

*Town of Milton*  
115 Federal St  
Milton, DE 19968



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**RESOLUTION 2021-005**

**TO RATIFY THE RESULTS OF THE JANUARY 16, 2021 WATER SYSTEM IMPROVEMENTS REFERENDUM**

**WHEREAS**, the Town of Milton, Delaware, owns, operates and maintains a public water system; and

**WHEREAS**, the Town proposed to its citizens and property owners the need to construct water system improvements, specifically being water main replacement under Atlantic Avenue, a portion of Chestnut Street (from Front Street to Coulter Street), and a portion of Atlantic Street; and

**WHEREAS**, the Town applied to the State of Delaware and has received a commitment from the Drinking Water State Revolving Fund ("DWSRF") to finance the cost of the project not to exceed \$1, 670,000 with 100% principal forgiveness at project construction completion with the Town's only obligation to pay interest during construction; and

**WHEREAS**, Section 33 of the Town Charter outlines specific procedures that were followed in order to conduct a referendum and incur indebtedness;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Town Council of the Town of Milton ratify the following actions that were completed in accordance with Section 33 of the Town Charter:

- a) In compliance with Section 33(a)(1), Resolution 2020-020, entitled "To Propose Borrowing of up to \$1,670,000 to Finance Public Water System Improvements and to Order the Referendum to be Scheduled", was adopted on December 7, 2020; and
- b) In compliance with Section 33(a)(1), Resolution 2020-021, entitled "To Schedule a Public Hearing on Resolution 2020-020 [To Propose Borrowing of up to \$1,670,000 to Finance Public Water System Improvements and to Order the Referendum to be Scheduled]", was adopted November 2, 2020; and
- c) In compliance with Section 33(a)(2), the Town: posted the public hearing notice on the Town's website, bulletin board, Milton Library, Milton Post Office, and Milton Mercantile, and at Town Hall on November 20, 2020; on November 23, 2020, mailed the public hearing notice to all property owners and residents; and advertised the public hearing notice in the Cape Gazette on November 20, 2020; and

- d) In compliance with Section 33(a)(3), on December 7, 2020, said public hearing took place, and thereafter Mayor and Town Council adopted Resolution 2020-020, entitled "To Propose Borrowing of up to \$1,670,000 to Finance Public Water System Improvements and to Order the Referendum to be Scheduled"; and
- e) In compliance with Section 33(a)(4), a notice of the time and place of the Referendum was published in the Cape Gazette on December 29, 2020, January 1, 2021, January 5, 2021, and January 8, 2021; mailed to all property owners and citizens on December 23, 2020; and posted December 22, 2020 on the Town's website, bulletin board, Milton Library, Milton Post Office, and Milton Mercantile, and at Town Hall; and
- f) In compliance with Section 33(a)(6), the Board of Special Election was appointed on November 2, 2020; the referendum ballot was prepared by the State of Delaware, Department of Elections on December 28, 2020; and the referendum was conducted using voting machines.

**BE IT FURTHER RESOLVED** that said Water System Improvements Referendum took place on Saturday, January 16, 2021, at Goshen Hall, from 8 a.m. to 6 p.m., with the Board of Special Elections then counting the absentee votes and certifying the voting totals between the machine votes and absentee votes, said certificate showing a total of 345 votes, with 341 votes in support and 4 against; receipt of said certificate is hereby acknowledged and the results are hereby ratified.

**BE IT FURTHER RESOLVED** that Mayor Theodore Kanakos is hereby authorized to sign the December 9, 2020, Delaware Drinking Water Revolving Fund Binding Commitment Offer for the Water Main Replacement project, and any other related documentation.

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**I, THE UNDERSIGNED**, Secretary of the Town Council of the Town of Milton do hereby certify that the above resolution was passed at the meeting of the Town Council, duly called and convened, held on the 1<sup>st</sup> day of February, 2021, at which a quorum was present and voting throughout and that same is still in full force and effect.

**TOWN OF MILTON**

**BY:** James C. Gardi  
**SECRETARY OF TOWN COUNCIL**

**DATE:** 2/2/21