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Two-way contest for Aquinnah selectman

By Nelson Sigelman - May 3, 2007

On Wednesday, Aquinnah voters will choose between two candidates for a seat on the three-member board of selectmen. Landscaper Carlos Montoya and Wampanoag tribal natural resources ranger Spencer Booker will vie for the seat held for the past 12 years by Michael Hebert, who decided not to seek reelection.

The outcome of the contest is expected to figure in the calculus that affects tribal-town relationships and political decision-making in the Island's smallest town, home to the federally recognized Wampanoag Tribe of Gay Head (Aquinnah). No tribe members now sit on the board of selectmen, which includes James Newman and Camille Rose.

Underpinning the tribe-town relationship is the 1983 settlement agreement that led to federal recognition and was signed by the Wampanoag Tribe, the Gay Head Taxpayers Association (since renamed the Aquinnah/Gay Head Community Association Inc.), the town, and the state. It specifically provides that the tribe's lands shall be subject to all federal, state, and local laws, including town zoning laws, state and federal conservation laws, and the regulations of the Martha's Vineyard Commission.

The limits of tribe sovereignty, particularly pertaining to land-use issues and the costs of educating children living in tribal housing have strained the delicate relationship between the tribe and the town.



Spencer Booker

A lawsuit over a small shed constructed in 2001 without a town permit on Menemsha Pond reached the state Supreme Judicial Court, which ruled against the tribe.

In March, representatives of the tribe and the town signed a 12-page "Intergovernmental agreement on cooperative land use and planning between the Wampanoag Tribe of Gay Head (Aquinnah) and the town of Aquinnah."

The agreement is intended to provide a framework for avoiding future court battles and defines a parallel permitting process overseen by a newly created seven-member Aquinnah planning advisory board, which would include tribe and town members.

Carlos Montoya moved to Martha's Vineyard in 1982. The father of two grown children, he has lived in Aquinnah since 1999.

He describes himself as a semi-retired landscape designer and contractor, specializing in native plants and native habitat restoration. In addition to contributing time to a number of town activities, he is Aquinnah's elected representative to the Martha's Vineyard Land Bank Commission and is a member of the Aquinnah Community Preservation Committee.

Spencer Booker grew up on the North Shore of Massachusetts and moved to Aquinnah in 1996. He says that as a member of the Wampanoag Tribe, the original inhabitants of Martha's Vineyard, his Island roots are deep. He is married and has three children, aged 12, 11, and 9.

Mr. Booker works as a conservation ranger for the Wampanoag Tribe of Gay Head (Aquinnah). He has also served on the tribal council and is president of the Wampanoag Shellfish Hatchery. In addition to his tribal responsibilities, he serves as a volunteer EMT with Tri-Town Ambulance and is Aquinnah emergency management director.



Carlos Montoya

This week, The Times provided each candidate with a series of questions and invited e-mail responses of a total of no more than 450 words. In addition, The Times asked Mr. Booker to address how he would deal with conflicts of interest if he were to become a selectman.

1. Why did you decide to run for a seat on the board of selectmen?

Mr. Montoya: In the end, this was as much about things other than the "issues," as not. Aquinnah is a magical place, wild and beautiful, with things on a scale that make sense. It is a place worth protecting, encouraging, giving to.

In addition, there are town board chairmen and members of boards that are truly worthy collaborators. There is also a town hall staff and elected officers that are a pleasure to work with.

Finally, an attitude of mutual respect and problem solving can favorably affect the outcome of town issues in Aquinnah. I think I have something to contribute there.

Mr. Booker: Our town has issues facing it that are exclusively our own. We are a town with two governments working within its borders side-by-side. This makes for a dynamic that can be both beneficial and prosperous. Daily, I work within the parameters of both and believe I have the ability and knowledge to foster and nurture a relationship between the two that will come to complement one another for years to come.

2. Although Aquinnah has recently taken steps to put its financial house in order, the town faces increasing costs associated with all phases of town government. How would you address the increasing pressure on taxpayers?

Mr. Montoya: Two responses to the budget issues seem indicated. One is placing the burden of proof on proposals for new spending. No more deferring to, "The sky is going to fall in." The second is to deepen the investigation underway for nearly two years by a town committee into Impact Aid from the Federal Government. This is money, potentially in meaningful amounts, designed to help compensate towns that, for one reason or another, have lost parts of the tax base that they would have otherwise depended on to help pay the bills.

Will a tribe member/selectman be in conflict?

Will Mr. Booker, a Wampanoag tribe member and appointed employee of the tribe, have a conflict of

interests should he be elected selectman? The question has arisen before, and in April of 1992, the State Ethics Commission advised that "Members of the tribe who are also municipal officials are not required to abstain in matters affecting the financial interest of the tribe, but they are required to make a public disclosure prior to participating in such matters"

The opinion rests partly on the Ethics Commission's determination that the Wampanoag Tribe is not a business organization as the conflict law defines it. His association with business organizations, whose activities are exclusively or almost exclusively devoted to commercial pursuits, would put an elected official in conflict. According to this 1992 advice, Mr. Booker will not "be required to abstain in particular matters affecting the tribe's financial interest."

