

**The Town of Bowers**3357 Main St.   
Frederica, DE 19946  
(302) 572-9000  
bowersbeach.delaware.gov

**MEETING MINUTES**

The meeting was called to order at 7:14 pm on September 10, 2020 by Mayor Ada Puzzo via Zoom. Council members present: Shirley Pennington, Bob McDevitt and Marty Manning.

The Pledge of Allegiance was recited in unison.

**Minutes:**

The minutes were prepared and available in printed form by Secretary Shirley Pennington.

There was a motion made by Marty Manning, seconded by Bob McDevitt to approve the August 2020 minutes. Motion carried.

A motion was made by Mayor Bob McDevitt, seconded by Marty Manning to approve the July 2020 Public Hearing minutes. Motion carried.

**Treasurer’s Report:**

The treasurer's report was given by Marty Manning.

A motion was made by Bob McDevitt, seconded by Ryan Locke to accept the August 2020 Treasurer's Reports Motion carried.

**COMMITTEE REPORTS**

Parks & Recreation: There was a question about emptying trash cans in the new park. Marge had volunteered to empty them and she did so on Monday. DNREC has now added this park to their mowing list and the trees in the old park were taken care of.

Planning: The town is in need of a planning committee concerning the town dock at the south end of Hubbard. Bob McDevitt and Mayor Ada had met with the homeowner who had requested an abandonment from the state which would mean that DelDOT would no longer have to maintain it. Mayor Ada said she will be doing some additional research on the matter. This was just informational and we will discuss it further once we have additional information.

Sarah Clarke would like to do a presentation for Town Council first and then present it to the town as a whole. They would like to raise the road and have additional retail shops in that area. There were questions about raising the road and they were told it would be just like they had done at JP's Wharf. They would do it in just that one area. Then a question was asked about where the water would go if the road was raised.

Mayor Ada said that at this point we may not be prepared for all of the questions that may come up and we need additional time to prepare and DelDOT will be doing research as well. We will put this on the agenda in the future when we have more information to present.

Streets: Estimates were received to do the potholes in the following locations:

Main and Wyatt Street

Middle Drive and South Flack

Middle Drive and Maple

South Wyatt/Canal/Hubbard

Murderkill and Hubbard

McKenzie Paving $4,800.00 and Jerry's Paving $10,000.00

There is also a pothole on South Flack and Cooper Avenue but we think that this will be repaired by DNREC. A suggestion was made to have residents put their trash all on one side of the street by Rick Kokoszka.

The Stop sign was replaced on Clifton Cubbage Drive.

Board of Adjustments: There was a hearing held yesterday and a vote took place. All questions were answered concerning the properties on Cooper Avenue. Kudos to the BOA committee for an excellent job. There were three properties involved and it was approved to be split.

Zoning Code Revisions: No Report

Code Enforcement: No Report

Parking Lot: A landscaping contractor came and filled in the low spots with dirt so that the water doesn't collect there. It will take a while for the grass seeding to take. Marge wanted to make sure that everyone knows that the town has spent less than $100.00 on all the equipment that has currently been placed in Watermen's Park. There will be a second grant and with that we hope to get some solar lighting installed, an electric drop for future use, and also security cameras. This grant will be 50/50 split so the town and DNREC will cover the costs.

We will probably break this out into Phase I and Phase II to keep them separate.

**OLD BUSINESS**

The Bowers Fire Company has ordered a total of 13 Life Rings to be placed along the water areas in the Town of Bowers. Phil Pennington had attended the meeting last month to ask the Town to sponsor one but actually came out of the meeting with four. The cost is now only $425.00 due to the number that were ordered. For those that said they would sponsor a life ring please make your check payable to Bowers Fire Company and please include "Life Ring" in the memo section of your check. Thanks to all those that agreed to Sponsor.

**NEW BUSINESS**

Judy Martin reported that the museum has cancelled Heritage Day but will still be having the 5K Race on October 11th. They are in need of Sponsors so if you are interested please contact Judy. They need Runners, Walkers, Silent Heroes. Sponsors will be listed on the Museum Face book page.

**DISCUSSION AND POSSIBLE ACTION**

Bowers Heritage Day - Would the Town like to be a Sponsor for either $500.00 or $1,000.00.

A motion was made by Marty Manning, seconded by Shirley Pennington to Sponsor the 5K Race in the amount of $1,000.00. Motion carried.

There were two estimates to repair the potholes one from McKenzie's for $4,800.00 and one for Jerry's Paving for $10,000.00.

A motion was made by Ryan Locke, seconded by Marty Manning to approve the estimate from Jerry's Paving in the amount of $4,800.00 with the understanding that it might increase if there are additional potholes reported. Motion carried.

There was a resolution read by Mayor Puzzo for the Watermen's Park for the grant in the amount of $3,000.00.

