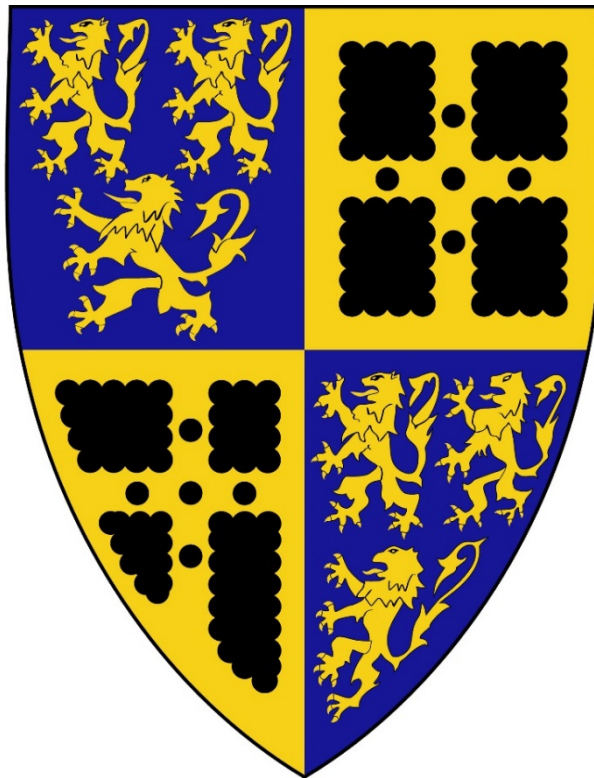


Town of Old Saybrook

Tax Increment Financing Policy

To be adopted by the Old Saybrook Board of Selectmen



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Introduction

Tax Increment Financing (TIF) is a local economic development tool, permitted under Connecticut law, that allows municipalities to use all or a portion of the tax revenues generated from a new capital investment to assist in that project's financing. TIF is designed to encourage industrial, commercial, retail or mixed-use development; increase employment opportunities; and broaden the tax base of the community.

The purpose of this Policy is to provide a framework for the Town of Old Saybrook by which applications for TIF can be evaluated. Notwithstanding compliance with any or all of the guidelines below, the creation of a TIF District and development of Credit Enhancement Agreements (CEA) is a policy choice to be evaluated on a case-by-case basis by the Old Saybrook TIF Advisory Committee and the Board of Selectmen.

The burden of establishing the public value of a TIF shall be placed upon the Applicant and the application must substantially meet the criteria contained herein.

The authority for creation of Tax Increment Financing Districts is established in State Law, Chapter 105b - Tax Increment Districts.

General Provisions

Applications for Tax Increment Financing (whether initiated by the Town or requested by a developer or business) will be considered by Town staff and the TIF Advisory Committee, with all final approvals vested with the Board of Selectmen and Town Meeting. Amendments to existing TIFs will follow this process. The terms and specific details of each TIF agreement are developed on a case-by-case basis. The First Selectman and the Selectman's designated departments will negotiate for the Town based on the merits of the project and this policy, following the process laid out in the Application Requirements Section. In developing the application, the applicant (the Town or the developer) shall meet the following basic provisions, as well as the policies and requirements stipulated in subsequent sections.

- TIF Districts. TIF Districts may be designated for up to 50 years. The designation of a TIF District requires proper notice, a local public hearing, an advisory opinion of the Planning Commission, Board of Selectmen approval, and the majority vote of the municipal legislative body (Town Meeting).
- Eligible Expenses. Eligible TIF expenses include but are not limited to: (A) capital costs, including, but not limited to, (i) the acquisition or construction of land, improvements, infrastructure, public ways, parks, buildings, structures, railings, street furniture, signs, landscaping, plantings, benches, trash receptacles, curbs, sidewalks, turnouts, recreational facilities, structured parking, transportation improvements, pedestrian improvements and other related improvements, fixtures and equipment for public use, (ii) the acquisition or construction of land, improvements, infrastructure, buildings, structures, including facades and signage, fixtures and equipment for industrial, commercial, residential, mixed-use or retail use or transit-oriented development, (iii) the demolition, alteration, remodeling, repair or reconstruction of existing buildings, structures and fixtures; (iv) environmental remediation; (v) site preparation

and finishing work; and (vi) all fees and expenses associated with the capital cost of such improvements, including, but not limited to, licensing and permitting expenses and planning, engineering, architectural, testing, legal and accounting expenses; (B) financing costs, including, but not limited to, closing costs, issuance costs, reserve funds and capitalized interest; (C) real property assembly costs; (D) costs of technical and marketing assistance programs; (E) professional service costs, including, but not limited to, licensing, architectural, planning, engineering, development and legal expenses; (F) maintenance and operation costs; (G) administrative costs, including, but not limited to, reasonable charges for the time spent by municipal employees, other agencies or third-party entities in connection with the implementation of a district master plan; and (H) organizational costs relating to the planning and the establishment of the tax increment district, including, but not limited to, the costs of conducting environmental impact and other studies and the costs of informing the public about the creation of tax increment districts and the implementation of the district master plan.

