



Bustins Island Village Corp.

BUSTINS ISLAND, MAINE 04013

2009 ANNUAL MEETING WARRANT

Date: July 23, 2009

TO: M. Susan Spalding
Clerk of the Corporation

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 you are hereby directed to post notice and warn the qualified voters of the Bustins Island Village Corporation (BIVC) to assemble for the Annual Meeting of the BIVC at the Community House on Bustins Island on **Saturday, August 1, 2009, at 9:00 a.m. EDT** to act on the business of the BIVC as set out in the articles of the following warrant:

ARTICLE 1. ELECT MODERATOR

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

ARTICLE 2. HEAR OFFICERS & SUPERINTENDENT REPORTS

To listen to and pass upon reports from the Officers, Overseers, and the Superintendent of the BIVC:

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

ARTICLE 3. BUDGET

To see if the BIVC will vote:

- a) To receive and appropriate the sum of \$221,000 to be expended under the direction of the Board of Overseers for the 2009/2010 fiscal year budget as set forth in ATTACHMENT A in the “09-10 Budget” column 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.

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 2009/2010 fiscal year.

The Board of Overseers recommends approval of this article.

ARTICLE 4. CORRECT ERROR IN PAST STREET ACCEPTANCES IN SECTION A

To see if the BIVC will vote:

To 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:

Revoking the action taken under Article 8 of the 1994 Annual Meeting and part 2 of Article 9 of the 2000 Annual Meeting accepting by metes and bounds portions of streets B, C, D, F, H, P, and R all as shown on a plan entitled “Standard Boundary Survey, Streets A, B, C, D, E, F, H, P, & R Section A Bustins Island, Freeport, Maine” dated June 1, 1994 by Titcomb Associates

Confirming the acceptance voted at those meetings under said articles of streets A and E as shown on said plan and described thereon by metes and bounds and as also shown on a Plan entitled “Plan for Road Acceptance Street A & Street E, Section A Bustins Island Freeport,

Maine” made for the Bustins Island Village Corporation by Island Surveys of Arrowsic, Maine, dated 05/14/07 which plan is also accepted.

Submitted by the Planning Board

Planning Board Report: The motion presented to the 1994 and 2000 Annual Meetings inadvertently included multiple undeveloped side streets along the main roads, Streets A and E, in Section A. The Village Corporation did not then and does not now intend to maintain these side streets for the passage of vehicular traffic. The Plan for Road Acceptance dated 5/14/07 was prepared to correct this problem but was overlooked in the preparation of previous warrants. The Planning Board is now bringing this article to make the needed correction. The Planning Board recommends approval.

The Planning Board recommends approval.

Since the Planning Board recommends approval, a majority vote is required to pass.

ARTICLE 5. ACCEPT PORTIONS OF PUBLIC WAYS IN SECTION A BY METES AND BOUNDS

To see it the BIVC will vote:

To 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 of a Standard Boundary Showing Proposed Conveyances & Street Acceptances, Section A, Bustins Island, Freeport, Maine” made for Bustins Island Village Corporation by Island Surveys of Arrowsic, Maine dated 05/18/09 and by

Accepting by metes and bounds as 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, i.e. “Harris Lane” and “Baker Lane” in Section A as shown and described on a Plan entitled “Plan for Road Acceptance, Section A, ‘Harris Lane’ and ‘Baker Lane,’ Bustins Island, Freeport, Maine” made for the Bustins Island Village Corporation by Island Surveys of Arrowsic, Maine dated 5/18/09 so set out and further described by metes and bounds all as set out on Schedules A and B attached.

Submitted by the Planning Board

Planning Board Report: This article is part of the Planning Board’s continuing effort to define the roads on Bustins Island. Its acceptance will continue the acceptance by metes and bounds of the major traveled ways on Bustins. The Planning Board recommends approval.

The Planning Board recommends approval.

Since the Planning Board recommends approval, a majority vote is required to pass.

