

August 2, 2008

**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 2, 2008.

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. Eighty-seven (87) 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 Melany Kuhn and Mike Panenka, Wendy and Bill Ralph, Charlotte Kahn and John Abramson, Sandy and Dave Dikison, and Pat Reardon.

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 colored voting cards (orange).

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: Bob Nielsen, Marge Wall, Sonia Thomas, Max Thomas, Ric Burr, John Fish, and Jerry Baker.

The moderator appointed Paul Eckel, Annalee Pease, Pam Boone, 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**. The following committee reports were heard:

1. The Clerk's Report - Sue Spalding. The Clerk reported that as of August 2, 2008 there are 187 votes, and 211 potential legal voters. A motion was made, seconded and **VOTED** to waive the reading of the minutes of the 2007 Annual Meeting.
2. The Board of Overseers Report - Tony DeBruyn
3. The Superintendent's Report - Charlie Johnson
4. The Finance Committee's Report - Len Larrabee
5. The Treasurer's Report - John Garfield

Other committee reports will be heard under Article 9.

## **ARTICLE 3. BUDGET**

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

- a) To receive and appropriate the sum of \$217,900 to be expended under the direction of the Board of Overseers for the 2008/2009 fiscal year budget as set forth in ATTACHMENT A in the "2008/2009 Budget" in column F of page 2;
- 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 motion was duly seconded.

It was moved and seconded that the allocation for Parks and Recreation be changed back to the \$3000 that was appropriated in 2007/08 and that \$2000 be removed from line item 28 and added to line item 31.

It was moved and seconded and **VOTED** to move the amendment. The amendment was then **VOTED**.

The budget article was then **VOTED** as amended.

#### **ARTICLE 4. ACCEPT PORTIONS OF PUBLIC WAYS IN SECTION E BY METES AND BOUNDS.**

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

Accept a certain plan entitled “Plan of a Standard Boundary Survey Tennis Court Road, Section E, Bustins Island, Freeport, Maine” made for Bustins Island Village Corporation by Island Surveys of Arrowsic, Maine dated 05/16/08 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, Tennis Court Road, Section E, Bustins Island, Freeport, Maine” made for the Bustins Island Village Corporation by Island Surveys of Arrowsic, Maine dated 05/16/08, 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 Tennis Court Road in Section E so set out and further described by metes and bounds all as set out on Schedule A attached .

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

**ARTICLE 5. CLOSING OF ROADS IN THE WINTER.**

Tony DeBruyn moved in the words on the article that:

The BIVC vote to accept the provisions of 23 M.R.S.A. § 2953 and authorize the Board of Overseers to file with the Clerk an order of closing specifying that it is unnecessary to keep the roads on Bustins Island maintained and open for travel during the months of November, December, January, February, March, and April or any part of these months for a period not to exceed ten years and to provide further that any such order shall be a final determination.

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

**ARTICLE 6. AMEND SEVERAL ARTICLES OF THE BY-LAWS OF THE BUSTINS ISLAND VILLAGE CORPORATION.**

Tony DeBruyn moved in the words of the article, and that each section A though L be debated and voted on separately.

Shall amendments to the By-Laws of the Bustins Island Village Corporation as set forth below be enacted where proposed additions to each section of the present By-Laws are shown in bold type and deletions as crossed out?

**A. ADD INTRODUCTION TO THE BY-LAWS**

**WHEREAS the legislature of the State of Maine has chartered the Bustins Island Village Corporation by Chapter 213 of the Private and Special Laws of 1913 as a Body Politic and Corporate within the Town of Freeport and**

**WHEREAS the legislature has amended this charter by Chapter 17 of the Private and Special Laws of 1967 and by Chapter 24 of the Private and Special Laws of 1985 and**

**WHEREAS said charter and its amendments were made in recognition of the unique requirements of the Bustins Island Village Corporation as an island and as a seasonal community and**

**WHEREAS the administration of the Bustins Island Village Corporation may be more effectively accomplished by the By-Laws as authorized by said charter**

**NOW THEREFORE the Bustins Island Village Corporation adopts the following By-Laws:**

The motion for Article 6 Subsection A was duly seconded and **VOTED**.

