



Bustins Island Village Corporation
Established 1913

August 3, 2013

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 3, 2013.

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 Rob Boone - Chair, Bill Cooper - Vice-Chair, Ken Barrows, Patricia LaFleur, and Faith Baker. Fifth-six (56) 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 will be using a 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. Non-voters 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: Bill Barrows, Joan Boone, Lauren Frisbee, Billy Hunziker, Charlotte Maurer, Marjie Needham, Olive Nickerson, Ruth Paddock, and Jean Larrabee Pierce

The Moderator welcomed new property owners and voters: John A. Carrier III, Jeanne Roberts, Simone Shields, Candy Taisey, Allison Taisey, Jessica Taisey, and Philip Taisey.

The Moderator appointed Kim Ryan, Pam Canu, Lorraine Leland, and Charlie Johnson as tellers. The tellers were duly sworn in by the Clerk.

The Moderator reviewed further procedural matters for this Annual Meeting, including two changes: general discussion will take place after the meeting has adjourned instead of as a Warrant Article, and the proposed use of the “Consent Calendar”, which bundles several Articles (Articles 9 through 14) that appear to raise no controversy, and which, with the consent of the voters, may then may be acted upon as one matter and passed by a unanimous vote without debate.

ARTICLE 2. Hear Officers & Superintendent Reports

Rob Boone 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:

- a. The Clerk’s Report - Sue Spalding. The Clerk reported that as of August 3, 2013 there are 190 votes allowed, and 209 potential legal voters. The Clerk read a summary of the minutes of the 2012 Annual Meeting.
- b. The Board of Overseers Report – Rob Boone, Chair.
- c. The Planning Board Report – David Gosnell, Vice-Chair
- d. The Superintendent’s Report - Crawford Taisey
- e. The Finance Committee Report – Roger Leland
- f. The Treasurer’s Report - Tony DeBruyn

Other committee reports will be heard under Article 17.

ARTICLE 3. Budget - Attachment A

Rob Boone 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 \$259,765.00 to be expended under the direction of the Board of Overseers for the 2013/2014 fiscal year budget as set forth in ATTACHMENT A, “Bustins Island Village Corporation, Budget 2013-2014” in the column labeled “13-14 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 reserve funds 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.

Article 3 was duly seconded and **VOTED**.

ARTICLE 4. 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 to enact an ordinance entitled “2013 Amendment 1 to the BIVC Zoning Map” by:

1. Accepting certain plans entitled “Plan of a Standard Boundary Survey, Showing Proposed Acceptance of ‘Central Avenue,’ Section E, Bustins Island, Freeport, Maine” made for Bustins Island Village Corporation by Island Surveys of Arrowsic, Maine dated 06/17/13, ~~and~~ “Plan for Road Acceptance, Central Avenue, Section E, Bustins Island, Freeport, Maine,” made for Bustins Island Village Corporation by Island Surveys of Arrowsic, Maine, dated 06/17/13” and “Plan of Proposed Conveyances, Central Avenue, Section E, Bustins Island, Freeport, Maine” made for Bustins Island Village Corporation by Island Surveys of Arrowsic, Maine, dated 06/17/13 and to amend the official Zoning Map accordingly? (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. Accepting by metes and bounds as additions to public ways for all purposes for which public streets are now and in the future held and maintained by the Bustins Island Village Corporation on Bustins Island, Maine those parcels shown on “Plan for Road Acceptance, Central Avenue, Section E, Bustins Island, Freeport, Maine” made for the Bustins Island Village Corporation by Island Surveys of Arrowsic, Maine dated 06/17/13 excepting therefrom the area between courses L7 through L17 inclusive on said plan and also to accept by metes and bounds as additions to public ways for all purposes for which public streets are now and in the future held and maintained by the Bustins Island Village Corporation on Bustins Island, Maine, Parcels A, B, C, D, E, F, & G on “Plan of Proposed Conveyances, Central Avenue, Section E, Bustins Island, Freeport, Maine” by Island Surveys of Arrowsic, Maine, dated 06/17/13 so set out and further described by metes and bounds all as set out on Schedule A attached and to amend the official Zoning Map, dated August 2, 2003, as corrected through May 16, 2005, accordingly.

The Chair recognized Roger Leland for presentation.

Article 4 was duly seconded and **VOTED**.

ARTICLE 5. Accept Gifts of Land for Use as Public Ways - Schedule A

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

To authorize the Board of Overseers to accept delivery of deeds as gifts of a certain parcels of land for use as public ways designated as Parcels A, B, C, D, E, 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, Central Avenue, Section E, Bustins Island, Freeport, Maine” made for Bustins Island Village Corporation by Island Surveys of Arrowsic, Maine dated 06/17/13 and more particularly bounded and described by metes and bounds on Schedule A attached.

The Chair recognized Roger Leland for presentation.

Article 5 was duly seconded and **VOTED**.

