THE COMMONWEALTH OF MASSACHUSETTS

In the Year Two Thousand and Twelve

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:

SECTION 1. Chapter 352 of the acts of 2008 is hereby amended by striking out section 5 and inserting in place thereof the following section:

Section 5. There shall be established in the town of Kingston a renewable energy enterprise fund, to which section 53F of chapter 44 of the General Laws shall apply, except as provided herein, for the receipt of all funds received by the town in connection with the operation of any renewable energy facility which the town is authorized by law to operate, including, but not limited to, the funds received for: the sale of actual energy produced; the sale of energy credits received; and the lease of the property upon which a facility is located, other than the proceeds of bonds or notes issued therefor (“renewable energy receipts”). Following payment of all amounts due under third party power purchase agreements established under the general authorizations of this act, 25 per cent of the remaining renewable energy receipts shall be reserved to pay costs of operation and maintenance of any renewable energy facilities, existing or to be created, on any town-owned property or facility including schools, to pay costs of future repairs, extensions, reconstruction, enlargements, additions and improvements thereto, and to pay the principal and interest on any bonds or notes issued therefor and to fund the loan opportunities and grant fund established under section 5A. The remaining 75 per cent of the renewable energy receipts shall be deposited into the general fund for any municipal purpose.

The board of selectmen of the town of Kingston shall be the appropriate local entity for the purposes of estimating the income and proposing a line-item budget for the enterprise fund. This budget may include amounts to be appropriated to a capital reserve fund to be established within the enterprise fund which may be expended for capital purposes of the enterprise, including the costs of extraordinary repairs, extensions, reconstruction, enlargements and additions to the alternative energy facilities, existing or to be created, on any town owned property or facility including schools. Funds appropriated to the capital reserve fund may accumulate from year to year; provided, however, that the 25 per cent of funds to be reserved shall not exceed $100,000 per year; and provided further, that the total amount of the fund shall not exceed $500,000 at the end of any fiscal year. Any funds in excess
of such amounts shall be deposited in the general fund. Any funds remaining in the enterprise fund, at the end of each fiscal year in excess of the amounts required to meet the obligations of the fund and the funding of the loan opportunities and grant fund established under section 5A, other than amounts in the capital reserve fund, shall remain in the enterprise fund for allocation in any succeeding fiscal years and shall not be allocated to the general fund.

SECTION 2. Said chapter 352 is hereby further amended by inserting after section 5 the following section:—

Section 5A. There shall be established in the town of Kingston a loan opportunities and grant fund from which citizens may apply for grants for renewable energy improvements to privately owned property, including, but not limited to: energy conservation measures; alternative energy methods and operations; or development of such improvements as may be considered appropriate by the Renewable Energy Grant and Loan Opportunities Committee. The board of selectmen of the town of Kingston shall appoint a Renewable Energy Grant and Loan Opportunities Committee which shall be responsible for the administration of the loan opportunities and grant fund to consist of 5 members, 1 of whom shall be a member of the finance committee, 1 of whom shall be a member of the board of selectmen of the town of Kingston, 1 of whom shall be a member of the green energy committee, 1 of whom shall be a member of the capital committee and 1 of whom shall be a citizen at large. The board of selectmen of the town of Kingston may also appoint 1 additional member who shall serve in an ex officio capacity. Each member shall serve for a term of 2 years and may be reappointed at the discretion of the board of selectmen of the town of Kingston. The Renewable Energy Grant and Loan Opportunities Committee shall adopt, following at least 14 days notice and a public hearing, rules and regulations establishing the qualifications for receipt of grants from the fund, including, but not limited to, grants for interest and processing fees which may be associated with renewable energy loans issued by various third party lenders and the operations and administration of the committee.

Passed to be enacted,

House of Representatives, April 9, 2012.
Speaker.

Passed to be enacted,

In Senate, April 9, 2012.
President.

Approved,
Governor.

18 April, 2012.