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Aquinnah Voters Approve Town-Tribal Land Use Pact, Possible Alcohol Sales

By IAN FEIN

Opening a new chapter in the sometimes strained relationship between the town and Wampanoag Tribe of Gay Head (Aquinnah), Aquinnah voters at a special town meeting last night endorsed a land use agreement that will attempt to resolve a longstanding jurisdictional dispute for the two governments.

The agreement, which the tribal council approved in January, passed last night with roughly 60 per cent support. But the 28-18 vote, with most of those opposed being tribal members, indicated that sentiment about the agreement remained strongly divided within the tribe.

In other action at last night's special town meeting, voters approved an initiative to allow the sale of beer and wine with meals in restaurants. The proposal now will go onto the May 9 annual town election ballot.

Aquinnah voters also backed the creation of an Islandwide energy conservation district of critical planning concern, held off on a proposal addressing funding assessments for regional schools, and rejected an attempt to reduce the quorum for town meetings.

The town-tribal land use agreement drew virtually no discussion prior to the vote, other than one comment, from tribal member Jason Baird.

"I just want to go on record saying I am absolutely, unequivocally not in favor of this," Mr. Baird said.

The land use venture, which had been in the works for more than a year and was tabled at an earlier special town meeting in August, will set up a parallel permitting process for development project by the federally recognized tribe on its roughly 500 acres of land.

Town and tribal officials hope the agreement will help them avoid future lawsuits, like the one over a shed and pier on Menemsha Pond that plagued the two governments over the last five years and was ultimately found in favor of the town.

Tribal member and former town selectman Jeffrey Madison, who voted against the agreement last night, explained his opposition after the meeting had ended. The tribe has always sought to comply with town zoning, he said, but should not be governed or told what to do by town boards.

"I believe the tribe is a sovereign entity, and this agreement is an unnecessary compromise to our sovereignty," Mr. Madison said.

In other business last night, Aquinnah voters supported the creation of progressive energy regulations on the Vineyard through the nomination of an Islandwide energy conservation district of critical planning concern (DCPC). The article needed two-thirds approval, and passed with more than 80 per cent support.

Some discussion emerged about an example regulation presented in the DCPC article, so voters

opted to strike a portion of the language, noting that any actual regulations formed through the energy district would undergo public hearings at the Martha's Vineyard Commission and be subject to future town meeting votes.

The energy DCPC proposal, which originated with a request by Aquinnah selectmen, will next be up for discussion at annual town meetings this spring in four other Island towns.

Looking ahead to those town meetings, Aquinnah voters at the request of town selectmen last night indefinitely postponed an article that could have shaken up the regional school districts on the Vineyard.

At issue is the choice between a state formula or existing enrollment formula to determine how much each town must contribute to its regional school district costs. By forcing a switch to the state formula, Aquinnah taxpayers could save as much as \$100,000 per year, with the difference to be made up by taxpayers in other Island towns.

The actual binding vote on the subject will occur at the annual town meetings later this spring, but Aquinnah selectmen last night asked voters to hold off on making any political statements about the subject while they tried to work out a mutually agreeable arrangement with the other towns.

Aquinnah finance committee member John Walsh urged voters to seize the opportunity to save themselves some money.

"If we don't demand our better share of the distribution - which the state seems to suggest is our due - then no one's going to give it to us," Mr. Walsh said.

In response, Mr. Madison noted that Aquinnah is the only town on the Vineyard without a school, and that it depends on other communities to help educate its children.

"If you go and do something that spits in the eye of your neighboring towns, and then ask to send your kids to school there, how are they going to react to that?" Mr. Madison asked. "This is not the case to draw a line in the sand. Maybe on other issues, but not education."

In other regional issues, Aquinnah voters last night endorsed a separate amendment to the Up-Island Regional School District agreement that would revise the capital cost structure within the region, and also authorized Aquinnah selectmen to work with Chilmark and West Tisbury to develop a possible fiber optic network that could improve cellular telephone reception up-Island.

All 18 spending requests, totalling roughly \$100,000, were approved by voters last night.

In fact, the only time they went against town selectmen was when they rejected an attempt to lower the quorum requirement for future town meetings from 10 per cent of registered voters to seven per cent. It marked the second time in a year that selectmen tried to lower the quorum number, and the second time that voters said no.

Selectmen said that when they tried last fall to hold a special town meeting last fall, the town failed on three separate occasions to reach a quorum.

But voters last night countered that with a small town of only 400 registered voters, lowering the quorum requirement to only 28 people could put important majority-vote decisions in the hands of only 15 residents. They tabled the request last night by a vote of 38-7.

About 60 voters turned out for the town meeting last night, and made their way through the 27 articles in just over two hours.

They saved their longest discussion for the last article, a selectmen-sponsored initiative to allow the sale of beer and wine with meals in restaurants.

Voters approved the idea by a vote of 38-14, sending the question on to the annual town election ballot in May before it would go the Massachusetts state legislature as a home rule petition. Some said they saw the request as little more than a gift to the two restaurants in town, so voters lowered the seating requirement in the proposal as a way to possibly accommodate a smaller restaurant that may open in the future.

But the article last night also sparked a heartfelt discussion about changes in the historically dry town.

"I would like you to leave the town as it is," said tribal elder Gladys Widdiss. "We're a small town. And if you have beer or wine in restaurants. You're only opening the door for the rest of it later.

"For me, everything is moving too fast anyway," Mrs. Widdiss said. "So let's not hasten the day that Gay Head goes for beer and wine or anything strong."

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