

The Cape Light Compact

Tel: (508) 375-6648 • Fax (508) 362-4136

POST OFFICE BOX 427 • BARNSTABLE SUPERIOR COURT HOUSE • BARNSTABLE, MASSACHUSETTS 02630

November 25, 2013

Mr. Timothy Carroll
Executive Secretary
P.O. Box 119
Chilmark, MA 02535

Dear Mr. Carroll,

Attached for your information and dissemination to your Board of Selectmen/Town Council is the Cape Light Compact's monthly Energy Efficiency Report. The Report reflects the program activity for all of Cape Cod & Martha's Vineyard and breaks out the detail on a town-by-town basis.

Below is a summary of the activity in your town for the month of September, 2013. To view each of your monthly reports, please visit our website at www.capelightcompact.org and click on Reports.

- 10 residents and/or businesses in Chilmark participated in the program.
- \$17,484.62 in incentive dollars were distributed to the 10 participants.
- 7,030 kWh were saved through implementation of these energy efficiency measures.
- Through September, 2013 your town has spent 110.5% of its town allocated annual budget.

If you have any questions on the attached report, please contact me at (508) 375-6636.

Sincerely,

A handwritten signature in black ink that reads "Margaret T. Downey". The signature is written in a cursive style.

Margaret T. Downey
Assistant County Administrator

Enclosure

Energy Efficiency Program Activity by Town

<http://www.capelightcompact.org/TownReports.htm>

Town Name: Chilmark
Program Period: 2013
Current Dates: 09/01/13 - 09/30/13
Cumulative Dates: 01/01/13 - 09/30/13

Program	Current Period			Cumulative for Reporting Period				
	Annual kWh Savings	Actual Expenditures	Unique Customer Accounts	Annual kWh Savings	Actual Expenditures	Unique Customer Accounts	Budget	Actual % of Budget
Low-Income New Construction	0	0.00	0	0	0.00	0	0.00	0.0%
Low-Income Single-Family	0	0.00	0	1,623	1,818.25	2	7,223.55	25.2%
Low-Income Multi-Family	0	0.00	0	0	0.00	0	0.00	0.0%
LI Subtotal	0	0.00	0	1,623	1,818.25	2	7,223.55	
LI % of Total	0.0%	0.0%	0.0%	3.5%	3.4%	4.8%	16.1%	
Residential New Construction	0	0.00	0	9,646	7,025.00	1	692.79	1014.0%
Residential Multi-Family Retrofit	0	0.00	0	0	0.00	0	0.00	0.0%
Res Home Energy	6,226	17,394.62	9	19,421	33,785.22	20	26,226.34	128.8%
Energy Star HVAC	0	0.00	0	65	175.00	1	0.00	0.0%
Energy Star Lighting	0	0.00	0	147	11.30	1	0.00	0.0%
Energy Star Appliance	0	0.00	0	7,699	3,971.00	9	0.00	0.0%
Res Subtotal	6,226	17,394.62	9	36,978	44,967.52	32	26,919.13	
Res % of Total	88.6%	99.5%	90.0%	79.5%	83.0%	76.2%	59.9%	
C&I New Construction	0	0.00	0	0	0.00	0	0.00	0.0%
C&I Govt New Construction	0	0.00	0	0	0.00	0	0.00	0.0%
C&I Large Retrofit	0	0.00	0	0	0.00	0	0.00	0.0%
C&I Govt Large	0	0.00	0	0	0.00	0	0.00	0.0%
C&I Small Retrofit	0	0.00	0	0	0.00	0	7,312.47	0.0%
C&I Govt Small	0	0.00	0	5,518	7,024.00	4	3,462.64	202.9%
C&I Products & Services	804	90.00	1	2,387	356.00	4	0.00	0.0%
C&I Subtotal	804	90.00	1	7,905	7,380.00	8	10,775.11	
C&I % of Total	11.4%	0.5%	10.0%	17.0%	13.6%	19.0%	24.0%	
Report Total	7,030	17,484.62	10	46,505	54,165.77	42	44,917.79	
Budget Comparison					49,652.47		44,917.79	110.5%

November 25, 2013

TO: Distribution

FROM: Chuck H.