**B. AMEND ARTICLE II OF THE BY-LAWS TO MAKE POLICE APPOINTMENT PERMISSIVE**

**POLICE, COMMITTEES, AND AGENTS**

The Board of Overseers ~~shall~~ **may** annually appoint one or more policemen or night watchmen ....

The motion for Article 6 Subsection B was duly seconded and **VOTED**.

**C. AMEND ARTICLE V OF THE BY-LAWS, SPECIAL MEETINGS, TO INCREASE THE NUMBER OF VOTERS REQUIRED TO CALL A SPECIAL MEETING FROM FIVE TO FIFTEEN**

A meeting of the corporation shall be called whenever the Overseers may deem it necessary, and shall be called by them upon the request of ~~five~~ **fifteen** or more legal voters of said corporation, provided, however, that all meetings of the corporation shall be held upon said Bustins Island, and no meeting shall be called earlier than July 1st or later than August 31st in any year.

The motion for Article 6 Subsection C was duly seconded and **VOTED**.

**D. AMEND ARTICLE V OF THE BY-LAWS, BY ADDING A NEW SECTION CONCERNING EXTRAORDINARY SPECIAL MEETINGS**

**EXTRAORDINARY SPECIAL MEETINGS**

**Upon a vote of at least three of the Board of Overseers that an emergency condition exists, they may, upon the same vote, call an Extraordinary Special Meeting for its resolution. When the public ferry is operating, such an Extraordinary Special Meeting must be held only on Bustins Island on such a date and at such a time as attendees are able to get to and from the meeting using the public ferry. When the public ferry is not operating, an Extraordinary Special Meeting shall be held elsewhere in the Town of Freeport. Notice of such Extraordinary Special Meeting shall be given by first class mail sent at least 30 days prior to the meeting to all registered voters of the corporation as approved by the Overseers and certified by the Clerk.**

The motion for Article 6 Subsection D was duly seconded and **VOTED**.

E. AMEND ARTICLE V OF THE BY-LAWS, NOTICE OF MEETINGS, TO INCREASE THE NUMBER OF VOTERS REQUIRED TO PLACE AN ARTICLE ON THE WARRANT

When ~~five~~ **fifteen** or more legal voters request, in a writing delivered to (or sent by first class mail in sufficient time so as to be received by) the Clerk no later than 30 days in advance of the meeting, the Overseers to insert any particular thing or proposed business to be acted upon, in any warrant, it shall be their duty to so insert it.

Board of Overseers Report: The proposed change recognizes the growth in the Bustins community since the original By-Law adoption and assures that there is significant interest in matters to be brought to BIVC meetings.

The motion for Article 6 Subsection E was duly seconded and **DEFEATED**. 38 votes in favor, 39 votes against.

F. AMEND ARTICLE V OF THE BY-LAWS, NOTICE OF MEETINGS, BY ADDING A NEW PARAGRAPH TO PROVIDE FOR NOTICE OF EXTRAORDINARY SPECIAL MEETINGS

**In the case of an Extraordinary Special Meeting and in lieu of the posting requirements of the preceding paragraph, the notice of the meeting mailed to voters shall include the warrant for that meeting and the warrant shall be posted in Freeport.**

The motion for Article 6 Subsection F was duly seconded and **VOTED**.

G. AMEND ARTICLE V OF THE BY-LAWS, QUORUM, TO INCREASE THE NUMBER OF VOTERS REQUIRED FOR A QUORUM

~~Twelve~~ **Twenty-five** legal voters shall constitute a quorum for the transaction of business at any meeting of the corporation, but in the absence of a quorum a lesser number may adjourn the meeting to a later date.

The motion for Article 6 Subsection G was duly seconded and **VOTED**.

H. AMEND ARTICLE IX OF THE BY-LAWS TO MAKE BOARD OF HEALTH APPOINTMENT PERMISSIVE

There ~~shall~~ **may** be a Board of Health composed of three members, one of whom shall, if possible, be a physician, appointed annually by the Board of Overseers ....

The motion for Article 6 Subsection H was duly seconded and **VOTED**.

