

August 4, 2007

**MINUTES OF THE ANNUAL MEETING OF BUSTINS ISLAND VILLAGE  
CORPORATION**

Minutes of the Annual Meeting of the legal voters of the Bustins Island Village Corporation held at the Community House on Bustins Island, Freeport, Maine at 9:00 a.m. EDT August 4, 2007.

The Clerk of the Village Corporation called the meeting to order. On a motion made and seconded it was **VOTED** to waive the reading of the warrant.

Members of the Board of Overseers present were Tony DeBruyn - Chair, Pat LaFleur - Vice-Chair, Bill Roberts, Scott Bonney, and Roger Leland. One hundred and eight (108) voters attended the meeting.

**ARTICLE 1: ELECTION OF MODERATOR**

Bill Cooper's name was placed in nomination and seconded. A motion was then made and seconded to close nominations. It was so **VOTED**. A written ballot is required to elect the Moderator. Five votes were cast by the Board of Overseers, with the rest of the voters refraining from voting. Bill Cooper was **VOTED** unanimously. He was duly sworn in by the Clerk.

The Moderator welcomed new community members Jim and Janice Boyko, and noted that food is available for purchase on the porch, courtesy of Diane Jellis. He also thanked Dan and Kim Adams for setting up the chairs.

The Moderator announced that the parliamentary procedures in the Maine Moderator's Manual will be used.

The Moderator noted that the Clerk would be using a tape recorder as a check in recording the minutes of the meeting and asked that those wishing to speak at the meeting please stand and go through the chair, and also that any motions or amendments of more than a few words be presented in written form to the Clerk. For voting purposes, the voters are required to use their voting cards (blue).

Only voters may speak. Nonvoters may speak with 2/3 consent of the voters present at the meeting.

Bill Cooper asked for a moment of silence in remembrance of Islanders who passed away over the past year: Linda Chasteen, Hartley Erikson, Mary Hartigan, Robert Hightower, Christine Ledin, Barbara MacDonald, Nat Malloy, Mary Mulry, Louise Norris, Sarah Reynolds, Bob Rudolph, Sylvia Spike, Jean Stoudt, Grace Taisey, Bob Tozier, Winnie Tozier, and Stuart Wade.

The moderator appointed Laura Vitali, Patrice Kastenzholz, Ben Carr, and Lorraine Leland as tellers for said meeting. The tellers were duly sworn in by the Clerk.

## **ARTICLE 2: COMMITTEE REPORTS**

Tony DeBruyn moved in the words of the article. The motion was seconded and **VOTED**. Other committee reports will be heard under Article 12. The following committee reports were heard:

1. The Clerk's Report - Sue Spalding. A motion was made, seconded and **VOTED** to waive the reading of the minutes of the 2006 Annual Meeting.
2. The Board of Overseers Report - Tony DeBruyn.
3. The Superintendent's Report - Charlie Johnson
4. The Treasurer's Report - John Garfield

## **ARTICLE 3: AUTHORIZATION OF TAX ASSESSMENT**

The moderator announced that since Articles 3 and 4 are interrelated, discussion for Articles 3 and 4 would take place at this time, with no further discussion allowed during action on Article 4.

Tony DeBruyn moved in the words of the article that the BIVC vote:

- a) To approve the imposition on Bustins Island properties of a special assessment pursuant to Sections 2 and 4 of the BIVC State Enabling Act, as amended, and pursuant to Art. XXII of the BIVC By-laws, as amended, to raise money in an amount equal to 10% of the amount of regular property taxes to be assessed on Bustins Island properties by the Town of Freeport for the 2007/08 fiscal year, the funds to be raised by such assessment are to be applied to those work purposes authorized pursuant to Section 2 of said Enabling Act, or replenishing BIVC reserves spent for such purposes, defraying any regulatory related expenses arising from

Maine DEP requirements and paying regular operating expenses; and

b) To authorize the Board of Overseers to approve the forms of any agreement with the Town of Freeport and any certificate(s) of the BIVC Clerk necessary to implement the aforesaid special assessment and, in turn, to authorize the Treasurer of the BIVC to execute and deliver such agreement to the Town of Freeport and the BIVC Clerk to execute and deliver such certificate(s) and any necessary lists to be appended thereto to the Assessor of the Town of Freeport in connection with such special assessment.