ARTICLE 6. ACCEPT GIFTS OF LAND FOR USE AS PUBLIC WAYS

To see it the BIVC will vote:

To accept, receive, convey and transfer the gifts of a certain parcels of land for use as public ways designated as Parcels A, B, C, and G from the abutters and owners of those parcels, in fee simple absolute, all as set out on a plan entitled “Plan of a Standard Boundary Showing Proposed Conveyances & Street Acceptances, Section A, Bustins Island, Freeport, Maine” made for Bustins Island Village Corporation by Island Surveys of Arrowsic, Maine dated 05/18/09 and more particularly bounded and described by metes and bounds on Schedule C attached.

Submitted by the Planning Board

Planning Board Report: In certain areas along the public ways the actual traveled way has strayed onto abutting private land often to avoid obstacles or wet areas. This article permits the BIVC to accept as gifts from these abutters certain slivers of land as part of the public way so that the actual traveled way will be completely on BIVC owned property. That transfer removes liability from the abutter since travel can be completely on the accepted public way. Historically these gifts have been accepted with the understanding that for the purposes of meeting area requirements of the zoning ordinance the area of the parcel from which the donation was made will be considered not to have been diminished by the donation. The Planning Board recommends approval.

The Planning Board recommends approval.
Since the Planning Board recommends approval, a majority vote is required to pass.

ARTICLE 7. ELECTION

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.

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

ARTICLE 8. HEAR COMMITTEE REPORTS

To listen to and pass upon reports from any and all committees.

ARTICLE 9. OTHER MATTERS

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

Given our hands at Bustins Island, Freeport, Maine this 4th day of July, 2009.

The Board of Overseers of the BUSTINS ISLAND VILLAGE CORPORATION

Anthony DeBruyn, Chair

Scott Bonney

Patricia LaFleur, Vice-Chair

Faith Baker

Roger Leland

- ATTACHMENTS AND SCHEDULES:
Attachment A – Treasurer’s Report and Budget (Article 3)
Attachment B – Budget Detail (Article 3)
Schedule A – Accept Portions of Public Ways (Article 5)
Schedule B – Accept Portions of Public Ways (Article 5)
Schedule C – Accept Gifts of Land (Article 6)

Schedule A (for Article 5)

Description of : Harris Lane (Revised)
To be Accepted by: Bustins Island Village Corporation
Section A Bustins Island Freeport, Maine
May 18, 2009

A certain lot or parcel of land on the Northwesterly side of Street A, Section A, on Bustins Island in the Town of Freeport, County of Cumberland, State of Maine, bounded and described as follows:

Beginning at a capped iron rod set on the Northwesterly sideline of Street A, Section A, at the Westerly corner of land now or formerly of the 1997 Bustins Group Trust as described in the Cumberland County Registry of Deeds, Book 13285 Page 268, being the Westerly corner of Lot 39 as shown on a "Complete Plan of Merrill Bro's Lots, East End, Bustin's Island" dated 1912 and recorded in said Registry, Plan Book 12 Page 64; thence by the following courses and distances:

1) N 63°45'03" W by said land now or formerly of the 1997 Bustins Group Trust, by the Northeasterly terminus of Street R, and by land now or formerly of Owen J. Garfield as described in said Registry, Book 12156 Page 131, a distance of Two Hundred Fourteen and 50/100 (214.50) Feet to a capped iron rod set at the Easterly corner of land now or formerly of the Bustins Island Village Corporation as described in said Registry, Book 9763 Page 288;

2) S 71°02'31" W a distance of Twenty-One and 44/100 (21.44) Feet to a point;

3) S 48°00'46" W a distance of Fifteen and 36/100 (15.36) Feet to a point;

4) S 25°26'20" W a distance of Twenty-One and 81/100 (21.81) Feet to a point;

5) S 43°49'08" W a distance of Thirty-Five and 98/100 (35.98) Feet to a point;

6) S 60°35'07" W a distance of Seventy and 80/100 (70.80) Feet to a capped iron rod set at the Northeasterly corner of land now or formerly of Owen J. Garfield as described in said Registry, Book 12156 Page 131;

7) N 52°46'21" W by land now or formerly of The Marilyn Fish Trust as described in said Registry, Book 12446 Page 301, a distance of Eighteen and 00/100 (18.00) Feet to a capped iron rod set;

8) N 60°46'38" E a distance of Seventy-Four and 75/100 (74.75) Feet to a point;

