58,751	\$70,936	\$862,618
2033-2034		\$732,931	\$58,751	\$70,936	\$862,618
2034-2035		\$732,931	\$58,751	\$70,936	\$862,618
2035-2036		\$732,931	-	-	\$732,931
Totals:		\$7,602,515	\$609,469	\$736,598	\$8,948,582
Averages:		\$691,138	\$55,406	\$66,963	\$745,715

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 10/20/21 2021-2022 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

(Notice of Public Hearing)

**NOTICE OF PUBLIC HEARING
TOWN OF SCARBOROUGH**

Regarding

The Approval of the Second Amendment to “The Gateway at Scarborough – Haigis Parkway 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, January 19, 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 Statutes, as amended.

The proposed second amendment to The Gateway at Scarborough – Haigis Parkway TIF seeks to extend the term of the district to the full maximum term of 30 years through June 30, 2033. Following the approval of the second amendment, the Town will capture 100% of the increased assessed value as captured assessed value and use the increased tax increment revenues for approved municipal project costs.

A copy of the materials relating to the amendment to The Gateway at Scarborough – Haigis Parkway TIF District will be on file with the Town Clerk prior to the public hearing. All interested persons are invited to attend the public hearing and will be given an opportunity to be heard at that time. 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.

I certify that this is an original page from the Portland Press Herald. Uplande P Justice 01/21/2022

BUSINESS

ing & Donor Services Officer to support the development staff with the cultivation of planned giving donors and the documentation of planned gifts, be responsible for providing stewardship of and services to donors who have made a planned gift or bequest intention to the Foundation, and to support the Director of Gift Planning with the administration of realized bequests. This is an office position located in Portland. Competitive benefit package, salary range \$65K-\$70K commensurate with experience. EOE. FMI: www.maineef.org
Forward resume and cover letter by January 14, 2022, to Jana Robinson at resumes@mainecf.org

General Help

Distribution Drivers

The Forecaster is seeking two dependable part-time distribution drivers. This position is responsible for the loading and delivery of various free and niche publications to assigned locations in the Portland, Mid Coast and Southern Maine markets. This position is based out of our South Portland facility. A company vehicle is provided.

Approximate shift hours are Monday, Wednesday, Thursday and Friday 8 to 3 p.m. Flexibility is necessary due to print schedule.

The ideal candidates should be a responsible, reliable, eager and conscientious, able to lift and load bundles weighing from 10 up to 25 lbs. repetitively and able to get in and out of the vehicle frequently during scheduled shift. Must have had a valid driver's license for a minimum of one year, a clean driving record and be able to work as part of a team.

A benefit package is included. If you are interested, please forward resume to the address listed below.

the FORECASTER

Sun Media Group
 104 Park Street
 Lewiston, ME 04240
 Or email: humanresources@sunjournal.com

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Public Notices

Public Notices are a permanent and independent record of government and court actions. These include state and local government meetings, rule making, available contracts, zoning changes, and many more, as required by law. In addition, parties to some court proceedings, such as foreclosures, probate, and estate actions are required to publish notices to ensure notification of affected parties, as well as the general public. These notices also alert business owners, large and small, to potential government contractual jobs, helping to ensure economic activity across a level playing field. Public notices have existed to ensure transparency in all levels of government since the founding of the United States.

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

LEGAL ADVERTISEMENT HISTORIC PRESERVATION BOARD CITY OF PORTLAND
 The Portland Historic Preservation Board will hold a remote meeting on **Wednesday, January 19, 2022 at 5:00 PM.** Due to the existence of an emergency or urgent issue, the Historic Preservation Board will conduct this meeting by remote methods/technology at the Zoom link provided

on the agenda in accordance with the requirements of 1 M.R.S. section 403-B and the City Council's Remote Participation Policy. For more information on how to access the remote meeting and how to give public comment, please go to www.portlandmaine.gov/remotepud. Public comments will be taken for each item on the agenda during the estimated allotted time and written comments should be submitted to hp@portlandmaine.gov. Please note that the placement of each item on the agenda is subject to change - please check the Agenda & Minutes Center prior to the meeting for the item start time.