SUBJECT: ZBA Special Permit Decisions and Applications

This summarizes the decisions reached at the November 20, 2013 ZBA meeting and outlines the agenda for its December 18, 2013 meeting.

November 20 Decisions:

1. **POSTPONED TO DECEMBER 18:** CHRIS ALLEY FOR DAVID GRAIN; Article 6 Section 6.11B2; 3 Georgiana's Way; Map 17 Lot 23.3: Construct an addition to the existing single-family dwelling resulting in more than 4,000 sq. ft. of living area on a 5-acre parcel.
2. **APPROVED WITH CONDITIONS:** CHRIS ALLEY FOR GARY JONES AND STACEY SNIDER; Article 6 Sections 6.6 and 6.11; 26 Abel's Neck Rd.; Map 31 Lot 2: Construct an addition to the existing single-family dwelling resulting in more than 3,500 sq. ft. of living area on a 3-acre parcel. The addition does not meet the minimum 50-foot setback distance from the west lot line.
3. **APPROVED:** LOUIS AND ELIZABETH LARSEN; Article 4 Section 4.2A3; 13 Wampum Way; Map 11 Lot 74: Construct a 36' X 18' built-in swimming pool with an auxiliary heat pump pool water heating system and the required four-foot high safety fencing. The pool equipment will be located in a sound-insulated shed.

December 18, 2013 Agenda:

1. CHRIS ALLEY FOR DAVID GRAIN; Article 6 Section 6.11B2; 3 Georgiana's Way; Map 17 Lot 23.3: Construct an addition to the existing single-family dwelling resulting in more than 4,000 sq. ft. of living area on a 5-acre parcel.

Vineyard Land Surveying & Engineering, Inc.

PO Box 421, West Tisbury, MA 02575-0421

Glenn F. Provost
Professional Land Surveyor

Reid G. Silva
Professional Engineer

William M. Austin
Professional Land Surveyor

(t) 508-693-3774

e-mail vlsi@comcast.net

(f) 508-693-8575

October 21, 2013

Dear Abutter:

Massachusetts General Laws Chapter 131 Section 40 requires any person filing a Notice of Intent with a conservation commission give notification to abutters.

As such an abutter please note that a Notice of Intent has been filed with the Chilmark Conservation Commission on behalf of Brian R. Kenney, et al. Trustees to remove an existing dwelling and to construct a new dwelling within the buffer zone of a coastal bank. The proposed work is located at #20 Crick Hill Road, Assessor Map 27.1, Parcel 119, Chilmark, MA 02535.

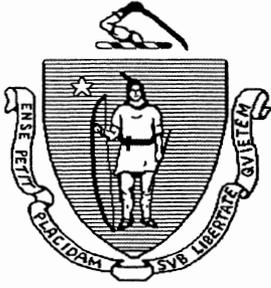
Copies of this Notice of Intent are on file with the Chilmark Conservation Commission at the Town Hall. For more information or to examine copies contact the Conservation Commission at the Town Hall (508)-645-2114 or this office.

At least 5 days before the public hearing, a legal notice will be published in a local paper.

Sincerely,



Reid G. Silva, PE/PLS
Professional Engineer
Professional Land Surveyor



The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC UTILITIES

DEC - 2 2013

NOTICE OF FILING AND REQUEST FOR COMMENTS

D.P.U. 13-181

November 25, 2013

Petition of the Towns of Aquinnah, Barnstable, Bourne, Brewster, Chatham, Chilmark, Dennis, Eastham, Edgartown, Falmouth, Harwich, Mashpee, Oak Bluffs, Orleans, Provincetown, Sandwich, Tisbury, Truro, Wellfleet, West Tisbury, Yarmouth, and the Counties of Barnstable and Dukes, acting together as the Cape Light Compact, to the Department of Public Utilities, for approval of a revised Energy Efficiency Surcharge for Effect January 1, 2014.

