



Bustins Island Village Corp.

BUSTINS ISLAND, MAINE 04013

2011 ANNUAL MEETING WARRANT

Date: July 17, 2011

TO: M. Susan Spalding
Clerk of the Corporation

FROM: BIVC Board of Overseers

RE: **NOTICE OF ANNUAL MEETING OF THE BUSTINS ISLAND VILLAGE CORPORATION, STATE OF MAINE, COUNTY OF CUMBERLAND**

Greetings:

Pursuant to Article V of the By-Laws of the Bustins Island Village Corporation you are hereby directed to post notice and warn the qualified voters of the Bustins Island Village Corporation (BIVC) to assemble for the Annual Meeting of the BIVC at the Community House on Bustins Island on Saturday, August 6, 2011, at 9:00 a.m. EDT to act on the business of the BIVC as set out in the articles of the following warrant:

ARTICLE 1. ELECT MODERATOR

To choose a moderator and, if need be, a vice-moderator to preside over said meeting.

ARTICLE 2. HEAR OFFICERS & SUPERINTENDENT REPORTS

To receive reports from the Officers, Overseers, and the Superintendent of the BIVC:

- a) Clerk
- b) Board of Overseers
- c) Superintendent
- d) Treasurer

ARTICLE 3. BUDGET

To see if the BIVC will vote:

- a) To receive and appropriate the sum of \$224,700 to be expended under the direction of the Board of Overseers for the 2011/2012 fiscal year budget as set forth in ATTACHMENT A, “Bustins Island Village Corporation, Budget 2011-2012” in the column labeled “11-12 Budget;”
- b) To fund the sum so received and appropriated in a) above from the Freeport allocation, any gifts, assessments, 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.

Submitted by the Board of Overseers

BOARD OF OVERSEERS REPORT: This Article authorizes the Board of Overseers to receive and spend within the total appropriation and to transfer money among accounts. Attachment A presents a budget history and the expected disposition of funds for the 2011/2012 fiscal year.

The Board of Overseers voted unanimously to recommend approval of this article.

ARTICLE 4. AUTHORIZATION OF A MUNICIPAL USE EXEMPTION FOR VEHICLE STORAGE

To see if the BIVC will vote to authorize a municipal use exemption under Article 4.1.4(2) of the BIVC Zoning Ordinance for the storage of vehicles and equipment on BIVC owned property in the Resource Protection District as shown on the Zoning Map of Bustins Island, Freeport, Maine dated August 2, 2003 revised to include corrections through May 16, 2005.

Submitted by the Board of Overseers

BOARD OF OVERSEERS REPORT: For a number of years the Board of Overseers has stored and allowed to be stored various BIVC and contractor vehicles at the BIVC owned lots E-68 and E-68A, the “Brewer Property.” Fire equipment has also been housed and stored on lot E-7D, the fire house lot. These lots are both within the Resource Protection District. Under Article 4.1.4 of the Zoning Ordinance, Municipal uses are allowed if they are approved by the Annual Meeting and subsequently the Planning Board grants a Conditional Use permit for such use. The article asks that the BIVC vote to approve these

historic uses as municipal use exemptions and remove any doubt about the conformity of these uses with the zoning ordinance.

A majority vote is required to pass.

ARTICLE 5. PROPOSED AMENDMENTS TO SECTIONS 4.2.4 AND 4.3.4 OF THE ZONING ORDINANCE TO ADD MUNICIPAL USE EXEMPTION

Shall the BIVC vote to amend the BIVC Zoning Ordinance by adding the following as new subsections to Sections 4.2.4 and 4.3.4:

4.2.4(5) Municipal

Municipal uses as are approved at a BIVC Annual or Special Meeting to authorize such uses.

4.3.4(6) Municipal

Municipal uses as are approved at a BIVC Annual or Special Meeting to authorize such uses.

Submitted by the Planning Board and the Board of Overseers

PLANNING BOARD AND BOARD OF OVERSEERS REPORT: The Bustins Island Zoning Ordinance presently does not have a provision for municipal use exemptions in the Shoreland or General Purpose Districts although there is one for the Resource Protection District. These amendments would add the same language permitting municipal use exemptions with both a vote of a BIVC meeting and subsequent issuance of a Conditional use Permit by the Planning Board as is currently in place for the Resource Protection District. The Planning Board and the Board of Overseers recommend approval.

Since the Planning Board recommends approval, a majority vote is required to pass. Per state law, as an amendment to the zoning ordinance, further amendments are not permitted at the annual meeting.

