



*Bustins Island Village Corporation*  
*Established 1913*

## **2023 ANNUAL MEETING WARRANT**

Date: July 22, 2023

TO: Ken Barrows

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 (BIVC) you are hereby directed to post notice and warn the qualified voters of the BIVC to assemble for the Annual Meeting of the BIVC at the Community House on Bustins Island on Saturday, August 5, 2023, at 9:00 a.m. EDT to act on the business of the BIVC as set out in the following articles of this warrant:

### **ARTICLE 1. Elect Moderator**

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

### **ARTICLE 2. Hear Reports**

To receive reports from the following:

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

### **ARTICLE 3. Budget - Attachment A**

To see if the BIVC will vote:

- a) To receive and appropriate the sum of \$490,500 to be expended under the direction of the Board of Overseers for the 2024 fiscal year budget as set forth in ATTACHMENT A, “Bustins Island Village Corporation, Fiscal Year 2023 Budget/Actuals and FY 2024 Budget” in the column labeled “FY 2024 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.

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 2023/2024 fiscal year.

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

### **ARTICLE 4. Changes to By-Laws Article V**

Shall the BIVC vote to amend Article V of the By-Laws by:

*Adding a new topic SHORE RESERVE with the words “Prior to voting on a request for construction or other use on the Shore Reserve, the Board of Overseers shall hold a public hearing. Notice of such shall be sent via broadcast email and posted on bivc.net at least two weeks in advance of the hearing”.*

Submitted by the Board of Overseers

BOARD OF OVERSEERS REPORT: This is currently part of the Board of Overseers Policy # 117, Permission for Construction on the Shore Reserve, put into effect December 1, 2018 and amended September 10, 2022. The Board of Overseers recommends that this portion of Policy #117 become a By-Law. Since the voters of the BIVC have ownership of this land, they should have the right to be heard when any development on the Shore Reserve is proposed.

The Board recommends approval of this article.

## **ARTICLE 5. Changes to By-Law Article VII: Votes**

Shall the BIVC vote to amend Article VII of the By-Laws by:

Deleting the words crossed out and adding the words in italics to “All votes for the election of officers or moderator shall be by ballot, but any other vote may be taken by ~~ayes and noes or by rising vote or show of hands~~, *show of colored voting cards*, except that when five legal voters shall demand it the vote upon any proposition shall be taken by ballot and checked by the list of legal voters prepared by the Overseers.”

Submitted by the Board of Overseers

BOARD OF OVERSEERS REPORT: The practice of using colored voting cards to cast a vote was established by the Board of Overseers for the 1990 Annual Meeting to address increasing difficulty in determining an accurate vote count in those instances where the number of votes cast may be at issue.

The Board recommends approval of this article.

## **ARTICLE 6. Changes to By-Law Article VII: Votes**

Shall the BIVC vote to amend Article VII of the By-Laws by:

Adding the following words: “*All motions of the Board of Overseers, and all boards and committees appointed by the Board of Overseers, shall require a majority vote of all voting members to pass, not merely a majority of members present and voting, unless otherwise particularly provided in the applicable ordinance or regulation. Where a board has both regular members and associate or alternate members, an associate or alternate member becomes a voting member for that meeting when filling the seat of an absent member. This voting policy in no way restricts a board member’s independent actions, between meetings, that are authorized by statute, policy or dire necessity.*”

Submitted by the Board of Overseers

BOARD OF OVERSEERS REPORT: A vote of 2 out of 3 or 4 present should not be binding if the total committee membership is 5. This is currently part of a Board of Overseers Policy

#116 approved June 24, 2018. This policy is recommended by the Maine Municipal Association Legal Services attorneys.

The Board recommends approval of this article.

## **ARTICLE 7. Changes to By-Law Article VIII: Moderator**

Shall the BIVC vote to amend Article VIII of the By-Laws by:

Deleting the word crossed out and adding the word in italics to “At all meetings of the corporation a moderator shall be chosen by ballot and sworn by the person presiding at the meeting or a justice of the peace. It shall be the duty of the moderator to preside over the meetings at which he is elected and regulate the business thereof. Until the election of a moderator at any meeting, the Clerk or, in the absence of the Clerk, ~~either~~ *one* of the Overseers may preside. “

Submitted by the Board of Overseers

BOARD OF OVERSEERS REPORT: For contextual accuracy, replace “either” with “one”.

The Board recommends approval of this article.

## **ARTICLE 8. Changes to By-Law Article XXV: Retail Marijuana Prohibition**

Shall the BIVC vote to amend Article XXV of the By-Laws by:

Adding the words in italics to section IV.C.

“Nothing in this Ordinance is intended to prohibit any lawful use, possession or conduct pursuant to the Maine Medical Use of Marijuana Act, 22 M.R.S.A. c. 558-C.”

*“Under no circumstances shall this provision be construed to allow caregiver retail stores, registered dispensaries, marijuana testing facilities, or manufacturing facilities to operate within this municipality.”*

Submitted by the Board of Overseers

BOARD OF OVERSEERS REPORT: BIVC counsel recommends that the words in italics be added. Since caregiver retail stores, registered dispensaries, marijuana testing facilities, or manufacturing facilities for medical marijuana use are now “lawful uses” under applicable law, counsel thought it better to clarify that BIVC has not “opted in” with respect to these medical marijuana uses. Nothing in the existing By-Law or this change to the By-Law prohibits or limits the personal, recreational or medical use of marijuana.

The Board recommends approval of this article

**ARTICLE 9. Changes to the BIVC Zoning Ordinance 6.8.3 Conditional Use Permits (3)b. Application Procedure**

Shall the BIVC vote to amend section 6.8.3(3)b. of the BIVC Zoning Ordinance by:

Deleting the words crossed out and adding the words in italics to section 6.8.3 (3)b

“At least 20 days in advance of a hearing the Planning Board shall notify the applicant, the Building Inspector, the Board of Overseers and the Board of Appeals of the time and place of the hearing, and at least 10 days in advance of the hearing the Planning Board shall publish notice of the hearing ~~in a newspaper of general circulation in the area~~ *to the BIVC website (BIVC.net)* and shall post notice of the hearing at a bulletin board at the community house and the Post Office Building on the Island.”

Submitted by the Planning Board

PLANNING BOARD REPORT: As part of its ongoing project to clarify and improve the Ordinance, the Planning Board determined that the part of the above procedure for application of a conditional use permit that requires posting notice of a hearing in a local newspaper is now outdated and cumbersome. The use of technology such as the [BIVC.net](http://BIVC.net) website would be a more effective step in the procedure for application and would thus notify more relevant persons, such as Islanders, more effectively.

The Planning Board recommends approval. Because the Planning Board recommends approval, a simple majority vote will be required to pass.

The Board recommends approval of this article.

**ARTICLE 10. 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.

**ARTICLE 11. Hear Committee Reports**

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

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

**ADJOURNMENT**

Given unto our hands at Bustins Island, Freeport, Maine this 22<sup>nd</sup> day of July, 2023.

The Board of Overseers of the BUSTINS ISLAND VILLAGE CORPORATION

\_\_\_\_\_  
Amanda Meyer, Chair

\_\_\_\_\_  
Judith Hayes

\_\_\_\_\_  
Henry Rauch, Vice-Chair

\_\_\_\_\_  
Alison Bushman

\_\_\_\_\_  
Craig Allard

As has been the custom, time after the meeting has been formally adjourned will be available for those assembled to discuss any other matters of general interest to Islanders before dispersing.

**ATTACHMENTS AND EXHIBITS:**

**Attachment A (Article 3) – Budget**