On November 15, 2013, the Towns of Aquinnah, Barnstable, Bourne, Brewster, Chatham, Chilmark, Dennis, Eastham, Edgartown, Falmouth, Harwich, Mashpee, Oak Bluffs, Orleans, Provincetown, Sandwich, Tisbury, Truro, Wellfleet, West Tisbury, Yarmouth, and the Counties of Barnstable and Dukes, acting together as the Cape Light Compact ("Compact"), filed with the Department of Public Utilities ("Department") a petition for approval of a revised energy efficiency surcharge ("EES") for effect January 1, 2014. Pursuant to G.L. c. 25, § 19(a), an EES collects additional funds for approved energy efficiency programs when the cost of implementing those programs exceeds other funding sources. The Department has docketed this matter as D.P.U. 13-181.

On April 1, 2013, the Department approved an EES for effect January 1, 2014, subject to reconciliation and the results of the Department's investigation in the Compact's energy efficiency three-year term performance report. Cape Light Compact, D.P.U. 12-107 (April 1, 2013). The Department's energy efficiency guidelines require the Compact to propose a revised EES if the difference between the revenue required to support its energy efficiency activities for 2014 and the revenue the Compact expects to collect through its approved EES for 2014 is greater than 25 percent. Energy Efficiency Guidelines § 3.2.1.6.4.1(b). The Compact's analysis indicates that the projected revenue under the revised EES is 28.4 percent greater than under its approved EES.

Pursuant to Section 51 of An Act Relative to Competitively Priced Electricity in the Commonwealth, St. 2012, c. 209 ("Section 51"), the Department opened an investigation to establish a cost-based rate design for costs that are currently recovered from distribution customers through a reconciling factor for each gas and electric distribution company. Investigation by the Department of Public Utilities Pursuant to Chapter 209, Section 51 of the

Acts of 2012, An Act Relative to Competitively Priced Electricity in the Commonwealth, D.P.U. 12-126. Section 51 provides that the Department shall approve the redesigned reconciliation factors, after a public hearing comment period, not later than January 1, 2014.

If the Department approves the proposed cost-based rate design and the revised 2014 EES for effect on January 1, 2014, a residential (R-1) customer using 584 kilowatt-hours of electricity per month will experience a monthly bill decrease of \$2.67, or approximately -2.2 percent from the Compact's approved 2013 EES. A low-income (R-2) customer using 483 kilowatt-hours of electricity per month will experience a monthly bill decrease of \$0.47 or approximately -0.6 percent from the Compact's approved 2013 EES. Commercial and industrial customers will also experience a monthly bill decrease on January 1, 2014. These customers should contact the Compact for specific bill impact information.

Any person wishing to submit comments regarding this filing may submit written comments to the Department no later than the close of business (5:00 p.m.) on **December 16, 2013**. One (1) original and two (2) copies must be filed with Mark D. Marini, Secretary of the Department of Public Utilities, One South Station, 5th Floor, Boston, Massachusetts 02110. In addition, one copy of all comments must be sent to the Compact's attorney, Jo Ann Bodemer, Esq. BCK Law, P.C., One Gateway Center, Suite 809, Newton, Massachusetts 02458.

All documents should also be submitted to the Department in electronic format using one of the following methods: (1) by e-mail attachment to dpu.efiling@state.ma.us and the hearing officer, jeffrey.leupold@state.ma.us or (2) on a CD-ROM. The text of the e-mail or CD-ROM must specify: (1) the docket number of the proceeding, D.P.U. 13-181; (2) the name of the person or company submitting the filing; and (3) a brief descriptive title of the document. The electronic filing should also include the name, title, and telephone number of a person to contact in the event of questions about the filing. All documents submitted in electronic format will be posted on the Department's website: <http://www.mass.gov/dpu>.

The Compact's petition is available at the Department's offices, One South Station - 5th Floor, Boston, Massachusetts 02110 for public viewing during business hours and on the Department's website at <http://www.mass.gov/dpu> by accessing the File Room link. A copy is also on file for public view at the Barnstable Superior Court House, 3195 Main Street (Route 6A), Barnstable, Massachusetts 02630. Any person desiring further information regarding the Compact's filing should contact counsel for the Compact, Jo Ann Bodemer, Esq. at (617) 244-9500. Any person desiring further information regarding this notice should contact Jeffrey M. Leupold, Hearing Officer, Department of Public Utilities, at (617) 305-3500.

