

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

**SPECIAL MEETING MINUTES**

The special meeting was called to order at 4:03pm on December 3, 2020 by Mayor Ada Puzzo via Zoom. Council members present: Shirley Pennington, Bob McDevitt, Marty Manning, and Wayne Irons. Barrett Edwards, Solicitor for the Town was also in attendance.

The Pledge of Allegiance was recited in unison.

Barrett Edwards gave an overview and history of the hearings that have been held regarding the Liberto properties.

Currently we have 3 of the 6 parcels that have had no action taken on them and 3 of the 6 parcels that have had action taken on them. The matter of DNREC wetlands is a separated issue.

This meeting was called as a continuation of the public hearings previously held and council may consider and reconsider the zoning designation for all parcels.

All items that have been entered into the record prior to this meeting, and all testimony that has been previously given are incorporated into this public hearing meeting. The letter from the Office of State Planning Coordination accepting the Bowers 2019 Comprehensive Plan Update, including the map dated 11/18/2020 will also be entered into the record.

The affidavit signed by Bob McDevitt stating when the public hearing notices were completed will also be entered into the record as well.

Barrett also stated that there would not be any additional public comments on the matter.

Mr. Abbott who is the attorney for Jeff Liberto sad that the DNREC wetlands map is in the appeal process and is pending. This may take up to six months to get a decision.

Council was asked if they had any questions and they did not.

A motion was made by Marty Manning, seconded by Bob McDevitt to close the public hearing. All five council members were in favor. Motion carried.

A motion was made by Marty Manning, seconded by Bob McDevitt to adopt the Town of Bowers Comprehensive Plan which was outlined in Ordinance 01-020. All five council members were in favor. Motion carried.

Mayor Ada Puzzo will follow the instructions to complete the process.

A motion was made by Bob McDevitt, seconded by Marty Manning to rezone all 6 parcels of Liberto's property from CA to R1 as reflected in Ordinance 02-020. There was then a discussion on the motion and then it was called to a vote:

Mayor Puzzo stated that she was not an expert on land use or wetlands. After receiving input from all the experts during the renewal of the Comprehensive Plan process she has come to a decision. She wanted to wait for as much information as possible to make an informed decision. She is making her decision based on the health, safety, and welfare of the town residents.

Mayor Puzzo voted YES in favor.

Bob McDevitt said that his decision is based on the fact that the lots above and below Liberto's property are R1 and he feels that the Liberto lots should be as well.

Bob McDevitt voted YES in favor.

Shirley Pennington stated that she agrees with Mayor Puzzo and because the Future Land Use Map designating these parcels for residential use was approved by the Office of State Planning and Coordination, she feels that this is in the best interest of the town.

Shirley Pennington voted YES in favor.

Wayne Irons - Stated that he is new to council and did not attend the prior public hearings.

Wayne Irons is ABSTAINING from the vote.

Marty Manning stated that he voted YES the last time a vote was taken on the 3 parcels and he will be voting that way again for all 6 parcels. He feels that although there are issues with the property he cannot prevent the owner from using his property.

Marty Manning voted YES in favor.

The vote was a total of 4 YES and 1 Abstained. Motion carried.

There being no further business, a motion was made by Shirley Pennington, seconded by Ada Puzzoto adjourn the meeting at 5:00pm. Motion Carried.

Respectfully submitted,

**Shirley A. Pennington**

Secretary