

Town of Milton
115 Federal Street
Milton, DE 19968



www.milton.delaware.gov
Phone: 302-684-4110
Fax: 302-684-8999

AMENDED AGENDA
Milton Town Council Meeting
Grace Church Fellowship Hall, 512 Union Street
Tuesday, March 23, 2021
6:00 p.m. Executive Session; 6:30 pm Regular Meeting

PLEASE NOTE – AS PERMITTED BY GUBERNATORIAL AUTHORITY, IN ORDER TO LIMIT THE RISK OF POTENTIAL COVID-19 EXPOSURE, THERE SHALL BE LIMITED ENTRY TO THE TOWN COUNCIL MEETING.¹ THE PUBLIC IS ENCOURAGED TO PARTICIPATE IN THE COUNCIL MEETING EITHER BY ATTENDING OR CONNECTING ELECTRONICALLY. FURTHER INSTRUCTIONS ARE LISTED AT THE BOTTOM OF THIS AGENDA.

1. Call to Order
2. Roll Call
3. Additions or Corrections to the Agenda
4. Agenda Approval
5. Executive Session
 - a. Personnel matters in which the names and abilities of individual employees are discussed
6. Discussion and possible vote on Executive Session items
7. Moment of Silence
8. Pledge of Allegiance to the Flag
9. Public Participation
10. New Business – Discussion and possible vote on the following items:
 - a. Sidewalk waiver- Bay to Beach Builders, 1003 Atlantic Avenue
 - b. Sidewalk waiver- Henlopen Homes on behalf of Melissa Reside and Michael Srahola- 413 Sussex Street
 - c. Sidewalk waiver- Randy Preston, 203 Lavinia Street
 - d. Temporary driveway waiver- Randy Preston, 203 Lavinia Street
 - e. Resolution 2021-007- A resolution to request an amendment of the Charter of the Town of Milton relating to Annexation, Election Registration, Enumeration of Powers, and Referendum
 - f. *Amendment to the Tank Maintenance Service Agreement
11. Adjournment

Pursuant to 29 Del. C. § 10004(e) (2), Agenda items as listed may not be considered in sequence. This Agenda is subject to change to include additional items including Executive Sessions or the deletion of items including Executive Sessions, which arise at the time of the Meeting. Pursuant to 29 Del. C. § 10004(e) (4), this Agenda was prepared and posted by the Town Clerk on March 16, 2021 at 4:15pm. *Agenda was amended by the Town Clerk on March 16, 2021 at 4:30 pm to include the amendment to the tank maintenance service agreement

-MEETING INSTRUCTIONS-

Milton Town Council is holding this meeting under the authority issued by Governor John C. Carney through Proclamation No. 17-3292. The meeting will be conducted in person and by teleconference technology.

To join the meeting via phone, please dial:

Dial -in Number: (425) 436-6360 Passcode: 500943
Or

Video and Screen Sharing:

Online meeting ID: tquass

Online meeting link: <https://join.freeconferencecall.com/tquass>

Members of the public joining the meeting on the phone will be provided an opportunity to make comments under the Public Comment section of this agenda only.

If any member of the public would like to submit comments electronically, please feel free to send them to krogers@ci.milton.de.us. All comments shall be submitted by 4:30 P.M. on Tuesday, March 23, 2021.

¹Restrictions are being implemented to limit the exposure and risk related to "COVID-19" for Town personnel and members of the public who seek to attend the Town Council Meeting. Facial coverings will be required as well as practicing social distancing and the use of hand sanitizer at the door upon entry. These decisions are being made under the authority issued by Governor John C. Carney through Proclamation No. 17-3292. See: <https://governor.delaware.gov/proclamation-173292-03132020/>.

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Memorandum

23 March 2021

TO: Ms. Kristy Rogers, Town manager

FROM: Tom Quass, Project Coordinator

RE: Request for waiver of sidewalks for 1003 Atlantic Avenue; Street Tax Map and Parcel ID # 235-14.16-56.00.

