



**Department of Economic and Community Development  
Municipal Tax Increment Financing  
Application**



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The legislature finds a need for new development in areas of municipalities and plantations to: (A) Provide new employment opportunities; (B) Improve and broaden the tax base; and (C) Improve the general economy of the State. The municipal tax increment financing (TIF) program, established under 30-A M.R.S.A. Chapter 206 §5221-5235, is designed to assist municipalities and plantations to develop a program for improving a district of the municipality or plantation: (A) To provide impetus for industrial, commercial, transit-oriented or arts district development, or any combination; (B) To increase employment opportunities; and (C) To provide the facilities outlined in the development program adopted by the legislative body of the municipality or plantation. The TIF Statute provides that before final designation of a tax increment financing district, the Department of Economic and Community Development (DECD) commissioner shall review the proposed district and development program to ensure compliance with statutory requirements.

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Before designating a development district within the boundaries of a municipality or plantation, or adopting a development program for a designated development district, the municipal or plantation legislative body or the municipal or plantation legislative body's designee must:

- a) Hold at least one public hearing,
  - b) Publish notice of the hearing at least 10 days before the date of the hearing in a newspaper of general circulation within the municipality or plantation,
  - c) At the hearing, the legislative body of a municipality or plantation must consider:
    - i. Whether the proposed district or development program will contribute to the economic growth or well-being of the municipality or plantation or to the betterment of the health, welfare or safety of the municipal or plantation inhabitants,
    - ii. Any claim by an interested party that the proposed district or development program will result in a substantial detriment to that party's existing business in the municipality or plantation and produces substantial evidence to that effect.
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Mail completed application, with tabs separating exhibits, to:

DECD/Office of Business Development (MTIF)

111 Sewall Street

Augusta, ME 04330

**(e-mailed applications are not accepted)**



**Department of Economic and Community Development  
Municipal Tax Increment Financing  
Application**



**Municipalities wishing to create a municipal tax increment financing district to fund development programs must apply to DECD using the following application including all attachments noted below, in the order listed:**

1. Table of Contents
2. Completed DECD MTIF Application, provided by DECD  
*Refer to "Checklist for Municipal Tax Increment Financing (MTIF) Application" to ensure application completeness*
3. Exhibit A: Statutory Thresholds and Requirements form, provided by DECD
4. Exhibit B: Assessor's Certificate of Original Assessed Value
5. Exhibit C: Map of District Location within Municipality
6. Exhibit D: Map of District Boundaries
7. Exhibit E: Annual Revenue Spreadsheet
8. Exhibit F: Annual Tax Shift Spreadsheet
9. Exhibit G: Copy of 10-Day notice of public hearing, including name and date of publication
10. Exhibit H: Minutes of Public Hearing, attested to with dated signature
11. Exhibit I: Record of District designation and Development Plan adoption by municipal legislative body

**If applicable,**

1. Exhibit J: Project Costs Spreadsheet  
*Refer to MTIF Application, "Checklist For MTIF Application" for required information*
2. Exhibit K: For Downtown TIF application, include a comprehensive Downtown Redevelopment Plan with the completed Downtown Redevelopment Plan Criteria Checklist and verification of municipal legislative body approval
3. Exhibit L: For Transit-Oriented Development District, include a map clearly identifying transit facilities plus areas and corridors respective of §5222 (20), (22) & (23)
4. Exhibit M: If an amendment and not already provided, a copy of any executed credit enhancements agreements.
5. Exhibit N: Copy of any municipality/plantation TIF policy



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\*\*see "Checklist for Municipal Tax Increment Financing (MTIF) Application" for instructions [to automatically update the Table of Contents](#).



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## Section 1- Cover Letter and Application Cover Sheet

1. **Name of municipal tax increment financing (TIF) district and development program:** Boody's Corner B Omnibus TIF District
  2. **This is an original application. If an amendment, what amendment number?** Choose a number.
  3. **Is this a Downtown designated TIF?** No.  
**If yes, provide the following information regarding the *Downtown Redevelopment Plan*:**
    - a. **Name:** Click here to enter text
    - b. **Date approved by municipal legislative body:** Click to enter a date. (Include verification of this approval with Exhibit I)
- The Downtown Redevelopment Plan must contain the components outlined in the DECD "Downtown Redevelopment Plan Criteria Checklist"**
4. **Is this development district considered a/an [check the appropriate box(es)]?**  
☐ Industrial    ☒ Commercial    ☐ Transit-oriented    ☐ Arts  
**If this is a transit-oriented development designation, a map is required identifying transit facilities plus areas and corridors pursuant to MRS 30-A §5222(20), (22) & (23). (Exhibit L)**
  5. **Municipality name:** Town of Windham
  6. **Municipality address:** 8 School Road, Windham, ME 04062
  7. **Municipality county:** Cumberland
  8. **Municipal telephone number:** 207-892-1907
  9. **Municipal official's name:** Barry Tibbetts
  10. **Municipal official's title:** Town Manager
  11. **Municipal official's e-mail address:** batibbetts@windhammaine.us
  12. **If different from #9 above, contact person/consultant:** Alyssa Tibbetts
  13. **Municipal contact/consultant phone number:** 207-775-7271
  14. **Municipality contact/consultant e-mail address:** atibbetts@jensenbaird.com
  15. **Municipality's assessor's name:** Elisa Marr
  16. **Municipality's assessor's e-mail address:** etrepanier@windhammaine.us

The municipal official named below, certifies he/she has the authority to submit this Application to DECD and further certifies all the information contained in this Application, and its attachments, are true and correct to the best of his/her knowledge.

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Signature

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Date

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Print municipal official's name & title



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## Section 2 - Purpose/Basis Original/Amended Application

1. **Provide a brief, "headline" sentence explaining purpose/basis of this application.**

The Town of Windham desires to establish the Boody's Corner B Omnibus Municipal Development Tax Increment Financing District (the "Boody's Corner B District") to enable certain public improvements within and surrounding the District, including, but not limited to, infrastructure and economic development, which will expand the commercial development and employment opportunities within the Town.

2. **If needed, provide additional information related to the purpose/basis of this application. If this is an amendment, provide a brief, concise overview of the purpose of the original application and each amendment submitted to date.** A tax increment financing development district involves creation of a geographically defined district in the Town and the "capture" or reinvestment of some of the new increased or "incremental" tax revenues generated by new development and business expansion in the District to pay certain costs of development and certain costs of new public facilities, improvements and programs. On January 26, 2021, the Town of Windham adopted the Boody's Corner Municipal Development Tax Increment Financing District and Development Program (the "Boody's Corner District"), which was approved by the Department of Economic and Community Development by letter dated April 9, 2021. The goal of the Boody's Corner District is to provide the infrastructure and planning necessary for commercial development of property in and surrounding the District. The Town desires to increase its commercial tax base and further that goal within this area of the community through the designation of the Boody's Corner B District. Improvements to municipal infrastructure within and around the District are needed to facilitate commercial development in the District. The District will create more net tax revenue to be retained by the Town to fund the public facilities, improvements and programs described herein than would result if such development were to occur without the creation of the District. This favorable situation is the result of the State formulas which, when a Development District is created, shelter the Increased Assessed Value of the District from the increased county taxes and loss of State aid to education and municipal revenue sharing that results when new development occurs without the creation of a Development District. The program described herein will serve the purpose of administering the District as a Municipal Development District and Tax Increment Financing District pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended (the "Development Program"). The means and objectives of the Development Program are to provide financing for the public facilities, improvements and programs authorized herein. The Development Program will facilitate commercial development of property in the District, which will expand and diversify the tax base of the Town, resulting in substantial new property tax revenues to be applied to the costs of public facilities, improvements and programs as set forth herein. The Town by adopting this Development Program finds that the Development Program described herein, consisting of the Public Facilities, Improvements and Programs, will provide significant economic benefit to the Town and the State by providing new employment opportunities and new public infrastructure that will facilitate additional commercial development which will significantly improve and broaden the Town's tax base and the general economy of the Town and the State. Upon approval by the Town Council of the Town designating the District and adopting this Development Program, the designation of the District and adoption of the Development Program will become final immediately, subject only to approval by the Maine Department of Economic and Community Development.