The motion was duly seconded.

After considerable discussion it was moved and **DEFEATED** to terminate debate (2/3 majority needed to pass). Discussion continued. Article 3 was subsequently voted and **DEFEATED**, 67 yes and 36 no (2/3 majority, or 69 votes, needed to pass).

#### **ARTICLE 4. AUTHORIZATION OF DISBURSEMENTS FROM THE CASCO FUND**

Tony DeBruyn moved in the words of the article that the BIVC vote:

- a) To authorize disbursements from the Casco Fund from time to time during the 2007-2008 fiscal year in an amount not exceeding \$50,000.00 in the aggregate, the funds from such disbursements to be applied to replenishing BIVC reserves, defraying any further regulatory related expenses and paying regular operating expenses; and
- b) To authorize the Board of Overseers to determine in its discretion the timing and exact amounts of the disbursements from the Casco Fund hereby approved.

The motion was duly seconded and **VOTED** (2/3 majority needed to pass).

#### **ARTICLE 5. BUDGET**

Tony DeBruyn moved in the words of the article that the BIVC vote:

- a) To appropriate the sum of \$234,572 to be expended under the direction of the Board of Overseers for the 2007/2008 fiscal year budget as set forth in ATTACHMENT A in the "Proposed 2007/2008 Budget" in column F of page 2;
- b) To fund the sum appropriated in a) above from the Freeport allocation and any other revenues; any excess or deficiency therefrom to be reconciled through the Reserve Excess and Deficiencies (RED) Fund and any amounts otherwise authorized from the CASCO fund;
- c) To authorize the Board of Overseers to:

- i) Expend monies from the reserve accounts for the general purposes for which such accounts were established; and
- ii) Make transfers among operating and reserve accounts including any amounts otherwise authorized from the CASCO fund.

The motion was duly seconded and **VOTED**.

**ARTICLE 6. PROPOSED AMENDMENT TO ARTICLE XXIII OF THE BIVC BY-LAWS TO AUTHORIZE THE BOARD OF OVERSEERS TO APPROVE DISBURSEMENTS FROM THE CASCO FUND IN SPECIAL CIRCUMSTANCES WITHOUT VOTER APPROVAL.**

Tony DeBruyn moved in the words of the article.

Shall an amendment to the By-Laws entitled “Special Requirements In Respect Of Disbursements From The Casco Fund” be enacted so that Article XXIII of the BIVC By-Laws will read in its entirety as set forth below; the additions and revisions to the current By-Law being shown in bold type and deletions as crossed out?

**SPECIAL REQUIREMENTS IN RESPECT OF DISBURSEMENTS FROM THE CASCO FUND**

**No disbursement shall be made from the CASCO Fund except as authorized at a meeting of the BIVC.** Any action at any meeting of the BIVC to authorize any disbursement from the fund established to provide monies to cover (to the extent available) catastrophes and special capital outlays (the “CASCO Fund”) shall require the affirmative vote of at least two thirds of the votes cast.

**Notwithstanding the foregoing, during periods between Annual Meetings of the BIVC the Board of Overseers may approve disbursements from the CASCO Fund without the vote called for by the preceding paragraph if the Board determines that as a result of unforeseen emergencies disbursements from the CASCO Fund are essential to the preservation of BIVC properties or facilities or the welfare of the Island because substantially all other BIVC reserves have been depleted or irrevocably committed and the BIVC has no other available funds. The type of unforeseen emergencies contemplated hereby are those that may arise, for example, by reason of storm, fire or other natural disasters, regulatory matters or legal proceedings. Whenever any disbursements are authorized by the Board of Overseers pursuant to the authority granted by this paragraph, the Board shall make a report of the amounts of such disbursements and the circumstances giving rise thereto at the next Annual Meeting of the BIVC and propose a plan to the voters for replacement of such amounts in the CASCO Fund.**

No amendment to this article may be made except upon the same vote as would be required to authorize a disbursement from the CASCO Fund as herein **provided in the first paragraph hereof**.

The motion was duly seconded and **VOTED** (2/3 majority needed to pass).