Attached is a request from Bay to Beach Builders (contracting agent) to waive the requirement to install a sidewalk for the above listed property in accordance with Town Code §183-20 E. Exceptions.

From: John Zotcavage [<mailto:starts-coord@baytobeachbuilders.com>]
Sent: Friday, February 19, 2021 11:01 AM
To: scoulbourne@ci.milton.de.us
Subject: BETTS - Sidewalk Waiver

Good morning, Stephanie:

Please accept this email as a request to appear before the Town Board to appeal for a waiver of the town's requirement to install a public sidewalk on the Betts property located at 1003 Atlantic Avenue.

We would like to be added to the agenda of the April Board meeting tentatively scheduled for Monday, April 5th 2021.

Thank you,

John Zotcavage
Starts Coordinator
Bay to Beach Builders, Inc.
PO Box 209
Greenwood, DE 19950
(302) 349-5099; Fax (302) 349-5900



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Memorandum

23 March 2021

TO: Ms. Kristy Rogers, Town manager

FROM: Tom Quass, Project Coordinator

RE: Request for waiver of sidewalks for 413 Sussex Street; Street Tax Map and Parcel ID # 235-14.16-56.07.

Attached is a request from Henlopen Homes LLC (contracting agent) to waive the requirement to install a sidewalk for the above listed property in accordance with Town Code §183-20 E. Exceptions.



MAR 01 2021 PM 03:22

March 1, 2021

To whom it may concern:

We are requesting a waiver on behalf of our clients, Melissa Reside and Michael Srahola. They are the owners and future residents of the new construction home located at 413 Sussex Avenue inside the Town of Milton limits. The purpose of this waiver would be to exempt Melissa Reside and Michael Srahola from being required to install a new sidewalk and curb on the frontage of Bay Avenue at their property as they would be the only property frontage on the southern side of Bay Avenue with a curb and sidewalk from Country Road through Union Street.

We have already installed a new sidewalk and modified the curb as instructed and approved by Greg Wingo with the Town of Milton on the property's frontage of Sussex Avenue.

We greatly appreciate your help and care in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Parker", written over a white background.

Brian R. Parker
Henlopen Homes LLC

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Milton, DE 19968



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Memorandum

23 March 2021

TO: Ms. Kristy Rogers, Town manager

FROM: Tom Quass, Project Coordinator

RE: Request for waiver of sidewalks for 203 Lavinia Street; Street Tax Map and Parcel ID # 235-14.19-3.00.

Attached is a request from Randy Preston to waive the requirement to install a sidewalk for the above listed property in accordance with Town Code §183-20 E. Exceptions.

Thomas Quass

From: Randy Preston <saltwater4174@gmail.com>
Sent: Monday, 1 March, 2021 13:46
To: Thomas Quass
Subject: Sidewalk Waiver Request

Follow Up Flag: Follow up
Flag Status: Flagged

Hey Tom

I want to request a sidewalk waiver for new construction at 203 Lavinia St, Milton, DE 19968. The closest sidewalk is over a block away and no one from the flower shop down has one as well as the adjacent street, Carey down to Lake does not have sidewalks.

Thanks
Randy Preston

Randy Preston
203 Lavinia St.
Milton, De 19968
3/3/2021

Tom Quass
Project Coordinator
Town of Milton
115 Federal St.
Milton, DE 19968

Dear Tom Quass:

I am requesting the town to delay the requirement of a paved driveway for final inspection on the property at 203 Lavinia St. Tax map number 235-14.19-3.00.

This delay is being requested to obtain a new building permit and until we complete the construction of the new home on the property and will comply with the town requirement at that point. If the required pavement is installed at this point it will be ruined with in days of starting construction of the house. With heavy equipment, work trucks, and large deliveries the pavement will need to be completely replaced. This could be an expense exceeding 10k dollars or more. This is a waste of material, time and resources along with unnecessary environmental impact.