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## Section 3 - Company/Developer Information

### A. Business General Information

[include whenever a company/developer is part of a TIF district proposal (regardless of whether a CEA is offered)]:

1. **Business name:** N/A - there is currently no company or developer involved in activities within the District
2. **Business address:** Click here to enter text.
3. **Business phone number:** Click here to enter text.
4. **Business contact person:** Click here to enter text.
5. **Business contact person e-mail address:** Click here to enter text.
6. **Principal place of business:** Click here to enter text.
7. **Company structure (e.g. corporation, sub-chapter S, etc.):** Click here to enter text.
8. **Place of incorporation:** Click here to enter text.
9. **Name of Officer(s):** Click here to enter text.
10. **Name of principal owner(s) name:** Click here to enter text.
11. **Address:** Click here to enter text.
12. **Brief project description:** Click here to enter text.
13. **Total amount of project new investment by company/developer:** \$ Click here to enter text.
14. **Will there be a credit enhancement agreement with this business?** Choose an item.

### B. Disclosure, only in cases where a CEA is offered to the above business:

#### 1. Check the public purpose(s) that will be met by the business using this incentive:

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> job creation                                   | <input type="checkbox"/> job retention        | <input type="checkbox"/> capital investment            |
| <input type="checkbox"/> training investment                            | <input type="checkbox"/> tax base improvement | <input type="checkbox"/> public facilities improvement |
| <input type="checkbox"/> other (list): <u>Click here to enter text.</u> |   |  |

#### 2. Check the specific item(s) for which TIF revenues will be used by the business:

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> real estate purchase                           | <input type="checkbox"/> machinery & equipment purchase | <input type="checkbox"/> training costs |
| <input type="checkbox"/> debt reduction                                 |   |   |
| <input type="checkbox"/> other (list): <u>Click here to enter text.</u> |   |   |



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## Section 4 - Employment Goals/Data

Company Goals for Job Creation and Job Retention. (If a developer, check box ☐, and skip to Section 5)

A. Job Creation Goals			
Occupational Cluster*	# of Full-time Positions	# of Part-time Positions	Annual Wage Level
1. Executive, Professional & Technical			
2. Administrative/Clerical Support			
3. Sales & Service			
4. Agriculture, Forestry & Fishing			
5. Maintenance, Construction, Production & Transportation			
Total			Leave blank

B. Job Retention Goals			
Occupational Cluster*	# of Full-time Positions	# of Part-time Positions	Annual Wage Level
1. Executive, Professional & Technical			
2. Administrative/Clerical Support			
3. Sales & Service			
4. Agriculture, Forestry & Fishing			
5. Maintenance, Construction, Production & Transportation			
Total			Leave blank

\*See [Occupational Cluster Descriptions](#) for more information.

### 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 listed in the “Occupational Cluster Descriptions.” 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.





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## Section 5 - Development Program

### Public Project(s)

1. **Will there be any public facilities, improvements, or programs financed in whole or in part by the development program?**  
Yes. See Exhibit J.

### Private Project(s)

2. **Will there be any commercial facilities, arts districts, improvements or projects to be financed in whole or in part by the development program:** No. If yes, provide a brief, clear description: The development of a commercial apartment complex is expected to occur within the District, including 15-20 units of housing, but this project will not be financed by the development program. There are no private projects contemplated to be financed by the development program at this time, but the Town reserves the right to do so in the future.

### Program Duration

3. **Duration of development district (may not exceed 30 years):**
  - a. **District term: Original application:** 30.  
**If an amendment, adding how many years?** Choose a number **totaling how many years?** Choose a number.
  - b. **Start date of** July 1, 2023 **with fiscal year** ending June 20, 3024.  
**[Must begin with tax year in which development district designation is effective pursuant to MRS 30-A §5226, or the subsequent tax year (MRS Title 30-A §5224 (2)(H))]**
  - c. **End date of** June 30, 2053 **with fiscal year** ending June 30, 2053.





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## Original Assessed Value

4. Provide the taxable assessed value of the development district as of the March 31<sup>st</sup> of the tax year preceding the property tax year in which the district was designated by the legislative body.

		OAV of Real Property		OAV of Personal Property	As of (complete year)	Total acres	
Original district			\$997,200.00	\$0.00	3/31/22		14.06
Amendment: (If applicable, with any property added/removed)	#1	-				-	
		+			3/31/____	+	
	#2	-				-	
		+			3/31/____	+	
	#3	-				-	
		+			3/31/____	+	
	#4	-				-	
		+			3/31/____	+	
	#5	-				-	
		+			3/31/____	+	
	#6	-				-	
		+			3/31/____	+	
	#7	-				-	
		+			3/31/____	+	
	#8	-				-	
		+			3/31/____	+	
	#9	-				-	
		+			3/31/____	+	
	#10	-				-	
		+			3/31/____	+	
Total	N/A				N/A		

\*\*\*Municipal Assessor must certify above original assessed value(s) (Exhibit B).



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## Section 6 - Financial Plan

### Increased Assessed Value Information

1. **Total estimated cost for the development program:** \$ 2,693,985 (Should match "total" from Exhibit J)
2. **Municipality will capture 100% of real property only increased assessed value for each year of the district term, to apply to the development program.** Click here to enter text, if needed.
3. **If #2 above's captured assessed value is less than 100%, besides the district's original assessed value, what percentage of increased assessed value will be deposited into the General Fund, or if an unorganized territory, to Education and Services fund?** Click here to enter % to be deposited in General Fund/Education & Services fund.

### Public Indebtedness

4. **Will there be public indebtedness?** Yes, to be determined.
  - a. **If yes, what is the projected amount of public indebtedness to be incurred?** The Town will not incur any indebtedness at this time in connection with the Public Facilities, Improvements and Programs authorized herein; however, the Town may elect to do so at a future date at the discretion of its Town Council.
  - b. **If an amendment, have any bonds been issued to date pertaining to the approved projects of this district?** Choose an item. If yes, provide the status, such as years left on bond and amount of outstanding debt. Click here to enter text.

### Anticipated Revenues

5. **Describe sources of anticipated revenues for public projects (clearly and briefly stated):** The source of the revenue to be used to pay the costs of the public projects as set forth in this Development Program is the Tax Increment on the Increased Assessed Value of the District. Tax Increment means all Property Taxes assessed by the Town, in excess of any state, county or special district tax, upon the Increased Assessed Value of all real property in the District. Increased Assessed Value means the valuation amount by which the Current Assessed Value of the District exceeds the taxable Original Assessed Value of the real property in the District. Current Assessed Value means the taxable assessed value of the real property in the District certified by the municipal assessor as of April 1st of each year that the District remains in effect. Property Taxes means any and all ad valorem property taxes levied, charged or assessed against real property by the Town. Original Assessed Value means the taxable assessed value of the real property in the District as of March 31, 2022 (April 1, 2021). All Property Tax on the Original Assessed Value shall continue to be deposited in the general fund of the Town.
6. **Describe sources of anticipated revenues for private projects (clearly and briefly stated):** Not applicable at this time. Any future private projects are expected to be financed by the developers or owners of the property within the District, unless otherwise authorized in this Development Program to be financed by Tax Increment Revenue.

### Credit Enhancement Agreement (CEA)

7. **Describe terms and conditions of any agreements, contracts or other obligations related to the development program (e.g. CEAs). Ensure to clearly state the reimbursement percentage, along with, if applicable, any local triggers/caps.**
  - a. **Will CEAs be offered as part of this development program?** Yes.
  - b. **List name(s) of company/developer to be offered a CEA:** To be determined.
    - i. **Provide the CEA reimbursement percentage, term, conditions for each listed company/developer:** Up to 100% as determined by vote of the Town Council of the Town.



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- c. **Is this an omnibus application?** Yes.  
**If an omnibus, provide clear reimbursement percentage(s) and term(s)/condition(s):** Up to 100% subject to the authorization of the Town Council.
- d. **Does the municipality have a TIF policy?** Yes. Include a copy in Exhibit N.

If this is an amendment, and if applicable, include a copy of all executed CEAs as Exhibit M.



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**Development Program Fund and Tax Increment Revenues**

**Read below. Authorized municipal official must initial in provided spaces, acknowledging understanding of the below information:**

If a municipality/plantation has designated captured assessed value, the municipality/plantation shall:

A. Establish a development program fund that consists of the following:

1. A project cost account that is pledged to and charged with the payment of project costs that are outlined in the financial plan and are paid in a manner other than as described in subparagraph (2); and
2. In instances of municipal/plantation indebtedness, a development sinking fund account that is pledged to and charged with the payment of the interest and principal as the interest and principal fall due and the necessary charges of paying interest and principal on any notes, bonds or other evidences of indebtedness that were issued to fund or refund the cost of the development program fund;

B. Annually set aside all tax increment revenues on captured assessed values and deposit all such revenues to the appropriate development program fund account established under paragraph A in the following order of priority:

1. To the development sinking fund account, an amount sufficient, together with estimated future revenues to be deposited to the account and earnings on the amount, to satisfy all annual debt service on bonds and notes issued under section 5231 and the financial plan; and
2. To the project cost account, an amount sufficient, together with estimated future revenues to be deposited to the account and earnings on the amount, to satisfy all annual project costs to be paid from the account;

C. Make transfers between development program fund accounts established under paragraph A as required, provided that the transfers do not result in a balance in the development sinking fund account that is insufficient to cover the annual obligations of that account; and

D. Annually return to the municipal or plantation general fund any tax increment revenues remaining in the development sinking fund account established under paragraph A in excess of those estimated to be required to satisfy the obligations of the development sinking fund account after taking into account any transfers made under paragraph C. The municipality/plantation, at any time during the term of the district, by vote of the municipal or plantation officers, may return to the municipal/plantation general fund any tax increment revenues remaining in the project cost account established under paragraph A in excess of those estimated to be required to satisfy the obligations of the development project cost account after taking into account any transfer made under paragraph C. In either case, the corresponding amount of local valuation may not be included as part of the captured assessed value as specified by the municipality or plantation.