- 1. WORKSHOP**
 i. Preliminary Review of Proposed Mural Installation; 404 CUMBERLAND AVENUE; Portland Downtown, Applicant.
- 2. PUBIC HEARING**
 i. Certificate of Appropriateness for Roofing Replacement; 176 VAUGHAN STREET; 176 Vaughan Street Condominium Association.
- 3. WORKSHOP**
 i. Staff Review of Recently Completed Projects

Public Notice

To the members of the North Yarmouth-Cumberland Mutual Fire Insurance Company, you are hereby notified that the annual meeting will be held at 1250 Congress Street, Portland, ME 04102 on January 10, 2022 at 7:30 p.m.

Public Notice

TOWN OF WINDHAM
 Notice is hereby given that the Windham Town Council will hold a public hearing on Tuesday, January 11, 2022 at 6:30 p.m. in the Council Chambers at Town Hall, located at 8 School Road, to receive comment on a new Liquor License application submitted by Chipotle Mexican Grill of Colorado, LLC d/b/a Chipotle Mexican Grill #3683 located at 799 Roosevelt Trail. A copy of the application is on file in the Clerk's Office and can be viewed here: <https://www.windhammaine.us/DocumentCenter/View/7970/New-Liquor-License>.
 Linda Morrell
 Town Clerk, CCM

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Public Notice

NOTICE OF PUBLIC HEARING TOWN OF SCARBOROUGH Regarding The Approval of the Second Amendment to "The Gateway at Scarborough - Haigis Parkway 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, January 19, 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 Statutes, as amended.

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A copy of the materials relating to the amendment to The Gateway at Scarborough - Haigis Parkway TIF District will be on file with the Town Clerk prior to the public hearing. All interested persons are invited to attend the public hearing and will be given an opportunity to be heard at that time. 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.

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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

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Exhibit D

(Certified Copy of the Public Hearing Minutes)

**MINUTES
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – JANUARY 19, 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 7:02 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. None at this time.

Item 5. Minutes: January 5, 2022 – Regular Town Council Meeting and January 12, 2022 – Special Town Council Meeting. Motion by Councilor Caterina, seconded by Councilor Anderson, to move approval of the minutes January 5, 2022 – Regular Town Council Meeting and January 12, 2022 – Special Town Council Meeting, as written.

Roll Call Vote:

Councilor April V. Sither - Yea	Councilor Jean-Marie Caterina - Yea
Councilor Jonathan E. Anderson - Yea	Councilor Donald R. Hamill - Yea
Councilor Paul M. Johnson - Yea	Councilor Kenneth M. Johnson - Yea
Chairman John R. Cloutier - Yea	

Item 6. Adjustment to the Agenda. Not at this time.

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

Item 8. Town Manager Report. Thomas J. Hall, Town Manager, gave the following updates:

- The Army Corp of Engineers notify the Town that \$4.8 million in federal money had been designated to do the dredging project to start this year and will be completed next spring.
- MDOT issued their 3-year Work Plan and one of the plans would be a \$6 million project that supports the Eastern Trail.
- Public Works posted a video on line showing them plowing icebergs and snow off route one along the marsh. At some point we will need to work with MDOT to address the flooding issue along the marsh area.
- There have been numerous complaints from residents relating to inconsistency with mail delivery. He did reach out to Senator Collins office and she has sent a letter to the Post Master General pertaining to this matter. He would keep the Council posted as to what the response is.
- There are currently two large developments coming before the Planning Board: the first is the IDEXX Manufacturing and Research Development Facility and Costco is planning a

large facility on the corner of Payne and Scarborough Downs Road. Both are located in the Innovation District in the downs.

- Staff had been working with a developer on a contract zone application to build an apartment complex on the corner of Mussey Road and Gorham Road. Staff was notified that the developer would be withdrawing their application and would proceed through the regular process.

Order No. 22-005, 7:00 p.m. Public hearing and action on the new request for a Food Handlers License from Michael Alfiero, d/b/a Harbor Fish Market, located at 246 US Route One. [Town Clerk] The Town Clerk noted that everything was in order and recommended approval. Chairman Cloutier opened the public hearing. As there were no comments either for or against, the hearing was closed at 7:16 p.m.

Motion by Councilor Caterina, seconded by Councilor Anderson, to move approval on the new request for a Food Handlers License from Michael Alfiero, d/b/a Harbor Fish Market, located at 246 US Route One.