The negative effects of requiring pavement in this situation to me far out way the benefits. As long as the town code is met in the end seems a reasonable outcome.

The precedent has also been set to allow clean 57 stone as a final driveway surface and to me could apply to this situation as well. All around town are non-conforming driveway surfaces and to enforce it specifically seems unfair. I am not requesting this but, maybe the stone could be a reasonable comprise for the interim.

I appreciate the consideration and hope that a reasonable outcome can be met.

Sincerely,



Randy Preston

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RESOLUTION 2021-007

A RESOLUTION TO REQUEST AN AMENDMENT OF THE CHARTER OF THE TOWN OF MILTON RELATING TO ANNEXATION, ELECTION REGISTRATION, ENUMERATION OF POWERS, AND REFERENDUM

WHEREAS, the Mayor and Town Council wishes to amend Section 3 to determine when a conceptual site plan is required, to reduce the timeframe of the Special Review Committee from one hundred and twenty (120) days to sixty (60) days, to clarify disclosure of a conflict of interest, and to modify the timeframe and requirement for re-petitioning for annexation; and

WHEREAS, the Mayor and Town Council wishes to amend Section 7 of the Charter to provide a process should the Town desire to contract with the Department of Elections for Sussex County; and

WHEREAS, the Mayor and Town Council wishes to amend Section 29 of the Charter to specifically state a process necessary to sell, exchange, interconnect, or dispose of all or any part of the Town's potable water system; and

WHEREAS, the Mayor and Town Council wishes to amend Section 33 of the Charter to remove the requirement of a referendum vote in situations when the Town has received 100% funding for a municipal project.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Town Council of the Town of Milton that a proposed amendment to Sections 3, 7, 29, and 33 of the Charter of the Town of Milton be requested for passage by the Delaware State Legislature, with additions shown by underline and deletions shown by strike through on the attached draft Bill, incorporated by reference.

BE IT FURTHER RESOLVED, that the Town Manager is authorized to forward the original Resolution or a copy thereof, along with the draft Bill for introduction and whatever documentation may be required for the Town's State Senator and Representative, with a request to introduce said Bill to the General Assembly at the soonest possible time in the current Legislative session.

SYNOPSIS

The Resolution requests that the Delaware State Legislature amend the Town's Charter relating to annexation, election registration, the Town's potable water system, and referendum.

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 23rd day of March, 2021, at which a quorum was present and voting throughout and that same is still in full force and effect.

TOWN OF MILTON

BY: _____
SECRETARY OF TOWN COUNCIL

SPONSOR: Sen. Lopez & Rep. Smyk

151ST GENERAL ASSEMBLY
SENATE/HOUSE BILL NO.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF MILTON.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

Section 1. Amend Section 2 of the Charter of the Town of Milton by making deletions as shown by strike through and insertions as shown by underline as follows:

Section 2. Territorial Limits

The boundaries and limits of the Town of Milton are hereby established and declared to be as set forth in the revised Town Map dated ~~October 3, 2016~~ 2021, which is included as Appendix A and of record in the Recorder of Deeds Office for Sussex County, presently existing and as hereafter amended.

The Mayor and Town Council may, at any time hereafter, cause a survey and plot to be made of the said boundaries and may cause suitable markers to be installed at corners of offset, and the said plot, when made and approved by the Mayor and Town Council, shall be recorded in the Office of the Recorder of Deeds in and for Sussex County, State of Delaware, and the same, or the record thereof, or a duly certified copy of said record shall be evidence in all courts of law and equity in the State.

Section 2. Amend Section 3 of the Charter of the Town of Milton by making deletions as shown by strike through and insertions as shown by underline as follows:

Section 3. Annexation of Territory

In the event it becomes feasible, or necessary in the future, for The Town of Milton to enlarge its then existing limits and territory, such annexations accomplished pursuant to the following procedures shall be lawful:

(a) Each and every property owner seeking annexation of territory contiguous to the then existing corporate limits and territory of the Town of Milton, by written Petition with the signature of each such Petitioner duly acknowledged, shall request the Mayor and Town Council to annex that certain territory in which they own property.