- Documentation. The Applicant is required to provide all documentation associated with the application. This documentation becomes the basis by which the project's implementation is reviewed for compliance with final approvals.
- Geographic Boundaries. The Town reserves the right, during the application process, to establish the size of the district necessary to meet the needs of the applicant or to meet the needs of infrastructure or other municipal improvements deemed necessary by the community.
- Personal Property. Personal property shall not be included in the calculations for the TIF.
- TIF Advisory Committee: A TIF Advisory Committee is designated by the Town and charged with advising and guiding the Board of Selectmen on the implementation of the District Plans. The TIF Advisory Committee will be composed of: 1) a representative of the Board of Selectmen; 2) a representative of the Board of Finance; 3) a representative of the Planning Commission; 4) a representative of the Economic Development Commission; 5) Town Planner; 6) Economic Development Director; 7) Finance Director; 8) Assessor and 9) Town Counsel.

Overview of Credit Enhancement Agreements

Credit Enhancement Agreements (CEAs) are a mechanism for providing assistance to property owners or developers undertaking development projects in the TIF District. A CEA is a contractual agreement between the Town and Applicant that allows the Town to provide reimbursements of future incremental property tax revenues to the Applicant. This policy outlines the eligibility requirements, guidelines, process, and other details for how and when the Town will enter into CEA agreements. The Town will review CEA applications on a case-by-case basis and is not obligated or bound to enter into a CEA.

Credit Enhancement Agreement Goals

The Town of Old Saybrook's goal for entering into a CEA is to create incentives for private partners, such as property owners or developers, to undertake improvements to privately owned parcels in a TIF District, that would not otherwise be undertaken because the costs of such improvements make them financially infeasible.

General Provisions

A. Terms

The specific terms of each CEA are negotiated between the Town and the Applicant. Agreements can extend between one (1) year and the full term of the TIF District; and up to 75% of the annual TIF Revenues associated with the captured incremental value from the property can be reimbursed to the property owner depending on the merit in achieving Town goals for CEAs. Under any CEA, the Town's obligation to make a periodic payment under the CEA will only arise to the extent the Town receives incremental real property tax revenue based on positive captured assessed value of the particular property during the appropriate period. In other words, in any CEA, the Town shall not obligate itself to make fixed payments without receiving incremental tax revenues nor shall it be obligated to make payments if there is no increased assessed value. The percentage of annual TIF Revenues that are reimbursed to the property owner may be adjusted over the life of the Agreement. In no case shall a CEA extend beyond the life of the TIF District.

B. Level of Funding Adjustments

During the application process and during the life of the TIF (and CEA), the Applicant shall demonstrate that 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 amount returned to the Applicant shall be adjusted and any excess applied to the TIF District.

Mandatory Requirements

The Town will participate in CEAs when its participation is financially necessary and involvement by the Town is needed in order for the project to be undertaken. Justification for financial need and Town involvement must be demonstrated by:

- A need to offset infrastructure costs unique to the site; or
- A need to offset economic advantages available to a corporate entity if it should develop a project (or expand operations) outside of Old Saybrook; or
- A lack of sufficient private or other public funding sources to meet the full capital investments needed to undertake a project.

The following requirements must also be met:

- The Applicant is financially capable to undertake the project demonstrated by submitting the following:
 - Letters from a financial institution, government agency, or other funding agency indicating a commitment to provide a specified amount of funds, and the uses for which the funds may be utilized.
 - In cases where funding is required but there can be no commitment of money until approvals are received, letters of "Intent to Fund" from the appropriate funding institution indicating the amount of funds and their specified uses.
 - The Applicant's most recent corporate (or other entity) annual report indicating availability of sufficient funds to finance the development, together with explanatory material interpreting the report.
 - Evidence indicating availability of funds if the Applicant will personally finance the development.
 - The Applicant is compliant with all statutory and regulatory guidelines of the Town of Old Saybrook and State of Connecticut.

