

**TOWNSHIP OF ANDOVER
SUSSEX COUNTY, NEW JERSEY**

ORDINANCE NO. 2015-07

AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY AUTHORIZING A SPECIAL ASSESSMENT TO ENSURE THE COLLECTION, PROPER ADMINISTRATION, AND REPAYMENT OF LOAN MONIES FOR THE FOREST LAKES DAM REHABILITATION TO THE 2003 DAM, LAKE AND STREAM REVOLVING LOAN FUND AND/OR NJDEP PURSUANT TO DAM REHABILITATION LOAN

WHEREAS, the Forest Lakes dam is in need of rehabilitation; and

WHEREAS, the New Jersey Department of Environmental Protection (“NJDEP”), Dam Safety Division, determined that said dam was unsafe and was in need of repair; and

WHEREAS, on February 28, 2011, the Mayor and Township Committee of the Township of Andover adopted Resolution 2011-51 authorizing the execution of a Dam Rehabilitation Co-Borrower Agreement between and among the Township of Andover, the Forest Lakes Club, Inc., and the Township of Byram; and

WHEREAS, the 2003 Dam Bond Act allocated ninety-five million (\$95,000,000.00) dollars to the 2003 Dam, Lake and Stream Revolving Loan Fund, a revolving, non-lapsing fund to provide loans to private lake associations, such as the Forest Lakes Club, Inc., to accomplish dam rehabilitation projects, subject to the regulations set forth in the Dam Restoration and Inland Waters Loan Program, N.J.A.C. §7:24A-1.1 *et seq.*; and

WHEREAS, subsequently the Forest Lakes Club, Inc. applied for a low interest loan under the Dam Restoration Loan Program; and

WHEREAS, pursuant to the submitted loan application, the State of New Jersey has estimated the cost of the actual work on the dam to be up to one million five hundred thousand dollars (\$1,500,000.00); and

WHEREAS, the 2003 Dam Bond Act states:

“The cost of payment of the principal and interest on any loan made to the owner of a private dam, or to a private lake association, as a co-applicant with a local government unit, ***shall be assessed***, in the same manner as provided for the assessment of local improvements generally under chapter 56 of Title 40 of the Revised Statutes, ***against the real estate benefited thereby in proportion to and not in excess of the benefits conferred***,

and such assessments shall bear interest and penalties from the same time and at the same rate as assessments for local improvements in the municipality where they are imposed, and from the date of confirmation shall be a first and paramount lien upon the real estate assessed to the same extent, and be enforced and collected in the same manner, as assessments for local improvements.” N.J.S.A. §58:4-12d(1).

WHEREAS, the final costs of the restoration project have not yet been established, but the project is anticipated to cost between one million one hundred thousand dollars (\$1,100,000.00) and one million three hundred thousand dollars (\$1,300,000.00); and

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Andover, County of Sussex, State of New Jersey, as follows:

SECTION 1. Assessments.

The assessments levied under this Ordinance shall include any and all of the reasonable and necessary costs incurred in connection with the Forest Lakes Dam Rehabilitation Project, including but not limited to the repayment of the Loan monies, the interest thereon, any associated penalties, late payments and other charges imposed in connection therewith, as provided under N.J.S.A. §58:4-12.

SECTION 2. Notice.

The Township Clerk shall cause a notice of this proposed assessment to be mailed to the owners of real estate impacted by the special assessment prior to the future special assessment for the Forest Lakes Dam Rehabilitation Project. The notice shall contain a description of the property impacted sufficiently to identify it. Such notice shall be served in accordance with law and proof of service shall be filed with the tax office within ten (10) days after such service. A copy of the list of affected property owners is attached to this Ordinance as Exhibit A.

SECTION 3. Special Assessment as Priority Lien.

The special assessment assessed against each impacted property shall constitute a first and paramount lien pursuant to N.J.S.A. §58:4-12d(1).

SECTION 4. All ordinances of the Township of Andover which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION 6. This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

SECTION 7. This Ordinance may be renumbered for codification purposes.

ATTEST:

**TOWNSHIP OF ANDOVER
COUNTY OF SUSSEX
STATE OF NEW JERSEY**

Diana Francisco, Deputy Clerk

By: _____
Michael Lensak, Mayor

INTRODUCED: March 23, 2015
ADOPTED: April 27, 2015
CERTIFIED: May 01, 2015