



August 4, 2012

**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, 2012.

There being a quorum, 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 Faith Baker - Chair, Bill Cooper - Vice-Chair, Roger Leland, Patricia LaFleur, and Rob Boone. Eighty-nine (89) voters attended the meeting.

**ARTICLE 1. ELECT 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 being 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 announced that the parliamentary procedures in the 1980 Maine Moderator's Manual will be used. The Moderator noted that the Clerk would be using a tape recorder and a digital voice 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 colored voting cards (blue). Only voters may speak. Nonvoters may speak with 2/3 consent of the voters present at the meeting.

The Moderator asked for a moment of silence in remembrance of Islanders who passed away over the past year: Alan Campbell and Leonard Jellis.

The Moderator welcomed new community members Angela and Mike Coyle; new cottage owners Becky and Bob Dugan, and Susan and Hank Rauch; and new voters Rachel Lake, Andrew Pease, Julie Pease, David Petrie, Kevin Petrie, and Andrew Spalding.

The Moderator appointed Jeff Carrier, Charlie Johnson, Dan Jellis, and Jim Boone as tellers for said meeting.

The Moderator reviewed further procedural matters for this Annual Meeting. The tellers were duly sworn in by the Clerk.

## **ARTICLE 2. HEAR OFFICERS & SUPERINTENDENT REPORTS**

Faith Baker moved in the words of the article as printed in the warrant for this meeting:

To receive reports from the Officers, Overseers, and the Superintendent of the BIVC. The motion was duly seconded and **VOTED**. The following committee reports were heard:

1. The Clerk's Report - Sue Spalding. The Clerk reported that as of August 4, 2012 there are 183 votes allowed, and 209 potential legal voters. The Clerk read a summary of the minutes of the 2011 Annual Meeting.
2. The Board of Overseers Report - Faith Baker, Chair. The Chair thanked outgoing Overseer Roger Leland for his many years of service to the island.
3. The Planning Board Report – David Gosnell, Vice-Chair
4. The Superintendent's Report - Crawford Taisey
5. The Treasurer's Report - Tony DeBruyn

Other committee reports will be heard under Article 8.

## **ARTICLE 3. BUDGET**

Faith Baker moved in the words of the article as printed in the warrant for this meeting that the BIVC vote:

- a) To receive and appropriate the sum of \$241,350.00 to be expended under the direction of the Board of Overseers for the 2012/2013 fiscal year budget as set forth in ATTACHMENT A, "Bustins Island Village Corporation, Budget 2012-2013" in the column labeled "12-13 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.

The Chair recognized Tony DeBruyn for presentation.

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

**ARTICLE 4. VOTE TO AMEND THE ZONING MAP AND TO ACCEPT PORTIONS OF PUBLIC WAYS IN SECTION E BY METES AND BOUNDS** - Schedule A

Christine Martens moved in the words of the article as printed in the warrant for this meeting that the BIVC vote:

1. Shall an ordinance entitled “2012 Amendment to the BIVC Zoning Map” be enacted?

To accept certain plans 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 12/05/11 and “Plan for Road Acceptance, Island Avenue, Section E, Bustins Island, Freeport, Maine,” made for Bustins Island Village Corporation by Island Surveys of Arrowsic, Maine, dated 12/05/11”. These plans shall be certified as amendments to the Zoning Map of Bustins Island dated August 2, 2003 as corrected through May 16, 2005. This map is a successor to the Bustins Island Village Corporation Zoning Map of Bustins Island dated September 1, 1975 and

2. To see if the BIVC will vote to:

Accept as a public island way “Island Avenue Section Two” shown thereon as a public street to be held and maintained now and in the future 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 Schedule A attached.

The Chair recognized Roger Leland for presentation.

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

**ARTICLE 5. ACCEPT GIFTS OF LAND FOR USE AS PUBLIC WAYS** - Schedule B

Christine Martens moved in the words of the article as printed in the warrant for this meeting:

To see if the BIVC will vote to:

Accept, and receive, gifts of a certain parcels of land for use as public ways designated as Parcels A, B, F, and G from the abutters and owners of those parcels, in fee simple absolute, all as set out on a plan entitled “Plan of Proposed Conveyances, Island Avenue, Section E, Bustins Island, Freeport, Maine” made for Bustins Island Village Corporation by Island Surveys of Arrowsic, Maine dated 12/05/11 and more particularly bounded and described by metes and bounds on Schedule B attached. This plan shall be certified as an amendment to the Zoning Map of Bustins Island dated August 2, 2003 as corrected through May 16, 2005.

The Chair recognized Roger Leland for presentation.

