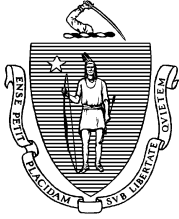


# SENATE, No. 2691

[SIMILAR MATTER FILED DURING PAST SESSION  
SEE NO. OF ]



## The Commonwealth of Massachusetts

IN THE YEAR OF TWO THOUSAND AND EIGHT

### **AN ACT** AUTHORIZING THE TOWN OF KINGSTON 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 contrary, the Town of  
2 Kingston is hereby authorized to design and install wind energy facilities and other such  
3 sites as approved by the Town, to prepare and improve said sites, to acquire all  
4 equipment necessary for said wind energy facilities, to make improvements and  
5 extraordinary repairs to said facilities, and to pay all other costs incidental and related  
6 thereto.

7 **SECTION 2.** The Town of Kingston is hereby authorized to issue from time to time  
8 bonds or notes in order to finance all or a portion of the costs of the wind energy facilities  
9 project authorized pursuant to section I of this act. Notwithstanding any provisions of  
10 chapter 44 of the General Laws to the contrary, the maturities of any such bonds issued  
11 by the Town of Kingston hereunder either shall be arranged so that for each issue the  
12 annual combined payments of principal and interest payable in each year, commencing  
13 with the first year in which a principal payment is required, shall be as nearly equal as  
14 practical in the opinion of the town treasurer, or shall be arranged in accordance with a  
15 schedule providing for a more rapid amortization of principal. The first payment of  
16 principal of each issue of bonds or of any temporary notes issued in anticipation of the  
17 bonds shall be not later than five years from the estimated date of commencement of  
18 regular operation of the wind energy facilities financed thereby, as determined by the  
19 town treasurer and the last payment of principal of the bonds shall be not later than 25  
20 years from the date of the bonds. Indebtedness incurred under this act shall not be  
21 included in determining the limit of indebtedness of the town under section 10 of said  
22 chapter 44 but, except as otherwise provided herein, shall be subject to the provisions of  
23 said chapter 44.

24

25 **SECTION 3.** Notwithstanding any general or special law to the contrary, the Town of  
26 Kingston is hereby authorized to operate any wind energy facilities installed pursuant to  
27 section 1 of this act, to sell any electricity generated from such facilities and to sell any  
28 other marketable products resulting from its generation of wind energy at such facilities  
29 or from its generation of any type of renewable energy at any renewable energy facility

30 which the town is authorized by law to operate including electronic certificates created to  
31 represent the “generation attributes” (as such term is defined under 225 CMR 14.02) of  
32 each megawatt hour of energy generated by the wind energy facilities or any such other  
33 renewable energy producing facilities. The Board of Selectmen of the Town of Kingston  
34 may enter into one or more contracts on behalf of the Town of Kingston for the sale of  
35 electricity and energy facilities with such parties and upon such terms and conditions as  
36 the Board of Selectmen determine to be in the best interests of the Town of Kingston.

37 **SECTION 4.** The Town of Kingston shall procure any services required for the design,  
38 installation, improvement, repair and operation of the wind energy facilities authorized  
39 pursuant to this act, and the acquisition of any equipment necessary in connection  
40 therewith, in accordance with the procurement requirements of chapter 30B of the  
41 General Laws, and the Town of Kingston may procure any such services and equipment  
42 together as one procurement or as separate procurements thereunder.

43 **SECTION 5.** There shall be established in the Town of Kingston a wind facilities  
44 enterprise fund, to which the provisions of section 53F1/2 of chapter 44 of the General  
45 Laws shall apply, except as provided herein, for the receipt of all revenues from the  
46 operation of the wind energy facilities authorized pursuant to this act and from any other  
47 renewable energy producing facilities which the Town is authorized by law to operate  
48 and all moneys received for the benefit of the wind energy facilities and any such other  
49 renewable energy facilities, other than the proceeds of bonds or notes issued therefore.  
50 Such receipts shall be used to pay costs of operation and maintenance of the wind energy  
51 facilities and any such other renewable energy facilities, to pay costs of future repairs,  
52 extensions, reconstruction, enlargements, additions and improvements thereto, and to pay

53 the principal, and interest on any bonds or notes issued therefore. The Board of  
54 Selectmen shall be the “appropriate local entity” for purposes of estimating the income  
55 and proposing a line-item budget for the enterprise. Such budget may include amounts to  
56 be appropriated to a capital reserve fund to be established within said enterprise fund  
57 which may be expended for capital purposes of the enterprise including the costs of  
58 extraordinary repairs, extensions, reconstruction, enlargements and additions to the wind  
59 energy facilities; funds appropriated to the capital reserve fund may accumulate from  
60 year to year, subject to appropriation by the Town. Any funds remaining in said  
61 enterprise fund, at the end of each fiscal year in excess of the amounts required to meet  
62 the obligations of the fund, other than amounts in the capital reserve fund, and which  
63 would otherwise be treated as surplus revenue pursuant to the provisions of section 53 F  
64  $\frac{1}{2}$  of chapter 44 of the General Laws, shall be returned to the general fund of the Town,  
65 without any further action of the town, and shall be available for appropriation for any  
66 municipal purpose.

67 **SECTION 6.** This act shall take effect upon its passage.