9) N 43°49'08" E a distance of Thirty-One and 66/100 (31.66) Feet to a point;

10) N 25°26'20" E a distance of Twenty-Two and 43/100 (22.43) Feet to a capped iron rod set;

11) N 48°00'46" E a distance of Twenty-Two and 02/100 (22.02) Feet to a point;

12) N 71°02'31" E a distance of Thirty-One and 67/100 (31.67) Feet to a capped iron rod set on the Northwesterly sideline of Street G as shown on said plan;

Schedule A (continued)

13) S 63°45'03" E along the Northwesterly sideline of Street G a distance of Six and 87/100 (6.87) Feet to a capped iron rod set at the Southerly corner of land now or formerly of John A. Carrier and Theresa A. Carrier as described in said Registry, Book 14501 Page 1;

14) N 26°14'57" E by said land now or formerly of Carrier a distance of Four and 00/100 (4.00) Feet to a capped iron rod set;

15) S 65°29'12" E a distance of Sixty-Six and 03/100 (66.03) Feet to a capped iron rod set on the Northwesterly sideline of Street R as shown on said plan;

16) S 63°45'03" E a distance of Sixteen and 50/100 (16.50) Feet to a capped iron rod set on the Southeasterly sideline of Street R as shown on said plan;

17) S 58°33'23" E a distance of Sixty-Six and 27/100 (66.27) Feet to a point on the Northeasterly sideline of Street G as shown on said plan;

18) S 63°45'03" E along the Northeasterly sideline of Street G as shown on said plan a distance of Fifty-Four and 00/100 (54.00) Feet to a point;

19) N 89°41'03" E a distance of Thirteen and 42/100 (13.42) Feet to a capped iron rod set on the Northwesterly sideline of Street A as shown on said plan;

20) S 26°14'57" W along the Northwesterly sideline of Street A as shown on said plan a distance of Twenty-Two and 50/100 (22.50) Feet to the point of beginning.

The above described parcel of land contains 7121 square feet and is a portion of the following parcels of land:

A) land now or formerly of the Bustins Island Village Corporation as described in the Cumberland County Registry of Deeds, Book 927 Page 70;

B) land now or formerly of the Bustins Island Village Corporation as described in the Cumberland County Registry of Deeds, Book 9763 Page 288;

C) land now or formerly of Charles E. Johnson and Andrea Johnson as described in the Cumberland County Registry of Deeds, Book 25648 Page 151; and

D) land now or formerly of Constance G. Richardson as described in the Cumberland County Registry of Deeds, Book 10035 Page 142.

Bearings are referenced to True North as determined by astronomic observation.

Reference is made to a "Plan of a Standard Boundary Survey Showing Proposed Conveyances & Street Acceptances ... made for Bustins Island Village Corporation" by Island Surveys dated May 18, 2009.

Schedule B (for Article 5)

Description of: Baker Lane

To be Accepted by: Bustins Island Village Corporation

Section A Bustins Island Freeport, Maine

May 18, 2009

A certain lot or parcel of land on the Northwesterly side of Street A, Section A, on Bustins Island in the Town of Freeport, County of Cumberland, State of Maine, bounded and described as follows:

Beginning at a capped iron rod set on the Northwesterly sideline of Street A, Section A, at the Southerly corner of land now or formerly of Timothy W. Baker as described in the Cumberland County Registry of Deeds, Book 7589 Page 37, being the Southerly corner of Lot 2 as shown on a "Complete Plan of Merrill Bro's Lots, East End, Bustin's Island" dated 1912 and recorded in said Registry, Plan Book 12 Page 64; thence by the following courses and distances:

1) S 74°51'37" W a distance of Twenty-Seven and 80/100 (27.80) Feet to a point;

2) N 77°32'30" W a distance of Thirty-One and 39/100 (31.39) Feet to a point;

3) N 54°33'32" W a distance of Fifty-Five and 09/100 (55.09) Feet to a point;

4) N 74°07'27" W a distance of Fourteen and 58/100 (14.58) Feet to a point;

5) S 64°50'05" W a distance of Twelve and 34/100 (12.34) Feet to an iron pin found at the Northeasterly end of the Southeasterly sideline of Street A, Section E, as shown on a "Standard Boundary Survey ... made for Bustins Island Village Corporation" by Island Surveys dated June 16, 2001, and recorded in said Registry, Plan Book Page ;