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

**ARTICLE 6. ACCEPT DRAINAGE EASEMENT** – Schedule C

Christine Martens moved in the words of the article as printed in the warrant for this meeting:

To see it the BIVC will vote to:

Accept and receive a gift of a drainage easement over lots 54, 55, 56, 57, and 58 all in Section E. from the owners of those parcels, as set out on a plan entitled “Plan of a Proposed Drainage Easement, West Shore Road, Section E, Bustins Island, Freeport, Maine” made for Bustins Island Village Corporation by Island Surveys of Arrowsic, Maine dated 03/23/12 and as described by metes and bounds in Schedule C, attached, and to include said drainage easement as an amendment to the Zoning Map of Bustins Island dated August 2, 2003 as corrected through May 16, 2005. Said easement is for the purpose of drainage and removal of surface and subsurface water from abutting lands to the easement area and includes the right to enter and to clean and maintain said area for such purposes.

The Chair recognized Roger Leland for presentation.

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

**ARTICLE 7. ACCEPT GIFTS OF LAND** – Schedule D and Schedule E

Roger Leland moved that the BIVC will:

Accept and receive the gifts of a certain parcels of land for Resource Protection purposes designated as Parcel 2 and Parcel 3, in fee simple absolute, all as set out on a plan entitled “Plan of Proposed Conveyances of Land in Section E, Bustins Island, Freeport, Maine” made for Bustins Island Village Corporation by Island Surveys of Arrowsic, Maine 04530 dated 03/15/12 and more particularly bounded and described by metes and bounds on Schedule D attached.

The Chair recognized Roger Leland for presentation.

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

**ARTICLE 8. TENTING**

Warren Barrows moved in the words of the article as printed in the warrant for this meeting:

Shall an ordinance entitled “2012 Amendment to the Zoning Ordinance Regarding Tenting” be enacted?

Amending Section 3.2, DEFINITIONS, by modifying certain of the existing definitions and adding certain definitions as shown below where proposed deletions are shown as crossed out and additions in bold:

Island: Bustins Island and the surrounding waters of Casco Bay within the jurisdiction of the B.I.V.C.

Open Space Use: A Use ~~not involving~~: **a Building or Structure**, (including without limitation any Tent); **earth-moving activity; or the removal or destruction of vegetative cover, spawning grounds, or fish, aquatic life, bird and other wildlife habitat.**

Party Tent: A Tent used to provide shelter for persons and/or property that does not have any sleeping accommodation.

Recreational Areas: Premises or portions thereof used for public or private recreation, including parks, playgrounds, ball fields, golf courses, driving ranges, and swimming areas, but excluding Campgrounds.

Recreational Camping: Use of any Tent with no foundation or platform for the purpose of providing temporary shelter for one or more persons for recreational purposes.

Sun Canopy: A Tent without walls or sides, other than optional mosquito netting, that (i) does not have any sleeping accommodation and (ii) does not exceed 400 square feet of floor area below the ceiling of the Tent.

Tent: **A portable self-contained fabric or fabric-like Structure used for human housing of a temporary nature** to provide temporary shelter to one or more persons and/or property (i) **with no foundation other than an optional temporary platform erected on a frame of metal or wood** and (ii) **having no utilities either permanently or temporarily attached to service the entity** Structure.

Tenting Area: A plot of land on which Tents are pitched for more than 30 days in a year.

Tenting Permit: Any permit required pursuant to this Ordinance to pitch and use a Tent.

**Amending Section 4.1.3, Permitted Uses (2) Other by adding a new subsection b, and renumbering existing subsection b as subsection c, as shown below where proposed deletions are shown as crossed out and proposed additions are shown in bold:**

- a. **Revetments and erosion prevention structures and activities; and**
- b. Recreational Camping for seven days or fewer in any 30 day period; and
- c. **Temporary Signs of no more than two square feet of area.**

**Amending Section 4.2.3, Permitted Uses (2) Other by adding new subsections b, c and d, and renumbering existing subsection b as subsection e, as shown below where proposed additions are shown in bold:**

- b. Recreational Camping for ten days or fewer in any 30 day period;
- c. Use of one or more Party Tents for the purpose of providing shelter to persons and/or property in connection with social gatherings or functions for no more than ten days in any 90 day period;
- d. Use of Sun Canopies to provide temporary shelter to persons and/or property; and
- e. **Signs.**

Amending Section 4.2.4, Conditional Uses (1) Rural by deleting the current wording in subsection b and replacing it with the new defined term “Recreational Areas” as shown below where proposed deletions are shown as crossed out and proposed additions are shown in bold:

~~b. Public or private recreation facilities including parks, playgrounds, golf courses, driving ranges, and swimming pools but excluding campgrounds;~~

b. Recreational Areas;

and adding a new subsection “e” as shown below where proposed additions are shown in bold and proposed deletions are shown crossed out:

c. Accessory Uses, Buildings and Structures; ~~and~~

d. Uses which are similar to the above Uses; and

e. Recreational Camping for more than ten days in any 30 day period.

and by amending Section 4.2.4 Conditional Uses (2) Residential by adding new subsections h and i as shown below where proposed additions are shown in bold and proposed deletions are shown crossed out:

f. Uses which are similar to the above Uses; ~~and~~

g. Home Occupations;

h. Temporary use of one or more Tents for the purpose of providing shelter to persons and/or property in connection with the construction of a Building or Structure; and

i. Use of one or more Party Tents for the purpose of providing shelter to persons and/or property in connection with social gatherings and functions for more than ten days in any 90 day period.

