

**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 7:05pm on July 29, 2021byMayor Ada Puzzo. Council members present:Shirley Pennington, Wayne Irons, Marty Manning, and Bob McDevitt.

The Pledge of Allegiance was recited in unison.

There was a discussion on the comments from the Zoom chat being included in the minutes. There was a motion made by Mayor Ada, seconded by Marty Manning to not include the chat in our minutes. Motion carried.

**Minutes:**

There was a motion by Bob McDevitt, seconded by Marty Manning to approve the June 2021 meeting minutes striking the comments from the chat Motion carried.

**Treasurer’s Report:**

The treasurer's report was given by Marty Manning.

There was a question on the Treasurer's report concerning legal fees. It was asked what they consisted of. The legal fees were for rezoning the comprehensive plan, hearings that were held, BOA meetings. etc.

There was a question concerning the ARPA money and it's intent as well as the CARES act money. Mayor Ada explained that there were rules on how both can be spent and what they can be used for.

A motion was made by Shirley Pennington, seconded byBob McDevitt to accept the June2021 Treasurer's Report. Motion carried.

**DISCUSSION AND POSSIBLE ACTION**

**Discussion and possible action to approve ORDINANCE NO. 01-021**

AN ORDINANCE TO REZONE TAX MAP PARCEL NO. 8-01-11513-01-0100-00001 (LOT 26) FROM CONSERVATION/AGRICULTURAL (C/A) TO RESIDENTIAL (R-1)

Mayor Ada explained the ordinance and read it as well. There was a motion made by Shirley Pennington, seconded by Marty Manning to approve the ordinance as written. Motion carried.

**Discussion and possible action to approve R-2021-07-29-01**

RESOLUTION NO. R-2021-07-29-01

A RESOLUTION DESIGNATING BEACHES IN THE TOWN OF BOWERS FOR SWIMMING AND SUNBATHING

DURING SPECIFIED TIMES OF THE YEAR

Mayor Ada explained and read the ordinance. Title 7 references “designated swimming and sunbathing area” of “state coastal beaches”. A 1973 easement signed by beach front property owners references “public beach”. In the past, these two references were accepted as the same. The difference between the two is now being challenged. This would be from 10 am to 7 pm during May 1st to September 30th. There was then a discussion on the matter.

Some people feel that the town residents are the problem when they talk to people inappropriately. They also feel like this would encourage additional people outside of town to come with their dogs. We don't have a way to enforce this.

Alex Hionis stated that it is mostly the out of town people that are the problem.

Residents feel that the rental properties and the air b n b's need to be aware of any rules that we have for our beach and town.

Mayor Ada made a motion, seconded by Marty Manning to approve the ordinance. Four council members were in favor and 1 opposed) Motion carried.

**COMMITTEE REPORTS**

**Parks & Recreation:**Bob and Tink will be redoing the mulch. Shortcuts brought in a high bid and Sullivan's was half the amount. Tink will look for a third bid as a comparison. They have filled some potholes and will be looking at others that they may be able to fill as well.

**Planning/Zoning Code Revisions:**No Report.

**Streets:**South Flack and Middle both have potholes that need to be filled. We will need to get estimates. Tink said he will get some asphalt filler and do the smaller ones. DNREC will correct the drainage on the north end of S Flack when phase 2 starts. August 3rd there will be a meeting with DelDOT to get more information on the roads. Howard H. said to be aware that puddles that lay on the road will deteriorate it. Some residents were upset with DelDOT when they scraped the road and then filled in the ditches. A resident asked if the town had the authority to dig. Mayor Ada replied that the town did not dig; it was DelDOT, and they do have the right to do it.

**Board of Adjustments:** No Report.

**Code Enforcement:**There will be a permit issued for Solar panels on N. flack. There will be a partition on N. Flack and N. Bayshore.

A question was asked if code enforcement made sure that there was running water on the properties and was told that the sewer is a county issue.

**Parking Lot**: The big parking lot that is DNRECs will be repaved in the fall. The new area is what belongs to the Town. The residents that live along the parking lot agreed to have the ditches filled in and to move the ditch to the DNREC property. This will all be completed prior to the Buccaneer Bash.

**Watermen's Park:**No Report.

**OLD BUSINESS**

**Drainage on North Bayshore:**The cost of a pump reported on a previous estimate / budget was approximately $200,000.00 for the entire system. Once we have a design and drawings then we can find the money to fund it. We would also have to figure the maintenance to be included in future Town budgets.

Mayor Ada also clarified that we were only reporting what the committee has been working on to this point and that there will not be a discussion on the matter tonight.

There was a good point brought up that we need to ask the engineer how the pump would work during a flood situation. We also need to keep in mind that the nuisance / rainwater flooding and tidal flooding are different.

**Channel Dredging and Rock Jetty:**This is a done deal thanks to all that were involved. there was $2.6 million awarded. DNREC will dredge in the fall. The jetty will be addressed as well on the south side. There will be dump sites and disposal sites as well.

Bruce Turner made a suggestion to utilize the ultra hydrologic boat.

**NEW BUSINESS**

**Upcoming Museum Events:**Judy Martin reported that the museum will open on Saturdays and Sundays from 2 to 4 pm.

August 7th there will be a book signing at the museum. It is a children's book about the St Jones River.

October 10th is Heritage Day would like to have ribbon cutting for Watermen's' Park. They are also in need of crafters and vendors as well as runners and walkers for the 5K.

**RESIDENT TOPICS AND CONCERNS**

**Horseshoe Crab Sanctuary:** Judy Martin said that the museum would be doing a horseshoe crab display. There are communities all around us that are the bayshore communities that are horseshoe crab sanctuaries. Becoming a sanctuary would help us with grants and add to our credentials as well. Judy would like to pass a resolution to make the Town of Bowers a Horseshoe Crab Sanctuary.

Jordan Giuttari researched the surrounding towns that are and are not sanctuaries. Jordan was told we would be hurting ourselves by becoming a sanctuary and that it would be the “beginning of the end” for horseshoe crabbers.

Judy replied that there could be an “opt out” so that they could still be harvested.

Jordan and other residents said that if it becomes a sanctuary then they would no longer be able to harvest them. Jordan said that Pickering Beach became a sanctuary and now they can no longer harvest the horseshoe crabs there.

Does the benefit of a symbolic gesture out way the wages that would be lost?

There is a derby with a daily quota of 3,000 per day. The people that harvest them must receive written permission from the land owner. This documentation must be on the person while harvesting. Bubba Feague said unlike some rumors, the horseshoe crabs are not going extinct.April Feague said that she is opposed to becoming a sanctuary.

Jeff Liberto asked if there were restrictions on the property owner if the town decides to become a sanctuary and would all property owners have to sign off on it?

After further discussion the Mayor read from our comprehensive plan for the town and feels that this would go against what our town is all about.

So we are not in favor of becoming a horseshoe crab sanctuary and there will be no further discussion on the matter.

Remember to contact Secretary Shirley Pennington or Mayor Ada Puzzo 10 days prior to the meeting if you have resident topics or concerns that you would like to see on the agenda.

**NEXT MEETING AND ADJOURNMENT**

There being no further business, a motion was made by Marty Manning, seconded by Shirley Penningtonto adjourn the meeting at 8:54pm. Motion Carried.

The next town meeting will be held on August 12, 2021 starting at 7:00 pm and will be and in person meeting as well as Zoom.

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

Respectfully submitted,

**Shirley A. Pennington,**

Secretary