

**The Town of Bowers**3308 Main St.
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bowersbeach.delaware.gov

**MEETING MINUTES**

The meeting was called to order at 7:01 pm on September 12, 2019 by Mayor Ada Puzzo. Council members present: Bob McDevitt, Ryan Locke, Shirley Pennington, and Marty Manning.

The Pledge of Allegiance was recited in unison.

A motion was made by Marty Manning, seconded by Bob McDevitt to amend the agenda and add our insurance agent who has come to discuss this year's renewal with council.

**Minutes:**

The minutes for August 2019 were tabled and are to be approved at the October meeting.

**Treasurer’s Report:**

The treasurer's report was given by Marty Manning.

Mayor Ada Puzzo said that Marty has made a change and will now show a single month along with the year to date.

A motion was made by Bob McDevitt, seconded by Shirley Pennington to accept the August 2019 Treasurer's Report. Motion carried.

**Insurance Representative:** Trey Wallace with Pratt Insurance introduced himself and said that there were no changes made from last year. Mayor Puzzo made him aware that the Town of Bowers will be acquiring the museum and we will need to make sure that it is covered properly on our insurance. Trey gave an overview of our policy. There was a discussion on what will be in the park once it is complete.

**Town Hall Moving:** - Shirley Pennington said that she has talked with Barrett who said we will need to get a survey and a title search as well. Judy Martin said that they do have a recent survey that we may be able to use. Trey Wallace asked if that would now become Town Hall and the answer is yes we will hold our meetings there and store our files. The fire company has been notified and we will pay rent and utilities through November 1st. We will then be responsible for the building upkeep and any renovations that may need to be done. Jim Martin took Trey for a tour of the museum so he could see what it looked like. A motion was made to approve for a survey, title search, and any other items needed to acquire the museum by Shirley Pennington, seconded by Bob McDevitt. Motion carried.

**Ordinance Proposing to Amend the Comprehensive Plan:** Mayor Ada Puzzo read the proposed ordinance possibly changing from Conservation Agricultural to Residential.

(A copy of this is attached to the minutes)

Jeff Liberto and his lawyer have submitted a request to DNREC to have the land changed to Residential. Once this has been submitted, the Town of Bowers has to act as we have no choice.

If the State decides that it stays as Wetlands then he will not be able to develop the land.

So we will bring it to the PLUS process so that we can get input from all the agencies to see what they think about this request so that we can make a good decision.

Even if this ordinance is approved it does not mean that a final decision has been made we want to hear comments from everyone first. There will be a Public Hearing held as well on this matter. This is only for us to consider the change.

There was a discussion on the floor concerning the matter. During the discussion Jeff Liberto, the property owner arrived.

Some residents feel that the property owner has already violated the intent of the wetlands by pumping the property and applying chemicals to kill vegetation. Now the land has changed in appearance. The residents were urged to talk to DNREC about their concerns. Some of the residents are concerned about what chemicals were used by the property owner.

There was a discussion about Jeff Liberto putting in a bridge which has now made it a public access to the sand dunes. This should not be a public access point. It is real close to the gap coming back and there being a problem. Mayor Puzzo said that years ago there were easements signed by some residents that the dunes would be maintained but that has not been done. People are creating a path that should not be there for the public and they are trampling the dunes. The property owner was unaware of people accessing the beach using this bridge.

There was a question about if this change is made where would Bayshore stop?

Our comprehensive plane was due in May but didn't get completed. We then heard from Liberto's attorney contacted us in June and our thought was to include the possibility of rezoning the property in question since we were working on the plan anyway. They do not meet in July or August so nothing could be done in those months. Since we are behind we had to submit a letter for an extension which will be done the end of September. We would get input in October and would go to the PLUS process in November.

There was further discussion after some of the residents read the ordinance.

Some of the residents relayed that since Jeff Liberto has owned the property they feel that the flooding has become worse since he started filling in his property. Mayor Ada Puzzo made notes for talking points when she voices our concerns.