I. AMEND ARTICLE X OF THE BY-LAWS TO MAKE LANDSCAPE COMMITTEE APPOINTMENT FOR THREE YEARS

There shall be a landscape committee composed of five members appointed ~~annually~~ by the Board of Overseers, to attend to the preservation and superintend the cutting or removal of trees or shrubbery upon **the Shore Reserve and other public lands of Bustins Island as permitted by and in accordance with the BIVC Zoning Ordinance**; and to prevent the erection and cause the removal of objectionable signs, advertisements, or other unsightly objects, and in general to preserve and enhance, so far as possible, the landscape beauties of said Island.

**The term of Landscape Committee members shall be three years; however in the first year of effectiveness of this section two (2) members shall be appointed for three years, two (2) for two years, and one (1) for one year. Thereafter the Board of Overseers shall annually appoint members as required to fill the expiring terms.** But said committee shall have no power to expend money or incur liabilities in behalf of the corporation for any purpose except when approved by the Board of Overseers.

The motion for Article 6 Subsection I was duly seconded and **VOTED**.

J. AMEND ARTICLE XIV OF THE BY-LAWS, EXCURSIONS, PICNICS, AND CAMPS, TO CLARIFY APPLICATION IS TO PUBLIC LANDS

Excursion parties must first obtain permission of the Island Superintendent or Overseers, and must occupy such places as shall be assigned them. Parties wishing to picnic, camp, or tent upon **the BIVC- owned lands of** the Island must first obtain permission of the Island Superintendent or Overseers, and must occupy such places as shall be assigned them.

The motion for Article 6 Subsection J was duly seconded and **VOTED**.

K. AMEND ARTICLE XVI OF THE BY-LAWS, MOTOR VEHICLES, TO CLARIFY APPLICABILITY

No motor driven vehicles, ~~such as~~ **including but not limited to** autos, **tractors**, trucks, motorcycles, and scooters, ~~will~~ **shall** be permitted on Bustins Island without specific approval of the Board of Overseers. **Approval may be granted only if the Board determines that the vehicle meets** ~~The only basis for approval will be commercial need and/ or to provides essential services to the community~~ **and that the owner agrees that the Overseers may call upon the vehicle for transport of disabled persons and for use in emergencies.**

**In addition, the Board of Overseers may grant approval for specific personal transport**

**vehicles for use only by individuals who the Overseers determine have a need based on medical necessity, disability, or infirmity.**

**Ride-on lawn mowers may be brought onto the island without specific approval for use only on private property and may not be used for personal transport on the public ways unless specifically authorized by the Board of Overseers.**

**The Board of Overseers may adopt additional regulations, restrictions and conditions upon the operation of motor driven vehicles including a requirement that the owners of such vehicles brought to Bustins post a bond or provide other security to provide funds for their subsequent removal.**

A motion to move the question was seconded and **VOTED** by the required two-thirds majority.

The motion for Article 6 Subsection K was duly seconded and **VOTED**.

#### L. AMEND ARTICLE XVII OF THE BY-LAWS, FINES AND PENALTIES

Any person convicted of violating any article of these By-Laws shall be punished by a fine not exceeding the sum of ~~five~~ **five hundred** dollars, or imprisonment not exceeding the term of thirty days, or by both such fine and imprisonment, upon complaint or indictment, or by action of debt in the name and for the use of the corporation. **Each day such a violation continues after written notification by the Board of Overseers or its agent shall constitute a separate offense. When penalties for violations of the provisions of Article XX, Zoning Ordinance, and Article XXI, Harbor Use and Mooring Regulations, are specifically provided for in those articles those penalties shall prevail.**

The motion for Article 6 Subsection L was duly seconded and **VOTED**.

The above article with 12 sections (A thru L) was submitted by the Board of Overseers.

A majority vote is required to pass.

Summary of Article 6 votes:

- Subsection A - VOTED
- Subsection B - VOTED
- Subsection C - VOTED
- Subsection D - VOTED
- Subsection E - DEFEATED
- Subsection F - VOTED
- Subsection G - VOTED



Subsection H - VOTED  
Subsection I - VOTED  
Subsection J - VOTED  
Subsection K - VOTED  
Subsection L - VOTED

**ARTICLE 7. AMEND ARTICLE XXII OF THE BY-LAWS OF THE BUSTINS ISLAND VILLAGE CORPORATION.**

Tony DeBruyn moved in the words of the article.