X \_\_\_\_\_  
Initial & date

At the end of the district TIF term, all taxable real and/or personal property value captured in the district will be added to the general tax rolls.

X \_\_\_\_\_  
Initial & date



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### Relocation of Person(s)/Business(es)

8. No businesses or persons will be displaced or relocated as a result of the development activities proposed in the District.

### Transportation Improvements

9. Except for the Public Facilities, Improvements and Programs contemplated by this Development Program, which include improvements to certain roads, intersections, sidewalks and other transportation infrastructure, the existing transportation facilities of the Town will be adequate to accommodate the improvements contemplated herein.

### Environmental Controls

10. All environmental controls required by law shall apply to development in the District, including any applicable requirements of the Town of Windham Zoning Ordinance and all applicable State and federal environmental laws and regulations.

### District Operation

11. **After the planned capital improvements are completed, provide a brief statement of the proposed operation of the development district pertaining to:**
  - a. **Public capital improvements:** The day-to-day operations of the District will require no substantial efforts by the Town, other than staffing and programming primarily conducted by the Town Manager's office and the economic development office, in conjunction with the support of the staff of the Windham Economic Development Corporation funded by this Development Program.
  - b. **Private capital improvements:** There are no private capital improvements contemplated as of this application. Any such private improvements are expected to be funded by the developers responsible for such improvements. The Town will not be responsible for the operation of private capital improvements within the District.



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## Section 7 - Notice and Hearing

1. **Date of public notice (must be minimally 10 days before the public hearing):** Click to enter a date.

For Exhibit G, provide a legible copy of the newspaper page showing the public hearing , newspaper name and date of publication.

2. **Date of public hearing:** January 24, 2023

For Exhibit H, provide a copy of the public hearing minutes, attested to with dated signature.

3. **Date municipal or plantation legislative body approved original district designation:** January 24, 2023

**Date municipal or plantation legislative body adopted original development program:** January 24, 2023

**If an amendment, is it to the:**

- ☐ **district. Provide date municipal or plantation legislative body approved:** Click to enter a date.
- ☐ **development program. Provide date municipal or plantation legislative body approved:** Click to enter a date.
- ☐ **district and development program. Provide date municipal or plantation legislative body approved:** Click to enter a date.

For Exhibit I, provide verification of district designation and adoption of development program by municipal legislative body including vote tally.

4. **Is a municipal official authorized to make technical revisions to this District application/development program to facilitate the process for review and approval by DECD, as long as such revisions are not inconsistent with the basic structure and intent of the development program?** Yes. See Exhibit I



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## Exhibit A - Statutory Requirements & Thresholds

\*\*round to second decimal place

SECTION A.   Acreage Caps		
1. Total <b>municipal</b> acreage	35,572	
2. Acreage of <b>proposed</b> Municipal TIF District (if amendment, proposed updated total acreage)	14.06	
3. <b>Downtown-designation</b> <sup>1</sup> acres in proposed Municipal TIF district	0	
4. <b>Transit-Oriented Development</b> <sup>2</sup> acres in proposed Municipal TIF district	0	
5. <b>Total acreage</b> [=A2-A3-A4] of proposed Municipal TIF district counted toward 2% limit	14.06	
6. <b>Percentage</b> [=A5÷A1] of total acreage in proposed Municipal TIF district (CANNOT EXCEED 2%)	0.039%	
7. <b>Total acreage</b> of all <u>existing/proposed</u> Municipal TIF districts in municipality <b>including</b> Municipal Affordable Housing Development districts: <sup>3</sup> Pipeline (6 acres); New Marblehead Manor Affordable Housing (3.7 acres); Gateway North A (99.7 acres); Gateway North B (42.81 acres); Roosevelt Promenade (37.39 acres); and SWFS Depot Street Apartments (2.43 acres); Boody's Corner (16.31 acres); Enterprise Development A (67.13 acres); and South Windham Industrial Zone TIF (62.99 acres - PENDING)	Existing	275.54
	Proposed	77.05
	Total	352.59
30-A § 5223(3) EXEMPTIONS <sup>4</sup>		
8. Acreage of an <u>existing/proposed</u> <b>Downtown</b> Municipal TIF district	0	
9. Acreage of all <u>existing/proposed</u> <b>Transit-Oriented Development</b> Municipal TIF districts:	0	
10. Acreage of all <u>existing/proposed</u> <b>Community Wind Power</b> Municipal TIF districts:	0	
11. Acreage in all <u>existing/proposed</u> Municipal TIF districts <b>common to</b> <sup>5</sup> Pine Tree Development Zones per 30-A § 5250-I (14)(A) <b>excluding</b> any such acreage also factored in Exemptions 8-10 above:	0	
12. <b>Total acreage</b> [=A7-A8-A9-A10-A11] of all <u>existing/proposed</u> Municipal TIF districts counted toward 5% limit	352.59	
13. <b>Percentage of total acreage</b> [=A12÷A1] of all <u>existing/proposed</u> Municipal TIF districts (CANNOT EXCEED 5%)	0.99%	
14. <b>Real property</b> in proposed Municipal TIF District that is:	ACRES	% [=Acres÷A2]
a. A blighted area		
b. In need of rehabilitation, redevelopment or conservation		
c. Suitable for commercial or arts district uses	14.06	100%
<b>TOTAL (except for § 5223 (3) exemptions a., b. <u>OR</u> c. must be at least 25%)</b>		100%

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

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

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

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

<sup>5</sup> PTZ districts approved through December 31, 2008.





**Department of Economic and Community Development**  
**Municipal Tax Increment Financing**  
**Application**



**SECTION B. | Valuation Cap**

1. <b>Total TAXABLE</b> municipal valuation—April 1, 2022	\$3,292,632,700	
2. <b>Taxable Original Assessed Value (OAV)</b> of proposed Municipal TIF District as of March 31, 2022 (April 1, 2021)	\$997,200	
3. <b>Taxable OAV of all existing/proposed</b> Municipal TIF districts in municipality <b>excluding</b> Municipal Affordable Housing Development districts: Pipeline (\$18,000); New Marblehead Manor Affordable Housing (\$0); Gateway North A (\$1,864,200); Gateway North B (\$9,485,292); Roosevelt Promenade (\$10,900); and SWFS Depot Street Apartments (\$64,300); Boody's Corner (\$1,104,700); Enterprise Development A (\$607,258); and South Windham Industrial Zone (\$903,500 - PENDING)	Existing	\$13,154,650
	Proposed	\$1,900,700
	Total	\$15,055,350
<b>30-A § 5223(3) EXEMPTIONS</b>		
4. <b>Taxable OAV</b> of an <u>existing/proposed</u> <b>Downtown</b> Municipal TIF district	0	
5. <b>Taxable OAV</b> of all <u>existing/proposed</u> <b>Transit-Oriented Development</b> Municipal TIF districts	0	
6. <b>Taxable OAV</b> of all <u>existing/proposed</u> <b>Community Wind Power</b> Municipal TIF districts	0	
7. <b>Taxable OAV</b> of all <u>existing/proposed</u> <b>Single Taxpayer/High Valuation</b> <sup>6</sup> Municipal TIF districts	0	
8. <b>Taxable OAV</b> in all <u>existing/proposed</u> Municipal TIF districts <b>common to</b> Pine Tree Development Zones per 30-A § 5250-I (14)(A) <b>excluding</b> any such OAV also factored in Exemptions 4-7 above:	0	
9. <b>Total taxable OAV</b> [=B3-B4-B5-B6-B7-B8] of all <u>existing/proposed</u> Municipal TIF districts counted toward 5% limit	\$15,055,350	
10. <b>Percentage of total taxable OAV</b> [=B9÷B1] of all <u>existing/proposed</u> Municipal TIF districts (CANNOT EXCEED 5%)	0.46%	

COMPLETED BY			
PRINT NAME	Alyssa C. Tibbetts		
SIGNATURE		DATE	
If this form has <b>not been completed by the municipal or plantation assessor</b> , 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 IAV for this District.			
PRINT NAME	Elisa Marr		
SIGNATURE		DATE	

<sup>6</sup> For this exemption see 30-A §5223(3)(C) sub-§§ 1-4.