Roll Call Vote:

Councilor April V. Sither - Yea	Councilor Jean-Marie Caterina - Yea
Councilor Jonathan E. Anderson - Yea	Councilor Donald R. Hamill - Yea
Councilor Paul M. Johnson - Yea	Councilor Kenneth M. Johnson - Yea
Chairman John R. Cloutier - Yea	

Order No. 22-006, 7:00 p.m. Public hearing and action on Council Order Amending The Gateway at Scarborough – Haigis Parkway Municipal Development and Tax Increment Financing District and Development Program. [Finance Committee] Council Johnson, Chair of the Finance Committee, gave a brief overview on this Order. He then introduced the Town's Attorney.

- Shana Mueller, Town Attorney, also spoke on this Order and explained the change in the order being presented this evening.

Chairman Cloutier opened the public hearing at 7:23 p.m. As there were no comments either for or against, the hearing was closed at 7:24 p.m.

Motion by Councilor Caterina, seconded by Councilor Anderson, to move approval of Council Order Amending The Gateway at Scarborough – Haigis Parkway Municipal Development and Tax Increment Financing District and Development Program.

Motion by Councilor Johnson, seconded by Councilor Sither, to move approval to amend the main motion to accept the changes in the red-lined documents - Exhibit D, as presented this evening.

**IN TOWN COUNCIL
ORDER #22-006**

Amendment to The Gateway at Scarborough – Haigis Parkway 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 Gateway at *Scarborough – Haigis Parkway 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 June 3, 2003; and

WHEREAS, the First amendment to the District was approved on February 23, 2007; and

WHEREAS, the Town desires to amend the District by extending the term of the District to the full maximum term of 30 years.

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 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 amendment to the ~~Downtown~~ District.

ORDERED AS FOLLOWS:

Section 1. The Town of Scarborough hereby approves the **Second Amendment to The Gateway at Scarborough – Haigis Parkway 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 Gateway at **Scarborough – Haigis Parkway 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~~); 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 amendment of the District and the proposed 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 amendment of the District and approval of the 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 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 **Downtown** District and the **Downtown** Development Program.

Dated: January 19, 2022

Roll Call Vote on Amendment:

Councilor April V. Sither - Yea	Councilor Jean-Marie Caterina - Yea
Councilor Jonathan E. Anderson - Yea	Councilor Donald R. Hamill - Yea
Councilor Paul M. Johnson - Yea	Councilor Kenneth M. Johnson - Yea
Chairman John R. Cloutier – Yea	

Vote on Main Motion as Amended:

**IN TOWN COUNCIL
ORDER #22-006**

Amendment to The Gateway at Scarborough – Haigis Parkway 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 Gateway at *Scarborough – Haigis Parkway 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 June 3, 2003; and

WHEREAS, the First amendment to the District was approved on February 23, 2007; and

WHEREAS, the Town desires to amend the District by extending the term of the District to the full maximum term of 30 years.

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 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 amendment to the District.

ORDERED AS FOLLOWS:

Section 1. The Town of Scarborough hereby approves the **Second Amendment to The Gateway at Scarborough – Haigis Parkway 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 Gateway at **Scarborough – Haigis Parkway 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)); 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 amendment of the District and the proposed 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 amendment of the District and approval of the 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 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: January 19, 2022

Roll Call Vote:

Councilor April V. Sither - Yea	Councilor Jean-Marie Caterina - Yea
Councilor Jonathan E. Anderson - Yea	Councilor Donald R. Hamill - Yea
Councilor Paul M. Johnson - Yea	Councilor Kenneth M. Johnson - Yea
Chairman John R. Cloutier – Yea	

OLD BUSINESS:

Order No. 21-111. Act on the new request for the following Marijuana Establishment License:

- **KTK Noyes Cultivation, LLC, located at 148B Pleasant Hill Road, for an Adult Use Marijuana Cultivation Facility. [Tabled from the January 5, 2022, Town Council meeting.]**

[Assistant Town Manager] Liam Gallagher, Assistant Town Manager, gave a brief overview on this Order.

Motion by Councilor Caterina, seconded by Councilor Anderson, to move approval of the new request for the following Marijuana Establishment License:

- KTK Noyes Cultivation, LLC, located at 148B Pleasant Hill Road, for an Adult Use Marijuana Cultivation Facility.