ARTICLE 6. Amend the Zoning Map and to Accept Portions of Public Ways in Section A by Metes and Bounds – Schedule B

Christine Martens moved in the words of the article as printed in the warrant for this meeting that the BIVC vote to enact an ordinance entitled “2013 Amendment 2 to the BIVC Zoning Map” by:

1. Accepting certain plans entitled “Plan for Road Acceptance, Street E, Section A, Bustins Island, Freeport, Maine,” made for Bustins Island Village Corporation by Island Surveys of Arrowsic, Maine, dated 06/19/13” and “Plan of a Proposed Conveyances, Street E, Section A,” made for Bustins Island Village Corporation by Island Surveys of Arrowsic, Maine, dated 06/19/13 excepting therefrom the area defined by courses L51, L68, and L69 inclusive on said plan and to amend the official Zoning Map accordingly? (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. Accepting by metes and bounds as additions to public ways for all purposes for which public streets are now and in the future held and maintained by the Bustins Island Village Corporation on Bustins Island, Maine, those parcels shown on “Plan for Road

Acceptance, Street E, Section A, Bustins Island, Freeport, Maine” made for the Bustins Island Village Corporation by Island Surveys of Arrowsic, Maine dated 06/19/13 excepting therefrom the area defined by courses L51, L68, and L69 inclusive on said plan and also as Parcels E, F, H, I, & J on “Plan of a Proposed Conveyances, Street E, Section A, made for Bustins Island Village Corporation by Island Surveys of Arrowsic, Maine, dated 06/19/13 so set out and further described by metes and bounds all as set out on Schedule C attached.

The Chair recognized Roger Leland for presentation.

Article 6 was duly seconded and **VOTED**.

ARTICLE 7. 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 that the BIVC vote:

To authorize the Board of Overseers to accept delivery of deeds as gifts of certain parcels of land for use as public ways designated as Parcels E, F, H, I and J from the abutters and owners of those parcels, in fee simple absolute, all as set out on a plan entitled “Plan of a Proposed Conveyances, Street E, Section A, Bustins Island, Freeport, Maine” made for Bustins Island Village Corporation by Island Surveys of Arrowsic, Maine dated 06/19/13 and more particularly bounded and described by metes and bounds on Schedule C attached.

The Chair recognized Roger Leland for presentation.

Article 7 was duly seconded and **VOTED**.

ARTICLE 8. Consent Calendar

Rob Boone moved that we consider the Consent Calendar as printed in the Warrant for Articles 9 through 14.

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

The Moderator numerated each article to see if any voter wanted it held for debate or question. As such, Articles 12 and 13 were removed from the Consent Calendar.

Rob Boone moved that we consider Articles 9, 10, 11, and 14 as a single matter without further debate.

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

ARTICLE 9. Capitalization of Definitions

Shall the BIVC vote to amend the BIVC Zoning Ordinance (the “Ordinance”) by:

Capitalizing all terms defined in Section 3.2 of the Ordinance wherever such terms are used in the Ordinance?

Article 9 was moved, duly seconded and **VOTED** unanimously under the Consent Calendar (Article 8).

ARTICLE 10. Add Definitions to the Zoning Ordinance

Shall the BIVC vote to amend the BIVC Zoning Ordinance (the “Ordinance”) by:

Amending Section 3.2, DEFINITIONS, of the Ordinance to add the following definitions for the following terms, which terms are used but not defined in the Ordinance:

<u>Building Site:</u>	A Lot on which authorized site preparation (including, without limitation, clearing and grading) and/or authorized construction work has been commenced or is on-going in connection with the construction of one or more Buildings or other Structures.
<u>Clerk:</u>	The Clerk of the Bustins Island Village Corporation
<u>Road:</u>	A path of travel for persons and authorized vehicles that has been duly accepted by the BIVC as a public right of way
<u>State:</u>	The State of Maine or any agency or political subdivision thereof exercising jurisdiction.
<u>Special Meeting:</u>	Any Special Meeting or Extraordinary Special Meeting, as such terms are defined in the B.I.V.C. by-laws, as amended?

Article 10 was moved, duly seconded and **VOTED** unanimously under the Consent Calendar (Article 8).

ARTICLE 11. Standardize Use of Terms “Normal Low Water Line” and “Normal High Water Line”

Shall the BIVC vote to amend the BIVC Zoning Ordinance (the “Ordinance”) by:

Amending Section 4.2.5 of the Ordinance to replace the reference to the text “normal low and high water lines” with the text “Normal Low Water Line and the Normal High Water Line”, which text uses the correct defined terms?

Article 11 was moved, duly seconded and **VOTED** unanimously under the Consent Calendar (Article 8).