**Department of Economic and Community Development  
Municipal Tax Increment Financing  
Application**



**Exhibit B - Assessor's Certificate**

**EXHIBIT B**  
**CERTIFICATE OF ASSESSOR**

The undersigned assessor of the Town of Windham, Maine, does hereby certify pursuant to the provisions of Title 30-A M.R.S.A. Section 5227 that the Original Assessed Value of the taxable real property within the boundaries of the Boody's Corner B Omnibus Municipal Tax Increment Financing District, as described in the Development Program for the District and as identified in more detail below, was \$997,200 as of March 31, 2022 (April 1, 2021).

<b>Map/Lot</b>	<b>Real Property</b>	<b>Acreage</b>
67-80	\$185,200	1.79
67-33	\$734,100	9.49
67-32	\$77,900	0.30
67-24	\$0.00	2.48
<b>TOTAL</b>	<b>\$997,200</b>	<b>14.06</b>

This Certificate has been executed as of this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Elisa A. Marr, CMA-II, Municipal Assessor



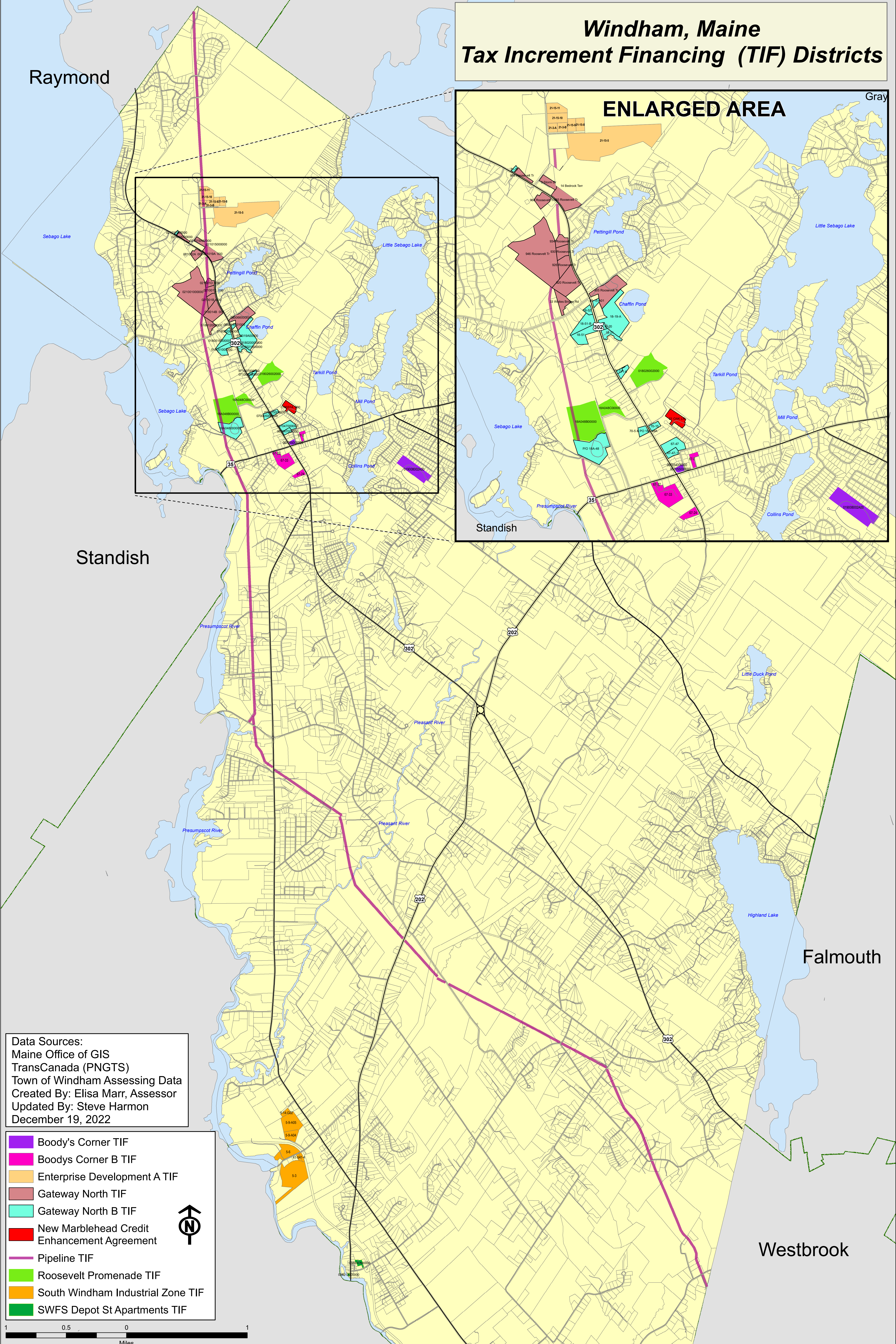
**Department of Economic and Community Development  
Municipal Tax Increment Financing  
Application**



**Exhibit C - Map of District Location within Municipality**

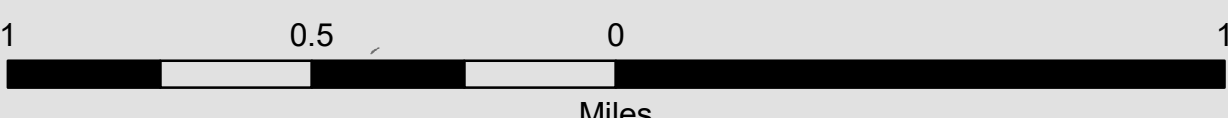


# Windham, Maine Tax Increment Financing (TIF) Districts



Data Sources:  
Maine Office of GIS  
TransCanada (PNGTS)  
Town of Windham Assessing Data  
Created By: Elisa Marr, Assessor  
Updated By: Steve Harmon  
December 19, 2022

- Boody's Corner TIF
- Boody's Corner B TIF
- Enterprise Development A TIF
- Gateway North TIF
- Gateway North B TIF
- New Marblehead Credit Enhancement Agreement
- Pipeline TIF
- Roosevelt Promenade TIF
- South Windham Industrial Zone TIF
- SWFS Depot St Apartments TIF