But, if he is elected, the ethics commission advises that Mr. Booker's two roles will create "an appearance of a conflict of interest or bias in one's official actions as a result of one's private interests." The law prohibits municipal employees, such as Mr. Booker would be if elected, "from engaging in conduct which gives a reasonable basis for the impression that any person or entity can improperly influence him or unduly enjoy his favor in the performance of his official duties or that he is likely to act or fail to act as a result of kinship, rank, or position of any person." To cure this problem, Mr. Booker will need to file a written disclosure of his dual roles with the town clerk before participating in decision making by the selectmen.

Mr. Booker: The question of increasing taxes and the costs associated with running town governments are issues that we are all familiar with. Not only the town, but the Island as a whole, has seen its share of population growth over the past several years. It's worthy to note that comparing the Island to 11 years ago when I moved here, and looking at it now, it's incredible that I can say, I remember when that was all open space. Be that as it may, with increasing populations comes an increase in costs to government with respect to the services they provide. Working with the tribe has given me the opportunity to witness firsthand the kind of state and federal funding that is available to local governments. The town and the tribe need to take advantage of these resources as they present themselves. This would enable all of us to defray some of the costs associated with the services the town provides and keep taxes from rising.

3. The largest bite out of the budget is Aquinnah's share of regional education costs that will total \$1,040,459 in fiscal 2008. Unlike other property owners in town, the Wampanoag Tribe of Aquinnah does not contribute to the costs of educating children who live on tribal property. There has been considerable discussion of ways in which these education costs might be shared by the town and the tribe. How would you address the question of shared education costs?

Mr. Montoya: Finding ways to bear and/or share the education costs of sending tribal children to school leads back to the impact aid question. The US Department of Education describes Impact Aid as follows: "Impact Aid was designed to help local school districts that have lost property tax revenue due to the presence of tax-exempt federal property, or that experience increased expenditures due to the enrollment of federally connected children, including children living in Indian lands."

A town committee is currently researching just how to actualize Impact Aid in Aquinnah. In addition, a pro-active tribal initiative to collaborate with the town in this Impact Aid endeavor could advance its prospects at the federal level. It would also help put behind us past misunderstandings about sharing education costs.

Finally, the state's new statutory formula for assessing individual town school contributions to the regional school system is extremely significant in Aquinnah's favor.

Any immediate action by Aquinnah on this, however, was postponed at special town meeting earlier this

year, as a gesture of good faith to neighboring towns.

Mr. Booker: I believe the saying goes, "It takes a village to raise a child." A child is not only a product of his or her environment, but of the education received within that environment. I have three children receiving educations within the Up-Island Regional School District (UIRSD). I also live on tribal lands. This is a topic that must have open dialogue between the tribe and the town. We have children to educate within our town's borders and as with everything in our society, the cost just keeps going up. To that end we must sit down and see where both governments can compliment one another in defraying the costs associated with educating our children. Ultimately, it's in their best interest that we do so. As a selectman, I will.

4. Tribe-town issues cut across Aquinnah's political landscape. What approach would you take to fairly represent members of both communities, as well as summer property owners, all of whom are your constituents?

Mr. Montoya: Representing town residents as members of communal blocs, e.g., tribal members, summer residents, year-round non-tribal, is not the most useful way, overall, to be conducting oneself in office. In fact, selectmen have a legal responsibility to represent the interests of all town residents. And there are plenty of problems and opportunities we all share in common as individual residents.

There are, also, however, issues that for historical and other reasons have divided residents into blocks. To buffer and moderate the discussion on these issues, new venues can be created to create safer, extended, well-developed discussions between the town and tribe.

In this manner, they need not inevitably become government-to-government issues/problems, at the selectmen and tribal council level. The recent Memorandum of Understanding attempts to create this kind of a framework for solutions of land-use differences. In addition, an ad hoc venue may well also be developed to promote town-tribe collaboration on Impact Aid issues.

In the end, however, the Aquinnah board of selectmen represents the interests of all town residents.

Mr. Booker: I don't view the property owners of Aquinnah as anything else but property owners, summer or otherwise. As far as I'm concerned they are charged with the same responsibility as the tribe; to be conscientious stewards of the lands that we all depend on for survival. Just because someone spends less time in their home than someone else does not make them any less important in the role they play regarding the management of the environment that we all depend on for life. I'm in favor of positive results. It is not important to me who came up with the idea, as long as it was a good one regarding the topic we are addressing at the time.

As a tribal employee, and perhaps a selectman, how would you address the potential for conflicts of interest?

Mr. Booker: I work for one of the largest employers in Aquinnah; that being the tribe; I'm also a tribal member. Should I be elected selectman, I will most certainly be faced with issues regarding the tribe and town. Tribal members have had to struggle with this question since the town's incorporation in 1870. I will do what those before me have done - work for the common good of everyone in Aquinnah, tribal and non-tribal alike. We all drink the same water, breathe the same air, and plant the same soil. It is in that spirit that I will conduct myself and the affairs of Aquinnah.

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