

HOUSE No. 3769

By Mr. Patrick of Falmouth, petition of Matthew C. Patrick and others (by vote of the town) relative to authorizing the town of Falmouth to install, finance and operate wind energy facilities. Telecommunications, Utilities and Energy. [Local Approval Received.]

The Commonwealth of Massachusetts

PETITION OF:

Matthew C. Patrick
Therese Murray

Eric Turkington
Douglas W. Petersen

In the Year Two Thousand and Seven.

AN ACT AUTHORIZING THE TOWN OF FALMOUTH TO INSTALL, FINANCE AND OPERATE WIND ENERGY FACILITIES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Notwithstanding any general or special law to the
2 contrary, the Town of Falmouth is hereby authorized to design and
3 install wind energy facilities at its wastewater treatment facility at
4 Blacksmith Shop Road in said Falmouth, to prepare and improve
5 said site, to acquire all equipment necessary for said wind energy
6 facilities, to make improvements and extraordinary repairs to said
7 facilities, and to pay all other costs incidental and related thereto.

1 SECTION 2. The Town of Falmouth is hereby authorized to issue
2 from time to time bonds or notes in order to finance all or a portion
3 of the costs of the wind energy facilities project authorized pursuant
4 to section I of this act. Notwithstanding any provisions of Chapter
5 44 of the General Laws to the contrary, the maturities of any such
6 bonds issued by the Town of Falmouth hereunder either shall be
7 arranged so that for each issue the annual combined payments of
8 principal and interest payable in each year, commencing with the
9 first year in which a principal payment is required, shall be as nearly
10 equal as practical in the opinion of the town treasurer, or shall be
11 arranged in accordance with a schedule providing for a more rapid

12 amortization of principal. The first payment of principal of each
13 issue of bonds or of any temporary notes issued in anticipation of the
14 bonds shall be not later than five years from the estimated date of
15 commencement of regular operation of the wind energy facilities
16 financed thereby, as determined by the town treasurer and the last
17 payment of principal of the bonds shall be not later than 25 years
18 from the date of the bonds. Indebtedness incurred under this act shall
19 not be included in determining the limit of indebtedness of the town
20 under Section 10 of said Chapter 44 but, except as otherwise pro-
21 vided herein, shall be subject to the provisions of said Chapter 44.

1 SECTION 3. Notwithstanding any general or special law to the
2 contrary, the Town of Falmouth is hereby authorized to operate any
3 wind energy facilities installed pursuant to section 1 of this act, to
4 sell any electricity generated from such facilities and to sell any
5 other marketable products resulting from its generation of wind
6 energy at such facilities or from its generation of any type of renew-
7 able energy at any renewable energy facility which the town is
8 authorized by law to operate including electronic certificates created
9 to represent the “generation attributes” (as such term is defined
10 under 225 CMR 14.02) of each megawatt hour of energy generated
11 by the wind energy facilities or any such other renewable energy
12 producing facilities. The Board of Selectmen of the Town of Fal-
13 mouth may enter into one or more contracts on behalf of the Town
14 of Falmouth for the sale of electricity and energy facilities with such
15 parties and upon such terms and conditions as the Board of
16 Selectmen determine to be in the best interests of the Town of Fal-
17 mouth.

1 SECTION 4. The Town of Falmouth shall procure any services
2 required for the design, installation, improvement, repair and opera-
3 tion of the wind energy facilities authorized pursuant to this act, and
4 the acquisition of any equipment necessary in connection therewith,
5 in accordance with the procurement requirements of Chapter 30B of
6 the General Laws, and the Town of Falmouth may procure any such
7 services and equipment together as one procurement or as separate
8 procurements thereunder.

1 SECTION 5. The Town of Falmouth is hereby authorized to
2 establish an enterprise fund pursuant to Section 53F $\frac{1}{2}$ of Chapter 44
3 of the General Laws for the receipt of all revenues from the opera-
4 tion of the wind energy facilities authorized pursuant to this act and
5 from any other renewable energy producing facilities which the
6 Town is authorized by law to operate and all moneys received for the
7 benefit of the wind energy facilities and any such other renewable
8 energy facilities, other than the proceeds of bonds or notes issued
9 therefor. Such receipts are to be used to pay costs of operation and
10 maintenance of the wind energy facilities and any such other renew-
11 able energy facilities, to pay costs of future improvements and
12 repairs thereto, and to pay the principals and interest on any bonds or
13 notes issued therefor.

1 SECTION 6. This act shall take effect upon its passage.