**Department of Economic and Community Development  
Municipal Tax Increment Financing  
Application**



**Exhibit D - Map of District Boundaries**

**EXHIBIT D**  
**Map of District Boundaries**  
**Boody's Corner B**  
**Tax Increment Financing District**







**Department of Economic and Community Development  
Municipal Tax Increment Financing  
Application**



**Exhibit E - Annual Revenue Spreadsheet**

### Captured Assessed Value & TIF Revenue Projection Table

#### Town of Windham Boody's Corner B TIF District

Designated by Town \_\_\_\_\_ and Approved by DECD \_\_\_\_\_

Effective July 1, 2023 - June 30, 2053

TIF Year	Tax Year April 1,	Fiscal Year (July 1- June 30)	Original Assessed Value (OAV) <sup>1</sup>	Increased Assessed Value (IAV) <sup>2</sup>	Captured Assessed Value (CAV) 100% <sup>3</sup>	Mil Rate <sup>4</sup>	Tax Revenue on OAV	Tax Revenue on IAV (100% CAV)	Total Tax Shifts on CAV	Net Tax Revenue from IAV to General Fund (Without TIF)
1	2023	2023-2024	\$ 997,200.00	\$ 5,328,000	\$ 5,328,000	11.61	\$ 11,577.49	\$ 61,858.08	\$46,619.71	\$ 15,238.37
2	2024	2024-2025	\$ 997,200.00	\$ 6,328,000	\$ 6,328,000	11.61	\$ 11,577.49	\$ 73,468.08	\$55,094.84	\$ 18,373.24
3	2025	2025-2026	\$ 997,200.00	\$ 6,328,000	\$ 6,328,000	11.61	\$ 11,577.49	\$ 73,468.08	\$55,234.90	\$ 18,233.18
4	2026	2026-2027	\$ 997,200.00	\$ 7,928,000	\$ 7,928,000	11.61	\$ 11,577.49	\$ 92,044.08	\$69,493.86	\$ 22,550.22
5	2027	2027-2028	\$ 997,200.00	\$ 7,928,000	\$ 7,928,000	11.61	\$ 11,577.49	\$ 92,044.08	\$69,688.28	\$ 22,355.80
6	2028	2028-2029	\$ 997,200.00	\$ 7,928,000	\$ 7,928,000	11.61	\$ 11,577.49	\$ 92,044.08	\$69,890.47	\$ 22,153.61
7	2029	2029-2030	\$ 997,200.00	\$ 7,928,000	\$ 7,928,000	11.61	\$ 11,577.49	\$ 92,044.08	\$70,100.75	\$ 21,943.33
8	2030	2030-2031	\$ 997,200.00	\$ 7,928,000	\$ 7,928,000	11.61	\$ 11,577.49	\$ 92,044.08	\$70,319.44	\$ 21,724.64
9	2031	2031-2032	\$ 997,200.00	\$ 7,928,000	\$ 7,928,000	11.61	\$ 11,577.49	\$ 92,044.08	\$70,546.88	\$ 21,497.20
10	2032	2032-2033	\$ 997,200.00	\$ 7,928,000	\$ 7,928,000	11.61	\$ 11,577.49	\$ 92,044.08	\$70,783.42	\$ 21,260.66
11	2033	2033-2034	\$ 997,200.00	\$ 7,928,000	\$ 7,928,000	11.61	\$ 11,577.49	\$ 92,044.08	\$71,029.42	\$ 21,014.66
12	2034	2034-2035	\$ 997,200.00	\$ 7,928,000	\$ 7,928,000	11.61	\$ 11,577.49	\$ 92,044.08	\$71,285.26	\$ 20,758.82
13	2035	2035-2036	\$ 997,200.00	\$ 7,928,000	\$ 7,928,000	11.61	\$ 11,577.49	\$ 92,044.08	\$71,551.33	\$ 20,492.75
14	2036	2036-2037	\$ 997,200.00	\$ 7,928,000	\$ 7,928,000	11.61	\$ 11,577.49	\$ 92,044.08	\$71,828.05	\$ 20,216.03
15	2037	2037-2038	\$ 997,200.00	\$ 7,928,000	\$ 7,928,000	11.61	\$ 11,577.49	\$ 92,044.08	\$72,115.84	\$ 19,928.24
16	2038	2038-2039	\$ 997,200.00	\$ 7,928,000	\$ 7,928,000	11.61	\$ 11,577.49	\$ 92,044.08	\$72,415.13	\$ 19,628.95
17	2039	2039-2040	\$ 997,200.00	\$ 7,928,000	\$ 7,928,000	11.61	\$ 11,577.49	\$ 92,044.08	\$72,726.40	\$ 19,317.68
18	2040	2040-2041	\$ 997,200.00	\$ 7,928,000	\$ 7,928,000	11.61	\$ 11,577.49	\$ 92,044.08	\$73,050.12	\$ 18,993.96
19	2041	2041-2042	\$ 997,200.00	\$ 7,928,000	\$ 7,928,000	11.61	\$ 11,577.49	\$ 92,044.08	\$73,386.79	\$ 18,657.29
20	2042	2042-2043	\$ 997,200.00	\$ 7,928,000	\$ 7,928,000	11.61	\$ 11,577.49	\$ 92,044.08	\$73,736.92	\$ 18,307.16
21	2043	2043-2044	\$ 997,200.00	\$ 7,928,000	\$ 7,928,000	11.61	\$ 11,577.49	\$ 92,044.08	\$74,101.06	\$ 17,943.02
22	2044	2044-2045	\$ 997,200.00	\$ 7,928,000	\$ 7,928,000	11.61	\$ 11,577.49	\$ 92,044.08	\$74,479.76	\$ 17,564.32
23	2045	2045-2046	\$ 997,200.00	\$ 7,928,000	\$ 7,928,000	11.61	\$ 11,577.49	\$ 92,044.08	\$74,873.62	\$ 17,170.46
24	2046	2046-2047	\$ 997,200.00	\$ 7,928,000	\$ 7,928,000	11.61	\$ 11,577.49	\$ 92,044.08	\$75,283.23	\$ 16,760.85
25	2047	2047-2048	\$ 997,200.00	\$ 7,928,000	\$ 7,928,000	11.61	\$ 11,577.49	\$ 92,044.08	\$75,709.22	\$ 16,334.86
26	2048	2048-2049	\$ 997,200.00	\$ 7,928,000	\$ 7,928,000	11.61	\$ 11,577.49	\$ 92,044.08	\$76,152.25	\$ 15,891.83
27	2049	2049-2050	\$ 997,200.00	\$ 7,928,000	\$ 7,928,000	11.61	\$ 11,577.49	\$ 92,044.08	\$76,613.00	\$ 15,431.08
28	2050	2050-2051	\$ 997,200.00	\$ 7,928,000	\$ 7,928,000	11.61	\$ 11,577.49	\$ 92,044.08	\$77,092.18	\$ 14,951.90
29	2051	2051-2052	\$ 997,200.00	\$ 7,928,000	\$ 7,928,000	11.61	\$ 11,577.49	\$ 92,044.08	\$77,590.53	\$ 14,453.55
30	2052	2052-2053	\$ 997,200.00	\$ 7,928,000	\$ 7,928,000	11.61	\$ 11,577.49	\$ 92,044.08	\$78,108.82	\$ 13,935.26
<b>30 Year TIF Total</b>							<b>\$ 347,324.76</b>	<b>\$ 2,693,984.40</b>	<b>\$2,130,901.48</b>	<b>\$ 563,082.92</b>
<b>Annual Average</b>							<b>\$ 11,577.49</b>	<b>\$ 89,799.48</b>	<b>\$ 71,030.05</b>	<b>\$ 18,769.43</b>

**Assumptions:**

<sup>1</sup> The OAV of the District is as of March 31, 2022 (April 1, 2021). The District consists of four parcels as identified on the Certificate of Assessor (Exhibit B) and Map of the District (Exhibit C and D)

<sup>2</sup> The increased assessed values are estimates only and based on preliminary anticipated concept plans for the development of the parcels within the District as of the date of designation of the District. The actual Increased Assessed Value figures in each year may vary and, as a result, the projections are subject to change.

<sup>3</sup> The Town intends to capture 100% of real property within the District.

<sup>4</sup> The mil rate is based on FY 2022-23 actual rate of 11.61 and held constant for the remainder of the District term.

<sup>5</sup> This table contains projections that are subject to a number of risks and uncertainties that could cause the actual values to differ materially from any projections relied upon herein and the actual values are likely to vary especially in later years.



**Department of Economic and Community Development  
Municipal Tax Increment Financing  
Application**



**Exhibit F - Annual Tax Shift Spreadsheet**

<b>Tax Shift Estimates</b> <b>Town of Windham Boody's Corner B TIF District</b> <b>Designated by Town _____ and Approved by DECD _____</b> <b>Effective July 1, 2023 - June 30, 2053</b>					
<b>TIF Year</b>	<b>Fiscal Year</b>	<b>Education Shift (Avoided Loss)</b>	<b>Revenue Sharing Shift (Avoided Loss)</b>	<b>County Tax Shift (Avoided Increase)</b>	<b>Total Tax Shifts</b>
1	2023-2024	\$37,828.80	\$5,613.51	\$3,177.40	\$46,619.71
2	2024-2025	\$44,928.80	\$6,664.58	\$3,501.46	\$55,094.84
3	2025-2026	\$44,928.80	\$6,664.58	\$3,641.52	\$55,234.90
4	2026-2027	\$56,288.80	\$8,344.63	\$4,860.43	\$69,493.86
5	2027-2028	\$56,288.80	\$8,344.63	\$5,054.84	\$69,688.28
6	2028-2029	\$56,288.80	\$8,344.63	\$5,257.04	\$69,890.47
7	2029-2030	\$56,288.80	\$8,344.63	\$5,467.32	\$70,100.75
8	2030-2031	\$56,288.80	\$8,344.63	\$5,686.01	\$70,319.44
9	2031-2032	\$56,288.80	\$8,344.63	\$5,913.45	\$70,546.88
10	2032-2033	\$56,288.80	\$8,344.63	\$6,149.99	\$70,783.42
11	2033-2034	\$56,288.80	\$8,344.63	\$6,395.99	\$71,029.42
12	2034-2035	\$56,288.80	\$8,344.63	\$6,651.83	\$71,285.26
13	2035-2036	\$56,288.80	\$8,344.63	\$6,917.90	\$71,551.33
14	2036-2037	\$56,288.80	\$8,344.63	\$7,194.62	\$71,828.05
15	2037-2038	\$56,288.80	\$8,344.63	\$7,482.40	\$72,115.84
16	2038-2039	\$56,288.80	\$8,344.63	\$7,781.70	\$72,415.13
17	2039-2040	\$56,288.80	\$8,344.63	\$8,092.97	\$72,726.40
18	2040-2041	\$56,288.80	\$8,344.63	\$8,416.69	\$73,050.12
19	2041-2042	\$56,288.80	\$8,344.63	\$8,753.35	\$73,386.79
20	2042-2043	\$56,288.80	\$8,344.63	\$9,103.49	\$73,736.92
21	2043-2044	\$56,288.80	\$8,344.63	\$9,467.63	\$74,101.06
22	2044-2045	\$56,288.80	\$8,344.63	\$9,846.33	\$74,479.76
23	2045-2046	\$56,288.80	\$8,344.63	\$10,240.19	\$74,873.62
24	2046-2047	\$56,288.80	\$8,344.63	\$10,649.79	\$75,283.23
25	2047-2048	\$56,288.80	\$8,344.63	\$11,075.78	\$75,709.22
26	2048-2049	\$56,288.80	\$8,344.63	\$11,518.82	\$76,152.25
27	2049-2050	\$56,288.80	\$8,344.63	\$11,979.57	\$76,613.00
28	2050-2051	\$56,288.80	\$8,344.63	\$12,458.75	\$77,092.18
29	2051-2052	\$56,288.80	\$8,344.63	\$12,957.10	\$77,590.53
30	2052-2053	\$56,288.80	\$8,344.63	\$13,475.39	\$78,108.82
<b>30 Year TIF Total</b>		<b>\$1,647,484</b>	<b>\$244,248</b>	<b>\$239,170</b>	<b>\$2,130,901</b>
<b>Average Annual</b>		<b>\$54,916</b>	<b>\$8,142</b>	<b>\$7,972</b>	<b>\$71,030</b>

