



# *Bustins Island Village Corporation*

*Est. 1913*

August 5, 2023

## **MINUTES OF THE ANNUAL MEETING OF THE 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 5, 2023.

There being a quorum, the Clerk of the Village Corporation called the meeting to order. On a motion made and duly seconded it was **VOTED** to waive the reading of the Warrant.

Members of the Board of Overseers present were Amanda Meyer - Chair, Hank Rauch –Vice-Chair, Judy Hayes, and Ali Bushman. Craig Allard was absent due to health issues. Sixty-nine (69) voters attended the meeting.

### **ARTICLE 1. ELECT MODERATOR**

Amanda Meyer's name was placed in nomination and seconded. A motion was then made and duly seconded to close nominations. It was so voted and **PASSED**. A written ballot being required to elect the Moderator, five votes were cast by the Board of Overseers, with the rest of the voters concurring to refrain from voting. Amanda Meyer was **ELECTED**. She was duly sworn in by the Clerk.

The Moderator announced that the parliamentary procedures in the Seventh Edition 2021 Maine Moderator's Manual will be used, and that the Moderator will resolve any procedural questions. 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, show your voting card and state your name.

Only voters may speak, except that non-voters may speak with 2/3 consent of the voters present at the meeting. Questions must go through the Moderator, and any motions or amendments of more than a few words must be presented in written form to the Clerk. For voting purposes, voters are required to use their colored voting cards (orange).

The Moderator asked for a moment of silence in remembrance of islanders who passed away during the last year: George Langdon Hatch, Sheila Carrier, Darby Mumford, Hans Hunziker, and Len Larrabee.

The Moderator welcomed new property owners and voters: Douglas and Joyce Arthur, Connor Leland, Matthew Curran, Jake Adams, and Jayson Morrison.

The Moderator appointed Rob Boone, Emma Bushman, Barbara Barrows, and Gary Haygazian as tellers. The tellers were duly sworn in and given instructions by the Clerk.

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

**To receive reports from the following:**

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

Hank Rauch, Vice-Chairman of the Board of Overseers, moved in the words of Article 2 as printed in the Warrant for this meeting. The motion was duly seconded.

The motion for Article 2 was voted and **PASSED**.

The following committee reports were heard:

- a. The Clerk's Report - Sue Spalding. The Clerk reported that as of August 5, 2023 there are 178 votes allowed, and 215 potential legal voters. A motion was made to waive the reading of the 2022 Annual Meeting minutes. The motion was duly seconded and **PASSED**.
- b. The Board of Overseers Report – Amanda Meyer, Chair
- c. The Superintendent's Report – Phil Taisey, Assistant Superintendent
- d. The Treasurer's Report - Tony DeBruyn

Other committee reports will be heard under Article 11.

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

- a) To receive and appropriate the sum of \$490,500.00 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.**

Hank Rauch, Vice-Chairman of the Board of Overseers, moved in the words of Article 3 as printed in the Warrant for this meeting. The motion was duly seconded.

The Moderator recognized Treasurer Tony DeBruyn for presentation.

Dan Jellis spoke a tribute to the late Len Larrabee for his having been responsible for our budget agreement with Freeport in 1984.

The motion for Article 3 was voted and **PASSED**.

#### **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”.*

Hank Rauch, Vice-Chairman of the Board of Overseers, moved in the words of Article 4 as printed in the Warrant for this meeting. The motion was duly seconded.

The moderator recognized Hank Rauch for presentation.

The motion for Article 4 was voted and **PASSED**.

#### **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.”

Hank Rauch, Vice-Chairman of the Board of Overseers, moved in the words of Article 5 as printed in the Warrant for this meeting. The motion was duly seconded.

The moderator recognized Hank Rauch for presentation.

The motion for Article 5 was voted and **PASSED**.

**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.”*

Hank Rauch, Vice-Chairman of the Board of Overseers, moved in the words of Article 6 as printed in the Warrant for this meeting. The motion was duly seconded.

The moderator recognized Hank Rauch for presentation.

The motion for Article 6 was voted and **PASSED**.

**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.”

Hank Rauch, Vice-Chairman of the Board of Overseers, moved in the words of Article 7 as printed in the Warrant for this meeting. The motion was duly seconded.

The moderator recognized Hank Rauch for presentation.

The motion for Article 7 was voted and **PASSED**.

**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.”*

Hank Rauch, Vice-Chairman of the Board of Overseers, moved in the words of Article 8 as printed in the Warrant for this meeting. The motion was duly seconded.

The moderator recognized Hank Rauch for presentation.

The motion for Article 8 was voted and **PASSED**.

**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.”

Hank Rauch, Vice-Chairman of the Board of Overseers, moved in the words of Article 9 as printed in the Warrant for this meeting. The motion was duly seconded.

The moderator recognized Jeff Leland, Chair of the Planning Board, for presentation.

The motion for Article 9 was voted and **PASSED**.

## **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.

Hank Rauch, Vice-Chairman of the Board of Overseers, moved in the words of Article 10 as printed in this Warrant to conduct an election of officials. The motion was duly seconded.

The motion for Article 10 was voted and **PASSED**.

### **CLERK**

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

Kevin Petrie was nominated to serve a one-year term as Clerk of the BIVC. A motion was made, duly seconded, and **PASSED** to close nominations. A motion was made for consent of the hall to limit distribution of ballots to only the Board of Overseers for the position of Clerk. The motion was seconded and **PASSED**. A vote was taken for the position of Clerk, and **Kevin Petrie** was **ELECTED**.

### **TREASURER**

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

Jason Sweatt was nominated to serve a one-year term as Treasurer of the BIVC. A motion was made, duly seconded, and **PASSED** to close nominations. A motion was made for consent of the hall to limit distribution of ballots to only the Board of Overseers for the position of Treasurer. The motion was seconded and **PASSED**. A vote was taken for the position of Treasurer, and **Jason Sweatt** was **ELECTED**.

### **BOARD OF OVERSEERS**

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

Bob Canu and Chris Zook were nominated. A motion was made, duly seconded, and **PASSED** to close nominations.

There being no contested positions for Overseer, a motion was made to limit the distribution of ballots to the first two rows of the hall. The motion was duly seconded and **PASSED**.

Written ballots from the hall were cast, and **Bob Canu and Chris Zook** were **ELECTED**.

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

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

Hank Rauch, Vice-Chairman of the Board of Overseers, moved in the words of Article 11 as printed in this Warrant to hear committee reports. The motion was duly seconded, voted, and **PASSED**.

The following committee reports were heard:

- a. Planning Board – Jeff Leland, Chair
- b. CEO – no report at this time
- c. Zoning Board of Appeals – Warren Baker, Chair
- d. Boat Advisory Committee – Jim Boone
- e. Harbormaster – Andy Spalding, Harbormaster
- f. Public Safety Committee - Pam Lavoie, Co-Chair

A motion was made, seconded, and **VOTED** to allow Debbie Crane to address the meeting, as a non-voter.

- g. First Aid Coordinator – John Abramson, MD
- h. Landscape Committee – Pam Lavoie, Chair

The Treasurer was sworn in by the Clerk. The newly elected Clerk and Overseers were not present and will be sworn in at a later date.

## **ADJOURNMENT**

Hank Rauch, Vice-Chairman of the Board of Overseers, moved that this 2023 Bustins Island Village Corporation Annual Meeting be adjourned *sine die*.

The motion for adjournment was duly seconded, voted, and **PASSED** at 11:05 AM EDT.

Respectfully submitted,

M. Susan Spalding  
Clerk, Bustins Island Village Corporation