ARTICLE 6. ACCEPT PORTIONS OF PUBLIC WAYS IN SECTION E BY METES AND BOUNDS

Shall the BIVC vote to:

To accept a certain plan entitled “Plan of a Standard Boundary Survey, ‘Island Avenue,’ Section E, Bustins Island, Freeport, Maine” made for Bustins Island Village Corporation by Island Surveys of Arrowsic, Maine dated 05/17/11 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

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, Island Avenue, Section E, Bustins Island, Freeport, Maine” made for the Bustins Island Village Corporation by Island Surveys of Arrowsic,

Maine dated 05/17/11, 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 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 Island Avenue in Section E so set out and further described by metes and bounds all as set out on Attachment B attached .

Submitted by the Planning Board

PLANNING BOARD REPORT: This article is part of the Planning Board’s continuing effort to define the roads on Bustins Island. Its acceptance will continue the acceptance by metes and bounds of a portion of the major interior road from the tennis courts past the “Brewer Cottage.”

The Planning Board recommends approval.

The Board of Overseers recommends approval.

Since the Planning Board recommends approval, a majority vote is required to pass. Per state law, as an amendment to the zoning ordinance, further amendments are not permitted at the annual meeting.

ARTICLE 7. 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 by ballot as provided in the BIVC By-Laws.

(SWEARING IN OF NEW OFFICERS BY THE CLERK OR MODERATOR.)

ARTICLE 8. HEAR COMMITTEE REPORTS

To receive reports from any and all committees.

ARTICLE 9. OTHER MATTERS

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

Given our hands at Bustins Island, Freeport, Maine this 17th day of July, 2011.

The Board of Overseers of the BUSTINS ISLAND VILLAGE CORPORATION

Faith Baker, Chair

Scott Bonney

William W. Cooper, Vice-Chair

Roger Leland

Robert Boone

ATTACHMENTS AND SCHEDULES:

Attachment A –Budget (Article 3)

Attachment B - Island Avenue Description by Metes & Bounds

Attachment B

Description of Property: Island Avenue
Bustins Island Freeport, Maine
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A certain lot or parcel of land on Bustins Island in the Town of Freeport, County of Cumberland, State of Maine, bounded and described as follows:

Beginning at a capped iron rod set at the Northeasterly terminus of the Southeasterly sideline of Tennis Court Road as shown on a "Standard Boundary Survey (of) Tennis Court Road ... made for Bustins Island Village Corporation" by Island Surveys dated May 16, 2008; thence by the following courses and distances:

- 1) N 35°17'04" W along the Northeasterly terminus of Tennis Court Road a distance of Sixteen and 54/100 (16.54) Feet to a point;
- 2) S 58°53'51" W along the Northwesterly sideline of Tennis Court Road a distance of Nineteen and 83/100 (19.83) Feet to a point;
- 3) N 43°29'20" E a distance of Nineteen and 46/100 (19.46) Feet to a point;
- 4) N 13°47'25" W a distance of Fifteen and 37/100 (15.37) Feet to a point;
- 5) N 30°12'27" W a distance of One Hundred Forty-Six and 08/100 (146.08) Feet to a point;
- 6) N 35°51'46" W a distance of Forty-Four and 87/100 (44.87) Feet to a point;
- 7) N 23°43'58" W a distance of Sixty and 76/100 (60.76) Feet to a point;
- 8) N 19°12'23" W a distance of Fifty-Seven and 38/100 (57.38) Feet to a point;
- 9) N 39°54'13" W a distance of One Hundred Three and 41/100 (103.41) Feet to a point;
- 10) N 38°32'47" W a distance of One Hundred Six and 29/100 (106.29) Feet to a point;
- 11) N 40°15'28" E a distance of Sixteen and 82/100 (16.82) Feet to a point;
- 12) S 38°32'47" E a distance of One Hundred Nine and 36/100 (109.36) Feet to a point;
- 13) S 39°54'13" E a distance of One Hundred Six and 23/100 (106.23) Feet to a point;

Description of Property: Island Avenue
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- 14) S 19°12'23" E a distance of Fifty-Nine and 74/100 (59.74) Feet to a point;
- 15) S 23°43'58" E a distance of Fifty-Eight and 35/100 (58.35) Feet to a point;
- 16) S 35°51'46" E a distance of Forty-Three and 93/100 (43.93) Feet to a point;
- 17) S 30°12'27" E a distance of One Hundred Forty-Six and 90/100 (146.90) Feet to a point;
- 18) S 27°32'19" E a distance of Thirty-Six and 16/100 (36.16) Feet to a point;
- 19) S 58°55'22" W a distance of Sixteen and 55/100 (16.55) Feet to the point of beginning.

The above described parcel of land contains 9318 square feet. Bearings are referenced to True North as determined by astronomic observation.