**Assumptions:**

- 1 The OAV of the District is as of March 31, 2022 (April 1, 2021). The District consists of four parcels as identified on the Certificate of Assessor (Exhibit B) and Map of the District (Exhibit C and D)
- 2 The increased assessed values are estimates only and based on preliminary anticipated concept plans for the development of the parcels within the District as of the date of designation of the District. The actual Increased Assessed Value figures in each year may vary and, as a result, the projections are subject to change.
- 4 The mil rate is based on FY 2022-23 actual rate of 11.61 and held constant for the remainder of the District term.
- <sup>5</sup> The tax shifts are calculated based on a Captured Assessed Value of 100% of the total projected Increased Assessed Value using the most recent data available from Maine Revenue Services (published 03/17/22); the ED 279 for the Windham-Raymond RSU 14 School District (published 10/22/221) and the actual Cumberland County tax assessments for the most recent five years.



**Department of Economic and Community Development  
Municipal Tax Increment Financing  
Application**



**Exhibit G - 10-Day Notice of Public Hearing**

## **EXHIBIT G**

### **PUBLIC HEARING NOTICE**

The Windham Town Council hereby provides notice that it will hold a public hearing at 6:30 p.m. on Tuesday, January 24, 2023 in the Council Chambers at Windham Town Hall, 8 School Road, Windham, Maine, for purposes of receiving public comments on the designation of the proposed new Boody's Corner B Omnibus Municipal Tax Increment Financing District, and the adoption of a Development Program for said new District pursuant to the provisions of Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended.

The proposed new District will consist of 14.06 acres, which includes four parcels located along Tandberg Trail (Route 115) and Roosevelt Trail (Route 302), referred to on the Town of Windham Tax Maps as Lots 32, 33, 24 and 8 of Tax Map 67. The proposed new District and Development Program will enable the Town to capture incremental tax revenues generated by investments made on these properties within the District related to certain commercial development activities, including the construction of a new commercial apartment complex consisting of 15-20 units.

The Town proposes to allocate certain revenues generated from these development activities within the District to municipal projects such as road, traffic and streetscape improvements, municipal infrastructure such as wastewater and utilities, and economic development administration and creation of a co-working and maker space, as well as other costs of public improvements and projects as identified in the Development Program for the District and as may be approved and permitted pursuant to Section 5225 of Title 30-A of the Maine Revised Statutes, as amended.

A copy of the proposed Development Program for the new District is on file with the Town Clerk at Town Hall, 8 School Road, Windham, Maine, and may be reviewed during normal business hours. All interested residents are invited to attend the hearing and to be heard at that time.



**Department of Economic and Community Development  
Municipal Tax Increment Financing  
Application**



**Exhibit H - Minutes of Public Hearing**





**Department of Economic and Community Development  
Municipal Tax Increment Financing  
Application**



**Exhibit I - Record of District Designation and Development Plan Adoption**

**EXHIBIT I**  
**ORDER OF WINDHAM TOWN COUNCIL**  
**DESIGNATING THE BOODY’S CORNER B OMNIBUS MUNICIPAL TAX**  
**INCREMENT FINANCING DISTRICT AND ADOPTING THE DISTRICT**  
**DEVELOPMENT PROGRAM**

WHEREAS, the Town is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to adopt a Tax Increment Financing District and Development Program; and

WHEREAS, the Town has identified certain property within its Commercial 1 Zoning District that is centrally located, underutilized and in need of redevelopment, one of which is proposed to be redeveloped into a new commercial apartment complex consisting of 15-20 units; and

WHEREAS, adopting and implementing the proposed District and Development Program will provide opportunities for significant new commercial development within the Town and new employment opportunities for residents of the Town and surrounding communities, and will improve and broaden the tax base of the Town and improve the general economy of the Town, the region and the State of Maine; and

WHEREAS, the Town has held a public hearing on the proposed Boody’s Corner B Omnibus Municipal Development and Tax Increment Financing District (the “District”) in accordance with the requirements of 30-A MRSA §5226(1) upon at least ten (10) days prior notice published in a newspaper of general circulation within the Town; and,

WHEREAS, the Town desires to designate the proposed District and adopt the proposed Development Program as presented to the Town Council this day and as has been on file in the Town Clerk’s Office at Town Hall; and

WHEREAS, it is anticipated that the Commissioner of the Maine Department of Economic and Community Development (“DECD”) will approve the designation of the District and adoption of the Development Program;

NOW THEREFORE, the Town Council hereby Orders as follows:

Section 1. The Town Council hereby finds and determines that:

- (a) Adoption and implementation of the District and the Development Program will generate substantial economic benefits for the Town and its residents, including employment opportunities, broadened and improved tax base and economic stimulus, and therefore constitute a good and valid public purpose and will contribute to the economic growth or

well-being of the inhabitants of the Town or to the betterment of the health, welfare or safety of the inhabitants of the Town; and

- (b) The Town Council has considered all evidence presented to it with regard to any adverse economic effect on or detriment to any existing business and has found and determined that adoption and implementation of the District and the Development Program will not result in a substantial detriment to any existing business in the Town, and any adverse economic effect of the District and the Development Program on any existing business in the Town is outweighed by the contributions expected to be made by the projects and improvements described in the District and the Development Program to the economic growth or well-being of the Town or to the betterment of the health, welfare or safety of the inhabitants of the Town.

Section 2. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the Town Council hereby designates the Boody's Corner B Omnibus Municipal Development and Tax Increment Financing District as presented to the Town Council.

Section 3. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the Town Council hereby adopts the Development Program for the Boody's Corner B Omnibus Municipal Development and Tax Increment Financing District in the form presented to the Town Council.

Section 4. The foregoing designation of the District and adoption of the Development Program shall automatically become final and shall take full force and effect upon approval of the District and Development Program by the Commissioner of the State of Maine Department of Economic and Community Development (DECD), without requirement of any further action by the Town, the Town Council, or any other party.

Section 5. Pursuant to the provisions of 30-A M.R.S.A. §5227, the percentage of the Increased Assessed Value to be retained as Captured Assessed Value in the District and the term of said District is confirmed as set forth in the Development Program.

Section 6. The Town Manager be and hereby is authorized and directed, on behalf of the Town of Windham, Maine, to submit to the Commissioner of DECD for review and approval, pursuant to the requirements of 30-A M.R.S.A. §5226(2), the application and such other documentation as may be necessary or appropriate for the final approval of this District and the Development Program. The Town Manager is further authorized and empowered, at his or her discretion from time to time, to make such technical revisions to the District or the Development Program for the District, or to the scope, cost or description of the public improvements to be financed with the portion of tax increment revenues generated by the District and retained by the Town as described in the Development Program, as the Town Manager deems reasonably necessary or convenient in order to facilitate the process for review and approval of the District and Development

Program by DECD, 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.

Section 7. The Town Manager be and hereby is authorized, empowered and directed to enter into the agreements contemplated by the Development Program, in the name of and on behalf of the Town, such agreements to be in such form and to contain such terms and provisions, not inconsistent with the Development Program, as the Town Council may approve, the Town Council's approval to be conclusively evidenced by the Town Manager's execution thereof.