- The project represents a minimum investment of five hundred thousand dollars (\$500,000) in development costs. The minimum investment shall not include the costs of land acquisition.
- The Applicant's equity contribution to the project is a minimum of ten percent (10%) of the project investment (including both hard and soft costs).

Guidelines That Determine Level of Municipal Participation

Applicants need not meet each of the following criteria; however, the Town will use the following to determine the level of participation in a Credit Enhancement Agreement:

- The project assists an established business in the Town of Old Saybrook, thus assisting in retaining existing employment opportunities and expanding employment;
- The project creates long-term, permanent and quality employment opportunities;
- The project increases housing options;
- The project contributes to the revitalization of areas in need of redevelopment;
- The project improves a blighted building site in need of rehabilitation;
- The project creates public infrastructure facilities that have application beyond the particular development such as improvements to traffic patterns, parking facilities, green space, etc.;
- The project supports or will support community projects, provides job training, provides student internships, supports local contractors and suppliers;
- The project broadens the tax base of the Town.

Application Requirements

A. Financial Capacity

The Applicant demonstrates the financial capacity to undertake the project and provides evidence in support of this capacity. Evidence will include but is not limited to:

1. Development budget and pro-forma
2. Financial commitments of project lenders
3. A project implementation plan and schedule

B. Confidentiality

All such information provided by the Applicant shall be kept confidential to the extent permitted by law.

C. Application Fee

All Applicants are required to:

- Reimburse the Town of Old Saybrook for all legal, staff, and consulting costs and any additional expenses whether or not an application is approved.
- At the time of the final application submission, a non-refundable deposit of \$5,000 will be made by the Applicant into a fund to be used to reimburse the Town for staff time and any other direct expenses such as required legal fees.
- Applications will be submitted to the First Selectman, Town Hall, 302 Main Street, Old Saybrook, CT 06475.

Credit Enhancement Agreement Application Process

Any agreements with developers, property owners, or businesses involving the TIF District or TIF Revenues, such as Credit Enhancement Agreements, shall be reviewed and approved by the TIF Advisory Committee, which will then make a recommendation for approval by the Board of Selectmen. The Board of Selectmen will authorize the First Selectman to enter into approved CEAs.

The steps below outline the CEA approval process.

Step 1: Applicant submits application to the First Selectman's Office.

Step 2: Town Staff, under the direction of the First Selectman, reviews the application, determines whether all necessary information has been provided and the application is complete, including requesting additional information or clarification from the Applicant where necessary, and submits the complete application to the TIF Advisory Committee.

Step 3: The TIF Advisory Committee reviews the application and makes a recommendation to the Board of Selectmen on whether the application should be approved and a CEA granted.

Step 4: The Board of Selectman reviews the application and the recommendation, votes on whether the CEA should be approved and, if the application is approved, authorizes the First Selectman to enter into the approved CEA.

Termination of Agreement

The CEA will terminate at the date specified in the agreement, not to exceed the last day of the TIF District.

Fixed Assessment Agreements

With a TIF District the municipality can agree to set a fixed valuation on a property for up to fifteen (15) years providing the Town and the owner/developer with predictability in tax liability. All Fixed Assessment Agreements (FAA) shall be recorded in the Old Saybrook land records.

Modifications to the TIF Policy

This Policy may be modified at any time by a majority of the Board of Selectmen after the Board has entertained comments and concerns at a properly advertised public hearing to be held prior to, or simultaneously with, the Board meeting at which the proposed amendment will be considered.

Attachment 1 - TIF/Credit Enhancement Agreement Application

Name of Applicant:	
Applicant's Address:	
Applicant's Phone:	Applicant's e-mail:
Business Contact Person:	
Principal Place of Business:	
Company Structure (e.g. corporation, sub-chapter S, etc.):	
Names of Officers:	
Principal Owner(s) Name:	
Place of Incorporation:	
Location of Project: (map/lot of property or properties)	
Zoning District(s):	
Current assessed value of taxable real property as of the date of the application:	
Description of the Proposed Project: (new building, square footage, use)	
Reason for the TIF and Credit Enhancement Request:	
Estimated permanent jobs to be created/and or retained resulting from development:	
Estimated development cost:	
Estimated development timetable including project start, completion, and any phasing if applicable:	
Statement that the Applicant demonstrates the financial capacity to undertake the project and provides evidence in support of this capacity. Evidence will include but is not limited to: 1) Development budget and pro-forma; 2) Financial commitments of project lenders; 3) A project implementation plan and schedule	
Description of any other local, state, or federal support being used to finance project:	
Statement that the requested TIF project would not otherwise occur "but for" assistance through TIF:	