**ARTICLE 7. ACCEPT PORTIONS OF PUBLIC WAYS IN SECTION B BY METES AND BOUNDS AND RECEIVE AND CONVEY PARCELS ASSOCIATED THEREWITH**

Roger Leland moved in the words of the article that the BIVC vote to:

A. Accept a certain plan entitled “Plan of a Standard Boundary Survey Street A, B, & C Section B, Bustins Island, Freeport, Maine” made for Bustins Island Village Corporation by Island Surveys of Arrowsic, Maine dated 06/25/07 which plan shall be certified as an amendment to the Zoning Map of Bustins Island dated August 2, 2003 as corrected through May 16, 2005 and

B. Amend the zoning map of Bustins Island Freeport, Maine made for the Bustins Island Village Corporation dated August 2, 2003 revised to include corrections through May 16, 2005, by Island Surveys of Arrowsic, Maine which map is a successor to the Bustins Island Village Corporation Zoning Map of Bustins Island dated September 1, 1975 as subsequently amended and incorporated therein by accepting a certain plan entitled "Plan for Road Acceptance, Section B, Bustins Island, Freeport, Maine" made for Bustins Island Village Corporation, dated June 25, 2007 by Island Surveys, Arrowsic, Maine and also by accepting as a public island way for all purposes for which public streets are now or in the future held and maintained by the Bustins Island Village Corporation on Bustins Island, Maine, those portions of Street A and B in Section B so set out and further described by metes and bounds all as set out on Schedule A attached and

C. Accept, receive, convey and transfer the gift of a certain parcel of land designated as Parcel H consisting of 2,555 square feet, more or less, according to said plan from the abutters and owners of that parcel, in fee simple absolute, all as set out on a plan entitled “Plan of a Standard Boundary Survey Street A, B, & C Section B, Bustins Island, Freeport, Maine” made for Bustins Island Village Corporation by Island Surveys of Arrowsic, Maine dated 06/25/07 and more particularly bounded and described on Schedule B attached and

D. Give, convey and abandon, all rights, title and interest that it may have in fee simple absolute, to the owners of record thereof of a certain Right of Way which is shown as being adjacent to what is entitled "Old Merrill-Swett Line" all as set out on a plan entitled "Standard Boundary Survey, Streets A, B, & C Section B, Bustins Island, Freeport, Maine" made for Bustins Island Village Corporation, Bustins Island, Maine, dated 06/25/07 by Island Surveys, Arrowsic, Maine and further described on Schedule C attached.

The motion was duly seconded and **VOTED**.

**ARTICLE 8. ACCEPT A PORTION OF PUBLIC WAYS IN SECTIONS C AND D BY METES AND BOUNDS**

Roger Leland moved in the words of the article that the BIVC vote:

To amend the zoning map of Bustins Island Freeport, Maine made for the Bustins Island Village Corporation dated August 2, 2003 revised to include corrections through May 16, 2005, by Island Surveys of Arrowsic, Maine which map is a successor to the Bustins Island Village Corporation Zoning Map of Bustins Island dated September 1, 1975 as subsequently amended and incorporated therein by accepting a certain plan entitled "Right-of-Way Plan, Street T Section D, Bustins Island, Freeport, Maine" made for Bustins Island Village Corporation, dated May 21, 2007 by Island Surveys, Arrowsic, Maine and also by accepting as a public island way for all purposes for which public streets are now or in the future held and maintained by the Bustins Island Village Corporation on Bustins Island, Maine, that portion of Street T in Sections C and D so set out and further described by metes and bounds all as set out on Schedule E attached.

The motion was duly seconded and **VOTED.**

**ARTICLE 9. ADOPT AMENDMENTS TO THE BIVC ZONING ORDINANCE TO BRING IT INTO COMPLIANCE WITH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION'S "GUIDELINES FOR MUNICIPAL SHORELAND ZONING ORDINANCES" DATED MAY 1, 2006.**

Marcia Hohn moved in the words of the article.

Shall an ordinance entitled "Proposed Changes to Comply with DEP's May 1, 2006 Shoreland Zoning Guidelines (Draft of 6/20/2007-2)" in Attachment B to the warrant for this meeting be enacted where additions to the present ordinance are shown in bold type and deletions as crossed out?

The motion was duly seconded and **VOTED.**

**ARTICLE 10. AMEND ARTICLE XXI OF THE BIVC BY-LAWS IN RESPONSE TO RECOMMENDATIONS OF THE ARMY CORPS OF ENGINEERS.**

Robert Boone moved in the words of the article.