6) N 37°37'36" W along the Northeasterly terminus of Street A, Section E, as shown on said plan a distance of Thirty and 59/100 (30.59) Feet to an iron pipe found at the Northeasterly end of the Northwesterly sideline of Street A, Section E, being the Southerly corner of land now or formerly of Jeremiah G. Baker as described in said Registry, Book 5049 Page 178;

7) N 83°01'21" E a distance of Thirty-Nine and 24/100 (39.24) Feet to a point;

8) N 36°33'22" E a distance of Twenty-Seven and 71/100 (27.71) Feet to a capped iron rod set at the Southerly corner of land now or formerly of Owen J. Garfield et al. as described in said Registry, Book 3958 Page 319;

9) N 36°33'22" E by said land now or formerly of Owen J. Garfield et al. a distance of Sixty-Two and 97/100 (62.97) Feet to a drill hole found;

10) N 2°28'48" E a distance of Thirty-Three and 71/100 (33.71) Feet to a capped iron rod set on the Southeasterly line of land now or formerly of John F. Barrows and William M. Barrows as described in said Registry, Book 3092 Page 91;

11) S 52°31'59" E by said land now or formerly of Barrows a distance of Twenty and 14/100 (20.14) Feet to a capped iron rod set;

Schedule B (continued)

12) S 2°28'48" W a distance of Thirty-Eight and 02/100 (38.02) Feet to a point on the Northwesterly line of said land now or formerly of Timothy W. Baker;

13) S 37°28'01" W by said land now or formerly of Timothy W. Baker a distance of Sixty-Eight and 85/100 (68.85) Feet to a capped iron rod set;

14) S 25°09'09" W a distance of Twenty-One and 11/100 (21.11) Feet to a capped iron rod set;

15) S 54°33'32" E a distance of Forty-Fix and 26/100 (46.26) Feet to a point;

16) S 77°32'30" E a distance of Twenty-Five and 27/100 (25.27) Feet to a point;

17) N 74°51'37" E a distance of Ten and 45/100 (10.45) Feet to a capped iron rod set on the Southwesterly line of said land now or formerly of Timothy W. Baker;

18) N 64°02'46" E a distance of Forty-Four and 73/100 (44.73) Feet to a capped iron rod set on the Northwesterly sideline of Street A Section A;

19) S 37°28'01" W along the Northwesterly sideline of Street A Section A a distance of Forty and 00/100 (40.00) Feet to the point of beginning.

The above described parcel of land contains 5640 square feet and is a portion of the following parcels of land:

A) land now or formerly of the Bustins Island Village Corporation as described in the Cumberland County Registry of Deeds, Book 927 Page 70;

B) land now or formerly of Timothy W. Baker as described in said Registry, Book 7589 Page 37.

Bearings are referenced to True North as determined by astronomic observation.

Reference is made to a "Plan of a Standard Boundary Survey Showing Proposed Conveyances & Street Acceptances ... made for Bustins Island Village Corporation" by Island Surveys dated May 18, 2009.

Schedule C (continued)

Description of Property: PARCEL B
To be Conveyed by: Constance G. Richardson
to: Bustins Island Village Corporation
Section A Street G Bustins Island Freeport, Maine
May 18, 2009

A certain lot or parcel of land on the Northeasterly side of Street G in Section A of Bustins Island in the Town of Freeport, County of Cumberland, State of Maine, bounded and described as follows:

Beginning at the Westerly corner of land now or formerly of Constance G. Richardson as described in the Cumberland County Registry of Deeds, Book 10035 Page 142, being the Westerly corner of Lot 44 as shown on a "Complete Plan of Merrill Bro's Lots, East End, Bustin's Island" dated 1912 and recorded in said Registry, Plan Book 12 Page 64; thence by the following courses and distances:

1) N 26°14'57" E along the Southeasterly sideline of Street R as shown on said plan a distance of Six and 00/100 (6.00) Feet to a capped iron rod set;

2) S 58°33'23" E a distance of Sixty-Six and 27/100 (66.27) Feet to a capped iron rod set on the Northeasterly sideline of Street G as shown on said plan;

3) N 63°45'03" W along the Northeasterly sideline of Street G as shown on said plan a distance of Sixty-Six and 00/100 (66.00) Feet to the point of beginning.