Jeff Liberto said that everything that he has done has been cleared to pump the rainwater out of the ditches and across the road but Mayor Puzzo stated that it was clearly against the code. Jeff said that he obtained permission by calling DNREC on the phone but has no written documentation. Since there is no written documentation things were not done in the proper manner and was therefore not legal. His attorney said that it was okay to drain however they were not draining they were pumping.

Mayor Puzzo will provide the interested residents with the email that contained the list of chemicals that were used on his property.

Jeff Liberto said that he was glad that he attended the meeting so that he could hear everyone's concerns. He said that currently he has a health issue and is trying to get this situation resolved before something happens to him so that his family doesn't have to deal with it. He also mentioned that if the State were willing to give him a certain amount of money and purchase his property he would agree to that. He said he would check and make some phone calls to see what he could do. However, Mayor Puzzo said that the State did make him and offer that he refused this past November. He said that there was too much required to do at that time to accept the offer. He stated that he would continue to work on it and please continue to let him know our concerns. He also agreed to share any information that he has acquired through his process with the Town of Bowers.

A motion was made by Bob McDevitt, seconded by Marty Manning to approve the ordinance. Motion carried.

**COMMITTEE REPORTS**

Parks & Recreation: We have an opening for this committee. If anyone is interested please let council know.

Planning: No Report

Streets: No Report

Board of Adjustments: We have an opening for this committee. There is training involved which will be provided by the town. If anyone is interested please contact council.

Zoning & Code Revisions: No Report

Code Enforcement: Two partitions to be approved. One is the Tim Sumner's property and the second is just a few doors down from his property. The surveyor will bring the documentation for council to sign.

Parking Lot: Marge reported that there will new dates that substantial completion will be done in February.

**NEW BUSINESS**

Museum Events: Coastal Cleanup is this Saturday so be aware that there will be people walking the beach in an effort to clean it.

October 13th is Bowers Heritage Day. There will be a lot of events going on and also a 5K race that will be held as well. Anyone who wants to run is welcome!

**OPEN DISCUSSION**

There was a discussion about cell phone service in the Town of Bowers. Residents wonder if there is anything that can be done to improve the service. Ryan Locke will call Verizon to see if there is anything that can be done to improve the service.

We did have a committee for the North Bayshore issue. Mayor Puzzo was a little disappointed with the attendance she would like to see more people attend to get ideas to resolve the issues.

Mayor Puzzo and Bob McDevitt went to the Little Heaven development that will be coming. Next month she will give us an update.

Residents are concerned with the cat problem on Hubbard Avenue. They tried to talk to the property owner that has all the cats and she is not concerned about the issue at all.

All of the residents on that street should get together to come up with ideas on what can be done. The Town of Bowers has no jurisdiction to resolve this issue. Residents have called Animal Control and all they did was come out to check on the welfare of the animals. The State was also called with no resolve, the next step will be to call the State Board of Health to see if there is anything that they can do about the problem.

Another resident had a question concerning campers in the parking lot. The parking lot is owned by DNREC and there is a phone number of 302-739-9910 or 800-523-3336. You can call this number for any issue that you have concerning the parking lot. Campers are not allowed to park for people to sleep overnight in the parking lot. There was a discussion concerning campers in the parking lot.

A question was asked about the campers that are parked on Hubbard Avenue. They are grandfathered in and are allowed to be there 180 days at a time. Unfortunately you can move it after 180 days and put it right back for another 180 days and repeat the process.

Mayor Ada Puzzo said that it was a good question and we will try to get some additional information.

Another resident asked about windmill power and if we have ever thought about using it with the Town. Everyone agreed that it is definitely something that we should look into.

There was also a discussion about the State Police being present in our town. The Town of Bowers only has DSP patrol for speeders on a

**NEXT MEETING AND ADJOURNMENT**

There being no further business, a motion was made by Shirley Pennington, seconded by Ryan Locke and seconded by to adjourn the meeting at 8:44 pm. Motion Carried.

The next town meeting will be held on October 10, 2019 starting at 7:00 pm.

Town Meetings are held the second Thursday of each month unless changed by the Mayor.

Respectfully submitted,

**Shirley A. Pennington**

Secretary