Shall an amendment to the By-Laws titled "Harbor Use and Mooring Regulations" be enacted so that Article XXI of the BIVC By-Laws will read in its entirety as set forth in Attachment C to this warrant; the additions and revisions to the current By-Law being shown in bold type and deletions as crossed out?

The motion was duly seconded and **VOTED.**

**ARTICLE 11. ADOPT NEW BY-LAW FOR DEFENSE AND INDEMNIFICATION OF ELECTED AND APPOINTED BIVC OFFICIALS AND EMPLOYEES.**

Roger Leland moved in the words of the article.

Shall an amendment to the By-Laws entitled “Defense and Indemnification of Elected and Appointed Officials and Employees” be enacted as Article XXIV of the BIVC By-Laws as set forth in Attachment D to this warrant?

The motion was duly seconded and **VOTED**.

**ARTICLE 12. HEAR COMMITTEE REPORTS**

Tony DeBruyn moved in the words of the article to hear committee reports. The motion was seconded and **VOTED**. The moderator asked that a written form of the reports be given to the Clerk to file. The following committee reports were heard:

1. The Planning Board Report - Marcia Hohn  
Street Acceptance Subcommittee - Roger Leland
2. The Zoning Board of Appeals Report - Warren Baker
3. The Landscape Committee Report - Bill Roberts
4. The Harbormaster’s Report - Rob Taisey
5. The Public Safety Committee Report - Rob Boone
6. The First Aid Coordinator’s Report - Lyndon Cudlitz, read by the Clerk
7. The Parking Advisory Committee Report - Faith Baker
8. The Boat Advisory Committee Report - Frank Kastenholz
9. The Brewer Property Report - Marilyn Carr
10. The Water Commissioner’s Report - Laura Vitali

**ARTICLE 13. ELECTION**

To elect a Clerk and Treasurer of the BIVC for a term of one year each; and to elect two members of the Board of Overseers for a three-year term each by ballot as provided in the BIVC By-Laws. The moderator declared nominations open for position of Clerk.

**CLERK**

Sue Spalding was nominated and seconded to serve a one-year term as Clerk. On a motion made and seconded, it was **VOTED** to close nominations. A written ballot is required. Five votes were cast by the Board of Overseers, with the rest of the voters refraining from voting. Sue Spalding was **VOTED** unanimously. The Clerk was then sworn in by the Moderator.

The moderator declared nominations open for position of Treasurer.

## TREASURER

John Garfield was nominated and seconded to serve a one-year term as Treasurer of the BIVC. On a motion made and seconded, it was **VOTED** to close nominations. A written ballot is required. Five votes were cast by the Board of Overseers, with the rest of the voters refraining from voting. John Garfield was **VOTED** unanimously. The Treasurer was then sworn in by the Clerk

The moderator declared nominations open for two positions of Overseer for a three-year term.

## BOARD OF OVERSEERS

Tony DeBruyn and Pat LaFleur were nominated and seconded. On a motion made and seconded, it was **VOTED** to close nominations. 79 written ballots were cast by voters in the hall, and Tony DeBruyn and Pat LaFleur were **VOTED** to office as Overseers. They were then sworn in by the Clerk.

## ARTICLE 14. OTHER MATTERS

To consider and act upon any other business which may lawfully come before said meeting.

- Patrice Kastenzholz on behalf of the BIHS thanked Charlie Johnson for repairing the railings on the ramp. She announced an upcoming speaker.
- Frank Kastenzholz announced that the Boat Advisory Committee is looking for new members.
- Rob Boone announced the upcoming Public Safety Day and the availability of a chimney sweep for cleaning and repairs.
- Olive Nickerson announced that Ron Sweatt would not be available after August 19 and that people should plan accordingly for propane service.
- Pat Gempel requested that we post information for those who wish to make donations.
- Faith Baker reminded people to obtain clamming licenses and check for red tide conditions before clamming.
- Bill Cooper announce a Planning Board meeting.
- Olive Nickerson offered a note of thanks to the very hardworking Board of Overseers.

As there was no further business a motion was made, seconded, and it was **VOTED** to adjourn the meeting at 12:40 PM.

Respectfully submitted,

M. Susan Spalding, Clerk