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

RCVD
12/06/13

In re

JACQUELINE C. MELCHER, aka
JACQUELINE CARLIN,

Debtor.

Case No. 01-53251 ASW
Chapter 7

DEC - 6 2013

Date: January 16, 2014
Time: 3:00 p.m. PST
Place: 280 South First Street, San Jose, CA
Court: Hon. Arthur S. Weissbrodt

[Hearing May Be Advanced by Order of Court]

**NOTICE OF SALE OF REAL PROPERTY AND TRUSTEE'S INTENT TO PAY
BREAK-UP FEE AND REAL ESTATE COMMISSION; OPPORTUNITY FOR OVERBID**

TO CREDITORS, THE DEBTOR, THE UNITED STATES TRUSTEE, AND OTHER INTERESTED PARTIES:

PLEASE TAKE NOTICE THAT John W. Richardson, Trustee in Bankruptcy of the estate of the above Debtor, has entered into a contract for sale of the real property commonly known as 21 East Lane, Chilmark, Massachusetts, to Sanjeev and Girija Verma or their designee (the "Buyer) for \$4,500,000, subject to overbid and Bankruptcy Court approval. By stipulation, the Trustee is selling both the estate's interest in 21 East Lane and the interest of the probate estate of Terrance Melcher consistent with the Judgment on Reserved Issues issued by the Monterey County Superior Court on November 29, 2000, in Case No. MDR 30261 (the "Dissolution Judgment").

Background

The Dissolution Judgment allocated to the Debtor (now her bankruptcy estate) an \$800,000 separate property contribution interest. The Dissolution Judgment provided that gross proceeds of the sale of 21 East Lane would be used to satisfy costs of sale, community secured debt, and specific community unsecured debt. The Dissolution Judgment further provided that the remaining proceeds were to be divided equally after allocation of the separate property interest between the spouses (now their respective estates), subject to separate property liens, if any. The specific unsecured claims have since been satisfied and there is an agreement between the Trustee and the executor of the probate estate regarding credit for payment of those debts.

Subsequent to the Dissolution Judgment, the Debtor filed her Chapter 11 petition. The Bankruptcy Court denied Terrance Melcher's motion for relief from the automatic stay, but gave Terrance Melcher "adequate protection" of the value of his interest in the 21 East Lane property as of December 4, 2001. The amount of "adequate protection" has been established by an approved compromise.

The Sale

The Trustee has had the property listed since mid-2009 and has exposed the property fully to the market. Rumors have persisted that a particular buyer with significant cash assets may come forward to outbid any initial offer. The rumors have had a chilling effect. The Trustee concluded that, after

marketing the property for a long time without receiving an acceptable offer, it was necessary to include a break-up fee of \$75,000 as an incentive for submission of offers. The Trustee is seeking authority to pay a break-up fee in that amount to the Buyer if the Buyer is not the successful bidder. The \$75,000 break-up fee will be paid at close of escrow of a sale. If the original bidder emerges as the successful bidder, no break-up fee will be paid.

The Trustee intends to pay a real estate commission equivalent to five percent of the gross sale price with that commission to be split between the Trustee's broker and the broker representing the Buyer or successful overbidder. The Trustee has retained two brokers (Rooney & Company and Wallace & Company/Sotheby's International) on a non-exclusive basis. Rooney & Company presented the offer of the Buyer.

The Trustee has given the Buyer "overbid protection" of \$150,000. Therefore, the minimum overbid must be in the amount of at least \$4,650,000. Overbids must be in writing and accompanied by a cashier's check deposit in the amount of \$25,000 payable to "John W. Richardson, Trustee," and delivered to the Trustee in care of his counsel at the address below no later than 5:30 p.m. on January 6, 2014. Deposit checks will be held by counsel until completion of the auction described below. The successful bidder must increase its deposit to \$225,000 no later than five business days after its bid is accepted and must be prepared to close the sale within 30 days after entry of a Court order authorizing the sale. Interested parties should arrange for inspections they wish to make at this time with one of the Trustee's two brokers: Bill Rossi of Wallace & Company/Sotheby's (508-627-3313) or Richard Rooney of Rooney & Company (508-696-3293).