This Order shall take effect immediately upon adoption.



**Department of Economic and Community Development**  
**Municipal Tax Increment Financing**  
**Application**



## Exhibit J - Public Project Costs

Project	Estimated Cost Over 30 Years	Statutory Citation
(a) Capital costs within the District related to the acquisition or construction of land, or the demolition, alteration, remodeling, repair or reconstruction of buildings, structures, and fixtures for public, recreational trail, commercial or transit use, including, but not limited to, site preparation, finishing work, real property assembly costs and other capital costs related to such improvements, such as licensing, permitting, planning, engineering and architectural and legal expenses.	\$50,000	30-A M.R.S. § 5225(1)(A)(1)(a)-(d), §5225 (1)(A)(3)
(b) Capital costs within the District related to the construction of improvements, equipment or public ways, including, but not limited to, pavement, widening, repair and reconstruction of roads, sidewalks, walkways and intersections, bicycle lanes, pedestrian safety measures, signage, trails and bridges, landscaping, streetlighting, traffic signals. Such improvements include, but shall not be limited to, improvements to Route 302 and Route 115 and other connector roads to the District.	\$50,000	30-A M.R.S. § 5225(1)(A)(1)(a)
(c) Costs of improvements made outside the District for the construction, alteration or expansion of facilities, such as improvements, reconstruction, repair or widening of public ways and amenities on streets, sidewalks and intersections, bicycle lanes and pedestrian safety measures outside the District that are directly related to or made necessary by the establishment or operation of the District.	\$50,000	30-A M.R.S. § 5225(1)(B)(1)
(d) Costs associated with professional services rendered for projects within the District, including,	\$50,000	30-A M.R.S.



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but not limited to, engineering, planning, licensing, permitting, surveying, design, legal and accounting, and administrative expenses of staff time related to establishing and implementing the District and Development Program.		§§ 5225(1)(A)(4), (5), (7)
(e) Costs of the construction, alteration or expansion of facilities and infrastructure, including, but not limited to, water, sewer, storm water, electrical, telephone, cable, broadband, and natural gas, that are located within the District or outside the District to the extent they are required due to improvements or activities within the District.	\$1,000,000	30-A M.R.S. §§ (1)(A)(1), (1)(B)(1)
(f) Costs of public safety improvements to include the acquisition of additional public safety equipment or personnel, or improvements to police and fire stations within or outside the District as made necessary by the establishment and operation of the District, and costs related to public safety facilities made necessary by economic development activities within the Town (not to exceed 15% of the CAV of the District).	\$200,000	30-A M.R.S. §§ 5225(1) (B)(1), (2), (1)(C)(9)
(g) Financing costs, including, but not limited to, closing costs, issuance costs and interest paid to holders of evidences of bonds and indebtedness issued to pay for costs of improvements made within the District.	\$100,000	30-A M.R.S. § 5225(1)(A)(2)
(h) Costs related to economic development programs and activities of the Town directed at business retention and attraction, including, but not limited to, economic development staff salaries and/or consultant fees, and costs of funding economic development programs, events or marketing of the Town as a business or arts location. Such costs may include, but shall not be limited to, the creation and operation of a facility to include maker space, co-working space and a shared commercial kitchen designed to operate as a business incubator space, which will promote	\$1,000,000	30-A M.R.S. § 5225(1)(C)(1)



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economic development opportunities within the Town.		
(i) Costs of funding environmental improvement projects related to commercial district use or related to the commercial use or related to such activities within the Town.	\$100,000	30-A M.R.S. § 5225(1)(C)(2)
(j) Funding of permanent economic development revolving loan funds, investment funds and grants within the Town.	\$50,000	30-A M.R.S. § 5225(1)(C)(3)
(k) Costs of services and equipment to provide skills development and training for jobs created or retained within the Town as the same may be related to the development and operation of a facility to be used for makers, co-working, business incubation and shared commercial kitchen.	\$150,000	30-A M.R.S. § 5225(1)(C)(4)
(l) Capital costs associated with new or expanded transit service in the Town, including, but not limited to, vehicles, equipment, bus shelters, benches, signs and other transit-related infrastructure. Such projects may include, but shall not be limited to, transit improvements and services within, adjacent to and serving the District along Route 302 and other major corridors in North Windham.	\$100,000	30-A M.R.S. §5225(1)(C)(7)
(m) Costs associated with broadband expansion projects for commercial users throughout the Town, and for residential users within the Town to the extent such residential users are located in an area of the Town that is classified as unserved by broadband by the ConnectMaine Authority.	\$50,000	30-A M.R.S. § 5225(1)(C)(10)
(n) Costs associated with the development and operation of affordable housing within the District or outside of the District to the extent directly related to or made necessary by the establishment or operation of the District, to serve ongoing economic development efforts of the Town or assist those who are experiencing homelessness in the Town, including, but not limited to, the	\$200,000	30-A M.R.S. §§ 5225(1)(A)(9), (1)(B)(4) (cross referencing 30-A M.R.S. § 5249) §§ 5225 (1)(C)(11), (1)(E)





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acquisition of land or construction of public infrastructure improvements, demolition, alteration, remodeling, repair or reconstruction of existing buildings, structures and fixtures, site preparation, finish work, professional service costs, real property assembly costs, operating costs such as property management and administration, utilities, maintenance, and insurance, and facilities used for recreational purposes such as recreation centers, athletic fields, swimming pools and ice skating rinks within the District.		
TOTAL Estimated Project Costs (30 Years)*	\$3,150,000	
<p>The project costs authorized in section (b) above have also been authorized by the Development Programs of the Town's Pipeline, Roosevelt Promenade, Gateway North A, Gateway North B, Boody's Corner, and Enterprise Development A TIF Districts; The project costs authorized in section (d) above have also been authorized by the Development Programs of the Town's Gateway North A, Gateway North B, Boody's Corner, and SWFS/Depot Street TIF Districts; The project costs authorized in section (e) above have also been authorized by the Development Programs of the Town's Roosevelt Promenade, Gateway North A, Gateway North B, Boody's Corner and Enterprise Development A TIF Districts; The project costs authorized in section (h) above have also been authorized by the Development Programs of the Town's Pipeline, Roosevelt Promenade, Gateway North A, Gateway North B, Boody's Corner, SWFS/Depot Street and Enterprise Development A TIF Districts; and the project costs authorized in section (l) above have also been authorized by the Development Programs of the Town's Boody's Corner, SWFS/Depot Street and Enterprise Development A TIF Districts.</p> <p>*The total estimated project costs exceed the amount of total projected TIF revenue. These projects may be funded in part by revenue captured within this TIF District and in part by other sources of revenue.</p>		



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**Exhibit K - Comprehensive Downtown Redevelopment Plan**

N/A



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**Exhibit L - Transit-Oriented Development District Map**

N/A



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**Exhibit M - Credit Enhancement Agreement(s)**

N/A



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**Exhibit N - Municipality TIF Policy**

## Introduction.

The Maine Tax Increment Financing Program allows a municipality to retain TIF proceeds for public infrastructure improvements or TIF eligible expenses, as provided for by statute.

The Town has the option of using some or all of the new property taxes generated by a capital investment within a designated geographic district, the “incremental” taxes, to retire bonds it has issued for the project, to fund eligible municipal economic development activities, or to reimburse a developer or business for development project costs under a Credit Enhancement Agreement.

### 1.0 Purpose of this Policy

The purpose of this policy is to provide guidance and outline processes that the Town of Windham (the “Town”) will use in initiating or considering applications for the creation of Tax Increment Financing (TIF) districts and Credit Enhancement Agreements and directing the funds they generate toward approved purposes. Notwithstanding this policy, decisions to create a TIF district and enter into TIF agreements and/or Credit Enhancement Agreements shall be made on a case-by-case basis by the Town Council.

Obtaining a TIF is not a right under Maine law, and meeting the terms of this policy should not be interpreted as creating any rights or entitlements in any application. TIF is predominantly a “real estate based” tax incentive program (State of Maine, DECD Municipal Tax Increment Financing publication, dated January 20, 2011), although it may also be applied to certain personal property otherwise subject to municipal property taxation.

### 2.0 TIF Application Process

All new TIF application proposals, amendments to existing TIF, or new or amended Credit Enhancement Agreements (whether initiated by the Town or requested by a developer or business) will be presented to the Town Manager. The Town Manager has designated the Planning Department as the TIF application process coordinator.