(b) The Petition shall include a description of the territory requested to be annexed, a current survey, and the reasons for the requested annexation. If the petition or annexation agreement is ~~requiring a higher density than an R-1 a conceptual site plan, is required~~ requesting a zoning classification other than R-1, a concept plan is required. Further, the applicant or applicants shall notify all residents within 200 feet of any boundary of the territory for which the applicant is seeking annexation at the applicant's expense, and provide copies of such notification to the Town Manager or designee.

(c) The Town Manager or designee having verified the notifications, the Mayor of the Town of Milton shall appoint a three (3) member Special Review Committee to investigate the possibility of annexation and report back to the Mayor and Town Council in no more than ~~one hundred twenty (120)~~ sixty (60) days, unless evidence is presented that indicates misinformation or possible criminal intent. In that case the Mayor and Town Council may extend the reporting time for a fixed period to fully investigate the allegation(s). Prior to beginning work on the report, the members of the Special Review Committee will have been voted upon and approved by a majority of the Mayor and Town Council. The Special Review Committee shall consist of two (2) members of the current Town Council and one (1) member of the current Planning and Zoning Commission, none of whose terms shall expire for the expected duration of the business for which the Special Review Committee shall have been appointed.

(d) ~~To finalize each of the Mayor's appointments to the Special Review Committee, each appointed member must first disclose to the State Public Integrity Commission Prior to potential appointment, each potential~~

~~member must first disclose to the Mayor~~ or the Town of Milton Integrity Commission, if such Commission exists within the Town, in writing, any real or potential conflicts of interest that might affect their own objective consideration of the petition request, including items that might suggest, or provide the appearance of, impropriety in their serving on the Special Review Committee for an annexation petition. This requirement is to include conflicts, or potential conflicts as to the property, the property owners, financial or associated business interests, or any other official action or activity, involving the property. This information will be in addition to filling out an Ethics Form, established by the Mayor and Town Council. Such conflicts or appearances of conflict shall not automatically disqualify potential members from serving on the Special Review Committee, but must be fully disclosed, in writing, for ~~the consideration of the State Public Integrity Commission or Town of Milton Integrity Commission, if such Commission exists within the Town.~~

(e) Upon the majority vote of the Mayor and Town Council approving each appointee to the Special Review Committee, the new Committee is to begin work immediately to prepare a written report of its findings within ~~one hundred twenty (120) sixty (60)~~ days, unless this period is extended for due cause.

(f) The assessment by the Special Review Committee will consider the positive and negative impacts on the capacities and qualities of the Town of Milton's town systems and services, the impact on Milton taxpayers, and other elements, as determined necessary by the Mayor and Town Council in consultation with the Town Manager or designee. By a 2/3rds vote approval by the Mayor and Town Council of the majority present, the Mayor and Town Council will also determine if a cost/benefit analysis is to be prepared so as to further identify the advantages and disadvantages to the Town of Milton with regard to the annexation. The Special Review Committee of the Council may utilize the staff of the Town of Milton to assist in the conduct of its ~~one hundred twenty (120) sixty (60)~~ day investigation as to the annexation advantages and disadvantages. The report will include a listing of the advantages and disadvantages of the annexation petition. Before, or at the end of the ~~one hundred twenty (120) sixty (60)~~ day period, the Special Review Committee will report back to the Mayor and Town Council, and include the Special Review Committee's conclusions as to the advantages and disadvantages to the Town of Milton of the annexation petition, the interest of the Town of Milton being the sole concern of the Special Review Committee. All meetings of the Special Review Committee shall be in ~~public with notice required by FOIA act (compliance with the~~ Freedom of Information Act) Act.