If one or more qualifying overbids are received, an auction will be held either in open Court at the above time and place or at such other time and place established by the Court or the Trustee on notice to the Buyer and overbidders who have submitted a qualifying overbid. Telephonic participation in an auction at Court is permitted but must be arranged in advance through CourtCall. (Parties should contact counsel for the Trustee to obtain contact information for CourtCall). If the auction is not to be held in open Court, the Trustee or his counsel will communicate the alternative arrangements for participation in the auction. Bidding increments will be determined at the auction but will be no less than \$10,000. The Trustee expects that the Court will approve the sale to the bidder with the highest or best bid as determined by the Trustee in his discretion. The deposit of the successful bidder will be applied to the purchase price and will become non-refundable upon entry of an order approving the sale provided the Trustee is able to convey title. The deposit checks of unsuccessful bidders will be returned promptly.

If no qualifying overbid is received, the Trustee will seek approval of the sale to the Buyer for \$4,500,000 at the hearing at the time and place identified at the top of this notice, and on the terms described above.

If no overbids are received, the proceeds of sale will not be sufficient to generate unencumbered cash for the bankruptcy estate. However, a sale will result in a payment to the probate estate on its large claim against the bankruptcy estate. The benefit that will be conferred on the bankruptcy estate's largest creditor is in the best interest of the bankruptcy estate as a whole. This circumstance, although unfortunate, is the reality the Trustee faces. The only alternative is abandonment of 21 East Lane under 11 U.S.C. § 554, which is likely to result in a foreclosure on both interests in the property. With overbids, the ultimate purchase price may be sufficient to generate cash for the bankruptcy estate while satisfying a larger amount of the probate estate's claim.

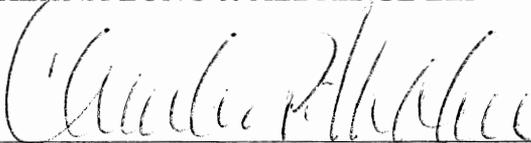
If appropriate, the Trustee may seek a "good faith purchaser" determination under Section 363(m) of the United States Bankruptcy Code, which will require a declaration of the Buyer (or successful overbidder) attesting to the arms-length nature of the transaction and lack of relationship between the Buyer (or overbidder) and the Debtor and attesting to certain other matters.

PLEASE TAKE FURTHER NOTICE THAT anyone who wishes to object to the sale of the property identified above must do so no later than seven days before the above hearing date by filing a written objection with the Clerk of the United States Bankruptcy Court, 280 South First Street, San Jose, California 95113, and by serving a copy on counsel for the Trustee simultaneously at the address below. Any objection must be accompanied by a legal memorandum and evidence (submitted by declaration) if the objecting party wants its legal position or evidence in support of an objection considered by the Bankruptcy Court.

PLEASE TAKE FURTHER NOTICE THAT as of January 1, 2005, electronic filing became mandatory in the United States Bankruptcy Court for the Northern District of California. Those persons who may wish to object but are not qualified to file documents electronically with the Bankruptcy Court should check the Bankruptcy Court's website (www.canb.uscourts.gov) for guidance.

Dated: December 3, 2013

MCKENNA LONG & ALDRIDGE LLP

By: 

Charles P. Maher
Counsel for John W. Richardson, Trustee

Charles P. Maher, State Bar No. 124748
MCKENNA LONG & ALDRIDGE LLP
One Market Plaza, Spear Tower, 24th Floor
San Francisco, California 94105
Telephone No.: 415.267.4000
Fax No.: 415.267.4198
E-mail: cmaher@mckennalong.com

November 26, 2013

Kaplan & Nichols, P.C.
Attorneys At Law
63 Winter Street Box 2198
Edgartown, MA 02539

Your Client: Carroll's MVRT, Inc.
Our Insured: Town of Chilmark
Our Claim Number: M13GL76475
Date of Loss: 3/30/13
Location of Loss: Martha's Vineyard Refuse Disposal

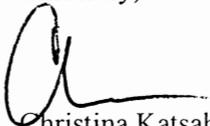
Dear Attorney Ellen B. Kaplan:

As you are aware, MIIA Property & Casualty Group administers the insurance for the Town of Chilmark and that I am the adjuster handling the above-captioned claim. I have completed my review of the materials provided concerning this matter.

