

RESOLUTION 236-21

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF CLAYTON AUTHORIZING CO-EXECUTION OF LOAN APPLICATION RELATING TO REPAIRS AT THE SILVER LAKE DAM

WHEREAS, the dam at Silver Lake is an integral part of County Road 608 (Clayton Avenue) which is the link between the Borough of Clayton (the "Borough") and Elk Township, and the Borough's primary corridor to State Highway 55; and

WHEREAS, the Silver Lake Association ("SLA"), a private New Jersey Corporation, and Gloucester County are Co-Owners of the dam at Silver Lake which supports, and is necessary for, the operation and use of County Road 608; and

WHEREAS, the dam at Silver Lake is subject to the requirements as to construction, safety and maintenance as promulgated and enforced by the State of New Jersey Department of Environmental Protection ("NJDEP"); and

WHEREAS, NJDEP has indicated that certain work to repair, improve, and rehabilitate the dam at Silver Lake (the "Work") is required in order to bring it into compliance with the current New Jersey Dam Safety Standards; and

WHEREAS, in order to protect the roadway, the Work includes the installation of Articulated Concrete Blocks and rip-rap toe protection to prevent water from overtopping the dam and flooding the roadway; and

WHEREAS, SLA is seeking financing for the Work and to bring the dam at Silver Lake into compliance with the current New Jersey Dam Safety Standards established by the NJDEP; and

WHEREAS, on September 7, 2021, NJDEP announced the availability of \$45 million in state loan funds under the Dam Restoration and Inland Water Projects Loan Program; and

WHEREAS, SLA intends to make an application to the State of New Jersey for funds to finance the Work and to bring the dam at Silver Lake into compliance with the current New Jersey Dam Safety Standards established by the NJDEP; and

WHEREAS, the implementing regulations for the state loan funds provide that a private dam owner must include, as part of its loan application, a resolution from the local government entity evidencing its agreement to act as co-applicant with the private dam owner in order to ensure that the properties benefited by the dam rehabilitation project repay the costs of any loan awarded; and

WHEREAS, SLA has formally requested that the Borough agree to act as co-applicant and pass such a resolution for inclusion in its loan application; and

WHEREAS, upon notification of a loan award from NJDEP, the Borough and SLA will endeavor to enter into a separate Co-Borrowers Agreement establishing the terms and conditions under which a loan award may be accepted; and

WHEREAS, given the public benefits of the Work and the need for the proposed repair, improvement and rehabilitation of the dam, the Borough is willing to act as co-applicant for SLA's dam rehabilitation application, which action shall not constitute an agreement by the Borough to act as co-borrower of the loan;

NOW THEREFORE, BE IT RESOLVED by the Council of the Borough of Clayton, Gloucester County, State of New Jersey, as follows:

1. That the Borough of Clayton consents to act as a co-applicant with SLA with respect to the filing of a loan application with the NJDEP for a loan from the Dam Restoration and Inland Waters Loan Program for the restoration and repair of the dam at Silver Lake.
2. That, upon notification of any loan award, the Borough of Clayton and SLA will endeavor to enter into a separate Co-Borrowers Agreement establishing the terms and conditions under which the Borough of Clayton and SLA may agree to accept the loan award.
3. Nothing in this resolution shall be construed as an agreement of the Borough of Clayton to become a co-borrower under the possible loan agreement.

ADOPTED at a Regular Meeting of the Borough of Clayton Council held on December 9, 2021.

BOROUGH OF CLAYTON

By: 

Tom Bianco, Mayor

ATTEST:


Christine Newcomb, Borough Clerk

CERTIFICATION

I hereby certify that the above resolution is a true copy of the resolution adopted by the Borough Council of the Borough of Clayton, County of Gloucester, State of New Jersey, at a meeting held by the same on December 9, 2021 in the Borough of Clayton Municipal Building at 125 N. Delsea Drive, Clayton, NJ 08312.

Christine Newcomb, Borough Clerk