ARTICLE 12. Certification of Contractors Performing Earth Moving Activities in the Shoreland District

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

Shall the BIVC Zoning Ordinance (the “Ordinance”) by amending Section 5.6 of the Ordinance, entitled Filling, Grading, Lagooning, Dredging or Earth-Moving Activity, to include a new subsection (8) setting forth provisions mirroring State Law requirements that only contractors certified in erosion control practices, or contractors supervised by a person that has been so certified, may be employed to perform certain earth moving activities in shoreland areas regulated by the State of Maine, as follows:

(8) Earth-Moving Activity in the State Shoreland Zone

When an excavation contractor will perform activities resulting in one cubic yard or more of earth material being added or displaced in a shoreland area regulated by the State of Maine, compliance with the following State requirements shall be required:

- (a) A person certified in erosion control practices by the Maine Department of Environmental Protection shall be responsible for management of erosion and sedimentation control practices at the site. This person shall be present at the site each day earthmoving activity occurs for a duration that is sufficient to ensure that proper erosion and sedimentation control practices are followed. This is required until erosion and sedimentation control measures have been installed, which will either stay in place permanently or stay in place until the area is sufficiently covered with vegetation necessary to prevent soil erosion.

- (b) Include on the required plan or permit application (Building Permit application, Conditional Use Permit application or other DEP permit or Use Permit application), the name and certification number of the person who will oversee activities causing or resulting in soil disturbance.
- (c) For purposes of this section, "excavation contractor" means an individual or firm engaged in a business that causes the disturbance of soil, including grading, filling and removal, or in a business in which the disturbance of soil results from an activity that the individual or firm is retained to perform?

The Chair recognized Warren Barrows for presentation.

Article 12 was duly seconded and **VOTED**.

ARTICLE 13. Fireworks

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

Shall the BIVC 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, CONSUMER 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, including consumer fireworks, on Bustins Island without written approval of a majority of the Board of Overseers.

A motion was made to amend Article 13 by striking the word "or possess with intent to use, or sell, or possess with intent to sell" and adding "except that consumer fireworks shall be allowed, to celebrate Independence Day, seven days before or after and including July 4th each year along the shore, directed over the water and intertidal zone."

The motion to amend was duly seconded and **DEFEATED**.

[Clerk's note: The amendment offered under Article 13 would not have been valid since it was an amendment to the Zoning Ordinance for which state law prohibits

amendments from the floor. It should not have been allowed by the Moderator; however, since the amendment was defeated, this point is moot.]

Article 13 was duly seconded and **VOTED**.

ARTICLE 14. Authorize Joining MMA Insurance Pool

To see if the Bustins Island Village Corporation will vote to authorize the Board of Overseers, on behalf of the Bustins Island Village Corporation, to take whatever actions are necessary for the Bustins Island Village Corporation to become a member of the Maine Municipal Association Property and Casualty Pool Program, including but not limited to execution of any contract required for such membership and the payment of any required fees or charges. The authority granted herein shall be continued until revoked.

Article 14 was moved, duly seconded and **VOTED** unanimously under the Consent Calendar (Article 8).

ARTICLE 15. Remove Landscape Committee from By-Laws

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

To amend Article X of its By-Laws by repealing the first two paragraphs of Article X and substituting Board of Overseers for Landscape Committee in the third paragraph so that it reads:

“LANDSCAPE REGULATIONS

No persons shall cut down, destroy, or remove trees upon any public lands of said corporation without the consent of the Board of Overseers. If a tree on lands owned by said corporation is deemed to pose an immediate threat to the safety of persons or property, then the consent of one member or the Superintendent will be sufficient to permit the offending tree’s removal. The Board of Overseers may order or cause removal of any objectionable signs, advertisements, or other unsightly objects from said lands. The Board of Overseers may make such other regulations as it deems necessary.”

The Chair recognized Pat LaFleur for presentation.

Article 15 was duly seconded and **VOTED**.

ARTICLE 16. Election

Rob Boone moved to conduct an election of officials to fill offices which would otherwise become open at the conclusion of this meeting.

The motion was duly seconded.

The Chair recognized Rob Boone for presentation. He stated that the offices to be filled are the Clerk and Treasurer of the BIVC for a term of one year each; and two members of the Board of Overseers for a three-year term, all to be elected by ballot as provided in the BIVC By-Laws.

CLERK

The moderator declared nominations open for position of Clerk for a term of one year.

Sue Spalding was nominated and seconded 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 for a term of one year.

Anthony DeBruyn was nominated and seconded 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 two positions of Overseer for a three-year term.

Rob Boone and Bill Cooper were nominated and seconded. A motion was made, seconded, and **VOTED** to close nominations. Written ballots from the hall were cast and Rob Boone and Bill Cooper were **VOTED**.

ARTICLE 17. HEAR COMMITTEE REPORTS

Rob Boone 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. Code Enforcement Officer - Ron Tozier. No report.
2. Street Acceptance Committee - Roger Leland. No report.
3. Board of Appeals - Warren Baker
4. Harbormaster - Rob Taisey
5. Public Safety Committee - Ken Barrows
6. First Aid Coordinator - John Abramson
7. Boat Advisory Committee - Tanya Sweatt
8. Brewer Property Committee - Kim Ryan
9. Water Commissioner - Laura Vitali

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

ADJOURNMENT

Rob Boone moved that this meeting be adjourned *sine die*.

The motion was duly seconded and **VOTED** at 11:05 am EDT.

Respectfully submitted,

M. Susan Spalding
Clerk, BIVC