There was a motion made by Ada Puzzo, seconded by Marty Manning to approve the resolution and the amount of $3,000.00. Motion carried.

**RESIDENT CONCERNS AND TOPICS**

Phragmites - Doug Shuck said that in the past there were grants to take care of the Phragmites and one was for a three year period. They become a fire hazard in the fall. He would like for us to be proactive. He would like for the Town to look at going through the state to obtain a grant or funds. He feels that this is something we need to address and would like to see the fire company get involved as well. He believes that Helena and Bob had taken care of it in the past. Bob had a contractor come out and sprayed and the land owners paid to have a landscaping company cut them down for a fee. The town would be able to get grant money from the Forestry Service and Bob will contact them to see what can be done. The town only gets money for town properties but the savings could be offered to the home owners as well. Wondering if the town could send letters to residents that they need to do something about it but we cannot do those things without having an ordinance.

No Outlet Signage - Jay Baker said that there needs to be additional or larger signs to tell people that there is NO OUTLET on North Bayshore. He did a presentation that showed the current signage and explained the need for additional or signs that can be seen.

Drainage on North Bayshore Drive - Mayor Ada said that this is a project that Town Council is aware of and Ryan Locke has actually talked to Century Engineering and is checking to see what they can do to help the area as well as trying to help with what kind of cost is involved. Ryan said that he will touch base with them again and bring back his findings to the next meeting.

Carol Baker reported that their road gets a lot of traffic and that area floods after a rain. She showed pictures of the flooding and is concerned that it is also making the phragmites grow more than normal. Sometimes the phragmites actually lays on the road as well. There also needs to be a DEAD END sign as well. People end up turning around in resident driveways. With the drainage issues they have lost a total of 21 trees since 2017. Also wanted to know if new residents building are allowed to fill in their lots because this compounds the problem.

Dune Fencing - Marge Ventura asked about the dune fencing. Ryan Locke stated that he reached out to DNREC yesterday and they are still waiting on materials to come in. We are on the list and we need 3 to 4 rolls of fencing and 5 to 6 posts per roll. He is hoping to get the materials from DNREC at no cost rather than having to use town funds. Bob McDevitt and Ryan Locke are trying to figure out the best places to put the fencing in. This is a project that Ryan took on and will continue to follow up on. There was a suggestion made to the residents for them to call and complain as that may work to our advantage. If anyone has any questions concerning the dune fencing please contact Ryan Locke.

**DISCUSSION AND POSSIBLE ACTION**

Barrett (Town's Legal Counsel) reminded everyone of the hearing that took place in July and that at that hearing Mr. Abbott (Liberto's legal counsel) asked for additional time to review information that he did not have that was presented. He did provide written comments to the town. There will be no additional comments allowed from the public Council will discuss and vote on this matter tonight, all members with the exception of Ryan Locke who did not attend the hearing. When it comes time to vote everyone will vote and then state their reason for voting that way.

A motion was made by Marty Manning, seconded by Bob McDevitt to approve the rezoning ordinance. Motion carried. It was then called for a vote.

Each council member will state if they vote YES or NO and then give the reason why.

Vice Mayor Ryan Locke has recused himself from the vote as he did not attend the public hearing.

Mayor Ada Puzzo voted NO

Reason: Mayor Ada explained that she was voting NO because DNREC said that it wasn't a good idea. She realized that everyone should have the right to use their property but it is up to the proper. She has done a lot of in depth research on the zoning maps and found that there was a revision done in 2008 that was done properly and officially. She stated that there have been emotional pleas on both sides. She has listened to the arguments on both sides. Council had originally said that they wanted to wait until we received information back from DNREC who stated that this was not a good idea. It has to be in the best interest of the health, safety, and welfare of the town and it's residents. She feels that since DNREC said that it is not environmentally stable to build on. She believes that the flooding problem will be compounded if the property owner is allowed to build on that property.

Secretary Shirley Pennington voted NO

Reason: DNREC provided us with information that said that the property was not suited for building. Shirley feels that it would be detrimental to the residents surrounding that property. She also feels that the flooding issue that is already present in that area would become worse.

Zoning Officer Bob McDevitt voted NO

Reason: For the reasons previously stated by Mayor Puzzo.

Treasurer Marty Manning voted YES

Reason: Marty Manning feels that it is hard to take the rights away when they own the property. He doesn't feel that we have enough negative information to deny the request. If he was the owner of the property he would want to be able to build on it.

Final vote on the matter was 3 No, 1 YES, and 1 not voting so the motion was defeated.

**NEXT MEETING AND ADJOURNMENT**

There being no further business, a motion was made by Shirley Pennington, seconded by Marty Manning to adjourn the meeting at 9:50pm. Motion Carried.

The next town meeting will be held on October 8, 2020 starting at 7:00 pm and will be held via Zoom.

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

Respectfully submitted,

**Shirley A. Pennington**

Secretary