Amending Section 4.3.3., Permitted Uses 4.3.3.1(2) Other by numbering the existing entry in such section as subsection a and then adding subsections b, c and d as shown below where proposed additions are shown in bold:

a. Filling, grading, lagooning, dredging, or other earth moving activity operated in accordance with State laws, and involving the removal or filling of less than ten (10) cubic yards of material from or onto any Lot in any one (1) year, or the removal or filling of material incidental to construction, alteration or repair of a Building or Structure or in the grading and landscaping incidental thereto, or the removal, filling or transfer of material incidental to construction, alteration or repair of a public or private way or Essential Services;

- b. Recreational Camping for ten days or fewer in any 30 day period;
- c. Use of one or more Party Tents for the purpose of providing shelter to persons and/or property in connection with social gatherings or functions for ten days or fewer in any 90 day period; and
- d. Use of Sun Canopies to provide temporary shelter to persons and/or property.

**Amending Section 4.3.4, Conditional Uses (5) Other by adding new subsections f, g and h as shown below where proposed additions are shown in bold and proposed deletions are shown as crossed out:**

- d. Piers, docks and other shoreland construction requiring a Conditional Use Permit; and**
- e. Uses which are similar to the above Uses;**
- f. Recreational Camping for more than ten days in any 30 day period;
- g. Use of one or more Tents for the purpose of providing shelter to persons and/or property in connection with the construction of a Building or Structure; and
- h. Use of one or more Party Tents for the purpose of providing shelter to persons and/or property in connection with social gatherings or functions for more than ten days in any 90 day period.

**Amending Section 5.4 below by adding the words shown in bold and deleting those crossed out:**

**5.4 Campgrounds, Mobile Homes, Recreational Areas, Tents and Tenting Areas**

- (1) No Campgrounds, Mobile Homes, Recreational Vehicles, or ~~Tenting Areas~~ are allowed on the Island.**
- (2) Tents**

In Districts where Tents are a Permitted Use or a Conditional Use the following standards shall apply:

- ~~a. On any Lot on which an improved residential Building or Structure is now in existence, no more than one (1) Tent may be erected and such Tent may be used only for overflow sleeping accommodations.~~**



- a. No Tent may be used to provide shelter to persons unless the tenters have access to and use a functional sanitary system satisfying the provisions for residential Lots set forth in Section 5.13 of this Ordinance.
- ~~b. No Tent may be erected for more than thirty (30) days in any one calendar year or on any unimproved Lot not having an approved residential existing Building or Structure and no Tent may be erected on any such Lot unless all sanitary provisions for residential Lots as set out in Section 5.13 are met.~~
- b. Party Tents may be pitched without a Tenting Permit for up to ten days in any 90 day period to provide temporary shelter for property in connection with a wedding, party, or other social function or gathering; provided, however, that if the Party Tent will also be used to provide shelter to persons, the owner of the Lot on which the Party Tent is to be pitched shall obtain a Tenting Permit and demonstrate to the satisfaction of the Code Enforcement Officer that the sanitary systems to be used in connection with the function or gathering are adequate. Subject to applicable legal requirements, such sanitary systems may include (but shall not necessarily include) temporary portable sanitary systems. No Party Tent shall be used to provide shelter to persons in connection with a social function or gathering lasting more than three consecutive days unless the owner of the Lot on which the Party Tent shall be pitched shall first obtain a Conditional Use Permit.
- ~~e. No Tents may be erected under a. or b. above without first obtaining a tenting permit from the Building Inspector.~~
- c. The use of gas generators or other electrical energy generating equipment in connection with Recreational Camping is strictly prohibited.
- d. The use of any flame or other heat generating source (including without limitation, fires and campstoves) in connection with Recreational Camping is strictly prohibited.
- e. No Tent may be pitched and used on a Lot for the purpose of providing shelter to persons in connection with the construction of a Building or Structure unless (i) the Lot has existing functional sanitary system satisfying the provisions for residential Lots set forth in Section 5.13 of this Ordinance or (ii) the Conditional Use Permit application for the Tent specifies the location of the conforming sanitary facilities to be used by the tenters and, if the applicant is not the owner of such facilities, includes written permission from the owner of such facilities for their use.
- f. The use of any Tent, including, without limitation, Party Tents, shall comply with all applicable fire, life-safety and other applicable laws and codes.