(g) Upon receipt of the report, the Mayor and Town Council will vote to accept the report, reject the report, or refer it to the Special Review Committee to accommodate new information. If referred to the Special Review Committee, the report must be resubmitted to the Mayor and Town Council by the Special Review Committee at its next regularly scheduled meeting and a vote must then be taken. If referred to the Special Review Committee, the Mayor and Town Council must first vote to extend the due date of the report from ~~one hundred twenty (120) sixty (60)~~ days to the next regularly scheduled meeting. If the report to the Mayor and Town Council on the annexation determines that the proposed annexation is advantageous to the Town of Milton, the Mayor and Town Council shall vote on the recommendation. If the Mayor and Town Council accept the report, then they shall vote to refer the petition to the Planning and Zoning Commission at the Commission's next duly noticed meeting. Referral of the annexation petition requires a simple majority vote of the Mayor and Town Council. If the Mayor and Town Council reject the report, refer to subsection (h) of this Section.

(h) In the event that the Special Review Committee concludes that the proposed annexation is disadvantageous to the Town of Milton, or if the Mayor and Town Council reject a report from the Special Review ~~Committee~~ Committee that determined the proposed annexation is advantageous to the Town, the applicant(s) for annexation must wait ~~365 days six (6) months~~ from the date of the presentation to the Mayor and Town Council by the Special Review Committee before again petitioning the Mayor and Town Council. Each and all the procedures pertaining to an annexation procedure, as provided, are again applicable and shall be repeated. However, the aforementioned 6-month waiting period shall not apply to a substantially different Petition.

(i) Upon receipt of the Mayor and Town Council's referral of the annexation petition to the Planning and Zoning Commission, said Commission will consider and discuss the annexation request at its next duly noticed meeting and shall review the petition and conceptual site plan (if required), including the zoning classification(s) requested by the petitioner. After not more than sixty (60) days the Planning and Zoning Commission will make its recommendation on zoning classification[s] and transmit that recommendation(s) and their comments on the annexation petition and the conceptual site plan (if required), in writing, back to the Mayor and Town Council.

(j) At its next duly noticed meeting, following the Mayor and Town Council's receipt of Planning and Zoning's report on the annexation request, conceptual site plan (if required) and recommendation(s) for the zoning classifications, the Mayor and Town Council will schedule a public hearing on the annexation petition, such hearing to be held not more than thirty (30) days ~~after its next scheduled from said~~ meeting. Following the public hearing, the Mayor and Town Council shall, within thirty (30) ~~days: days exercise one of the following~~

~~options~~ (1) take a final vote on whether or not to approve the annexation request, in which case the vote to annex must pass by the affirmative vote of two-thirds (2/3) of all the members of the Mayor and Town Council present and voting; or (2) vote by simple majority, to hold a Town of Milton town-wide referendum on the annexation petition. The Mayor and Town Council reserve the right to add conditions to the terms of annexation, by simple majority vote, prior to their final vote on the annexation petition. If the Mayor and Town Council vote to accept the annexation petition, implementation of this decision must wait thirty (30) days, during which the citizenry of Milton have up to thirty (30) days to file a petition with the Town Manager or designee requesting that a referendum be held on the Town Council's decision to annex. This petition shall include over 10% of Milton's registered voters ~~able to vote in a referendum~~, and the referendum shall be held within forty-five (45) days following the filing of the petition for referendum with the Milton Town Manager or designee.

(k) If a referendum on a petition for annexation is to be held, the Mayor and Town Council shall instruct the Town Manager or designee of Milton to schedule a special public referendum on the annexation petition. If the Mayor and Town Council vote in favor of a referendum, the Mayor and Town Council will order that a public referendum vote be scheduled no later than forty-five (45) days thereafter, and that ~~a Resolution the Petition~~ for annexation must be passed by a majority vote of the citizens and property owners of the Town of Milton who voted, and results of the referendum vote will be binding.

