Minutes of BCA Meeting
Monday, July 11, 2011

Board Present: Robert Vasseur (Robert), Ed Read (Ed), Jared Cadwell (Jared), Tom Bisbee (Tom), Ann Day (Ann), Patti Lewis (Patti), Rick Rayfield (Rick)

Guests: Adam Greshin, Bill Doyle, Tom Little, Anthony Pollina, Judy Dimario, Jim Leyton, Carol Groom, Carla Lawrence, Reta Goss, Sandra Brodeur, Julius Goodman, Martha Bisbee, Carol Hosford, Jane Hobart, Gail Breslauer, David Frank, Jim Sanford, Mitch Kontoff, Lisa Loomis, Will Senning

Meeting called to order 8:10 a.m.

Tom Little spoke about the establishment of the Apportionment Board last summer by Governor Douglas. Three members from the Progressive, Republican and Democratic parties are the makeup of the Board. They produced (by July 1, 2011) the initial reports to the BCAs of any Town that would see a change in districting. By the end of July, the BCAs then file their comments with the Apportionment Board through the Secretary of States Office. The proposal and comments then go to the House committee for their review and preparation for the next Legislative Session. The plan would then go to the Senate and Governor for their vote. Once the process reaches the Senate, the BCA no longer has input but up until that time, there is opportunity to weigh in.
He noted that if BCAs come together with a common opinion that this would carry more weight than comments from a single BCA.

At issue is the 2010 census number that has the Valley Towns at a population of 4777 when the optimal number is 4172. This gives the Valley 605 people or 14.5% deviation from that optimal number. While there have been deviations 10% above or below (creating an overall deviation of 20%) the Valley is sitting fifth from the top on a list of highest deviation areas.

The Apportionment Board voted 4-3 in favor of developing a plan with single member districts. The law instructs the Apportionment Board to look at substantial equality of representation and base their vote on a one-member district theory.

He noted that if there is any change to the current plan that it would have ripple effects on other districts up and down the State of Vermont and that it was like putting a jigsaw puzzle together with everything interconnected.

Some numbers:
Fayston population went up by 212 people.
The plan calls for moving 370 people South of Route 17 in Fayston to district with Waitsfield and Warren. (Deviation -9.06)
The plan calls for moving the remaining 900+/- people in Fayston in with Moretown and Duxbury. (Deviation -4.65).

Questions, Answers and Comments as follows:

Q. Rick Rayfield - If it was a 4-3 decision, how do you think it will play out in legislature?
A. Tom – Believes the Towns and BCA have a lot to think about and need to consider single and two member districts.
C. Bill Doyle – In many cases the legislatures do not follow BCA recommendations.

C. In 1965 it was one Town one House Member.
C. Robert Vasseur – In order to have 370 people in another district we will have to have another polling place, more clerks, another voting machine at considerable expense for 370 people.
C. Ann Day – If you are using Route 17 as the dividing line then people at the Battleground and people at the Mad River Barn with be voting in different districts, splitting the Mad River.
Q. Rick Rayfield – What if you leave the Valley the same and make it a two-member district?
A. Tom Little – We understand that these three Towns have been together for a long time. The Board did not look at keeping the Valley together and dividing another Town.
C. Jane Hobart – I have lived here 47 years and see this as a community issue. If you divide Fayston, we have the school in one district and divide South and North Fayston. It makes no sense.
C. Jim Leyton – Member of the Waitsfield BCA but speaking as a citizen of the Mad River Valley. What is the problem with a 14.5% deviation? It is the Mad River Valley Community and I am happy with under representation and wonder how many would actually feel under represented.
C. Tom Little – There is a court case that allowed for a 16% deviation and the 14.5% deviation may well approach tolerable limits but is clearly in the danger zone.
C. Tom Little – Once the Apportionment Board's proposal gets to the Legislature it is not to say all bets are off but the maps usually look substantially different. If the BCA advocates well they may be able to change the outcome.
C. Adam Greshin – what may also be helpful is the other minority data report that you (Tom Little) supported.
C. Tom Little – We looked at taking 175-200 people from Fayston and moving them in with Duxbury and Waterbury. The reason they are looking at Fayston is that it is the one generating the population deviation.
C. Judy Dimario – When I was a representative I covered Fayston, Warren, and Granville. Residents of Granville were very pleased that I went door to door.
C. Ed Read – Looking at this from a landscape point of view what looks good on paper is not when you get to the site. Geography and topography need consideration. He is not sure someone on the South side of Route 17 would care about Duxbury. Mad River Valley defines itself by its geography. 14.5% deviation is an infinite number and thinks mathematically this could work. Not only would the school be split, but Mad River Glen and Sugarbush as well.
C. Tom Little – It is the Courts that said that the residents (representation) are what really matter higher than anything else including schools, economic division of the Town, Planning Districts, etc.
C. Tom Little – Suggested that Fayston make a list of why 14.5% is not a problem for them.
Q. Tom Bisbee – What about having Waitsfield, Warren, Fayston, Moretown and Duxbury as one district with two representatives?
A. Tom Little – That might work.
C. Carol Hosford – Questions if she were a Fayston resident would she really feel under represented and suggested if so she would be tempted to fight for a single member district. She noted the Fayston School, combined Waitsfield/Fayston after school program.
C. Someone mentioned that perhaps Duxbury should be included but that they might not like being yanked from Waterbury.