Roll Call Vote:

Councilor April V. Sither - Yea	Councilor Jean-Marie Caterina - Yea
Councilor Jonathan E. Anderson - Yea	Councilor Donald R. Hamill - Yea
Councilor Paul M. Johnson - Yea	Councilor Kenneth M. Johnson - Yea
Chairman John R. Cloutier – Yea	

NEW BUSINESS:

Order No. 22-007. Act on the recommendation to appointment Jason Kenney of ecomaine, as the Representative from Scarborough, to serve on the Long Creek Watershed Management District Board of Directors. **[Town Manager]** Thomas J. Hall, Town Manager, gave a brief overview on this Order.

Motion by Councilor Caterina, seconded by Councilor Anderson, to move approval to appointment Jason Kenney of ecomaine, as the Representative from Scarborough, to serve on the Long Creek Watershed Management District Board of Directors.

Roll Call Vote:

Councilor April V. Sither - Yea	Councilor Jean-Marie Caterina - Yea
Councilor Jonathan E. Anderson - Yea	Councilor Donald R. Hamill - Yea
Councilor Paul M. Johnson - Yea	Councilor Kenneth M. Johnson - Yea
Chairman John R. Cloutier – Yea	

Item 9. Non-Action Item. None at this time.

Item 10. Standing and Special Committee Reports and Liaison Reports.

- Councilor Caterina gave an update on the MMA presentation on housing she had attended via zoom and noted that she would be attending the Legislative Policy Committee meeting via zoom tomorrow.
- Councilor Anderson gave an update on the Community Services and Rec Advisory Board, the Library Board of Trustees and the Transportation Committee. The School building committee would be having a meeting next week regarding facilitates. In response to a question from Councilor K. Johnson, Councilor Anderson noted that the Transportation Committee had agreed to have their meetings live streamed, starting next week.
- Councilor Sither gave an update on the Conservation Commission. She noted that she would be starting to meet with Department Heads and a zoom meeting with the executive of GPGOG.
- Council P. Johnson noted the Finance Committee would be meeting on Tuesday, - Feb 1 – 4:30 p.m. Downs Bus tour Wednesday at 26th at 2:30 p.m.
- Council Hamill gave an update on the Ordinance Committee and he apologized for not having the Pest Management item on the agenda.
- Chairman Cloutier an update on the METRO Coalitions on Growth, To was keynote speaker. Very little support with what the state was bring forward.

Item 11. Council Member Comments.

- Councilor P. Johnson had been tasked with the Councilors Corner in the newspaper and he went on to read what he was going to put in the paper.

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

Roll Call Vote:

Councilor April V. Sither - Yea	Councilor Jean-Marie Caterina - Yea
Councilor Jonathan E. Anderson - Yea	Councilor Donald R. Hamill - Yea
Councilor Paul M. Johnson - Yea	Councilor Kenneth M. Johnson - Yea
Chairman John R. Cloutier – Yea	

Meeting adjourned at 7:54 p.m.

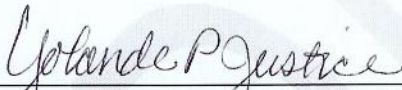
Respectfully submitted,

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, January 19, 2022.

Singed and dated this 21st day of January, 2022.



Yolande Palmer Justice, Town Clerk/Notary Public
Commission Expires: 10/31/2022

Exhibit E

(Town Council Order)

**IN TOWN COUNCIL
ORDER #22-006**

Amendment to The Gateway at Scarborough – Haigis Parkway 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 Gateway at *Scarborough – Haigis Parkway 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 June 3, 2003; and

WHEREAS, the First amendment to the District was approved on February 23, 2007; and

WHEREAS, the Town desires to amend the District by extending the term of the District to the full maximum term of 30 years.

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 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 amendment to the District.

ORDERED AS FOLLOWS:

Section 1. The Town of Scarborough hereby approves the **Second Amendment to The Gateway at Scarborough – Haigis Parkway 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 Gateway at **Scarborough – Haigis Parkway 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)); 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 amendment of the District and the proposed 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 amendment of the District and approval of the 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 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: January 19, 2022

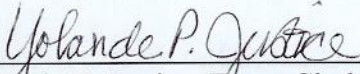
State of Maine
County of Cumberland

I do, hereby attest, that Order No. 22-006, was approved the Town Council on Wednesday, January 19, 2022, by a unanimous vote of the Council as noted below:

Roll Call Vote:

- | | |
|--------------------------------------|-------------------------------------|
| Councilor April V. Sither - Yea | Councilor Jean-Marie Caterina - Yea |
| Councilor Jonathan E. Anderson - Yea | Councilor Donald R. Hamill - Yea |
| Councilor Paul M. Johnson - Yea | Councilor Kenneth M. Johnson - Yea |
| Chairman John R. Cloutier – Yea | |

Signed and dated this 21st day of January, 2022.