(l) At this and all ~~Special Referendum(s) special referendum(s)~~, every non-resident property owner, whether an individual, partnership, or ~~a corporation an artificial entity~~, in The Town of Milton shall have one (1) vote. Resident and non-resident property owner(s) whose property is exempt from taxation or is not assessed for taxation shall not be entitled to vote. Every resident citizen of The Town of Milton over the age of eighteen (18) years whether a property owner(s) or not shall have one (1) vote. The books and records of The Town of Milton in the case of non-resident property owners, and a copy of the required personal identification in the case of resident citizens of the Town, shall be conclusive evidence of the right of such property owners and citizens to vote at the ~~Special special~~ referendum. The Board of Election of the Town of Milton shall supervise any special referendums held under this ~~provision Charter~~.

(m) The notice of the time and place of the said ~~Special Referendum special referendum~~ shall be printed, within fifteen (15) days immediately following the vote or petition to hold a referendum, in at least one (1) newspaper having a general circulation in the Town of Milton, and posted in four (4) public places, including the Town bulletin board and posted on the Town of Milton website, at least fifteen (15) days prior to the date set for the said ~~Special Referendum special referendum~~.

(n) Following the thirty (30) day hold period to accommodate the filing of a petition, if no petition is filed, and if a favorable vote for annexation shall have been cast, the Mayor and Town Council shall cause a description and a plot of the territory so annexed to be recorded in the Office of the Recorder of Deeds, in and for Sussex County, but in no event shall said recordation be completed more than one-hundred twenty (120) days following the date of the final favorable Mayor and Town Council vote or in the case of a ~~Special Referendum special referendum~~ no more than one-hundred twenty (120) days after said ~~Special Referendum special referendum~~. The territory considered for annexation shall be considered to be a part of The Town of Milton from the time of recordation. The failure to record the description or the plot within the specified time will cause the annexation petition to be tabled. Failure to achieve recordation in the one-hundred twenty (120) day period requires the Mayor and Town Council to vote again on the annexation petition, whether or not the Mayor or Town Council, or qualified voters of Milton in a referendum, have voted on the annexation petition. ~~(This provision is to allow accommodation of an investigation of allegations of misrepresentation and/or fraud presented to the Mayor and Town Council in the intervening one-hundred twenty (120) day interim period. This provision shall not be construed to require double recording of documents at the Office of Recorder of Deeds, in and for Sussex County.)~~

(o) All territories proposed to be annexed including those territories as defined by Title 22 of the Delaware Code ~~Title 22~~ as exempt from taxation, or which are not assessed on the books on the Board of Assessment of Sussex County, shall also be required to follow all the processes and procedures required for annexations to the Town of Milton, the Mayor and Town Council and the Milton Planning and Zoning Commission must proceed in the same manner as required of any annexation petition.

Section 3. Amend Section 7(h) of the Charter of the Town of Milton by making deletions as shown by strike through and insertions as shown by underline as follows:

(h) Registration for municipal elections shall be as follows:

- (1) Every applicant for registration shall be a qualified voter if such applicant is all of the following:
 - (A) A United States Citizen who shall have attained the age of eighteen (18) on the day of the election next succeeding the applicant's registration;
 - (B) A bona fide primary resident of the Town for at least 30 days on the day of the election next succeeding the applicant's registration;
 - (C) Not adjudged mentally incompetent in a judicial guardianship or equivalent proceeding;
 - (D) Not incapable of voting by reason of violating § 3 or § 7 of Article V of the Constitution of Delaware;
 - (E) Not incarcerated for conviction of a felony under the laws of Delaware or any other state or local jurisdiction, the United States, or the District of Columbia.
- (2) The Identification for registration shall be one (1) or more of the following items that individually or together show the identity and address of the person:
 - (A) A current State of Delaware drivers' license or ID Card bearing an address within the territorial limits of the Town of Milton;
 - (B) A uniformed services ID card;
 - (C) Another current photo ID issued by the State of Delaware, U.S. Government, the voter's employer, high school or higher education institution;
 - (D) A current utility bill, bank statement, credit card statement, a paycheck or pay advice, or another type of bill or statement;
 - (E) A lease or sales agreement; or
 - (F) Any other document that a person can reasonably and commonly accept as proof of identity and address.
- (3) By simple majority vote of the Mayor and Town Council, the Town may elect to administer and conduction registration by agreement with and pursuant to regulations promulgated by the Department of Elections for Sussex County.
- (4) If voting in person on Election Day, one must provide identification in accordance with Title 15, § 7554 of the Delaware Code.

