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P.O. Box 2120
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February 28, 2011

Board of Selectmen
Town of Chilmark
P.O.B. Box 119
Chilmark, MA 02535

Re: Disclosure of Financial Interest and Request for Determination by Appointing Authority under G.L. c. 268A, § 19 - Application by Vineyard Power and Cronig's Market for Approval of Development of Regional Impact

Dear Selectmen:

I am writing to disclose a financial interest in a matter in which my duties as Commissioner with the Martha's Vineyard Commission require that I participate, and to request your determination that this financial interest is not so substantial as to be deemed likely to affect the integrity of the services that the Town of Chilmark may expect from me in my capacity as town-appointed Commissioner to the Martha's Vineyard Commission.

The matter requiring my participation is a joint application by Vineyard Power Cooperative, Inc., and Cronig's Market to install some solar array canopies in the Cronig's Market parking lot in Vineyard Haven. The proposal requires approval as a Development of Regional Impact (DRI) under the Martha's Vineyard Act.

I am a member of Vineyard Power. Vineyard Power is a cooperative organized under G.L. c. 164, § 136 "for the transaction of any lawful business associated with the purchase, acquisition, distribution, sale, resale, supply, and disposition of energy or energy-related services to wholesale or retail customers...." Its goal is to develop and/or own renewable and non-renewable electric generation facilities, and to procure and/or sell long term electric supply or other energy-related goods or services (including renewable energy) at competitive prices to its members. Vineyard Power has nearly 1,200 members and aims to increase its membership island-wide. Presently, a lifetime ownership stake in Vineyard Power requires a one-time payment of \$150. According to Vineyard Power's website, "The economic benefits of cooperative membership begin with stabilized electricity prices by 2016 and then lower prices after the initial financing period." (See <http://www.vineyardpower.com>.)

To generate funds needed to continue its operations and undertake additional energy projects, Vineyard Power is working on solar array projects such as the Cronig's proposal. The solar array will be owned by Vineyard Power Solar LLC ("VPS"), a subsidiary of Vineyard Power. Local private equity investors will also have an ownership interest in VPS.

VPS will lease the parking lot from Cronig's and operate the solar arrays. If the project comes together, Vineyard Power gets a "closing fee." Theoretically, if sufficient revenue is raised from Cronig's and similar solar projects, monies could be distributed to members by vote of the board of directors. However, revenue from such projects is needed to fund Vineyard Power's continued operations, including its goal of undertaking additional energy projects.

Pursuant to the Martha's Vineyard Act, the Martha's Vineyard Commission is the only governmental agency with authority to act on a DRI application. Most of the current Commissioners (12 of 17) are Vineyard Power members or have a spouse who is a member. Without the participation of some of these Commissioners, the Commission lacks the quorum necessary to act on the application.

I have been informed by counsel that under G.L. c. 268A, § 19, municipal employees may participate in matters in which they or their spouses have a financial interest under the following conditions:

... the municipal employee first advises the official responsible for appointment to his position of the nature and circumstances of the particular matter and makes full disclosure of such financial interest, and receives in advance a written determination made by that official that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the employee....

Enclosed please find the disclosure form required by the State Ethics Commission, which includes a section in which you may determine that "the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the employee."

I respectfully request that you make the necessary determination on the enclosed form so that I can participate in the review and the decision of the Martha's Vineyard Commission on the DRI application submitted by Vineyard Power and Cronig's Market.

If you feel that you need additional information to make your determination, please do not hesitate to contact me.

Sincerely,

Bill Bennett, Commissioner
Martha's Vineyard Commission