



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 22-188

AUTHORIZING THE EXECUTION OF A HOLD HARMLESS AGREEMENT BETWEEN THE BOROUGH OF HIGHLANDS, BOROUGH OF SEA BRIGHT, BOROUGH OF ATLANTIC HIGHLANDS, THE BOARDS OF EDUCATION FOR THE BOROUGH OF HIGHLANDS SCHOOL DISTRICT, HENRY HUDSON REGIONAL SCHOOL DISTRICT AND THE ATLANTIC HIGHLANDS SCHOOL DISTRICT

WHEREAS, the Borough of Highlands, Borough of Sea Bright, Borough of Atlantic Highlands, the Boards of Education for the Borough of Highlands School District, Henry Hudson Regional School District and the Atlantic Highlands School District (hereafter the “Parties”) have agreed to proceed as joint petitioners to request approval from the Commissioner of Education and the voters to join in an all-purpose regional school district serving grades Pre-K through 12 which would serve all of the above named Parties; and

WHEREAS, the Parties wish to move forward with their efforts to effectuate and implement the regionalization without delay in order to include a public question in the upcoming November 2022 General Election; and

WHEREAS, the Borough of Sea Bright’s admission to the aforesaid all-purpose regional school district is subject to its successful withdrawal from its current arrangements with the Oceanport, New Jersey School District and the Shore Regional New Jersey School District; and

WHEREAS, it is possible that legal action may be initiated as a result of the Borough of Sea Bright’s withdrawal wherein the remaining Parties may be joined or otherwise implicated; and

WHEREAS, the Borough of Highlands and the remaining Parties wish to enter into a Hold Harmless and Indemnification Agreement wherein the Borough of Sea Bright will fully defend, indemnify and hold harmless the remaining Parties named above from any and all claims, lawsuits, demands, causes of action, liability, loss, damage and/or injury of any kind whatsoever, including without limitation, all claims for money, loss, damages and equitable relief resulting from its attempt to withdraw from the Oceanport and Shore Regional School Districts, including court costs and reasonable attorney’s fees; and

WHEREAS, the Borough of Sea Bright shall pay the legal fees to provide defense for the Parties and reasonable attorney’s fees of the Boards of Education’s designated counsel in the event that the interest of the Boards come in conflict with Sea Bright’s as any challenge and/or litigation involving Oceanport and/or Shore Regional progresses, subject to the Boards’ designated counsel being granted permission by the Commissioner or the Court to intervene.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Highlands hereby authorizes the Mayor and Borough Clerk to execute a Hold Harmless and Indemnification

Agreement between the Borough of Highlands, Borough of Sea Bright, Borough of Atlantic Highlands, the Boards of Education for the Borough of Highlands School District, Henry Hudson Regional School District and the Atlantic Highlands School District.

BE IT FURTHER RESOLVED, that the Borough Administrator be and is hereby authorized to undertake such acts as are reasonable and necessary to accomplish the purposes of this Resolution.

BE IT FURTHER RESOLVED that the Borough Clerk shall forward a certified copy of this Resolution to all of the above named Parties.

Motion to Approve R 22-188:

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
CERVANTES						
CHELAK						
MELNYK						
OLSZEWSKI						
BROULLON						

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF VOTE: August 17, 2022

Nancy Tran, Municipal Clerk
Borough of Highlands