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Aquinnah voters meet March 8

Tribal agreement, energy, alcohol top meeting agenda

By Nelson Sigelman - March 1, 2007

Voters in the small town of Aquinnah will be asked to stir from winter hibernation March 8, to take action on a hefty special town meeting warrant. A preliminary question is whether the 40 voters needed for a quorum will show up.

Voters will be asked to tackle 27 articles. The list includes a request to create an Island-wide district of energy planning concern (DCPC), sanction an agreement between the town and the Wampanoag Tribe, change the quorum number and take the first step towards allowing restaurants to sell beer and wine.

Mid-winter housekeeping money articles totaling approximately \$64,000 and two school funding formulas also appear on the warrant. The meeting is scheduled to begin at 7 pm in the Old Town Hall.

The difficulty of reaching a quorum, currently 10 percent of voters, has bedeviled town officials. Most recently this fall, the town fell eight voters short on Oct. 24, 16 voters short two days later on Oct. 26 and 15 voters short on Nov. 7, the third and final attempt to convene a special town meeting.

Article 18 asks voters to amend town by-laws and reduce the quorum from ten to seven percent. A two-thirds vote is required for passage. If passed, no more than 28 voters of the current electorate would need to be present to take action on town business.

Selectman Camille Rose said some Aquinnah residents are concerned that a small number of voters would be able to act on town bylaws, but on the other hand she said that same concern could motivate more people to turn out. At 10 percent, she proposed, people tend to stay home thinking there are enough voters to make the decisions.

One decision voters who do attend will be asked to make Thursday evening is whether to support a nomination to the Martha's Vineyard Commission (MVC), the Vineyard's powerful regional permitting body, to create an energy-wide conservation DCPC.

According to the article, the still to be drafted regulations are intended to reduce the energy demand new or renovated structures place on non-renewable sources of energy and foster energy independence by requiring the installation of renewable energy sources.

In the future, owners of homes larger than 2,000 square feet may be required to utilize solar or wind powered generators or make a donation to a Vineyard renewable energy project.

Aquinnah selectman Jim Newman is a force behind his town's energy DCPC article and behind the push to place similar articles on warrants across the Island. Selectmen in some Island towns have expressed reservations about a lack of specifics and the DCPC process.

For example, in West Tisbury selectmen approved a modified article to be placed on the annual town meeting warrant that asks voters to support the selectmen's appointment of three representatives to an Island-wide advisory group responsible for drafting a nomination with proposed guidelines and regulations.

Mr. Newman was asked why he decided to place a fairly significant zoning article on a special town meeting warrant rather than hold it for the annual meeting when more voters might be expected to be present, Mr. Newman said, "I do not have an answer for that. It is my own impetuosity."

Last spring, an impetuous decision by Huey Taylor to gauge the town's willingness to allow the sale of beer and wine led to a surprise ballot question. Although the question narrowly failed, selectmen said it is evident people are interested in the issue.

If voters approve, selectmen will place a question on the spring election ballot to begin the approval process for allowing the sale of beer and wine in town restaurants.

Two articles, one submitted by selectmen, asks if the wealth-based formula should be used to determine regional assessments for the high school, and the other, which would endorse a percentage formula for determining shared costs, this one submitted by the Up-Island regional school committee, will be presented to voters. Voters who do not do their homework may easily find themselves awash in a sea of confusing numbers.

Voters must decide whether to support the existing regional formula for funding the high school based on per-pupil

cost or the state's new wealth-based model. Preliminary numbers under the state formula showed that assessments would decrease for Oak Bluffs, Aquinnah and Edgartown and increase for Chilmark, West Tisbury, and especially Tisbury. Some Island leaders have urged voters to stick with the existing formula while they try to work out a formula that does not leave a few towns with big bills.

In order to stick to the current regional agreement, all six towns must agree. If voters in four out of the six towns agreed to the state's statutory formula, that one will go into effect. Should the towns split three and three, the state would step in and allocate one-twelfth of the high school's budget from the previous year to operate on in July, which would continue month to month through December.

If the regional district has not come to an agreement by that time, the state would impose a budget and funding mechanism, and hand a bill to the towns.

The regional school committee article proposes the following formula: "Capital costs shall be apportioned to each member based upon a pre-determined percentage calculated upon ownership of school buildings and student enrollment in the school facility for which the assessment is being determined. The school census of Oct. 1 of the fiscal year preceding the fiscal year for which the assessment is being determined will be used to ascertain percentages. The town that owns the facility in question will contribute 80 percent toward its capital costs, while the remaining 20 percent will be apportioned to the other towns based upon their percentage of enrollment in that facility. The total contribution of all members combined shall not exceed 100 percent. In the event that there is no enrollment in a school facility on such a preceding October 1st but enrollment is anticipated, capital costs for that member town shall be apportioned based upon projected enrollment as determined by the Up-Island Regional School Committee."

Selectmen do not expect any surprises this time around when they ask voters "to endorse" the "Intergovernmental agreement on cooperative land use and planning between the Wampanoag Indian tribe and the town of Aquinnah."

At a special town meeting last August, selectmen presented the agreement, which had been ironed out over months of meetings that involved lawyers for both sides, to town voters. At the time, town officials thought that the agreement had the support of tribal members. It did not.

Voters tabled the article after hearing strong opposition from tribal members. At the time tribal leaders said that more time was needed to allow tribal members to fully understand its language and ramifications. In January members of the Wampanoag tribal council voted overwhelmingly in favor of the 12-page document.

The document is an outgrowth of a long legal battle over the limits of tribal sovereignty and is intended to help avoid future lawsuits and foster tribal-town cooperation and joint land use planning.

The tribe has agreed to apply for town permits for its partially completed 6,500 square foot self-permitted community center, once the agreement is approved.



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