Section 4. Amend Section 29(8) of the Charter of the Town of Milton by making deletions as shown by strike through and insertions as shown by underline as follows:

Section 29. Enumeration of Powers

Not by way of limitation upon the power vested in the Mayor and Town Council to exercise all powers delegated by this Charter to the municipal corporation or to the Mayor and Town Council except as may expressly appear herein to the contrary, but, rather by way of enumeration and for purposes of clarity, the Mayor and Town Council are vested by this Charter with the following powers, to be exercised by the Mayor and Town Council in the interest of good governance, and the safety, health and public welfare of the Town, its inhabitants and affairs, that is to say:

...

- (8) To provide an ample supply of potable water for the Town and its inhabitants and to this end to acquire, lease, erect, construct, maintain, operate, extend, enlarge, renew, replace, control and dispose of wells, reservoirs, pumps, machines, stations, tanks, standpipes, water mains, fire hydrants and all other equipment, property or rights used in or about the collection, storage purification, conveyance, or distribution or sale of water; to regulate and prescribe for what public or private purposes the water furnished by the Town may be used, the manner of its use, the amounts to be paid by the users thereof, the means whereby such amounts shall be collected and the fines or penalties, or both, for any willful or negligent injury, or damage to or interference with the water system or the equipment of the Town; to furnish or refuse to furnish water from the Town system to places and properties outside the Town limits; to define and protect source water protection and recharge areas, and to contract for and purchase water and distribute the same to users within or without the Town with the same full powers as though such water had been initially reduced to usefulness by the Town itself. The powers under this paragraph are subject to the following:

- (A) Prior to contracting for any additive to the Town of Milton drinking water supply, the Mayor and Town Council must have a written recommendation from the appropriate state regulatory authority, the findings of such recommendation to be published in at least one (1) newspaper of general circulation in the Town of Milton and on the Town website. In addition, such written recommendation shall be duly noticed as an

agenda item at the next meeting of the Mayor and Town Council. In addition, the Mayor and Town Council may hold a public hearing on such written recommendation for town citizens.

(B) Should the Mayor and Town Council determine it necessary to sell, exchange, interconnect, or dispose of all or any part of the Town's potable water system, such action shall then be subject to a special referendum vote within sixty (60) days. The proposed sale, exchange, interconnection, or disposal must be passed by a majority vote of the citizens and property owners of the Town of Milton who voted, and results of the referendum vote will be binding.

Section 5. Amend Section 33 of the Charter of the Town of Milton by making deletions as shown by strike through and insertions as shown by underline as follows:

Section 33. Power to Borrow Money and Issue Bonds

...

(b) Notwithstanding subsection (a) of this Section, upon the Town receiving notice of being granted 100% principal forgiveness from a Federal, State, or Local government funding source, a referendum vote shall not be required for any municipal project under this Section. The Town Manager or designee shall proceed with the aforementioned Resolutions and public hearing on the project. Should the Town be required to expend any funds on the project over the principal forgiveness value, the amount of expenditure and source of payment shall be detailed in the Resolutions.

Section 6. This Act shall take effect upon its enactment into law.

SYNOPSIS

This bill amends the Charter of the Town of Milton.

