Recommended Motion - Article 22- Authorization to Borrow 2/3 Vote

Explanation: This article will allow the Town to seek special legislation required to borrow for the costs associated with the dismantling of Wind I and Wind II. The sum requested shall not exceed the appropriation which represents the $3,404,808 estimated to shut down, remove and restore the site, including the direct costs to procure, permit, dismantle and remove both turbines, legal, technical and consulting expenses and the refund value of Renewable Energy Certificates owed to the Massachusetts Clean Energy Center. In addition, this sum includes the principal due on an outstanding note in the amount of $4,865,000 borrowed to construct Wind II. The authorization to borrow is subject to special legislation and affirmative vote at the ballot to exclude the amounts owed from the limitations of proposition 2 ½. An affirmative vote at the ballot is also required to exclude existing debt incurred for Wind I which has an additional remaining principal balance of $5,717,862 for a total estimated obligation to remove Wind I and Wind II of $13,987,670.

Motion: That a sum of $8,269,808 is appropriated to pay costs of decommissioning, dismantling and removing Wind 1 and Wind 2, repaying obligations due on account of such wind turbines, and that to meet this appropriation, the Treasurer with the approval of the Selectmen is authorized to borrow said amount under and pursuant to the passage of special legislation contained in this motion, and to issue bonds or notes therefore. No sums shall be borrowed or expended hereunder unless and until the Town shall have voted to exclude the amounts required to repay any borrowing authorized by this vote, or any previously incurred on Wind I, from the limits of chapter 59, section 21C of the General Laws (also known as proposition 2 ½)

And further the Board of Selectmen is authorized to submit a petition to the Legislature for enactment of special legislation as follows and that the Board of Selectmen is authorized to accept recommended changes by Legislative, Counsel or Bond Counsel to further effectuate the purposes in this article:

AN ACT PERTAINING TO THE ISSUANCE OF BONDS OR NOTES BY THE TOWN OF FALMOUTH.

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. Notwithstanding the provisions of any general or special law to the contrary, the town of Falmouth is authorized to borrow, from time to time, such sums of money as may be necessary to pay costs of decommissioning, dismantling and removing wind turbines, repaying grants received on account of such wind turbines, refinancing outstanding debt related to such wind turbines, without regard to the present value savings requirements of section 21A of chapter 44, and for the payment of any and all other costs incidental and related thereto. Bonds or notes issued under this act shall be issued for a term not to exceed 20 years from their date or dates of issue, and the maturities of any bonds issued by the town under this act shall be arranged so that for each issue the annual combined payments of principal and interest payable in each year, commencing with the first year in which a principal payment is required, shall be as nearly equal as practicable in the opinion of the municipal treasurer and collector of taxes, or shall be arranged in accordance with a schedule providing for a more rapid amortization of principal. Bonds or notes issued under this act shall be outside the limit of indebtedness prescribed in section 10 of chapter 44, and, except as otherwise provided in this act, shall be subject to the applicable provisions of said chapter 44.

SECTION 2. This act shall take effect upon its passage.

END OF MOTION