

Township of West Milford

Passaic County, New Jersey

~ Resolution 2022 - 115 ~

A RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY ENDORSING THE SUBMITTAL OF A LOAN APPLICATION TO BE MADE BY HIGH CREST LAKE LODGE, INC. TO THE STATE OF NEW JERSEY, DEPARTMENT OF ENVIRONMENTAL PROTECTION, DAM SAFETY SECTION, DAM RESTORATION LOAN AND AUTHORIZING THE EXECUTION OF SAID LOAN AGREEMENT AS CO-BORROWER WITH HIGH CREST LAKE LODGE, INC.

WHEREAS, High Crest Lake Lodge, Inc. ("Association") is a private lake association in West Milford; and

WHEREAS, the Association is the operator of a dam and resulting recreational lake known as High Crest Lake which lake is over 60 years of age; and

WHEREAS, the normally occurring stormwater runoff, erosion and sediment buildup have in many places reduced the useable depth of the lake, resulting in peninsular areas and increased growth of weeds which have a negative impact on the recreational use and conservational health of the lake; and

WHEREAS, the State of New Jersey, Department of Environmental Protection, Dam Safety Section, Dam Restoration Loan offers loans to private entities to effectuate the removal of silt and sediment and provide for recreational and conservational improvements of lakes with the condition that the municipality within which the lake is located signs a loan agreement as Co-Borrower; and

WHEREAS, the Association has secured an initial State of New Jersey, Department of Environmental Protection, Dam Safety Section, Dam Restoration Loan in the amount of \$575,000.00 for dam refurbishment for which the Township has signed a loan agreement as Co-Borrower; and

WHEREAS the Association has requested a second State of New Jersey, Department of Environmental Protection, Dam Safety Section, Dam Restoration Loan in the amount of \$1,250,000.00 for dam refurbishment for which the Township has conditioned its agreement to sign the Loan as Co-Borrower upon the Association's successful application and execution of a satisfactory Co-Borrower Agreement; and

WHEREAS, the Association wishes to make a third application to the DEP loan funding program to effectuate the removal of silt and sediment and provide for recreational and conservational improvements of the lake; and

WHEREAS, the Township determines that the removal of silt and sediment to improve the recreational and conservational health of High Crest Lake and execution of the DEP Loan for this purpose is in the best interests of the residents of the Township; and

WHEREAS, the Township has conditioned the Township's agreement to sign the Loan as Co-Borrower upon the Association's successful application and execution of a satisfactory Co-Borrower Agreement, the application of which has been submitted to the State of New Jersey, Department of Environmental Protection, Dam Safety Section; and

WHEREAS, the Township Council desires to grant the Mayor and Township Clerk the authority to execute the DEP Loan Agreement in the event that the Association executes a Co-Borrower Agreement acceptable to the Township.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of West Milford that the Township does hereby endorse the application of a DEP loan to effectuate the removal of silt and sediment and provide for recreational and conservational improvements to High Crest Lake in the Township of West Milford.

BE IT FURTHER RESOLVED, by the Mayor and Council of the Township of West Milford as follows:

1. Upon DEP approval and upon the Association's agreement to, and execution of, an acceptable Co-Borrower Agreement, the Mayor and Township Clerk are authorized to execute the DEP Loan Agreement as the Co-Borrower for a loan in an amount of not more than \$500,000.00 and to execute any amendments thereto.
2. In the event the Township executes the DEP Loan as a Co-Borrower, the Township of West Milford agrees to complete the silt and sediment removal and recreational and conservational improvements project as set forth in the DEP Loan and to reimburse the State in accordance with the terms and conditions of the DEP Loan in the event of a default on the part of the Association.
3. The Township of West Milford agrees to comply with all applicable deferral, State, and municipal laws, rules and regulations in its performance pursuant to the DEP Loan.

Adopted: March 2, 2022

Adopted this 2nd day of February, 2022
and certified as a true copy of an original.

William, Senande, Township Clerk