

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

**ORDINANCE NO. 2016-02**

**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 a Resolution 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 ("2003 Fund") to provide loans, subject to the regulations set forth in Dam Restoration and Inland Waters Loan Program N.J.A.C. 7:24A-1.1 et seq., to private lake associations, such as the Forest Lakes Club, Inc. to accomplish dam rehabilitation projects; and

**WHEREAS**, subsequently the Forest Lakes Club, Inc. applied for a low interest loan under the 2004 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 twenty five thousand two hundred nineteen dollars and eighty eight cents (\$1,525,219.88); 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 project have not yet been finalized but a preliminary review of costs estimates that the final cost will be one million five hundred twenty five thousand, two hundred nineteen dollars and eighty eight cents (\$1,525,219.88); 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 as provided for in N.J.S.A. 58:4-12d(1).

**SECTION 4. Severability.**

If any section, subsection, clause or phrase of this Ordinance is for any reason held to be invalid by any Court of competent jurisdiction, such decision shall not affect any remaining sections of the Ordinance.

**SECTION 5. Repealer.**

All Ordinances or parts of Ordinances which are inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 6. Renumbering.**

This Ordinance may be renumbered for purposes of codification.

**SECTION 7. Effect.**

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

**TOWNSHIP OF ANDOVER  
COUNTY OF SUSSEX**

**ATTEST:**

**STATE OF NEW JERSEY**

\_\_\_\_\_  
Diana Francisco, Administrator/Clerk

By: \_\_\_\_\_  
Dolores Blackburn, Mayor

**First Reading:        March 14, 2016**

**Vote: AYES: 5    NAYS: 0**

**Publication:        March 18, 2016**

**Second Reading:    April 11, 2016**

**NOTICE OF PENDING ORDINANCE**

Notice is hereby given that the foregoing Ordinance was introduced and passed at first reading at a regular meeting of the Township Committee of the Township of Andover, in the County of Sussex, New Jersey, held on March 14, 2016. The Andover Township Committee will further consider the Ordinance for second reading and final passage thereof at a meeting to be held on April 11, 2016 at 7:30 p.m., at the Township of Andover Municipal Building, 134 Newton Sparta Road, Newton, New Jersey, at which time and place a public hearing will be held thereon by the Township Committee and all persons and citizens interested shall have an opportunity to be heard concerning same. Copies of this Ordinance will be available in the Clerk's office, Monday through Friday, 8:30 a.m. to 4:00 p.m.

Diana Francisco, RMC  
Andover Township Administrator/Clerk