Yolande P. Justice, Town Clerk/Notary
Commission Expires: 10/31/2022

Exhibit F

(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 04070-360		
3. Telephone: 207-730-4031	4. Fax: 207-730-4033	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):		
<input type="checkbox"/> job creation	<input type="checkbox"/> job retention	<input checked="" type="checkbox"/> capital investment
<input type="checkbox"/> training investment	<input checked="" type="checkbox"/> tax base improvement	<input checked="" type="checkbox"/> public facilities improvement
<input type="checkbox"/> other (list):		
2. Check the specific items for which TIF revenues will be used (any that apply):		
<input type="checkbox"/> real estate purchase	<input type="checkbox"/> machinery & equipment purchase	<input type="checkbox"/> training costs
<input type="checkbox"/> debt reduction	<input checked="" type="checkbox"/> 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*).

Exhibit G

(DECD Statutory Requirements and Thresholds Form)

STATUTORY REQUIREMENTS AND THRESHOLDS
 The Gateway at Scarborough – Haigis Parkway | AMD-2

SECTION A. Acreage Caps		
1. Total municipal acreage;		34,560
2. Acreage of proposed Municipal TIF District;		375.80
3. Downtown-designation ¹ acres in proposed Municipal TIF District;		0
4. Transit-Oriented Development ² acres in proposed Municipal TIF District;		0
5. Total acreage [=A2-A3-A4] of proposed Municipal TIF District counted toward 2% limit;		375.80
6. Percentage [=A5÷A1] of total acreage in proposed Municipal TIF District (CANNOT EXCEED 2%).		1.087%
7. Total acreage of all <u>existing/proposed</u> Municipal TIF districts in municipality including Municipal Affordable Housing Development districts: ³ Avesta Housing/2.78 Bessey School Affordable Housing (I & II)/7.15 BOR Zone/6 Downtown/948.13 Haigis Parkway/375.80	Existing	964.06
	Proposed	375.80 ⁴
	Total:	1,339.86
30-A § 5223(3) EXEMPTIONS ⁵		
8. Acreage of an <u>existing/proposed</u> Downtown Municipal TIF district;		948.13
9. Acreage of all <u>existing/proposed</u> Transit-Oriented Development Municipal TIF districts:		0
10. Acreage of all <u>existing/proposed</u> Community Wind Power Municipal TIF districts:		0
11. Acreage in all <u>existing/proposed</u> Municipal TIF districts common to ⁶ 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;		391.73
13. Percentage of total acreage [=A12÷A1] of all <u>existing/proposed</u> Municipal TIF districts (CANNOT EXCEED 5%).		1.133%
14. Real property in proposed Municipal TIF District that is:	ACRES	% [=Acres÷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.	375.80	100%
TOTAL (except for § 5223 (3) exemptions a., b. OR c. must be at least 25%)		

Note: The acreages identified for each of the Town’s TIF Districts matches the DECD application materials; however, the actual acreages on the surface of the earth may vary due to updated Town assessing and surveying records.

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 PTZ districts approved through December 31, 2008.

STATUTORY REQUIREMENTS AND THRESHOLDS
The Gateway at Scarborough – Haigis Parkway | 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;	\$8,563,500
3. Taxable OAV of all existing/proposed Municipal TIF districts in municipality excluding Municipal Affordable Housing Development districts: BOR Zone/2,312,000 Haigis Parkway/8,563,500 Downtown/95,622,900	Existing \$97,934,900
	Proposed \$8,563,500
	Total: 106,498,400
30-A § 5223(3) EXEMPTIONS	
4. Taxable OAV of an existing/proposed Downtown Municipal TIF district;	\$95,622,900
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 existing/proposed 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 existing/proposed 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			
PRINT NAME	Shana Cook Mueller		
SIGNATURE		DATE	01/04/2022
If this form has not be completed by the municipal or plantation assessor, the assessor must sign and date below, acknowledging he/she agrees with the information reported on this form, and understands the OAV stated in Section B, line 2, will be used to determine the LAV for this District.			
PRINT NAME	Nicholas Cloutier		
SIGNATURE		DATE	01/07/2022

⁷ For this exemption see 30-A §5223(3)(C) sub-§§ 1-4.