

**SENATE . . . . . No. 01915**

**[LOCAL APPROVAL RECEIVED.]**

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The Commonwealth of Massachusetts

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PRESENTED BY:

*Therese Murray*

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:  
An Act authorizing the town of Kingston to install, finance and operate wind energy facilities.

\_\_\_\_\_  
PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Therese Murray</i>	<i>Plymouth and Barnstable</i>

# SENATE . . . . . No. 01915

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By Ms. Murray, a petition (accompanied by bill, Senate, No. 1915) of Therese Murray for legislation to authorize the town of Kingston to install, finance and operate wind energy facilities. [Local Approval Received.] [Municipalities and Regional Government].

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## The Commonwealth of Massachusetts

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**In the Year Two Thousand Eleven**  
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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. Section 5 of Chapter 352 of the Acts of 2008 shall be replaced with the  
2 following:

3 Section 5. There shall be established in the Town of Kingston a renewable energy enterprise  
4 fund, to which the provisions of section 53F½ of chapter 44 of the General Laws shall apply,  
5 except as provided herein, for the receipt of all funds received by the Town in connection with  
6 the operation of any renewable energy facility which the Town is authorized by law to operate,  
7 including but not limited to the funds received for: the sale of actual energy produced; the sale of  
8 energy credits received; and the lease of the property upon which a facility is located, other than  
9 the proceeds of bonds or notes issued therefore (“Renewable Energy Receipts”). The Board of  
10 Selectmen shall annually appropriate fifty (50%) percent of the Renewable Energy Receipts to  
11 be used to pay costs of operation and maintenance of any renewable energy facilities, existing or

12 to be created, on any town-owned property or facility including schools, to pay costs of future  
13 repairs, extensions, reconstruction, enlargements, additions and improvements thereto, and to  
14 pay the principal and interest on any bonds or notes issued therefore and to fund the loan and/or  
15 grant fund established under Section 5a of this Act. The remaining 50 % of the renewable  
16 energy receipts shall go into the general fund for any municipal purpose.

17 The Board of Selectmen shall be the appropriate local entity for the purposes of estimating  
18 the income and proposing a line-item budget for the enterprise fund. This budget may include  
19 amounts to be appropriated to a capital reserve fund to be established within the enterprise fund  
20 which may be expended for capital purposes of the enterprise, including the costs of  
21 extraordinary repairs, extensions, reconstruction, enlargements and additions to the alternative  
22 energy facilities, existing or to be created, on any town owned property or facility including  
23 schools. Funds appropriated to the capital reserve fund may accumulate from year to year. Any  
24 funds remaining in the enterprise fund, at the end of each fiscal year in excess of the amounts  
25 required to meet the obligations of the fund and the funding of the loan/grant fund as established  
26 under Section 5a. of this Act, other than amounts in the capital reserve fund, shall remain in the  
27 enterprise fund for allocation in any succeeding fiscal years and shall not be allocated to the  
28 General Fund.

29 SECTION 2. The following Section 5a. shall be added to the Act:

30 Section 5a. There shall be established in the Town of Kingston a loan and grant fund from  
31 which citizens may apply to borrow funds or receive grants for renewable energy improvements  
32 to privately owned property, including but not limited to: energy conservation measures,  
33 alternative energy methods and operations, or development of such improvements as may be

34 deemed appropriate by the “Committee” and in harmony with the intents and purposes of this  
35 act. The Board of Selectmen shall appoint a five (5) member “Committee” which shall be  
36 responsible for the administration of the grant & loan fund. Such appointments shall be made in  
37 the following manner: one member from the Finance Committee, one member from the Board of  
38 Selectmen, one member of the Green Energy Committee, one member of the Capital Committee,  
39 and one citizen at large, and in its discretion the Board of Selectmen may appoint one additional  
40 member who shall serve in an ex officio capacity (hereinafter the “Renewable Energy Grant &  
41 Loan Committee”). Each such member shall serve for a term of two years and may be  
42 reappointed at the discretion of the Board of Selectmen. The Renewable Energy Grant & Loan  
43 Committee shall adopt, following at least 14 days notice and a public hearing, rules and  
44 regulations consistent with the purpose and intent of this Act, establishing the qualifications for  
45 receipt of a loan or a grant from the fund including the repayment terms of the loan and the  
46 operations and administration of the Committee.