Shall amendments to Article XXII of the By-Laws of the Bustins Island Village Corporation as set forth below be enacted where proposed additions to each section of the present By-Laws are shown in bold type and deletions as crossed out?

SPECIAL REQUIREMENTS IN RESPECT OF ~~ASSESSMENTS AND~~ INDEBTEDNESS

No action shall be taken at any meeting of the corporation to authorize ~~any assessment or~~ any incurrence of indebtedness for borrowed money unless, at least 30 days prior to such meeting, notice of the time and date of the meeting and the proposed ~~assessment and/or~~ incurrence of indebtedness shall have been mailed by first class mail to all the registered voters of the corporation as **approved by the Overseers and** certified by the Clerk from the official Assessor's records or from such other records as may be available to the Clerk.

Any action to authorize ~~any assessment or~~ any incurrence of indebtedness for borrowed money shall require the affirmative vote of at least two thirds of those voting thereon. In addition, if any such action is being considered at a meeting other than an annual meeting, ~~a quorum~~ **the vote required** for the taking of such action shall be at least three quarters of the number of legal voters present and voting, ~~for overseer(s) at the immediately preceding annual meeting.~~

No amendment of this Article XXII may be made except upon the same notice, vote and quorum as would be required to authorize ~~any assessment or~~ any incurrence of indebtedness for borrowed money.

The requirements of this Article XXII shall be in addition to any other requirements imposed by these By-Laws, the corporation's charter or applicable law.

The article was duly seconded and **VOTED** by the required two-thirds majority.

## ARTICLE 8. ELECTION

Tony DeBruyn moved in the words of the article. The motion was duly seconded.

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.

### 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 duly 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 duly sworn in by the Clerk

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

### BOARD OF OVERSEERS

Scott Bonney, Faith Baker, and Diane Jellis were nominated. On a motion made and seconded, it was **VOTED** to close nominations. 73 written ballots were cast by voters in the hall, and Scott Bonney and Faith Baker were **VOTED** to office as Overseers. The Overseers were duly sworn in by the Clerk.

## ARTICLE 9. 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 - Rob Boone
2. The Public Safety Committee Report - Rob Boone
3. The Street Acceptance Subcommittee -No additional report
4. The Zoning Board of Appeals Report - Warren Baker
5. The Landscape Committee Report - Ellen Donovan
6. The Harbormaster's Report - Rob Taisey

7. The First Aid Coordinator's Report - no report at this time
8. The Parking Advisory Committee Report - Faith Baker
9. The Boat Advisory Committee Report - Frank Kastenholz
10. The Brewer Property Report - Marilyn Carr
11. The Water Commissioner's Report - Laura Vitali
12. The By-Laws Review Committee - Sue Spalding

#### **ARTICLE 10. OTHER MATTERS**

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

1. Ron Sweatt thanked Bill Roberts for his six years of service as Overseer.
2. David Guernsey suggested the use of a projector and screen to display documents
3. Connie Richardson mentioned that the rope swing steps need shoring up, and David Guernsey reminded us to use the right-of-way next to Gosnell's to access the rope swing.
4. Betty Kirkland suggested that the swing itself be checked.
5. Tony DeBruyn thanked Diane Jellis for her years of service as Board Secretary.
6. Paul Eckel reminded us to burn the burnables in our trash to reduce volume.
7. Linda Sweatt reminded us to tell our renters the island rules and regulations. Diane Jellis volunteered to help put together a renters' information packet.
8. Ron Sweatt reminded us to not leave gas lights on when not at home, to clean our gas refrigerators yearly because of possible CO emissions, and to put outhouse diggings in the free Honey Wagon. David Guernsey recommended the use of CO detectors.
9. Faith Baker recommended that we check the chimney area of our cottages for scorch marks.

As there was no further business a motion was made, seconded, and it was **VOTED** to adjourn the meeting at 12:48 PM, EDT.

Respectfully submitted,

M. Susan Spalding, Clerk