The above described parcel of land contains 198 square feet and is a portion of the land now or formerly of Constance G. Richardson as described in the Cumberland County Registry of Deeds, Book 10035 Page 142. Bearings are referenced to True North as determined by astronomic observation.

Reference is made to a "Plan of a Standard Boundary Survey Showing Proposed Conveyances & Street Acceptances ... made for Bustins Island Village Corporation" by Island Surveys dated May 18, 2009.

Schedule C (continued)

Description of Property: PARCEL C

To be Conveyed by: Constance G. Richardson

to: Bustins Island Village Corporation

Section A Street G Bustins Island Freeport, Maine

May 18, 2009

A certain lot or parcel of land on the Northwesterly side of Street A and on the Northeasterly side of Street G in Section A of Bustins Island in the Town of Freeport, County of Cumberland, State of Maine, bounded and described as follows:

Beginning at the Southerly corner of land now or formerly of Constance G. Richardson as described in the Cumberland County Registry of Deeds, Book 10035 Page 142, being the Southerly corner of Lot 40 as shown on a "Complete Plan of Merrill Bro's Lots, East End, Bustin's Island" dated 1912 and recorded in said Registry, Plan Book 12 Page 64; thence by the following courses and distances:

1) N 63°45'03" W along the Northeasterly sideline of Street G as shown on said plan a distance of Twelve and 00/100 (12.00) Feet to a capped iron rod set;

2) N 89°41'03" E a distance of Thirteen and 42/100 (13.42) Feet to a capped iron rod set on the Northwesterly sideline of Street A as shown on said plan;

3) S 26°14'57" W along the Northeasterly sideline of Street G as shown on said plan a distance of Six and 00/100 (6.00) Feet to the point of beginning.

The above described parcel of land contains 36 square feet and is a portion of the land now or formerly of Constance G. Richardson as described in the Cumberland County Registry of Deeds, Book 10035 Page 142. Bearings are referenced to True North as determined by astronomic observation.

Reference is made to a "Plan of a Standard Boundary Survey Showing Proposed Conveyances & Street Acceptances ... made for Bustins Island Village Corporation" by Island Surveys dated May 18, 2009.

Schedule C (continued)

Description of Property: PARCEL G

To be Conveyed by: Timothy W. Baker

To: Bustins Island Village Corporation

Street A Section A Bustins Island Freeport, Maine

May 18, 2009

A certain lot or parcel of land on the Northwesterly side of Street A, Section A, on Bustins Island in the Town of Freeport, County of Cumberland, State of Maine, bounded and described as follows:

Beginning at a capped iron rod set on the Northwesterly sideline of Street A, Section A, at the Southerly corner of land now or formerly of Timothy W. Baker as described in the Cumberland County Registry of Deeds, Book 7589 Page 37, being the Southerly corner of Lot 2 as shown on a "Complete Plan of Merrill Bro's Lots, East End, Bustin's Island" dated 1912 and recorded in said Registry, Plan Book 12 Page 64; thence by the following courses and distances:

1) N 52°31'59" W along the Southwesterly line of said land now or formerly of Baker a distance of Twenty and 01/100 (20.01) Feet to a capped iron rod set;

2) N 64°02'46" E a distance of Forty-Four and 73/100 (44.73) Feet to a capped iron rod set on the Northwesterly line of Street A, Section A, being the Southeasterly line of said land now or formerly of Baker;

3) S 37°28'01" W along the Northwesterly sideline of Street A, Section A, a distance of Forty and 00/100 (40.00) Feet to the point of beginning.

The above described parcel of land contains 400 square feet and is a portion of the land now or formerly of Timothy W. Baker as described in the Cumberland County Registry of Deeds, Book 7589 Page 37. Bearings are referenced to True North as determined by astronomic observation.

Reference is made to a "Plan of a Standard Boundary Survey Showing Proposed Conveyances & Street Acceptances ... made for Bustins Island Village Corporation" by Island Surveys dated May 18, 2009.