The Planning Department will coordinate all activities regarding applications and will assist the developer throughout the TIF process. The terms and specific details of each TIF agreement will be developed on a case by case basis. The Town Manager and the Manager’s designated representatives will negotiate for the Town based on the merits of the project and this policy, following the process laid out in this document. Consideration of the application may include the Town Manager, Planning Department, Assessor’s Office, Windham Economic Development

Corporation, Town Counsel, and the Windham Town Council, with all final approvals granted by the Windham Town Council and the Maine Department of Economic and Community Development (DECD).

While the format and details of individual TIF and CEA proposals may vary, the application proposal must use a standard format for summary information submitted to the Town Manager and Council about the proposal, consistent with forms filed with Maine DECD, in order to facilitate review and analysis.

Preliminary meetings with a prospective applicant are strongly encouraged; however, before any formal review of a proposed TIF, and accompanying CEA, if applicable, may be conducted, the applicant must prepare a proposal application package consistent with this policy and submit the package, along with a payment of a non-refundable application fee of five hundred dollars (\$500.00).

#### 4.0 TIF Goals

The Town will evaluate TIF application proposals according to their ability to address community and economic development goals, including but not limited to those listed below:

- a. Creating or expanding public infrastructure beyond the limits of the project
  1. Transportation – roads and sidewalks
  2. Utilities
    - i. Wastewater
    - ii. Water main extensions
    - iii. Electricity
    - iv. Natural gas
    - v. Telecommunications
  3. Streetscaping, landscaping, and green spaces
  4. Bicycle and pedestrian amenities
- b. Supporting community projects or goals
  1. 21<sup>st</sup> Century Downtown plan elements
  2. Design standards
- c. Job creation and retention
- d. Creation of significant long-term employment
- e. Improvement in the local economy
- f. Broadening the tax base
- g. Improving blighted areas

- h. Creating other public benefits

## 5.0 TIF Districts

TIF districts may be designated for periods of up to 30 years; bonds for TIF-financed improvements may be issued for up to 20 years, and are subject to approval pursuant to the Town's Charter and state law. The designation of a TIF district requires proper notice, a local public hearing, a majority vote of the Town Council, and approval by the Maine Department of Economic and Community Development.

The following elements and considerations must be reflected in any TIF application proposal, whether Town-initiated or applicant-initiated:

- a. Eligible Expenses. Eligible expenses include design, permitting, and construction of necessary infrastructure to support the proposed project. Other eligible expenses are defined by Maine DECD administrative rules and state law, both of which are subject to periodic amendment. The Town Council will only consider proposals that further community and economic development goals expressed in adopted plans, policies, budgets, or other official acts, such as:
  - 1. The Comprehensive Master Plan
  - 2. Capital improvement plans
  - 3. The 21<sup>st</sup> Century Downtown plan
- b. Expense Approval Process and Timeline. Expenses for various TIF districts shall be presented to the Council on an annual basis during the regular budgetary process. The expenses will have been reviewed by the Town Manager, WEDC / Director and appropriate staff prior to budgetary submission with necessary supporting documentation. Before the end of January, the Director of WEDC and Town Manager will review the final expenditures for inclusion within the budgetary process. Each TIF expenditure recommendation should be accompanied by a brief description of the expenditure to identify when the project is anticipated to take place, where, why, cost estimates and benefits to community.
- c. Minimum Value. For Town-initiated TIF districts, there will be no minimum value that must be created to be considered, except that the proposed district should be projected to create sufficient value to cover costs related to the establishment of the district and to make substantial contributions to one or more community and economic development goals. For applicant-initiated TIF districts, the minimum



- amount of value to be created should be not less than \$5 million total taxable value of proposed development and improvements.
- d. Documentation. For an applicant-initiated TIF, the applicant is required to provide all documentation associated with the application. This documentation provides the basis for reviewing the project's implementation for compliance with final approvals.
  - e. Geographic Boundaries. The Town reserves the right, during the application process, to establish the geographic size of the district necessary to meet the needs of the applicant or to meet the needs of infrastructure improvements deemed necessary by the community in accordance with State statutes.
  - f. Personal Property. In general, taxable personal property will not be included in any calculations for a proposed TIF. Personal property may be considered for inclusion on a case-by-case basis if it represents a substantial part of a proposed TIF and is any part of a proposed Credit Enhancement Agreement (CEA).
  - g. TIF Districts may include the one or more Credit Enhancement Agreements

#### 6.0 Credit Enhancement Agreements

Credit Enhancement Agreements (CEAs) may be created if TIF funds are to be used, in whole or in part, to reimburse a developer or business for development project costs. The CEA is a contract between the municipality and developer or business. It is a mechanism to assist the development project by using all, or a percentage of, the incremental tax revenues generated by the new investment to pay certain authorized project costs with the return of certain taxes paid by the developer or business directly to the developer or business.

- a. Amount of Funds. The TIF funds reimbursed/returned to the developer (via a CEA) will not exceed, over time, the amount of funds collected in the TIF or agreed to in the TIF document. The applicant is required to submit all documentation that will justify the expenditure to be reimbursed as estimated in the TIF agreement.
- b. Terms. Terms shall be negotiated between the Town and the applicant on a case-by-case basis and will be consistent with State statute. Agreements can extend between 1 and 30 years and, depending upon the merits of the project, 20% to 100% of the incremental value can be captured. These terms shall, at a minimum, be consistent with applicable statute, but should address as many community and economic development goals as outlined in Section 4 of this policy as the nature of the development will support. Priority will be given to:

1. Incentives for the provision of public infrastructure beyond the limits of the project, which should be structured, as much as possible, to immediately follow the installation of the improvement, and
  2. Incentives for other costs related to the implementation of elements of the 21<sup>st</sup> Century Downtown plan, such as meeting design standards, providing green space, and other public amenities, which should be structured, as much as possible to immediately follow the completion of the elements and decrease annually during the duration of the CEA, but over not more than five (5) years.
- c. Suspension and Recapture of Benefits. Credit Enhancement Agreements may contain provisions for the suspension, termination, and/or recapture of benefits to the applicant. These actions may occur when the applicant does not meet the compliance standards outlined in this document. This will also include any statements or representations made by the applicant, which have a bearing on the Town Council's decision to participate in a TIF and at what level. The agreements also may provide for the termination and/or recapture of benefits from the applicant if the applicant relocates all or a substantial portion of the TIF project operation outside the project area, during the term of the agreement, or fails to meet new employment projections.
- d. Level of Funding Adjustments. During the application process and during the life of the TIF (and CEA), the applicant shall demonstrate the funds are being used at appropriate levels for the purpose intended. If the level of funds the applicant receives exceeds the projected need, the Town may adjust the amount to the applicant.

## 7.0 Application Proposal Requirements for Credit Enhancement Agreements

Applicants for a CEA should demonstrate that the Town's participation is economically necessary in order for the developer to undertake the project. Such justification is demonstrated by:

- a. The cost of public infrastructure improvements unique to the project or site.
- b. The developer demonstrates the financial capacity to undertake the project and provides evidence in support of this capacity. Evidence will include but is not limited to:
  - Development budget and pro-forma
  - Equity commitments of owners/partners
  - Financial commitments of project lenders
  - Gap financing that the CEA is proposed to fill
  - A project implementation plan and schedule.

- c. The project creates incremental tax value equal to or greater than \$5 million, excluding personal property
- d. The developer is compliant with all statutory and regulatory guidelines of the Town of Windham and the State of Maine.

All information provided by the applicant shall be kept confidential to the extent permitted by law. The Town Council, Town staff and Council designee(s) will sign non-disclosure agreements only if deemed necessary and to the extent permitted by law.

#### 8.0 Waiver of Provisions

The Town Council reserves the right under certain conditions to waive the provisions of this policy. The decision to do so shall be made by applying the intent of the following guidelines to insure that the project remains within the general parameters of Windham's economic and community development vision(s). Criteria to be considered when granting the waiver are:

- Consistency with the Windham Comprehensive Plan
- Consistency with the Town's economic and community development vision(s)
- Consistency with other local, State and federal rules
- Evidence of need, and
- Capacity to carry out the project.

#### 9.0 Transfer of Ownership

If the applicant transfers ownership of property in the TIF district subject to a CEA to which the applicant is a party, the applicant must notify the Town Manager in writing prior to finalizing the transfer. The prospective new owner must agree, in writing, to accept the provisions of the agreement as presented to and approved by the Town Council before the Town will release any further TIF reimbursements under the CEA. Failure to provide notice of a transfer of ownership by the applicant, or for the prospective new owner to accept the terms of the CEA prior to the transfer shall render the CEA invalid and no further payments under it shall be authorized.

Adopted: October 24, 2017 (Order 17-184)

Amended: July 28, 2020 (Order 20-163)