C. Carla Lawrence – Waterbury Town clerk noted that their BCA had met June 20th and sent in their comments. They proposed that Waterbury not be split (as currently proposed) and suggested that Waterbury, Duxbury and Fayston become a two-member district.

C. Jim Sanford – Warren resident and PC member and representative on the MRVPD said that the three Towns (Fayston, Waitsfield, Warren) are not only geographically linked but share a common downtown area, town plans are linked, the Planning District does its best to bring the Towns together and use one Town's experience and expertise for the others as well. It has been incredibly successful. How much would another Representative pay attention to Fayston?

C. Gail Breslauer – Adamantly opposed to splitting Fayston. It does not make sense to split our community, the Mad River Valley. We have a shared Recreation District and Mad River Path Association. Already zip codes divide us. There is no under representation, these are just numbers being talked about.

C. Tom Little – Ten years ago the Valley deviation was 10.4%.

C. Adam Greshin – We were the largest single member district ten years ago and here we are again. Three members of the minority on the Apportionment Board had a plan to get around the population issue by Warren, Roxbury and Waitsfield as one and pairing Fayston with Duxbury. One possible argument is that you cannot get to Duxbury through Fayston. From a Representative standpoint, this is not about what the Representative wants it is about what the Towns want. Typically, it is easier for a Representative in a single member district, less confusing. In another ten years we are going to be facing this same problem again.

C. Tom Little – Told of how the Valley Towns were paired with others since 1965.

C. Bill Doyle – When and if an appeal of a decision reaches the Vermont Supreme Court the Towns will have to have a very high burden of proof as to why the plan will not work.

C. Tom Little – Noted that the Court has thrown out a 25% deviation case.

C. Judy Dimario – We have a common school that would be in a separate district.

C. Tom Little – All the common things that happen in the Valley would not stop because 300 people were split off in Fayston.

C. Tom Little – Ten years ago Kinney Connell staved off a 10.4% deviation but 14.5% is going to be more difficult. Only four Towns have a higher deviation.

C. Rick Rayfield – Has compiled a list of 20 connections within the Valley. He suggested that we may be looking at an opportunity to have Moretown and Duxbury included, although Duxbury may feel like a lonely child. Does the Valley deserve two Representatives?

C. Tom Little – The deviation if it were Waitsfield/Warren/Fayston/Moretown would be -6.86%.

C. Ed Read – The valley is connected geographically but the Towns do not all feel the same about every issue.

C. Tom Little –The process is that the BCA should formally take a vote on what ever decision they make, then send copies of the minutes in with their comments to give the full color of the meeting.

C. Robert Vasseur – Would hope that the three Town BCAs would get together and come to an agreement on the issue.

C. David Frank – Does not agree with the comment that the shared entities, such as the Planning District, would not be changed should Fayston be split. For example the True North proposal coming to Fayston, IF the issue required representation he is not sure that piece would work.

C. Carla Lawrence – Questioned how the election process would work.

C. Patti Lewis – Read the answer to the election question sent by Kathleen Scheele from the Sec. of States Office dated June 30, 2011, which states:

"Actually the law allows two districts to vote at the same polling place so you may not need a second tabulator—one tabulator can be configured to read up to 100 different ballots. However, if we determine that Fayston needs a second tabulator, the state would pay for the tabulator, configuration, and maintenance. The town only pays for the configuration and maintenance. The

town only pays for the configuration of the memory cards." (Patti noted that this would be the most expensive part and double the election budget.) "If a town has more than one representative district, then we add the second district to the voter registration statewide checklist so you will be able to select either district to print an entrance checklist."

Meeting adjourned 9:30 am.

Respectfully Submitted:
Patti Lewis

Approved: Robert Vasseur Date: 8/11/11
Robert Vasseur, Chair BCA