

Township of West Milford

Passaic County, New Jersey

~ Resolution 2016- 331 ~

A RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A NJDEP LOAN AGREEMENT AS CO-BORROWER WITH HIGH CREST LAKE LODGE, INC.

WHEREAS, the High Crest Lake Lodge Inc. (“Association”) is the owner of a dam located on High Crest Lake which dam has been determined, based upon engineering investigations to be in need of repair, improvement and rehabilitation; and

WHEREAS, the High Crest Lake Lodge Inc. has sought financing in order to bring the dam into compliance with the applicable standards established by the Department of Environmental Protection (“DEP”) in order to render the dams suitably safe and functional; and

WHEREAS, the High Crest Lake Lodge Inc. has applied for a loan from the DEP to fund the repair, improvement and rehabilitation, which loan has been approved by the DEP, (“DEP Loan”, a copy of which is available for public inspection in the Clerks Office) subject to execution by the High Crest Lake Lodge Inc. as Borrower and the Township as Co-Borrower; and

WHEREAS, DEP regulations require the municipality in which a dam is located to execute loan agreements as a Co-Borrower for all loans for dam repair, improvement and rehabilitation; and

WHEREAS, the Township determines that the repair, improvement and rehabilitation of the High Crest Lake dam and execution of the DEP Loan 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 High Crest Lake Lodge Inc.’s execution of a satisfactory Dam Rehabilitation Co-Borrower Agreement, which agreement is currently under negotiation; 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 High Crest Lake Lodge Inc. 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 as follows:

1. Upon the High Crest Lake Lodge Inc.’s agreement to, and execution of, an acceptable Co-Borrower Agreement, The Mayor and Township Clerk are authorized to execute the DEP Loan Agreement in the form available in the Clerks Office, as the Co-Borrower for a loan in an amount of not more than \$575,000.00 to be made to the High Crest Lake Lodge Inc. 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 dam restoration project as set forth 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 High Crest Lake Lodge Inc.
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: October 19, 2016

Adopted this 19th day of October, 2016
and certified as a true copy of an original.

Antoinette Battaglia, Township Clerk