The Chair recognized Warren Barrows for presentation. Discussion followed.

A motion was made, seconded, and **DEFEATED** to close discussion. Discussion continued.

Another motion was made, seconded, and **VOTED** to close discussion.

Article 8 was duly seconded and **VOTED**.

### **ARTICLE 9. FIREWORKS**

Faith Baker moved in the words of the article as printed in the warrant for this meeting:

To see if the BIVC will vote:

To amend Article XIII of its By-Laws so that it reads as follows in its entirety where added words are shown in bold:

#### **FIREARMS, FIREWORKS, AND LOUD NOISES**

The discharge of firearms or the making of loud and unusual noises on the island, tending to disturb the public peace is forbidden, without the permission of the Island Superintendent or the Overseers.

**No person shall use, or possess with intent to use, or sell, or possess with intent to sell, fireworks on Bustins Island without written approval of a majority of the Board of Overseers.**

The Chair recognized Faith Baker for presentation.

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

### **ARTICLE 10. ELECTION**

Roger Leland moved in the words of the article as printed in the warrant for this meeting:

To elect a Clerk and Treasurer of the BIVC for a term of one year each; and to elect one member of the Board of Overseers for a three-year term by ballot as provided in the BIVC By-Laws.

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

## CLERK

The moderator declared nominations open for position of Clerk.

Sue Spalding was nominated to serve a one-year term as Clerk. A motion was made, seconded, and **VOTED** to close nominations. A written ballot being required, with the consent of the hall five votes were cast by the Board of Overseers, with the rest of the voters refraining from voting. Sue Spalding was **VOTED**.

## TREASURER

The moderator declared nominations open for position of Treasurer

Anthony DeBruyn was nominated to serve a one-year term as Treasurer of the BIVC. A motion was made, seconded, and **VOTED** to close nominations. A written ballot being required, with the consent of the hall five votes were cast by the Board of Overseers, with the rest of the voters refraining from voting. Anthony DeBruyn was **VOTED**.

## BOARD OF OVERSEERS

The moderator declared nominations open for one position of Overseer for a three-year term.

Ken Barrows and Warren Baker were nominated. A motion was made, seconded, and **VOTED** to close nominations. Ken Barrows was **VOTED** by written ballots from the hall.

## **ARTICLE 11. HEAR COMMITTEE REPORTS**

Faith Baker moved in the words of the article as printed in the warrant for this meeting:

To receive reports from any and all committees not already heard.

The motion was duly seconded and **VOTED**. The following committee reports were heard:

1. The Code Enforcement Officer Report - Ron Tozier.
2. The Finance Committee Report - Roger Leland
3. The Street Acceptance Subcommittee Report - Roger Leland
4. The Zoning Board of Appeals Report - Warren Baker
5. The Harbormaster's Report - Rob Taisey
6. The Public Safety Committee Report - Ken Barrows
7. The First Aid Coordinator Report - John Abramson
8. The Boat Advisory Committee Report - Tanya Sweatt
9. The Brewer Property Advisor Report - Kim Ryan
10. The Water Commissioner's Report - Tanya Sweatt for Laura Vitali
11. The Comprehensive Plan Subcommittee of the Planning Board Report - Charlotte Kahn
12. Parking Report - Gwen Hendry

At this time the Clerk was duly sworn in by the Moderator, and the Treasurer and Overseer were duly sworn in by the Clerk.

## **ARTICLE 12. OTHER MATTERS**

Faith Baker moved in the words of the article as printed in the warrant for this meeting:

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

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

1. Rob Boone led discussion of the voters' opinions and ideas on locating an Americans with Disabilities Act-Compliant outhouse for the Community House. Various ideas were put forth, and the hall expressed certain disfavor for locating it in the existing Schoolhouse.
2. Linda Sweatt – thanked all those who work for island government. She reminded folks to purchase stamps from the Post office. She recounted several acts of vandalism, warned people to stay away from gas tanks on the Steamer Dock, and reminded people to pick up after their dogs.
3. Patrice said that people are picking flowers and vegetables from her and other islanders' gardens without permission.
4. Ron Sweatt spoke of the need to clean out the Ewing ice pond, and to use the honey wagon when cleaning out outhouses.
5. Numerous comments on the misuse of the island trash removal service.
6. Several spoke about the need to hold children and adults accountable for their misbehavior.

As there was no further business a motion was made, seconded, and it was **VOTED** to adjourn the meeting at 12:38 PM, EDT.

Respectfully submitted,

M. Susan Spalding, Clerk