You have failed to provide any substantial evidence to support that this fire was the result of negligence on the part of the Town of Chilmark. As I am sure you are aware, we can only consider payment for those damages our member is legally liable for. Therefore, we will not consider payment of this claim.

Should you have any additional evidence that may substantiate this claim, please feel free to contact me and we will give it the appropriate consideration.

Sincerely,



Christina Katsabiris
Claims Technician
christina.katsabiris@cabotrisk.com

cc: Timothy Carroll, Town of Chilmark

DEC - 2 2013

John C. Ketcham

OCT 15 2013

October 8, 2013

Ms. Diana DeBlase
Town of Chilmark
PO Box 119
Chilmark, MA 02535-0119

Dear Diana:

I'm back in North Carolina and need to follow up on our discussion about the Chilmark Community Center. I have two things that I would like to pursue with them if they are willing and I am hopeful that you might help put me with the right people in the organization. The two proposals are of a different nature and so I have put together two separate write-ups and they are enclosed.

Thanks so much for your help. I hope you have a good winter.

Sincerely,



4 White Oak
Elon, NC 27244
336.584.7225

9 Pancake Hollow
Aquinnah, MA 02535
508.645.9422

OCT 15 2013

PROPOSED CHILMARK COMMUNITY CENTER FILM SERIES

I have, for many years, regarded the early silent film comedians as geniuses and regret that we don't have a chance to see their work more often. The big three, in my book, were Charlie Chaplin, Harold Lloyd and Buster Keaton. My grandchildren might have heard Chaplin's name but I am sure that Lloyd and Keaton are unknown to them. I think this is a shame.

If the Community Center would consider a regular program of silents, say, two times a month in June, July and August, I would be willing to pay for the cost of obtaining and showing the films as well as paying for some modest promotional expenses. Let me stress that I have no idea about how you would go about locating films. I would like the Center to bring in films by Chaplin, Lloyd and Keaton as a start to see how people react.

If the Community Center thinks this is a possibility, I would like someone to contact me. Actually, I would like someone to contact me if it is not a possibility so that I can forget it. Many thanks.

John Ketcham

John Ketcham
4 White Oak
Elon, NC 27244

336 506 2309 (days)
336 584 7225 (evenings)

OCT 15 2013

PROPOSED CHILMARK FITNESS CENTER

My interest in this stems from the fact that I need to do leg strengthening exercises to offset knee replacements and I have been doing this at the YMCA facility. Since I live in Aquinnah, this turns out to be a 46 mile round trip. It seems to me we would benefit from a facility in Chilmark.

I have had numerous conversations with the folks at The Yard and they would like to try to do this but it looks as though they won't have access to land on which to build the facility. As a consequence, I need to explore elsewhere and I am hopeful that the Community Center might be interested and have the possibility of making land available for a building which would be about 20'x30'. My role would be arranging the funds to build the structure and equip it.

Once building and equipment are in place and the operation is functioning well, it would be expected to have a membership that would pay the fees necessary to operate and to repay the investors. Once the investment has been repaid, the ownership of the facility would be turned over to the Community Center.

I have had discussions with the Police Chief about using the land next to the Police Station for the purpose but the Chief tells me the property is not available. It seems to me that the Community Center is my best bet. If it is willing to proceed, a market study will need to be made and I will pay for that. I would like someone from the Center to contact me one way or the other on this so that we can come to grips with costs and other details. Many thanks.

John Ketcham

John Ketcham
4 White Oak
Elon, NC 27244

336 506 2309 (days)
336 584 7225 (evenings)